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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

COUNCIL INAUGURATED
JUNE, 1948

VOLUME XLIV

1951

THIRD SESSION—FIFTH SITTING

23rd October, 1951, to 25th October, 1951

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List of Members of the Legislative Council

Presidents:

HIS EXCELLENCY THE GOVERNOR, SIR P. E. MITCHELL, G.C.M.G., M.C.

Vice-Presidents 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. J. WHYATT).

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 LABOUR (HON. C. H. HARTWELL).

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

Nominated Official Members

HON. H. L. ADAMS (Secretary for Commerce and Industry).

HON. F. W. CARPENTER (Labour Commissioner).

*HON. J. H. INGHAM (Secretary for Agriculture and Natural Resources).

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

*HON. W. PADLEY, O.B.E. (Secretary to the Treasury).

*HON. P. E. H. PIKE (Acting 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).

HON. G. M. RODDAN (Director of Agriculture).

*DR. THE HON. E. A. TRIM (Acting Director of Medical Services).

European Elected Members:

HON. M. BLUNDELL, Rift Valley.

HON. S. V. COOKE, Coast.

LT.-COL. THE HON. S. G. GHERSIE, O.B.E., Nairobi North.

HON. W. B. HAVELOCK, Kiambu.

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

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

HON. L. R. MACONOCHE-WELWOOD, Uasin Gishu.

HON. C. W. SALTER, Nairobi South.

HON. LADY SHAW, Ukamba.

HON. MRS. A. R. SHAW, Nyanza.

HON. C. G. USHER, M.C., Mombasa.

* Temporary Member.

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—(Contd.)

Asian Elected Members:

HON. C. B. MADAN (Central Area).
HON. I. E. NATHOO (Central Area).
HON. A. B. PATEL, C.M.G. (Eastern Area).
DR. THE HON. M. A. RANA, O.B.E. (Eastern Area).
HON. A. PRITAM (Western Area).

Arab Elected Member:

HON. SHARIFF MOHAMED SHATRY

Nominated Unofficial Members:

Representing the Interests of the African Community

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

Representing the Interests of the Arab Community:

HON. SHARIFF ABDULLA SALIM.

Acting Clerk to Council:

J. H. BUTTER.

Assistant Clerk to Council:

E. V. BORRETT

Reporters:

Mrs R. Seeley
Miss E. Fraser

ABSENTEES FROM LEGISLATIVE COUNCIL SITTINGS

23rd October—

Hon. Member for Agriculture and Natural Resources.
Hon. Member for Ukamba.
Hon. Member for Eastern Area (Dr. Rana).
Hon. Arab Elected Member.

24th October—

Hon. Member for Agriculture and Natural Resources.
Hon. Member for Eastern Area (Dr. Rana).
Hon. Arab Elected Member.

25th October—

Hon. Acting Chief Secretary.
Hon. Member for Agriculture and Natural Resources.
Hon. Member for Eastern Area (Dr. Rana).
Hon. Arab Elected Member.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

THIRD SESSION, 1951

Tuesday, 23rd October, 1951

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 23rd October, 1951.

Mr. Speaker took the Chair at 10 a.m.

The proceedings were opened with prayer.

ADMINISTRATION OF OATH

The Oath of Allegiance was taken by J. H. Ingham, Esq., Secretary for Agriculture and Natural Resources.

MINUTES

The minutes of the meeting of 6th September, 1951, were confirmed.

PAPERS LAID

The following papers were laid on the Table:—

BY THE ACTING CHIEF SECRETARY:

(i) Reports of the Commissioner for Transport, East Africa High Commission and the General Manager on the Administration of the East African Railways and Harbours for the year ended 31st December, 1950.

(ii) Annual Trade Report of Kenya, Uganda and Tanganyika for the year ended 31st December, 1950.

BY THE ATTORNEY GENERAL:

(i) Report of the Select Committee appointed to consider the desirability of Amending the Legislative Council Ordinance. (Cap. 38).

(ii) The Prisons (Amendment) Rules, 1951.

BY THE FINANCIAL SECRETARY:

(i) Financial Report and Statement for the year 1949.

(ii) Schedules of Additional Provision Nos. 7 of 1948, 7 of 1949, 4 and 5 of 1950, 1 and 2 of 1951.

(iii) Report of the Select Committee on the Income Tax (Amendment No. 2) Bill.

BY THE CHIEF-NATIVE COMMISSIONER:

The Report of the Select Committee on the African Courts' Bill.

BY THE ACTING DEPUTY CHIEF SECRETARY:

(i) Survey of Kenya—Administration Report, 1950.

(ii) Labour Department Annual Report, 1950.

BY THE SECRETARY FOR AGRICULTURE AND NATURAL RESOURCES:

Royal National Parks of Kenya Report, 1946-50.

ORAL ANSWERS TO QUESTIONS
QUESTION No. 79

MR. PRITAM:

Will Government please state the total quantity of cement imported into Kenya in the first seven months of this year?

(a) What quantity of this cement was earmarked for Railways and other Government Departments?

(b) Out of the balance, what quantity was allotted to Nairobi for public use in the last seven months?

[Mr. Pitman]

(c) Having regard to the fact that cement is now obtainable from the black market only and that too at a very exorbitant price, will Government please state what steps it proposes to take to rectify the present serious position which is primarily responsible in increasing building costs which in turn materially affect the cost of living?

(d) As the cement shortage in up-country towns is a very acute indeed, will Government please consider the desirability of allocating a quota for Rift Valley and Nyanza Provinces?

THE SECRETARY FOR COMMERCE AND INDUSTRY: Yes, Sir, the Government is advised that of a total of 88,957 tons of cement landed at Mombasa in the first seven months of this year, 49,918 tons were for Kenya. The Colony also imported 11,719 tons of clinker in the same period.

(a) The Railway, 2,108 tons; Government Departments, 7,243 tons.
(b) 15,404 tons.

(c) The Government does not agree that cement is now only obtainable from the black market. Arrangements have been made for cement and clinker to be shipped to Mombasa on an accelerated programme which will provide for an estimated total importation of approximately 305,000 tons for Kenya and Uganda during 1951. The East African Railways and Harbours Administration has increased the rate of hauling cement up-country from Mombasa. The main importers supply the Government with schedules showing the railway of cement supplied to their customers at cement stations. This information is given to production committees who are therefore in a position to know what quantities of cement have been supplied in their areas and to check the prices charged.

(d) In view of the reply given to part (c) of this question which indicates that the internal supply position should improve materially in the near future, the Government does not consider it desirable to fix specific quotas for the Rift Valley and Nyanza Provinces.

MR. COOKE (COAST): Mr. Speaker, how can Government reconcile that very unsatisfactory reply with regard to cement, with their continued exhortations to

Government servants and others to cut down their cost of living? I am referring to the black market activities.

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Speaker, if there have been black market dealings in cement, it is due to the fact that during the first part of the year there was an acute shortage of cement caused by the difficulties of bringing it into the Colony. The situation is now being rectified by very greatly speeding up the rate of arrival.

MR. BLENDELL (Rift Valley): Mr. Speaker, arising out of the original answer, would the hon. Member tell me what agents are used for the importation of the 7,243 tons of Government cement and at what price does it arrive landed at Mombasa?

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Speaker, I require notice of that question.

MR. HIVELOEK (Kiambu): Mr. Speaker, will the hon. Member tell me how he gets to know the requirements of the townships up-country? He referred to the production committees which, presumably, look after the requirements of the agricultural community. How are the requirements of the townships known by the Government?

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Speaker, the importation of cement and the distribution is in accordance with commercial arrangements and is based on the orders placed with the main importing firms.

MR. JOSE KEYSER (Trans Nziia): Arising out of the answers given, would the hon. Member tell us whether Government is aware of the fact that cement is unobtainable in a number of up-country towns, and has been for some

time? **THE SECRETARY FOR COMMERCE AND INDUSTRY:** Mr. Speaker, that situation will be solved as the rate of importation increases and greater amounts of cement become available in the Colony. We are, at present, dependent on the amount which can be brought in from overseas.

MR. COOKE: Mr. Speaker, in view of the unsatisfactory nature of the majority of the replies, I will move a motion in this Council at a convenient date calling in question Government's handling of the cost of living in this country.

QUESTION No. 81

MR. MADAN:

Will Government please state the number in Thika Township of residential and business plots—

(a) allocated to private persons by direct grant since 1945;

(b) sold by public auction since 1945.

and also the number of plots allocated under (a) to Europeans, Asians and Africans.

Will Government also please state if plots under (a) above were allocated on the basis of upset prices fixed by Government. If so, will Government please state the amount of loss to the revenues of the Colony calculated on the estimated prices which such plots would have fetched if sold by public auction, and the reason for abandoning the method set out in (b) above?

THE ACTING DEPUTY CHIEF SECRETARY:

(a) *Plots Allocated by Direct Grant Since 1945—*

	Residential	Business	Total
European	1	7	8
Asian	27	14	41
	28	21	49

Africans.—A new area was surveyed for an African location comprising some 250 residential plots of about 60 ft. by 30 ft. Thirty-two of these plots have been allocated by direct grant by the local authority under the terms of the Vasey Report on African Housing, that is to say at a stand premium of £5 per plot.

(b) *Sales by Public Auction Since 1945.*

Nil.

All the plots allocated to Europeans and Asians by direct grant were sold at an upset price fixed in each case by the Commissioner of Lands. These prices were assessed on the market value of the plot based on the best evidence available at the time the land was alienated, including recent sales.

As all sales of plots were based, as stated above, on the true market value of the land it is not considered that

Government has suffered any loss of revenue through alienating by direct grant.

In 1950, Government decided to abandon the system of disposing of commercial plots in townships by public auction, and substituted therefor alienation by direct grant to selected applicants, on the advice of local committees for a trial period of two years. Government was induced to make this trial as it was felt that as Government had virtual monopoly of land in the Colony, it should not exploit this situation by offering small numbers of plots at auctions, for which demand far exceeded supply thereby obtaining forced prices at a fictitious level bearing no relation to the true market price.

MR. MADAN (Central Area): Arising out of that reply, Sir, would the hon. Member state if the number of residential plots allocated to Europeans and Asians is considered to be sufficient to meet the acute shortage of housing accommodation which has existed for the last four or five years.

THE ACTING DEPUTY CHIEF SECRETARY: I would like notice of that question.

MR. MATHU (African Interest): Arising out of that reply, will the hon. gentleman inform us how the allocation of 250 residential plots for Africans is made, and whether leases are gone into between the plot-owners and the Government.

THE ACTING DEPUTY CHIEF SECRETARY: I would require notice of that question too, Sir. I cannot answer it off-hand. I expect the hon. Member for Education, Health and Local Government could. (Laughter.)

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker, as the question has now presumably strayed, Sir, from land to housing, I have pleasure in informing the hon. Mr. Mathu that leases are being entered into direct on a long term basis in accordance with the Vasey Report on housing and that the allocation is done by the District Commissioner on the advice of the Housing Officer.

7. COLLECTOR N. H.

MR. MATHIU:

Whereas the Kitui and Machakos Districts suffer from frequent droughts and whereas this situation causes great famines in those areas and whereas sila has been found to be successful in those districts as a cash crop, will the Government please remove all restrictions to enable the Wakamba to grow sila on a plantation scale instead of on bushes?

THE DIRECTOR OF AGRICULTURE: It must, in the first place, be made clear that there is no present in existence no legislation which would prevent anybody from growing sila on a plantation scale, provided such persons could comply with the conditions for the granting of a licence in accordance with the provision of section 104 of the Sial Industry Ordinance.

The possibilities of sila as a cash crop to people in the low rainfall areas of the Colony, such as the Kitui and Machakos districts, have not been overlooked. Every reasonable encouragement has been given to the Wakamba to benefit from the high prices which have been ruling in the recent past for all classes of sila fibre. At present the type of fibre normally produced in these areas is virtually unsuitable on the overseas markets. Efforts are, however, at present being made to obtain a sure market for this type of fibre. If these efforts are successful, a scheme which has been agreed upon in principle, will be put into effect for the development of sila as a cash crop in the Kitui and Machakos districts.

MR. KIRIA: Mr. Speaker, arising out of that answer, would the hon. Member tell us whether it would not be preferable to provide means of improving the treatment of the sila in the Wakamba Reserve to-day, rather than finding a market for a low-grade output?

THE DIRECTOR OF AGRICULTURE: In reply to that, Mr. Speaker, I would say we have had to deal immediately with the type of product that is produced in the Wakamba Reserve. If we can educate the producers to produce a better type of fibre, it may be necessary to make some other arrangements for the sale of that fibre.

MR. BLANDELL: Would—the hon. Member tell me, Sir, whether in making these arrangements a special staff is seconded for this purpose, or whether it is carried out within the general framework of the Agriculture officers there?

THE DIRECTOR OF AGRICULTURE: Mr. Speaker, in regard to the scheme which is at present under consideration, the financing of that will be carried out by the African District Council, Machakos. Staff will be employed, a man will be seconded to Machakos who is not employed in the Department, but he will be paid for by the African District Council and he will, quite clearly, be closely supervised by officers of this Department.

MR. COOKE: Mr. Speaker, will the hon. gentleman give an assurance that when these measures are taken they will not be of such a nature as to deter the Wakamba from growing the scanty but necessary food crops they are growing to-day?

THE DIRECTOR OF AGRICULTURE: I will bear those points in mind, Sir.

BILLS

FIRST READING

On the motion of the Attorney General, seconded by the Acting Solicitor General, the following Bills were read a first time:—

The Museum Trustees (Amendment) Bill.

The Regulation of Wages and Conditions of Employment (Amendment No. 2) Bill.

The Asian Officers' Family Pensions (Amendment) Bill.

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

THE SPEAKER: That concludes the business on the Order Paper for to-day, and Council will stand adjourned until 9.30 a.m. to-morrow morning.

ADJOURNMENT

Council rose at 10.30 a.m. and adjourned until 9.30 a.m. on Wednesday, 24th October, 1951.

Wednesday, 24th October, 1951.
Council assembled in the Memorial Hall, Nairobi, on Wednesday, 24th October, 1951.

Mr. Speaker took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 23rd October, 1951, were confirmed.

MOTIONS

CONTRIBUTION TO AGRICULTURAL BETTERMENT FUND FROM COTTON SALES PROCEEDS FUND

THE SECRETARY TO THE TREASURY: Sir, I beg to move:

BE IT RESOLVED that payment of a sum of £9,510/9/70 being a contribution calculated at 2 cents per lb. on 9,510,485 lb. of cotton sold in Nyanza Province in the cotton season, 1949-50, and a sum of £11,602/17/2 being a corresponding contribution on 11,602,851 lb. of cotton sold in the cotton season 1950-51, be made from the Nyanza Province Cotton Sales Proceeds Fund to the Agricultural Betterment Fund of the African District Councils of the cotton-growing districts of Nyanza Province.

Sir, this is a formal motion. In August I moved a similar motion in respect of the season 1948-49. This provision is to enable African District Councils to meet recurrent expenditure on certain capital projects which were provided by contribution from the Cotton Sales Fund. It has been approved by the Standing Finance Committee.

I beg to move. (Applause.)

Sir Charles Mortimer seconded.

MR. HAVELOCK: Mr. Speaker, it seems that according to the Order Paper the hon. Mover has received promotion and I would like to congratulate him.

There is only one question I wish to ask Sir, and that is, have the African cotton growers in the Nyanza Province given their acquiescence to this procedure?

MR. MATHIU: Mr. Speaker, in supporting the resolution I have one

question I would like to get from the hon. Member. He mentioned capital works that have been approved in these areas. Would he indicate what these capital works are which would consume all this amount in the form of recurrent expenditure?

MR. COOKE: Mr. Speaker, I rise simply on a matter of protest. Is it necessary, Sir, that a motion like this should be read out in toto? The hon. Member's speech took considerably less time than the wording of the motion itself! Could the hon. Member not merely say, "I beg to move the motion standing in my name"?

THE SPEAKER: It would be quite in order to do so.

SECRETARY TO THE TREASURY: With regard to the question Sir, raised by the hon. Member for Kiambu, the answer is yes.

With regard to the question by the hon. Member for African Interests, the capital works consist of certain roads, a hospital and a cotton research station.

With regard to the question Sir, by the hon. Member for the Coast, I thank you for your ruling and will note it for future use.

The question was put and carried.

ADVANCES TO FARMERS FOR THE PURCHASE OF THEIR CEREAL CROPS

THE FINANCIAL SECRETARY: Mr. Speaker, may I have your ruling, Sir, as to whether the length of the motion next on the Order Paper comes within the dictum of the hon. Member for the Coast?

THE SPEAKER: I would put it that you need not read the whole of it. You will move the one which is standing in your name. The remaining one that is standing in your name. The other one stood in your name also.

THE FINANCIAL SECRETARY: Sir, there are several standing in my name even after this.

Sir, I beg to move: That the motion standing in my name and standing second on the Order Paper, I beg to move that motion. (Laughter.)

(MOTION STANDING IN THE NAME OF THE FINANCIAL SECRETARY)

WHEREAS the provisions of the Increased Production of Crops Ordinance, 1942, require farmers to plant certain crops; AND WHEREAS it has been found desirable to purchase the whole of such crops through the agency of the Kenya Farmers' Association (Co-op) Ltd.; AND WHEREAS it is necessary for farmers, owing to circumstances outside their control, to keep some, or all, of such crops on the farms for periods of varying duration from the time of harvesting; AND WHEREAS it is desired to pay farmers in advance for such crops when harvested, it is, therefore, necessary to make available funds for this purpose, such funds to be repaid to Government when the crops are finally disposed of:

NOW THEREFORE be it resolved that the Legislative Council do take note of these arrangements to enable advances to be made to farmers up to an amount equivalent to 80 per cent of the crops of wheat, maize, barley, oats, sunflower and linseed when harvested.)

Sir, the position in regard to this matter is that: under the increased Production of Crops Ordinance, 1942, farmers are required to grow certain crops. Under the existing arrangements, these crops are purchased through the agency of the Kenya Farmers' Association (Co-op) Ltd.

Now, Sir, owing to the inadequacy of transport and of storage, it so happens that farmers, after they have harvested their crops, are frequently required to keep them on their farm for some time before they are actually taken over and paid for.

Now, Sir, it is quite obvious to anybody that farmers, being normal human beings, require money before the crops are actually sent off for disposal, and so arrangements exist whereby they are given an advance against the value of those crops up to 80 per cent of the appraised value.

When this system was originally introduced, the consent of the Secretary of State was necessary for the Government to make those advances. (Shame.) Sir, since that time, however, we have effected the change known as "financial devolution" and from the

1948 planted crop onwards, the consent of the Secretary of State has become no longer necessary. (Applause.) What has become necessary, however, is the consent of this Council. (Hear, hear.) Sir, this position has subsisted for some time but unfortunately it has only just been brought to notice. It is necessary, therefore, to record the formal consent of this Council to the action of the Government in making advances against the crop specified up to 80 per cent of the value.

This then, Sir, is the reason behind this motion and I beg to move.

Sir CHARLES MORTIMER seconded.

MAJOR KEYSER: Mr. Speaker, if we adopt the suggestion of the hon. Member for the Coast that the whole motion should not be read out, will it appear in the record in Hansard. I think it is essential, Sir, that it should appear in Hansard.

THE SPEAKER: There will be an instruction of course to the Hansard to take the motion from the Order Paper.

MAJOR KEYSER: Thank you Sir.

There are only two other points I would like to mention. First of all it is headed "An Advance to Farmers for the purpose of their Cereal Crops". Now, there has been an awful lot said in the country about the great advantages the farmer is receiving in the present arrangement under which his crops do not belong to him and he receives a price to which he does not agree. I, Sir, do not look upon this as an advantage, it is a part payment for a crop which is appropriated by Government as soon as the farmer has put it into his store. And the very advantageous position which appears to prevail a misrepresentation of the actual case. The crops are the property of the Government as soon as they are put into the store and this 80 per cent is a part payment for the purchase of these crops. The balance is paid when he has delivered the crops and after he has sustained the majority of the losses through stealing and destruction by insects. And the other Member in which he remarked that the farmer is frequently required to keep his crops. Well, since this legislation came into force I have always been required to keep my crops not frequently, I think

(Major Keyser) — the word frequently is not quite correct. I think in most cases he is required to keep them for a very lengthy time.

Mr. NATHOO: Mr. Speaker, whilst rising to support the motion there is one clarification I would seek from the Government with regard to the cotton seeds which are required by the Government to be stored by the ginners. Sir, seed cotton is bought about the month of January, February or March, and sometimes it happens that the seed is not sent away as late as December of that year. If, Sir, the facility to the other farmers is afforded for the other crops, I maintain Sir, the same facilities should be afforded to the cotton ginners and that an advance should be made to them.

Mr. BLUNDELL: Mr. Speaker, I should like to ask the hon. Member for Finance, when replying, to give this Council a résumé of the methods by which it is proposed to make these payments. If these payments are to be made or carried against our surplus balances, I think we are putting upon them a burden which is unnecessary. As this is an advance or payment, as the hon. Member for Trans Nzoia has said, against a capital asset, it is a transaction which should be carried out by an ordinary commercial advance on short-term loans by the Banks, and thus leave our surplus balances free for the greater manoeuvrability necessary to develop our Development Plan. (Hear, hear.)

THE FINANCIAL SECRETARY: Mr. Speaker, with regard to the remarks made by the hon. Member for Trans Nzoia, he suggested that these advances, strictly speaking, are not advances, but part payments. Sir, that is an opinion with which I should not like to join issue. I think there is a great deal in what he says. It so happens, however, that in all the various legislative enactments and documents dealing with this matter, the word "advance" has crept in.

So I would agree with him that as far as the farmer is concerned, it is, in truth, a part payment.

MAJOR KEYSER: On a point of order, may I interrupt the hon. Member? I am right, I think, in saying that once the crop has been harvested and stored it no longer belongs to the farmer. He cannot sell it outside—it belongs to the

Government. The whole of this preamble must be wrong: "AND WHEREAS it is necessary for farmers, owing to circumstances outside their control, to keep some, or all, of such crops on the farms for periods of varying duration from the time of harvesting; AND WHEREAS it is desired to pay farmers in advance for such crops when harvested"; but, Sir, once it is harvested, the crop does not belong to the farmer, and he is storing it for Government. This preamble gives a wrong impression entirely of the situation.

THE FINANCIAL SECRETARY: Mr. Speaker, I thought I was agreeing entirely with the hon. Member. I do not quite know what *more* I can say when I say I agree with him—

MAJOR KEYSER: May I ask the hon. Member if he would ask for an adjournment of the motion, and rewrite the preamble, because the preamble is entirely misleading.

THE FINANCIAL SECRETARY: Mr. Speaker, have made it clear, I think, that, insofar as the general method of describing this matter is concerned, the word "advances" has crept in, but notwithstanding that, I fully agree with the hon. Member that the 80 per cent is in fact part-payment. To that extent possibly, Sir, the opening phraseology of the motion may be not quite accurate, but, in fact, it follows usage. We all understand what it means. (Laughter.)

Now, Sir, I understand the hon. Member also to say that the use of the word "frequently" by me was, shall we say, a myosis—that, in fact, it nearly always happens that the farmers have to keep their crops on their farms. Sir, it may be so in his particular case, but surely if crops are coming into consumption, there must be some farmers who get their crops off fairly quickly.

MAJOR KEYSER: Carry-over from the previous year.

THE FINANCIAL SECRETARY: I think that, even so, the word "frequently" adequately describes the situation.

The hon. Mr. Nathoo made reference to the fact that cotton ginners are required to keep their cotton seed for considerable periods before the seed is taken over and paid for. Now, Sir, I was not aware of that situation. On the fact

[The Financial Secretary]

of it it would seem inequitable that this should be so—on the face of it. I will undertake to have the matter looked into, and if there is, indeed, injustice the hon. Member may rest assured that the position will be rectified.

Now, Sir, as with most of these things the sting is in the tail. I now have to deal with the remarks made by the hon. Member for the Rift Valley when he suggested that the very fact that we have to find these large sums of money every year possibly means that we have to keep surplus balances larger than we would otherwise have to do.

Mr. BLUNDILL: On a point of explanation, I did not suggest any such thing. I suggested we were using surplus balances for this purpose when it was not necessary. I do not wish to reduce the surplus balances at all.

THE FINANCIAL SECRETARY: I am sorry if I did not catch the hon. Member's point, and in fact I made my statement in such a way as to invite him to make his position quite clear. Now, Sir, he suggested—why don't we get short-term money from the banks to finance this operation? Well, Sir, the hon. Member can assume that this question has not been overlooked by the Government. In fact, it has been pursued for some time, but such solutions are not always as easy as would appear on the surface. The crop financing of Kenya's harvest by no means the only financing operation of this nature that the banks are called upon to perform. For instance, there is the Uganda cotton crop, which takes up a very considerable amount of bank finance. It so happens that that season virtually coincides with the season of our own cereal commitments. So, though it may appear on the face of it a simple arrangement, in fact it is attended with considerable complication. However, I matter is being pursued, and will continue to be pursued until such time as we achieve a satisfactory solution.

The question was put and carried.

RATE OF INTEREST CHARGED BY GOVERNMENT TO THE LAND BANK

THE FINANCIAL SECRETARY: Mr. Speaker, I am going to read this resolution. I beg to move:

BE IT RESOLVED that the rate of interest charged by the Government in respect of funds raised by the bank by loan under the provisions of paragraph (a) of sub-section (1) of section 23 of the Land and Agricultural Bank Ordinance be increased from 2½ per cent to 3 per cent per annum with effect from the 1st day of January, 1952.

Now, Sir, it is probably within the knowledge of hon. Members that the Land Bank is financed by moneys loaned to it by the Government and by the operation of an overdraft account with a commercial bank. Now, originally, the rate of interest charged by the Government on the amount advanced from public funds was 3 per cent. The Land Bank lends at 4½ per cent and the difference between 3 per cent and 4½ per cent—that is to say 1½ per cent—is the revenue by which the Bank meets its administrative charges. In May, 1949, my hon. colleague, the Member for Agriculture, moved a motion to provide that the rate of interest which was then 3 per cent be reduced to 2½ per cent for a period of three years from 1st January, 1949. The reason for that motion was apprehension at the Bank's financial position and the feeling that the Bank would not be able to cover its expenditure by its revenue, and that it was, therefore, necessary to give the Bank an extra ½ per cent. That motion was passed and the rate which has been charged to the Bank from that time—that is to say, from 1st January, 1949—has been 2½ per cent. The three years comes to an end on 31st December, 1951, and the Board of the Bank—the Board of Directors—has given very careful consideration as to whether the Government should be asked to continue the rate of 2½ per cent. Having regard to the financial position of the Bank, the Board is unanimous in its opinion that such a request would not be justified. Since the time when that original motion was passed, the financial position of the Bank has very much improved, and at the present time there is an accumulated surplus of revenue over expenditure of the order of £100,000. Needless to say, this money is ploughed back into the business and makes more money available for loans to the agricultural community. I would

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at this stage, Sir, like to pay high tribute to the Board which manages this Bank, and whose sound financial policy has produced this state of affairs. (Applause.) In making that tribute, Mr. Chairman, I should like to exclude myself!

Now, Sir, there is one point I should like to make before I sit down, and that is this. Not only does the Board have high regard to sound financial policy, but it has very careful regard to agricultural policy, and uses its discretion—the financial discretion—at its disposal, to insist, wherever it can, upon good husbandry. In this function, it is, of course, in the closest liaison with the Department of Agriculture, from which Department the Board receives the closest co-operation. Now, Sir, it may be that at some future time the Board may have to come back to the Government, and to this Council, again to reduce the rate of interest. I hope that that time will never come, and indeed, looking at the way the finances of the Bank are going, I would say that it is not likely in any foreseeable future, by itself, should it do so, I would strongly advise that the request, if it is found to be justified, be acceded to quickly. This Bank to my mind is a very useful institution, and is making a very valuable contribution indeed to the economic well-being of this country.

Mr. SPEAKER, I beg to move.

Sir CHARLES MORTIMER seconded.

MAJOR KEYSER: Mr. Speaker, I would like to express my appreciation of the work done by the Board of the Land Bank for the very considerable time that the Land Bank has been in operation, and, on this occasion, Sir, to add the name of the hon. Member for Finance, who I understand is Chairman of that Board. (Applause.)

Sir, this Council was in my opinion very wise when it agreed to the reduction of the interest from 3 per cent to 2½ per cent and now that the Bank is in better financial state, I think it is only right that that interest should be restored to 3 per cent. But, Sir, at the same time I do think that we should always keep in mind the necessity for low rates of interest for agricultural loans, always

provided, of course, that the security is sufficient. I merely put in that caveat, Sir, because I do not want my record on this particular matter to appear as though I approve of high rates of interest for agriculture. I think every country in the world has found that a low rate of interest to the agricultural industry is essential, and I think there is quite wide scope here for a reduction of the rate of interest to agriculture.

I always think, Sir, that the amount of 1½ per cent for administrative purposes seems to me to be a little bit high. I wonder whether that could not, in due course, be reduced so that the interest paid by the agriculturalist is lower than the present rate will be.

I beg to support, Sir.

Mr. MATHU: Mr. Speaker, I think it has given us cheerful thought to hear from the Member for Finance that the Land Bank is in a very sound financial state, and also to hear from him, Sir, that the Land Bank takes into account the agricultural policy of the country to see that good husbandry is the objective of the farmers. I was pleased also to hear, Sir, that their sound financial position will be ploughed back to give loans to the agricultural community, and that this is necessary in order to contribute to the economic well-being of this country. To quote his words:

The hon. Member for Trans Nzoia has also mentioned the question of low interest, and I entirely agree with him that farmers should be advanced loans on a low interest rate. But there is one point, Sir, I would like to get the answer from Government when we are discussing this motion. Some years back, we representing African Interest here raised the question of how the African can make use of the Land Bank, and Government by a motion moved by us appointed a Committee to go into this. It reported, the report was published and it is up to now we do not know what has happened. Now, when the hon. Member for Finance talks about the agricultural community, perhaps it would be more accurate to say the non-African agricultural community, because the African does not make use of the Land Bank. That brings us to the question of the hon. Member for Trans Nzoia, about a definite security. I think the Committee

[Mr. Mathu] thereported on this agricultural credit to African farmers did make recommendations which would overcome the difficulty regarding security when Africans apply to the Land Bank for loans to develop their agriculture. But I would like to say, Sir, that we are most dissatisfied with the Government policy regarding agricultural credit to African farmers, because up to now there is no African who makes use of the Land Bank, and if it is the agricultural community that has to contribute to the economic well-being of this country, surely the African cannot be left out. I would like to press that Government should give us a reply on this point, because we feel it is very, very important, because we cannot have separate compartments regarding the economic development of this country. It has to develop as a whole and I would like to see the agricultural industry being taken as a whole, including all agricultural farmers and not only some people getting very easy facilities for development and leaving the other sections of the community out of it.

Sir, in supporting this motion I would like to elicit information from the Government as to what they are going to do with the African farmers who have no facilities for agricultural credit.

MR. HAVELOCK: Mr. Speaker, I merely wish to make one point, Sir, and that is, and I am sure I am speaking on behalf of the European Elected Members when I say this, that we agree that Africans should be helped as far as loans are concerned from the Land Bank if possible, or other ways, but, of course, a security must be provided. We know that Government has been going years, but there have been, or do seem to be, difficulties which they do not seem to be able to surmount. We have here such a good and efficient Government, that I am sure it is about time they did surmount those difficulties and money was available for the African farmer.

THE SECRETARY FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, referring first to the remarks of Mr. Mathu, as regards loans from the Land Bank to Africans, I think it has always

been well known that the matter of security in fact makes the provision of such loan extremely difficult. The Land Bank Ordinance lays down quite clearly the conditions under which loans can be made, including the taking of a first mortgage on the land. As the hon. Member said, a Committee was appointed some time ago to go into the question of loans to African farmers. That Committee made recommendations as to how such loans could be made. That Committee also advised that we should proceed very slowly in this matter on the grounds of the difficulties of security.—(MR. MATHU: The majority of the Committee)—The Government has not done nothing about this Report. We started by making a small provision in the Development and Reconstruction Authority funds for loans to African farmers. These loans have been made available through six different districts, and have proved successful on the basis of the individual knowledge of the District Commissioners and the agricultural officers of the farming activities and personalities of the persons concerned. Additional provision of funds is in fact being made and, if approved by this Council, will be available for loans to African farmers in 1952. In addition, African District Councils have provided funds for loans to African farmers, notably in the Nyanza Province. It is the feeling of the Government that when these loans have in fact been tested out scale, that consideration to the extension of the amounts available should be given. The Member for Agriculture recently appointed a small Committee to draw up the practical conditions under which loans from the available moneys which, as I have said, are going to be made so as to achieve uniformity throughout the country. (Applause.)

MR. MATHU: Might I ask the hon. Member, Sir, to be a bit clearer and say what the considerable increase would mean to an African farmer? At the moment, it is only £50. That is as much as an African farmer can get. You can increase now?

THE CHIEF NATIVE COMMISSIONER: Mr. Speaker, I think I must intervent here, because it is quite apparent, I think,

[The Chief Native Commissioner] that the hon. Mr. Mathu must know that it is quite apparent that the whole of this business of loans rests upon security. If the African has not got security, and the land tender system whereby he works his land and owns his land very much precludes him from that. So long as that continues, Mr. Mathu knows just as well as I do that security is the whole crux of this matter. Unless you can get that security the amounts cannot be given.

MR. NATHOO: May I congratulate the last speaker on his maiden speech. He gave a very lucid explanation of the questions asked from this side of the Council, and I would like to congratulate him. (Applause.)

Arising out of the remarks from the hon. Member for Kiambu, I hope, Sir, that small as the number may be of Asian farmers, they are not going to be excluded from whatever help is being given to farmers. I am sure the hon. Member for Kiambu meant when he referred to African farmers, that all those farmers who do not receive help from the Land Bank could be given some assistance in one form or another.

MR. MADAN: Mr. Speaker, if security is the crux of the matter in the borrowing of these loans, may I ask the hon. Mover if he would tell us how much of the money lent to the European farmers on security that has been considered to be adequate, has been lost?

MR. OHANGA: I arise to make one or two small points on this one. First of all, it has been advanced to this Council many times that security seems to be the main stumbling block against the African benefiting from these loans. We have had that again and again, and this morning the hon. Chief Native Commissioner has pointed out that so long as the African Land Tenure system remains what it is, it will be impossible for a considerable time, to lend him much more. Now the Land Tenure system, we feel, is under the control of the Government. Would it be impossible to do something to change the system so that these farmers, struggling African farmers, could also benefit from measures of this kind; because we know that if we are going to advance the economy of this country, the African

land has to be developed in exactly the same way as any other land.

THE CHIEF NATIVE COMMISSIONER: Mr. Speaker, on a point of explanation, may I refer to the hon. Mr. Ohanga to the Committee on which he and I sit and also the hon. Mr. Mathu. We have all given many hours of consideration to how these systems of Land Tenure can be altered to give that very security which we require. That matter is now being discussed by the African District Councils in the districts.

MR. OHANGA: I am grateful for the information, Mr. Speaker.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker, might I just intervene to ask, Sir, your ruling whether we are indeed discussing the basis on which advances should be made, or whether we are indeed discussing the question of whether the rate of interest should be increased?

THE SPEAKER: We are discussing or presumably we are—(laughter)—whether or not the rate of interest should be increased. I do not know how I am going to rule out of order anything anybody might say about the rate of interest.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: With all due respect, Sir, is there not a difference between the rate of interest and the question of whether advances should be made to one particular community or not, which seems to me the debate we are now getting into.

THE SPEAKER: Certainly, the question whether advances should be made does not—or some advances should be made—does not arise under this motion.

MR. MATHU: On a point of order, Mr. Speaker, the hon. Mover did talk about advances, loans to agricultural community. It is on that basis that some of us raised the issue.

THE SPEAKER: I have ruled that it does not arise under this motion.

MR. OHANGA: I beg to support! (Laughter.)

THE FINANCIAL SECRETARY: Mr. Speaker, I am so confused as to which part of the debate is in order I do not quite know to what to reply. I think that possibly what was stated by the

[The Financial Secretary]

the reason why they are irresistible is that for every memorandum that goes before that Committee, ten are rejected. It is only the quite unanswerable cases which go before that Committee. Let the hon. Member understand that, Sir.

In these circumstances, Sir, I support the motion.

MR. BLUNDELL: Is the hon. Member Sir, implying that *ad hoc* pleading is not more invidious than when things come before the Budget? (Hear, hear.)

THE SPEAKER: It is no good addressing a question of that nature to me. It is not a matter of order.

THE FINANCIAL SECRETARY: What I am suggesting, Sir, is that with the calm deliberation by half a dozen intelligent men sitting quietly round one table, the discussion is bound to be more logical and more shall we say, dispassionate, in its application than in the heat of a Budget debate, when any kind of planner—I mean a planner—can be thrown into the works. (Laughter.)

THE SECRETARY TO THE TREASURY: Sir, when I moved this motion, I thought it was a perfectly innocent one. It appears that I was incorrect.

I think I am left with only one point to answer and that is the point raised by the hon. Member for Ukamba. I am afraid Sir, that I cannot deny this soft impeachment. It is regrettable that in 1951 we should be now referring to Schedules of Additional Provision for 1948. This was a matter of comment—of adverse comment—by the Director of Audit in his report on the 1948 accounts and has been dealt with by the Public Accounts Committee. Reference is made in the report of the Public Accounts in their report on the 1948 Audit Report. They say, "We recommend that the procedure for dealing with application for additional provision should be re-examined with a view to expediting decisions". That re-examination is taking place and I trust it will have some effect in tightening up the procedure.

Sir, I beg to move.

The question was put and carried.

BILLS

SECOND READING

The Museum Trustees (Amendment) Bill

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker, I beg to move: That the Museum Trustees (Amendment) Bill be read a second time.

Sir, the reason for this Bill is that the Board of Museum Trustees of Kenya, for some considerable time have wanted to provide their technical and scientific staff with housing accommodation, and if possible, adjacent to the Museum where they work, very often, late hours. It was found that if they were empowered so to do they could borrow money for the purpose of putting up these flats, rent them to their employees and thus solve the problem of housing accommodation without actual cost to the Museum. When they had negotiated on the question of raising the money, they found that the Ordinance needed amendment before they were empowered either to lease, borrow, mortgage, or build quarters of that kind, and this amendment Sir, is to enable the Museum Trustees to take what I think is a very necessary and desirable step in the interests of their staff.

Sir, I beg to move.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried.

Regulation of Wages and Conditions of Employment (Amendment No. 2) Bill

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, I beg to move: That the Bill to amend the Regulation of Wages and Conditions of Employment Ordinance be read a second time.

The Council will remember that at the August sitting the hon. Member for Nairobi North drew attention to the difficulty in which the Board finds itself on account of the requirement of section 4 and section 10 of the main Ordinance which requires them to publish for 30 days a minimum wage proposal before that proposal can be submitted to the Government. At that time I said the Government would as soon as possible, probably in October, introduce a Bill to amend those sections of the Ordinance.

[The Acting Deputy Chief Secretary] That is the main reason why the present Bill is introduced. The opportunity has been taken to make one or two other small amendments to the main Ordinance, which are fully explained in the Memorandum of Objects and Reasons.

Sir, I beg to move.

SIR CHARLES MORTIMER seconded.

MR. USHER (Mombasa): Mr. Speaker, I rise to welcome this Bill and I hope and feel sure that it will have the effect that is intended.

There is just one assurance that I should like to have, though, Sir, and that is that if it passes through this Council, it will not have the effect of preventing the setting up of what I feel to be rather more adequate arrangements for consultation between the Government and such responsible bodies concerned with labour as the Coast Labour Committee.

LT.-COL. GHERSIE (Nairobi North): Mr. Speaker, as pointed out by the hon. Member, these amendments are mainly due to certain observations I made at the last sitting, and I would, Sir, like to thank Government on behalf of the Board for eliminating one particular anomaly and one which rendered the working of the Board most difficult.

SIR CHARLES MORTIMER: Mr. Speaker, I should like to express thanks to hon. Members for the way in which they have received this measure which will make the working of the Wages Advisory Board, in carrying out its functions under the Ordinance, very much simpler and free from embarrassment. As Chairman of the Wages Advisory Board I would like to refer to the remarks made by the hon. Member for Mombasa. I have no authority, as Chairman of the Board, to express any views on the part of the Board on the point he has raised, but I will give an assurance that at the next meeting of the Board I will place before the members the request that has been made, and I feel confident that all the members of the Board will share his desire that the fullest consultation shall be carried out between the responsible bodies and the Board, wherever that may be possible, wherever the time limit imposed by the circumstances of the case submitted to the Board will permit of such consultation.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, I have nothing further to say, and beg to move.

The question was put and carried.

The Asian Officers' Family Pensions (Amendment) Bill

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, I beg to move: That the Bill entitled an Ordinance to Amend the Asian Officers' Family Pensions Ordinance be read a second time.

Sir, the amendments which appear in this Bill are all technical in character, and are fully explained in the Memorandum of Objects and Reasons. I believe they are all non-controversial. I therefore think it is unnecessary for me to say anything more, save that at the Committee stage a number of amendments will be moved, which I will explain at that time.

Sir, I beg to move.

THE ACTING 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 following Bills clause by clause:—

The Museum Trustees (Amendment) Bill.

The Regulation of Wages and Conditions of Employment (Amendment No. 2) Bill.

The Asian Officers' Family Pensions (Amendment) Bill.

The African Courts Bill (from Select Committee).

The Income Tax (Amendment No. 2) Bill (from Select Committee).

THE ACTING CHIEF SECRETARY seconded.

The question was put and carried.

COUNCIL IN COMMITTEE

The Bills were considered clause by clause.

The Asian Officers' Family Pensions (Amendment) Bill

Clause 2

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move: That the definition of "Asian officer"

[The Acting Deputy Chief Secretary] in clause 2 of the Bill be amended by substituting for the words "any other person" in paragraph (b) thereof the words "any person, not otherwise eligible for membership of the Fund". The reason for this amendment is that some of the officers who will be admitted to membership of the Fund under the Governor's powers in paragraph (b) of the definition of "Asian officer", were in fact appointed to the service of the Government on terms ordinarily applicable to Asians. The reference to "any other person" in paragraph (b) of the definition in the Bill would prevent these people—that is, the people who were appointed to the service of the Government on terms ordinarily applicable to Asians—from being admitted, which is not intended. The amendment will correct this.

The question was put and carried.

Clause 5

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move; That clause 5 be amended by substituting for the words "and by the terms of his agreement he was required to become a member before that date", which occur in the proviso to the amended section 10 of the principal Ordinance, the words "during which he was so employed on a letter of probationary appointment or an agreement".

The intention is that an officer should not be compelled to contribute to the Fund in respect of any period prior to 1st June, 1949, when he was on probation or on agreement. As the clause is at present worded it would remove the compulsion in respect of a period prior to that date (that is 1st June, 1949) when the officer had ceased to be on probation or agreement, and was serving on permanent terms. This was not intended and the amendment will correct the error.

The question was put and carried.

Clause 6

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move: That clause 6 be omitted. The substance of this clause is to be transferred to clause 8. The new sub-section is in fact

to be added to section 14 and not to section 11 of the principal Ordinance. Section 11 of the principal Ordinance covered the original elections in 1942, when the main Ordinance first came into operation. Section 14 covered the second lot of elections, which were made after the Government subsidy to the Fund was introduced in 1945. We now seek to legalize certain revocations of this second lot of elections.

The question was put and carried.

Clause 8

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move: That clause 8 be amended by adding the following new paragraph—

(c) by adding the following new sub-section:—

(b) Any Asian officer who elected to become a member of the Fund in accordance with the provisions of sub-section (5) of this section and who gave notification to the Accountant General of his desire to revoke such election in accordance with the terms of Government Secretariat Circular No. 9 of the 3rd June, 1946, shall be deemed not to have so elected.

I have already explained the reason for that clause.

The question was put and carried.

Clauses 11 and 12

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move: That the new clauses 11 and 12 be added as set out in the Order Paper.

Amendment of section 29 of the Principal Ordinance

11. Sub-section (2) of section 29 of the principal Ordinance is amended by substituting for the word and figure "section 7" the word and figure "section 8".

Amendment of Schedule B to the Principal Ordinance

12. Part E of Schedule B to the principal Ordinance is amended by substituting for the words "The quantity for ages 35 and 30 given in Table B is" the words "The quantity for ages 35 and 30 given in Table A is".

[The Acting Deputy Chief Secretary]

These are merely to correct mistakes which are probably printing errors in the original Ordinance.

The question that the new clauses be added to the Bill was put and carried.

THE CHAIRMAN: Are we going to do anything about the renumbering of the clauses?

THE ACTING SOLICITOR GENERAL: I assume the Clerk of the Council will renumber the clauses.

THE CHAIRMAN: I am quite content.

The African Courts Bill

THE CHAIRMAN: This is for consideration on the report. The clauses will simply be called by the Clerk and, unless any member wishing to move any amendment to them will rise at the time they are called, no other action will be taken.

Clause 12

THE CHIEF NATIVE COMMISSIONER: I would make a point of explanation here, Sir.

I did undertake with the hon. Member (for Aberdare) to refer in Committee at this stage to sub-section (4), clause 12. Hon. Members will recollect that the Member for Aberdare raised a question in the debate on the second reading of the Bill, that in cases where homicide or manslaughter had taken place, and an accused had been convicted of such an offence, there should not be a second trial and he should not suffer a civil loss on account of the same offence. For that reason, Sir, this sub-section (4) of section 12 was inserted into the new Ordinance, and I gave an undertaking to the hon. Member for Aberdare that I would draw the particular attention of the members of the Administration to this section when it became law, and that until it did become law I would also draw the attention of the administration to difficulties which occurred under the present law, and ask them to arise, if necessary, such cases as might arise by virtue of their present jurisdiction, under the Native Tribunal Ordinance of 1930.

Clause 29

MR. MATHU: Mr. Chairman, I would like to move an amendment to this

clause to delete all words and letters in clause 29 (1) and insert the words "No advocate may appear or act for any party before an African court"; and in the same clause to delete all words after "case" and insert "either before the District Officer's court or the Court of Review". The amendment is actually a Minority Note which was made by us in the Report of the Select Committee to you, and signed by myself and my hon. friend, Mr. Ohanga.

I might give just one reason, Sir: that it is a point we made during the second reading of the Bill, that all citizens of this Colony should have facilities for legal advice, and when the cases are up before the District Officer's court as recommended, as provided for in the Bill before the Committee, and before the Court of Review, we feel that parties should avail themselves, if they so wish, of legal advice, and our amendment gives effect to that view.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, taking that particular part of the amendment, I find it a little difficult to deal with it in two parts, because the object of the whole amendment, I understand, is to allow advocates to appear in Appeal courts and in the Court of Review.

MR. MATHU: No, Sir, only in one of the Appeal courts, that is the District Officer's court, and in the Court of Review. In the first two courts no advocates should appear. That is my recommendation.

THE CHIEF NATIVE COMMISSIONER: Well, Mr. Chairman, this matter was debated at some length when the Bill was being read for the second time in this Council. The objections, I think, to advocates—and I would preface all my remarks on this subject with an expression of my regard for advocates generally, and my hon. and learned friends in particular—as far as their appearance in the African courts is concerned I think, as I said before, and the hon. Chief Secretary; then Mr. Rankine, also said, it was a mistake. The reasons are these—or three of the reasons are these. First, there is the question of costs. With great respect to the legal profession, I think it is very seldom they do not require some subsistence to enable them to carry on their profession, and

[The Chief Native Commissioner] who finally always involves a certain amount of cost to those who brief them. Secondly, the law which is being administered in these cases, and particularly in cases where appeals lie, is practically always native customary law; but these advocates as such are trained in British law and in the Ordinances of this Colony. They are not trained in native customary law and, with again the greatest respect to them, I think it would be very doubtful if they would be acting properly if they accepted fees for attempting to advise upon law which they were not in fact trained to do, I am sure it would be the last thing they would wish to do. Finally, Sir, another point made by the hon. Mr. Rankine. When speaking on this subject he referred to the complexity of these cases, and again I speak with respect, once you let lawyers in, cases immediately begin to get complex.

Mr. Chairman, I must oppose this resolution, this amendment, and I think it will be on very much sounder lines if we try to keep the African courts as simple as we can and let the parties appear before people whom they know, and people who are well versed in the customary law which is going to be administered and under which the cases are administered, and do not try to introduce more complex, costly, or difficult elements in the shape of members of the Bar.

Mr. Chairman, I beg to oppose.

Committee adjourned at 10.58 a.m. and resumed at 11.15 a.m.

Clause 29

Mr. MADAN: Mr. Speaker, I cannot follow the remarks made by the hon. the Chief Native Commissioner about advocates to pass unchallenged. I cannot agree that advocates will not be able to master native customary law. Advocates have succeeded in mastering such intricate and complex systems of law such as the English real property law, Roman-Dutch law, the Hindu law, and the Muslim law, the Hindu law, and the Muslim law. I cannot think of any worse piece of legislation than the last two Ordinances. Sir, are capable of rising to great heights—(applause)—and I am confident they could take the native custom law in their stride.

I have stood up to speak because I wanted to emphasize that advocates are a useful, dignified and very helpful class of citizens, and while there may be other good reasons why they should not appear before the native courts, native law certainly is not a good reason.

Mr. MADAN: Mr. Chairman, I have just one point that was raised by the hon. Member for African Affairs against our amendment, namely the question of costs. I do not think that is a very strong argument against our amendment, because even in the African courts the Africans do not go there free, and they have to pay, and in the Court of Review they have to pay. Secondly, when they have cases in the magistrates' courts or in the Supreme Court, they have to pay, the same principle applies. I do not think the question of costs is a very strong one. The question of native customary law has, I think, been very ably answered by my friend the Member for Central Area Mr. Madan, and I think it is quite satisfactory. It is justice we want, Sir, and they should not be denied it if they are allowed to engage advocates in the magistrates' courts and in the Supreme Court of the Colony.

THE ACTING SOLICITOR GENERAL: Mr. Chairman, I only wish to speak upon one point made by the hon. Mr. Madan. I hope that I shall not be accused of any bias against advocates. While it is perfectly true that advocates do master intricate systems of law, they usually have the advantage of being able to study those systems from text books. In this case, however, the intricacies of African law are locked in the deep recesses of the minds of the African Elders who administer that law. How they are going to advise on that law. How of law it is difficult to see that system study it, I have no doubt they would master it just as well as conveying and any other difficult subject which advocates have to tackle.

Mr. PATEL (Eastern Area): On the second reading of this Bill I had suggested that African Wakis who may be licensed for the purpose of appearing before these African courts, and I then stated that there was already a similar system prevailing at the Coast. There

[Mr. Patel]

are Wakis well versed in Muslim law who appear before the Muslim subordinate courts, and they are specially licensed for appearing before these courts only. There are, I believe, strong reasons why advocates should not appear before these African courts, but I do not see why the question was not examined from the point of view of holding special examinations for Africans who are prepared to appear before any board of examiners in regard to African customary law, and then licensing them to appear before these courts. I think the ordinary African who appears as a litigant before the African courts will require some kind of legal assistance, because they will not be able to put their case properly before these courts, and I think it is essential that this question should be carefully examined. I would like to know from the other side whether this question has ever been examined from that point of view.

Mr. OJANGA: Mr. Chairman, I should like to endorse very much what has been put forward by the hon. Member for Eastern Area Mr. Patel. As a member of the Committee, I tried very much to get this point considered, but being in the minority, we dropped it, but if some time it could be taken up later by the Government, to re-examine the matter, I think it would be the more better for us. I think that while native customary law itself is a different thing from the British law, I do not really think that the advocates as such would be any worse off than the District Officers who have to examine the people themselves. There I contend they would be at a par. Both of them would have studied the same law, and I think in some cases the African customary law will be the same for both, and I do not think that anybody will have any real advantage over the other man. But if anybody could have any advantage, I think the District Officer would, in which case every time the Government would win as it were. But I am quite sure that the suggested amendments are very fair. We are not asking for an advocate to appear before African courts where Africans are themselves the judges, we have left out quite clearly the first court, the tribunal and the tribunal appeal, where you have

African judges, but only where you have trained magistrates, that is where we want an advocate to put the African case. The cost, as my hon. friend Mr. Mathu has pointed out, does not really arise because it is already paid.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I would like to answer one or two of the points that have been raised by hon. Members on the other side. First of all, I was a little surprised at hearing my hon. friend Mr. Madan supporting this amendment, as he did not appear to take any part in the Minority Report which was put forward by certain members of the Committee of which he was a member.

Mr. MADAN: On a point of explanation, Sir, I did not say that I supported the amendment, I merely explained. I was not prepared to accept as a valid reason that advocates would not be suitable persons to appear before the African courts.

THE CHIEF NATIVE COMMISSIONER: Not being an advocate, Mr. Chairman, I find it difficult to appreciate these fine distinctions. On the point, Mr. Chairman, of costs, that was raised by the hon. Mr. Mathu, I agree that it is costly already to take cases through the various African courts. But I cannot see that because it is already costly that is any reason to pay for any additional costs by engaging advocates.

The hon. Mr. Patel raised the question of Wakis. Now, I would refer to the Report on Native Tribunals made by Mr. Arthur Phillips; when he referred to the introduction of the 1930 Ordinance, he referred to a statement made in this Council by the then Attorney General who, in introducing the Bill, did refer to the fact that the old African native tribunals, which were closely linked up with the subordinate courts, had then led to a good deal of abuse. The hon. Mr. Macgregor said:—

"Advocates of a certain class—a certain calibre—have specialized in the work of native courts. They have inundated the Reserve with touts of a particularly objectionable kind." The Attorney General went on to point out that at the existing stage of African development there was a golden opportunity for lawyers' touts to reap a harvest."

[The CHIEF NATIVE COMMISSIONER] I did not want to bring this reference into the debate, but if it must, if we are to go on talking on this subject, I am perfectly certain, Sir, that if we allowed advocates to come into these courts, those abuses are almost certain to arise, and, in particular, if we allow Wakisla to come on. You see, I think, I should like to say, Sir, that I am going to bring all those disadvantages into the African courts, costs, complexity and so on which we ought strongly to avoid.

Mr. SALTER (Nairobi South): Mr. Chairman, although I cannot subscribe to everything which the hon. Member for African Affairs has said, at any rate, for once I find myself in substantial agreement with him—(applause)—and I would like to thank him, naturally, for the tributes which he has paid to advocates! I think, though, Sir, it would be a pity if advocates were to appear in these courts, and I say that, Sir, because looking at the marginal heading to clause 46 of the Bill, which we have not yet reached, I see that it says that "substantial justice is to be done without undue regard to technicalities." Now, Sir, I do not, of course, suggest that if advocates appear there are necessarily a lot of technical points argued, but, on the other hand, occasions sometimes demand—in the interests of the client—that technical points should be raised. But I feel the spirit of the whole Ordinance is that there should be a swift and speedy justice, without any great complications, and I say, Sir, that I think it would be a pity, really, if these matters were not left entirely to those tribunals best fitted to try them. (Applause.)

The question was put that the words moved to be deleted stand part of the Bill.

The question was put and carried.

The Income Tax (Amendment No. 2) Bill
The FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That in the fourth line of the proviso to the proposed new clause, 216 (2) the word "is" be replaced by the word "was".

Now, Sir, in moving that amendment, I would like to remind Council that this Bill comes forward—

The CHAIRMAN: It is not necessary, as far as I can understand, for you formally to move the amendment. This is an amendment that has already been made by the Select Committee, and is already incorporated in my copy, at least of the Bill, as recommended for anybody who objects to it to move. As far as explaining any reasons, you are quite at liberty to speak on it.

The FINANCIAL SECRETARY: May I put it this way, that I would invite the attention of the Committee to the amendment proposed in the report, and, in doing so, I remind hon. Members that this Bill has been considered by a Select Committee which has reported.

Now, Sir, that Committee, in dealing with this matter, took note of the fact that the pre-existing arrangements for relief from double taxation as between the United Kingdom and Kenya, have been unilaterally abrogated by His Majesty's Government, and in these circumstances some new measure was necessary to provide relief from double taxation in respect of Kenya residents. Now, Sir, having considered this matter very carefully, and having regard to the fact that the Government has given an undertaking to publish and to lay on the Table any agreement that it proposed to enter into under powers to be conveyed by this Bill, having regard, as I say, Sir, to those considerations the Committee considered that this proposed Bill was the best way of supplying the lacuna left when His Majesty's Government abrogated the former agreement.

Now, Sir, I would add this, that in the implementation of the undertaking to lay upon the Table of Council, and to give, if desired, an opportunity of debate on any agreement proposed to be entered into, I have this day given notice on the Order Paper of a motion which will enable this Council to debate the agreement which it is proposed to enter into with His Majesty's Government in terms of the powers conveyed by this Bill. (Applause.)

The ATTORNEY GENERAL moved: That the Museum Trustees (Amendment) Bill, the Regulation of Wages and Conditions of Employment (Amendment No. 2) Bill, the African Courts Bill and the Income Tax (Amendment No. 2) Bill be reported back without amendment, and that the Asian Officers' Family Pensions

[The Attorney General] (Amendment) Bill be reported back with amendment.

Council resumed and the Member reported accordingly.

BILLS

THIRD READING

The MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT moved: That the Museum Trustees (Amendment) Bill be read a third time and passed.

The ACTING SOLICITOR GENERAL seconded.

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

The ACTING DEPUTY CHIEF SECRETARY moved: That the Regulation of Wages and Conditions of Employment (Amendment No. 2) Bill be read a third time and passed.

The LABOUR COMMISSIONER seconded. The question was put and carried and the Bill read accordingly.

The ACTING DEPUTY CHIEF SECRETARY moved: That the Asian Officers' Family Pensions (Amendment) Bill be read a third time and passed.

The SECRETARY TO THE TREASURY seconded.

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

The CHIEF NATIVE COMMISSIONER moved: That the African Courts Bill be read a third time and passed.

The ACTING SOLICITOR GENERAL seconded.

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

The FINANCIAL SECRETARY moved: That the Income Tax (Amendment No. 2) Bill be read a third time and passed.

The SECRETARY TO THE TREASURY seconded.

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

ADJOURNMENT

The SPEAKER: That concludes the business on the Order Paper. Council will now adjourn until 9.30 a.m. to-morrow morning.

The Council rose at 12.42 p.m., and adjourned until 9.30 a.m. on Thursday, 25th October, 1951.

Thursday, 25th October, 1951

Council assembled in the Memorial Hall, Nairobi, on Thursday, 25th October, 1951.

Mr. Speaker took the Chair at 9.43 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 24th October, 1951, were confirmed.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 84

MR. BLUNDELL:

Will Government please state:—

- The number of Africans from Kenya who have entered the East African Posts and Telegraphs training centre at Langata?
 - The tribes from which entrants from Kenya were drawn?
 - The duration of the course or courses and the number of Kenya entrants for each course if more than one?
 - The terms and conditions of the contract undertaken by the aspirants for training, including pocket money, if any?
 - The number of entrants who completed their training and the qualifications obtained (if such are awarded) for the years 1948, 1949, 1950 and, if the course has been completed, 1951?
 - The number of entrants who failed to complete their contracts or term of training and the average duration of time completed before leaving the school, together with the reasons for the failure to carry on training, including those cases where the entrant has left at his own request?
- The SECRETARY FOR COMMERCE AND INDUSTRY: Yes, Sir:—
- The Government has been advised that the numbers of Africans concerned are:—

1949	70
1950	129
1951	182
 - Detailed tribal statistics are not kept, but the recruits are fairly well divided over the various tribes.

(The Secretary for Commerce and Industry)

(c) Courses range between three months for specialized automatic telephony courses to eight to nine months for linemen, telegraphists and radio operators and 15 months for electrician and mechanic and postal clerk and telegraphist courses. The number of Kenya entrants in each course is as follows:—

1949—

Seventeen on telegraphists course.
Thirty-one on line course.
Nil on radio operators course.
Twenty-two on postal clerks and telegraphists course.

1950—

Twelve on telegraphists course.
Fifty-eight on line course.
Thirty-three on radio operators course.

Twenty-six on postal clerks and telegraphists course.

1951—

Eleven on telegraphists course.
Fifty-one on line course.
Fifty-three on radio operators course.

Twenty-eight on postal clerks and telegraphists course.

Thirty-nine on electrician and mechanics course.

(d) Terms and Conditions:—

Recruits are fed and housed and are paid Sh. 20 per month, Sh. 10 of which is paid in cash monthly and Sh. 10 in a lump sum on satisfactory completion of the course.

(e) The number of entrants who completed their training was as follows:—

1949—

Nine telegraphists.
Fifteen postal clerks and telegraphists.
Twenty-four linemen.

1950—

Three telegraphists.
Twenty-one postal clerks and telegraphists.

1951—

Fifty-eight linemen.
Twenty-two radio operators.

1951—

Eleven telegraphists.
Forty-four linemen.
Fifteen radio operators.

(f) In all, 61 students failed to complete the various courses. The average duration of time before leaving the school was 3½ months. Of the 61—

two were discharged on medical grounds;

ten resigned;
two were discharged for disciplinary reasons.

and the services of the remainder were dispensed with because they were unable to attain the required standard.

MR. BLUNDELL: Mr. Speaker, arising out of that answer, would the hon. Member inform me whether in the 53 Africans on the radio operators course in 1951, any police trainees are included for the purpose of training aspirants to the police in the radio communications force of the police?

THE SECRETARY FOR COMMERCE AND INDUSTRY: Sir, I regret I cannot answer that question at the moment, but I will obtain the information that the hon. Member requires from the Postmaster General.

MR. BLUNDELL: May I ask whether the hon. Member for Law and Order can inform me whether, in fact, the training facilities for radio courses are amalgamated, or whether we are keeping two establishments, one at Langata and one for the police here?

THE ATTORNEY GENERAL: So far as my information goes on that particular matter at the present time, the High Commission organization in Posts and Telegraphs is entirely responsible for the technical side of the wireless operations of the police force, including the training of those men. But, I may add, for the information of the hon. Member that a decision has been taken very recently, which I hope will be implemented within a measurable distant time, which will enable the police force to be entirely self-contained, so far as training and looking after the wireless side of their activities are concerned.

QUESTION No. 85

September, 1943—

MR. MATHU:

Will Government please state:—

(a) The number of bags of sugar allocated monthly to each of the seven African rural districts of Meru, Embu, Nyeri, Kitui, Fort Hall, Machakos and Kiambu at the time when the sugar control was introduced?

(b) Any increases or decreases of the sugar monthly allocations between the initial allocation and the year 1951?

(c) The particulars given in (a) above in respect of the year 1951?

(d) Whether in making these sugar allocations the Government takes into account the whole African population including children, and if not, why not?

(e) Whether Government considers there is now a case to increase substantially the sugar allocation for the districts mentioned in (a) above and generally for the rest of the African land units?

THE SECRETARY FOR COMMERCE AND INDUSTRY: Yes, Sir. As I have explained to the hon. Member he has asked for a great deal of statistical information which it would take a considerable time to compile and which could only be conveyed in a written reply. Prior to the publication of the Defence (Control of Sugar) Order, 1943, there had been no fixed basis for allocation to the African areas:—

(a) August, 1943—

	Bags
Meru	300
Embu	400
Nyeri	250
Kitui	210
Fort Hall	295
Machakos	600
Kiambu	500

(b) In the early days of controlled distribution, the allocations fluctuated considerably month by month, as the following figures will indicate:—

	Bags
Meru	150
Embu	260
Nyeri	125
Kitui	105
Fort Hall	200
Machakos	300
Kiambu	375

March, 1944—

	Bags
Meru	220
Embu	360
Nyeri	260
Kitui	310
Fort Hall	420
Machakos	580
Kiambu	340

August, 1944—

	Bags
Meru	400
Embu	450
Nyeri	560
Kitui	230
Fort Hall	600
Machakos	650
Kiambu	650

From August, 1944, until the end of September, 1945, allocations remained static.

October, 1945—

	Bags
Meru	400
Embu	510
Nyeri	575
Kitui	300
Fort Hall	605
Machakos	790
Kiambu	730

The allocations remained unchanged until June and July, 1947, when, owing to the supply position, it was necessary to make temporary reductions, but in September, 1947, the following basis of allocation was adopted:—

	Bags
Meru	450
Embu	520
Nyeri	571
Kitui	350
Fort Hall	615
Machakos	800
Kiambu	730

These figures are still in operation except that in March, 1948, the allocation to Machakos was increased to 900 bags.

[The Secretary for Commerce and Industry]

(c) The answer has already been given in (b) above.

(d) One of the criteria for assessing the allocation of sugar is the whole population in any area. Others are past consumption, traditional diet, geographical position and availability of locally grown sugar supplies.

(e) The question of increasing allocations to any area is a matter of availability. Although output has increased in Kenya the intake from Uganda has substantially fallen off. We are, therefore, increasingly dependent on overseas supplies which are difficult to secure. If increased supplies were secured it would be possible to increase allocations.

Mr. MATHI: Arising out of that reply, Mr. Speaker, as on the basis of the 1948 census of the African population in these areas, the allocation at present obtains works out about 6 oz. per head, and as the final sentence here does not suggest that any increased supply is available, what is Government going to do, because this sugar business is a very important one in the diet of these people?

THE SECRETARY FOR COMMERCE AND INDUSTRY: Mr. Speaker, I do not wish to enter into any dispute with regard to the figure quoted by the hon. Member of 6 oz. per head. In fact, if the allocation is assessed in terms of figures given for the 1948 census, those figures do include some African sugar consumers who are provided from the sugar made available for exporting Africans. I agree, generally speaking, however, that on those figures, the amount fluctuates between a third of a pound and two-thirds of a pound per head.

In reply to the second part of the hon. Member's question, the Government is seeking to obtain additional supplies of sugar from overseas, and as given in my reply, if those are available, then allocations can be increased. I would, however, Sir, wish to point out that the allocation of sugar to African labour employed in the towns and in the settled areas has been very nearly doubled. Once coupon rationing is removed from sugar, to a certain extent

supplies must become fluid. The allocation to Nairobi has been very greatly increased in order to endeavour to take into account the amount of sugar drawn out of Nairobi into the surrounding hinterland.

Mr. OHANGA: Arising out of the unsatisfactory reply to the question, will the hon. Member please indicate what is meant by sugar drawn from locally grown sugar supplies and also whether Government has any control over distribution of the sugar from such sources?

THE SECRETARY FOR COMMERCE AND INDUSTRY: Sir, it will be within the hon. Member's knowledge that a certain amount of sugar is grown by Africans locally for their own consumption. That is to what I was referring.

QUESTION No. 87

Mr. USHER:

1. Is Government aware of a demand for facilities for the import of margarine as a means of reducing domestic expenditure?

2. Is it not a fact that any exportable surplus of locally produced butter could be absorbed by overseas markets?

3. Will Government state what steps, if any, have been taken to provide for the import of margarine?

4. If no such steps have been taken, will Government agree to undertake them?

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to reply as follows:—

1. The Government is so aware: This is highly hypothetical. The answer depends upon the price at which we could offer this butter and the price which overseas buyers were prepared to pay at the time when this contingency arose.

2. As the allocation of certain food quotas, including margarine, in respect of the Colonies is controlled by the Ministry of Food, it has been necessary to consult His Majesty's Government. Moreover, it being a vital part of the economic policy of the East African territories to work towards a condition of self-sufficiency in essential foodstuffs, the Governments of both Tanganyika and Uganda have been

[The Financial Secretary]

consulted in the matter of importing margarine. As a result of the outcome of these consultations, licences to provide for the importation of a limited quantity of margarine are being issued.

4. Does not arise.

MAJOR KEYSER: Mr. Speaker, arising out of that answer, does Government recognize the importance of the dairy industry as a basic economic factor of the Colony, and its importance in the preservation of the soil fertility and the danger to which this industry would be exposed by the proposed importation of margarine?

THE FINANCIAL SECRETARY: Mr. Speaker, of course the Government is aware of the importance of the dairy industry. May I refer the hon. Member to the answer to part 3 of the question. There it is stated that the Government is issuing import licences for a limited quantity of margarine. Now, the object of a limited quantity is one, to test the local market and, secondly, to enable us to see whether the importation of margarine does, in fact, have any significant effect upon the dairy industry. The hon. Member, Sir, can rest assured that if, in the event it was demonstrated that margarine—the importation of margarine—did adversely affect the dairy industry to any significant extent, the Government would certainly have to consider what steps were necessary to protect that important industry.

MAJOR KEYSER: Mr. Speaker, arising out of that answer, and since the decision to import margarine postulates a major change in the economic policy of the Colony, would Government discuss the proposal with representatives of the agricultural industry before any importation of margarine was made?

THE FINANCIAL SECRETARY: Mr. Speaker, I deny that the importation of margarine does, in fact, represent any major change in the fundamental policy of this country. The fact that margarine has not been imported since the war years was—in a sense—quite fortuitous. As I explained, the actual allocation of margarine and fats to the Colonies is under the control of the Ministry of Food, and this country has never been made any allocation. The non-importation

was nothing whatever to do with this country. It was the intervention of the Ministry of Food.

Now, Sir, as I have already indicated in my reply, the Government has considered every possible facet of this problem, and it decided to import limited quantities in order to be quite sure that it could gauge the effect before embarking on any substantial importation. It may interest the hon. Member to know that margarine has been imported for some time into Tanganyika, and there has been no effect whatever upon the consumption of butter.

MAJOR KEYSER: Mr. Speaker, in order to prevent the fraudulent sale of margarine as butter, would Government agree that margarine should be coloured, as is the practice in other countries?

THE FINANCIAL SECRETARY: Sir, if this Government, having regard to its experience with regard to this importation, has reason to believe that fraudulent practices have grown up, the hon. Member may rest assured that steps will be taken to prevent that fraud. Whether we shall do it by colouring the margarine is quite another matter, but certainly adequate steps will be taken to prevent such fraud.

Mr. HAVELOCK: Mr. Speaker, is it not a fact that margarine can be economically manufactured in the Colony and, if it is decided to put this product on the market, would it not be better to stimulate local production rather than encourage importation?

THE FINANCIAL SECRETARY: Mr. Speaker, there is no proper evidence to show that margarine can in fact be economically manufactured in this territory, although there are indications that that might be so. Should it turn out that a margarine industry could be established in this country, that is another aspect which the Government would have to consider in relation to importations of foreign margarine. And the hon. Member can rest assured if, in fact, this becomes a matter of reality, the Government will certainly take into consideration the effect of importing margarine from overseas vis-à-vis such an industry.

Mr. HAVELOCK: Mr. Speaker, arising from that answer, will the hon. Member state that the Government will initiate urgently an examination into the matter of the economic production of

[M. Havlock]

MARGARINE. THE FINANCIAL SECRETARY: Would the hon. Member please repeat that? Will Government initiate urgently and immediately an examination into the matter of the economic production of margarine locally. The answer the hon. Member gave me I feel was rather unsatisfactory.

THE FINANCIAL SECRETARY: Mr. Speaker, I am sorry if the hon. Member found my reply unsatisfactory. As I tried to indicate, the question of local manufacture of margarine is being considered, but it is not yet at a stage where any definite conclusion can be reached. The position is that even the machinery has not yet been ordered for this project.

MR. BLUNDELL: Mr. Speaker, I am a little confused with the hon. Member's verbosity in answering the supplementary questions. May I ask if it is Government's intention to maintain the accepted policy of protection for local industries?

THE FINANCIAL SECRETARY: Mr. Speaker, the verbosity of my replies spring entirely from the verbosity of the questions! The hon. Member asked, I think, if it is Government's policy to maintain the protection of local industries. My reply to that is this: that it is a fundamental part of this Government's policy, in co-operation with the other East African territories, to work towards a position of self-sufficiency in essential foodstuffs, and the intention is not to permit any step of this nature to interfere with that long-term policy—a policy which I think everybody will admit, must in the long run represent the greatest good for the greatest number.

SUSPENSION OF STANDING RULES AND ORDERS

THE ATTORNEY GENERAL: Mr. Speaker, I beg to move the suspension of Standing Rules and Orders to enable me to move a motion to submit a loyal and humble address to His Majesty on the occasion of the announcement of the Princess Elizabeth and the Duke of Edinburgh in February next.

MAJOR KEYSER seconded.

The question was put and carried and the Standing Rules and Orders were suspended accordingly.

LOYAL ADDRESS TO HIS MAJESTY THE KING

THE ATTORNEY GENERAL: Mr. Speaker, hon. Members will have read with the greatest delight and pleasure in the Press this morning that Her Royal Highness Princess Elizabeth and Her Royal Consort the Duke of Edinburgh intend to visit our country in February of next year. (Applause.)

Our pleasure at this announcement, Mr. Speaker—which, if I may say so in parenthesis, is as unexpected as it is welcome—will be enhanced, if it be possible that it can be enhanced, by the knowledge that on this occasion Her Royal Highness the Princess Elizabeth will be able to see her Kenya home for the first time, and will be able to spend some time there in quiet and restful surroundings of incomparable beauty. Mr. Speaker, if there is one reward to a giver which is greater than any other, it is the pleasure of seeing his gift enjoyed, and I am sure in February of next year the people of Kenya will gain an ample reward in that regard. (Applause.)

Accordingly, Mr. Speaker, I feel that it will be in accordance with the wishes and with the approbation of all Members of this Council of whatever party, and whatever race that I should move that this Council should submit a loyal and humble address to His Majesty, thanking His Majesty for consenting to the visit of their Royal Highnesses, and at the same time expressing our gratification at the news of the improvement in His Majesty's health. (Applause.)

I, therefore, Mr. Speaker, beg to move: That a loyal and humble address be submitted to His Majesty the King through the Secretary of State for the Colonies in the following terms—

"We, your Majesty's most dutiful and loyal subjects, the Members of the Kenya Legislative Council here in Council assembled, would humbly convey to Your Majesty the thanks of all in Kenya that Your Majesty's health, as appears from the daily bulletins, is progressing well and that Your Majesty has felt able to consent to the visit of Her Royal Highness, the Princess Elizabeth and His Royal Highness, the Duke of Edinburgh to Kenya

[The Attorney General]

We desire, too, humbly to convey to convey to Her Royal Highness the Princess Elizabeth and His Royal Highness the Duke of Edinburgh our expression of the great pleasure and gratification, with which we have learned of this intended visit, to extend a very warm welcome to them on behalf of all the peoples of Kenya, and to express the hope that their Royal Highnesses will have a happy and enjoyable stay in their Kenya home." (Prolonged applause.)

MAJOR KEYSER: Mr. Speaker, I beg to second the motion and, on behalf of the European community of Kenya, to express first our heartfelt relief at the progress towards recovery made by His Majesty the King after his operation, and secondly, our great pleasure at the opportunity of giving hospitality to Their Royal Highnesses Princess Elizabeth and the Duke of Edinburgh and of once more giving evidence of our loyalty to the Crown. We hope that their Royal Highnesses will greatly enjoy their visit to Kenya. (Applause.)

MR. PATEL: Mr. Speaker, on behalf of the Asian Unofficial Members of this Council, I consider it a great privilege to rise to support this motion. The Asian community, Mr. Speaker, is very glad to hear from day to day the news of the progress in the health of His Majesty the King. They have been feeling since the time they heard the news of the ill-health of His Majesty the King, grave anxiety which was evidenced by the frequent prayers the various sections of the Indian community offered in their respective temples, mosques and churches for his speedy recovery. The hearts of all the Asians in this country will be gladdened by the news which was received this morning of the visit of Their Royal Highnesses Princess Elizabeth and the Duke of Edinburgh. The Asian community will consider it a great privilege and honour to have an opportunity of receiving the distinguished guests who will be arriving in February.

I beg to support the motion. (Applause.)

MR. SHERIFF ABDULLA SALIM (Arab Interests): Mr. Speaker, on behalf of the Arabs of the Colony and Protectorate of

Kenya, I would like to associate myself with the loyal address which has been presented to the Council this morning and give a very hearty welcome to Their Royal Highnesses to this country, and to hope that their stay in this country will be a happy one.

MR. MATHU: Mr. Speaker, I rise to associate myself and the African community to the remarks that have been made by the previous speaker, firstly by saying how the African community has been pleased to see the recovery, progressive recovery, of His Majesty the King; and secondly, the very heartening news that has come to this Colony to-day that their Royal Highnesses the Princess Elizabeth and the Duke of Edinburgh will be the guests of this Colony next February. This loyal address also has a very heartening aspect in that the home, the Royal Lodge, which is built in this Colony is situated on the slopes of one, I think, of the most beautiful hills I have seen in the world. (Applause.) We would like to associate ourselves with all those who are happy to hear this news and to hope and, indeed, to trust, that the stay of their Royal Highnesses here in Kenya next February will be the happiest that they have ever stayed anywhere else. (Applause.)

The question was put and carried. (Prolonged applause.)

REPORT OF SELECT COMMITTEE— LEGISLATIVE COUNCIL ORDINANCE (CAP. 38)

THE ATTORNEY GENERAL: Mr. Speaker, I beg to move the adoption of the Report of the Select Committee appointed to consider the desirability of amending the Legislative Council Ordinance.

Mr. Speaker, in moving the adoption of this report, I am commending to this Council certain recommendations, which seek to amend the Ordinance which governs the Constitution of this Council and other recommendations which seek to improve the electoral machine which controls the coming and the goings of hon. Members opposite. (Laughter.)

This Select Committee, Mr. Speaker, was appointed many months ago under the chairmanship of my predecessor in

[The Attorney General] office, and it will, I am sure, be some satisfaction to him and to the Council to know that the work which was begun under his chairmanship was so well begun that the Committee in its subsequent labours had for the most part little left to do except to dot the "is" and cross the "is" of the proposals which were initiated in the early stages of its deliberations. But I should like to acknowledge my indebtedness to my predecessor in office at the same time to couple with his name, as the lastmasters say, the name of the hon. Member for Nairobi North. (Applause.) I might of course be excused if I had omitted to mention his name, because if I had not had a predilection for historical research, I should never have discovered that it was he, in a powerful maiden speech which he delivered, I believe, at the turn of this half-century, initiated the trend of modern thought on this particular subject. (Laughter.) And, Mr. Speaker, it has been said, and of course truly said, that it is idle to inquire into the causes of causes, but if I were permitted a moment of idle speculation then I would say, Mr. Speaker, that it was due to him more than to any other single member of the Committee, and due particularly to his persuasive pertinacity that the task of this Committee was eventually successfully concluded.

Now, Mr. Speaker, what was the task of this Committee? Stated in the full and plain prose of the terms of reference, it does not sound very important, and certainly does not sound very interesting. The consideration of the compilation of the registers of voters and the consideration of the authorities responsible for the compilation of the registers of voters are not matters which arouse the emotions of ordinary mortals. But it would be a mistake to discount the importance of this matter on that count because the register of voters, and in particular, the accuracy and completeness of the register of voters, is a matter of the greatest moment. Indeed, I submit it would be no exaggeration to say that an accurate and complete register of voters is the framework, and if I may borrow a phrase from a famous electoral edifice, and when that falls into disrepair, then the whole electoral structure may deteriorate and decay, and when

that occurs, then there is danger that the electoral system will cease to be truly representative. And if that should occur then, Mr. Speaker, there is the gravest danger that we on this side of the Council will cease to stand in awe of hon. Members opposite—(laughter)—for we shall know that they represent only rotten boroughs. So there will be general agreement in all parts of the Council that it is of the greatest importance that these registers should be complete and accurate, and the task of the Committee, the main task of the Committee, was to devise ways and means whereby these registers could be made accurate and complete.

Certainly they are not so at the present time. In the case of the European rolls, they are, according to the evidence given before the Committee by one witness, 30 per cent inaccurate. In the case of the Asian roll the position is far worse. They are, according to reliable estimates given to the Committee, they are at least 50 per cent inaccurate, and when we have arrived at that position then, Mr. Speaker, I suggest that we merely delude ourselves if we think that by conducting an election on registers such as that we are ascertaining the verdict of the electorate. Therefore, Mr. Speaker, it is of the utmost importance that the registers should be made reasonably accurate. The information to make them so is available somewhere in the Colony. Somewhere in the Colony there is information as to whether a particular individual is still alive, or whether he has left the Colony, or where he now resides, and the crux of the problem was to devise ways and means whereby that information in many instances, already recorded as official data, could be made to flow on from the registers where it is recorded for other purposes, to the registering officer who would then use it and transpose it quickly and easily to the electoral roll and so make them substantially accurate and complete.

The sources of such information, Mr. Speaker, are many. There is one obvious one of which we are all aware, the Central Registration Office, all where, all our finger prints, or almost all, are recorded. (Laughter.)

MR. HAVELOCK: Not yet!

THE ATTORNEY GENERAL: There, Mr. Speaker, there is an abundance of

[The Attorney General] evidence as to identity, as to residence, as to occupation, as to race, which if it were made available to the relative registration officer, would help in a great degree to complete his records. But there are other sources besides that, Mr. Speaker. There is, for example, the Immigration Department, where there is an abundance of information as to the comings and goings of numerous people in this Colony. Again, there is the Production and Manpower Committees where, I am informed, there is a great deal of information as to movements of people, their residence and occupation. In addition, there is the information and data which is recorded by the Town Clerks of the City Council, of the Municipal Boards and the District Councils. And all of that information, Mr. Speaker, could, under proper administrative directive, be collected, collated and canalized so that it went to the registering officer who is engaged in the compilation of the electoral roll.

Now, in the course of the deliberations of the Committee, it was suggested that perhaps the machinery—for after all, this is merely the mechanics of the electoral machine—could be improved if, instead of District Commissioners the town clerks to the municipal boards, the City Council and district councils, were substituted as the district officers in place of the District Commissioners. Mr. Speaker, that suggestion, I think, was based upon an analogy with the United Kingdom practice, but, as hon. Members know—particularly, I think, the hon. Member for Rift Valley knows—analogy based on the United Kingdom practice are not always perfect analogies. It happens not infrequently that upon examination it is discovered that conditions here are very different from what they are in the United Kingdom. So in this case, in the United Kingdom, the territorial boundaries of parliamentary constituency correspond and coincide almost invariably with the territorial boundaries of the local authorities, and consequently the same authority can compile the same register for both purposes. But here in Kenya that position never obtains except in one isolated instance. In Nairobi, at the present time at least, the electoral boundary for this Council coincides with that for the City

Council for the European votes, but for the Asian votes, of course, the electoral areas are entirely different, and it would be obviously absurd to expect the Town Clerk of the City Council here in Nairobi to be responsible for the Asian rolls where the electoral area extends as far as Fort Hall, and beyond. Another example, which was cited to the Committee, was that of the Municipal Board in Kisumu which is situated on the very edge or the fringe of the electoral area of Nyanza and to suggest that the Town Clerk there should be responsible for compiling electoral rolls, which would take in people residing as far away as North Nyanza or in Kisii in South Nyanza, would obviously be an impractical proposition. Therefore, the proposals were driven to the conclusion by the very force of the facts and the evidence tendered before them that there would be no good purpose served, and in fact it would hinder rather than assist a compilation of registers if for District Commissioners there were substituted local authorities. Therefore, the conclusion was reached that steps should be taken to issue clear, emphatic administrative directives to the Central Registration Officer, the Production and Manpower Committee, the Immigration Department and requests be made to the town clerks of the various local bodies that they should, when re-ording data for their own purposes, make available duplicate sets for the registering officers concerned and that that should be done regularly twice a year. And although it is not stated in the report, as it ought to be, there should be a semi-annual revision instead of at present a bi-annual revision. The Committee felt confident if that were done there would be a vast improvement in the accuracy of the registers, and indeed they could then at last be regarded as satisfactory.

Now that, as I say, Mr. Speaker, was the major part of the Committee's work. But there were other matters that they looked at and examined, which are certainly not unimportant. A question has been raised, I gather many times before this Committee, which was appointed with regard to the qualification of Indian voters, in view of the fact that India has now become a Republic within the Commonwealth. That situation is undoubtedly a novel situation. Never

[The Attorney General] before in constitutional history has there been a Republic within a Commonwealth and therefore the Committee quite naturally and properly sought the advice and guidance from His Majesty's Government as to the effect of such a change, and the Committee received advice from the Secretary of State which made it quite clear that as a result of the enactment of an Imperial Statute, the name and short title of which is The India (Consequential Provisions) Act, passed towards the end of 1949—by virtue of that Act, then any Indians who were British subjects before India became a Republic within the Commonwealth retained their status as British subjects, notwithstanding this constitutional change. That is the law; it is clear and unambiguous, and plain for all to see. In consequence of that, of course, it is a logical corollary, that no amendment or change is required in the law to deal with the situation since India became a Republic within the Commonwealth.

That was not the only problem that arose with regard to these constitutional changes overseas with which members of the Committee had to deal. A question was also raised with regard to the Republic of Ireland, and there it was found that the Irish, with their superb talent for making history, had created a situation which was unique, inasmuch as there you have a Republic without the Commonwealth, but which is nevertheless according to English law, not a foreign country. Mr. Speaker, many of us have from time to time turned things inside out, but the Irish appear to prefer to turn them outside in, and certainly so in this case. The Committee gave the most serious consideration to this situation, because it was plain that if the Ordinance remained as it was, since Ireland was a Republic outside the Commonwealth, and the Irish no longer British subjects, these persons could no longer vote at elections. Therefore, it appeared to be necessary to make some amendment to our Ordinance to enable them to play their part in the election and development of the constitution here in Kenya. After giving that matter long and careful consideration, the Committee have reached the conclusion—at

least I feel this must be a correct way of expressing their feelings and their conclusion—that to attempt to devise or develop a British Constitution anywhere, and a Kenya Constitution in particular, without frictions would really be like attempting to play Hamlet without a Prince of Denmark. And therefore that is why, Mr. Speaker, the Irish receive honourable mention in this Select Committee Report.

The Committee dealt with other minor matters, with which I think I need not take up the time of the Council in discussing at this stage. It is I think, Mr. Speaker, a fair summing up of the proposal, and the recommendations of this report, that if they are accepted, they will effect important improvements in the Legislative Council Ordinance, and in the electoral machine. The recommendations themselves are not, nor do I claim that they are, in any way spectacular or startling. On the contrary, it may be said quite fairly that they are prosaic and pedestrian and dull, but at least they have this merit—that they are practical, and that they can be implemented and enforced without a great deal of amending legislation. And if they are implemented and enforced, then the Committee feel that there will be substantial improvements in the electoral machine which will help to function and operate for the next general election in April or May of 1952. As that time approaches Mr. Speaker, and as the date draws nearer when we, on this side of Members' opposition—in some instances I fear it may be a long farewell—at least it will be some satisfaction to us, Mr. Speaker, to know that at the next record a decision of the polls, which will more truly reflect the verdict of the electorate than ever before in history. (Applause.)

SIR CHARLES MORTIMER: Mr. Speaker, I beg to second, reserving my right to speak later in the debate.

LT.-COL. GHERSIE: Mr. Speaker, I would first like to thank the hon. Member for his rather complimentary remarks about myself, which I must say I feel are hardly justified and are certainly rather embarrassing.

[Lt.-Col. GHERSIE]

As a signatory to this Select Committee Report, naturally I support it as I feel there are a number of constructive recommendations which, if accepted by this Council, should result in a more satisfactory working of the Legislative Council Ordinance. On the other hand, Sir, I must point out that as the Mover of the original motion in May of last year, that I am still not satisfied with the position of the qualifications governing the right to vote of a candidate for Legislative Council, and with your permission, Sir, and the indulgence of the Council, I would like to quote from a Hansard record during that debate.

I finished, Sir, by saying, "before concluding there is just one further aspect I propose to stress, and that is in connexion with the actual qualifications governing the right to vote for a candidate for Legislative Council, and I refer in particular to the oath of allegiance to His Majesty the King. We are aware any person elected or nominated to Legislative Council takes an oath of allegiance to His Majesty, but to whom, Sir, do those who elect them owe their allegiance?"

I go on then to say, "my remarks are not intended to raise any racial issue—I am referring at the moment to subjects of a Republic within the Empire," which at present embraces subjects of Eire and India." I then referred to our friends on the Council. "Let us take, for example, the case of our Asian friends, many of whom I am convinced regard Kenya as their home and themselves as Kenya citizens, and I for one welcome them as such, always provided that if they desired the privilege of Kenya citizenship then they must be prepared to owe their allegiance to His Majesty the King and to Kenya, and I suggest that in this connexion every subject of a Republic within the Empire should be given the opportunity of electing to whom they wish to owe their allegiance in order that their status may be determined."

I concluded, Sir, "apart from being one of those who realize that we are to-day living during an emergency period, I also feel that war in the not too distant future is not an impossibility, and therefore we should clarify the posi-

tion before any possible exigency arises. Finally, Sir, I submit that no person unless he or she is prepared to profess and practise loyalty to His Majesty the King and Kenya can claim any right to participate in any degree whatsoever in the government of this Colony".

Now, Sir, I submit that those remarks apply equally to-day as they did then and I suggest even more so. Admittedly, we are not involved in a major war, but what with Korea and the unrest in various parts of the world, the ideologies which have divided the world into two different camps, the tendency of nationalism which is prevalent in the world to-day, I suggest it is more essential than ever that, if there is any shadow of doubt in regard to individual status, it should be clarified. I submit that this subject should not be further delayed and steps should be taken to ascertain the status and loyalty of an individual and on whom we can rely, and if anyone is not prepared to owe allegiance to His Majesty the King, then I suggest he should be debarred from the privilege of the right of franchise.

Further on that point and finally, I suggest that the desirability of introducing into this Colony a Kenya citizenship status should be explored, and, naturally, one of the qualifications of which would be allegiance to His Majesty the King.

Now, Sir, there are just two small points arising out of the report, on which I would like an assurance from the hon. Mover. In paragraph 7 (c) there is a reference: "Registering officers should distribute application forms (with an explanatory note describing the procedure for registration) twice a year to persons who appear to them to be entitled to be registered."

Now, I suggest that it logically follows that registers should be prepared twice annually and thereby incorporating the information that is obtained—I feel it was the intention of the Committee that that suggestion should be incorporated in the report, and I would like an assurance from the hon. Mover that such is the intention.

The other point, Sir, arises on the rules governing the Ordinance, Rule No. 15, which states: "No person shall be admitted to vote at any polling station

[Lt.-Col. Gherzig]

except the one allotted to him". Now, Sir, we realize no one can vote outside his own constituency, but if it is necessary, Sir, to have that particular rule? I realize, and it has come to my notice that during the recent by-election in Nyanza, the constituents in that area were under the impression that they could, in fact, vote at any polling station within that area, and it was not until at the last moment, or four days before the actual election, that a signal was received from, presumably, the Secretary to the effect that they must observe Rule 15. I believe up to that stage the Administrative Officer himself was under the impression that electors could, in fact, vote at any polling station within the constituency. You appreciate, Sir, that in an election there might be a very small margin where the majority is concerned, and if at the last moment electors are confronted with a position that renders them unable to vote, it might have a damaging effect upon the result of the poll, and I would, Sir, like an expression of opinion or clarification from the hon. Member on that particular point, because I know it is exercising the minds of quite a number of people.

I support the report, Sir.

MR. SALLER: Mr. Speaker, until I listened to the remarks of the hon. Member for Law and Order, I had not realized that this was such an exciting document. In fact, I feel that my status as a mere signatory to this report has been raised to that almost of a co-author in a great work which has now received the acceptance of the publishers. But, Sir, although I am a signatory to this report—and I support it, naturally—there is one matter which I would like to mention concerning paragraph 4 dealing with the qualification of voters.

The hon. Member for Law and Order has explained how that paragraph has legislation outside this Colony, but I would like, with respect, that perhaps the word "or" not entirely happy. There is, for instance, in the third or fourth line from the bottom of that paragraph, the expression that "or elected Members of the Legislative Council to British subjects would not exclude Indian citizens from voting for membership". The phrase

"would not exclude" is surely a little unsatisfactory. An Ordinance, in my submission, should state positively who can vote and who cannot vote. Of course, it is based on the legislation to which the hon. Member has referred, but we are also given to understand that fresh legislation may be expected which would perhaps—and, indeed, I would say certainly—materially affect that position. For instance, Mr. Speaker, if there is passed, as we understand may be passed, an Indian Citizenship Act, it would be only natural that those who were governed by that Act, or subscribed to it, would owe their first allegiance, quite properly to that country. It would not, therefore, be so much a question of the retaining of voting rights, as the paragraph goes on to say, but rather of granting the privilege of a vote—and surely it must be a privilege—only to those people, whose first allegiance and loyalty is to the British Crown and the interests of this Colony. I do regard that, Mr. Speaker, as a first essential in the exercise of the vote and especially so in a world which is so full of disquiet as the one in which we live to-day. I hope my remarks will not be in any way misinterpreted, but we are, after all, dealing with a vote in this Colony, a vote which concerns the government of this Colony, and, Sir, I would ask the hon. Member if fresh or new legislation is introduced outside this Colony, then that further examination will be given to this Ordinance, and consideration perhaps also given to the question of a Kenya Colony Citizenship Ordinance, because it can invite people to vote in this country with the knowledge that safeguards exist which would give effect to the basic principle of allegiance and loyalty which I have mentioned.

MR. USHER: Mr. Speaker, I wish first of all to welcome this important document and to congratulate the authors of it on a piece of work very well done.

I have one point of criticism to make and that is that it perhaps does not go far enough and I shall be moving an amendment to accommodate a point of view, which I think has not perhaps been put to the Select Committee as a whole, and certainly not by myself or by reasoned argument. It all depends, Sir, upon section 10, sub-section (1) of the Ordinance. Perhaps I may be allowed to

[Mr. Usher]

read—"No person shall be entitled to be registered as a voter in more than one electoral area at the same time, but such electoral area may be either the normal place of residence in the Colony of the voter, or in the electoral area in which he normally carries on business or is employed." So it will be seen that roughly speaking, one may vote where one lives or one may vote where one works. Now, where you get urban and suburban conditions, a difficulty arises and it has arisen in a rather acute form in the part of the world from which I come. That is, Mombasa. Let me describe the situation; it is this.

A number of people who have lived on the island for years, have had to leave it and find housing outside on the periphery of the island. They, therefore, as it were change, for residential purposes, their constituency. Now, whereas the husband, who probably works in Mombasa, can retain his name on the roll of that constituency, his wife may not do so unless she is also employed in Mombasa. At least, such is the interpretation that has been put upon it. I shall have to refer to that later because the expression "carries on business" is one which needs careful consideration. Now, in fact, these ladies, although they have perhaps crossed the Nyali Bridge and an arm of the sea to live in Nyali, we will say, do not thereby "suffer a sea change into something rich and strange". This place that they have gone to is but a dormitory. A bed and breakfast place almost in some cases. All their interests remain on the island, and their activities are carried out there as usual. It may be playing golf; it may be shopping; it may be attending to their overdraft; doing good works serving upon the hospital on the Board and so on. Their life is in fact not changed at all in any important matter and they do not like this situation at all. It is perhaps no exaggeration to say that consternation—reigns in the "bosom" of these gentle creatures and I am looking for a way in which we may help them out. So, Sir, I wish to move the following amendment to the report. The amendment reads—"That the following sub-paragraph to paragraph 6 of the Report be added", that is to say (d). A colon should be substituted for the full-stop in sub-section (10) and the following

words inserted thereafter, viz.—"Provided that a married woman normally resident with her husband may be registered as a voter in any electoral area in which her husband is so registered."

MR. COOKE: Is the hon. Member in order in moving an amendment to a report? Is not the proper procedure to request the Attorney General to put this in the amending Bill when the amending Bill is brought to this Council?

THE ATTORNEY GENERAL: Mr. Speaker, I would support the suggestion put forward by my hon. friend from the Coast. Although there is no objection to the hon. Member for Mombasa putting forward these views now, the appropriate time to move an amendment will be when the Bill to amend the Legislative Council Ordinance is brought before this Council. At that stage, he can move an amendment to section 10 which is the section that he has in mind.

MR. USHER: Mr. Speaker, on the point of order that has been raised, I am quite sure there is a precedent in this Council for the procedure which I am now adopting, that is to say, to amend the report.

MAJOR KEYSER: Mr. Speaker, on a point of order, would not the hon. Member be in order in drawing the attention of the Council to an omission in the report?

THE SPEAKER: Does no one else wish to say anything on the point of order? We have in the past amended reports of Select Committees. Whether it is right or wrong procedure I am not prepared to say at the moment without further consideration, but we have done it before, and therefore as there is a motion to adopt certain writing, you can move an amendment, as far as I can see on the past rulings, to vary those writings which it is proposed should be adopted.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker, arising out of that, Sir, surely the only way in which the hon. Member could do it, because this is not an amendment so much as something to be added, would be to move it should be an addition to the report, because certain hon. Members have signed this report and if the added paragraph is placed in the body of the report, it makes it appear as if indeed they have signed something to which they may possibly not subscribe.

THE SPEAKER: I agree, of course, that the procedure which we adopted before was wrong. We should never amend a report in the rewording of the report. It should either be adopted or rejected. There is really nothing else. We have done this before and I was not going to alter it without consideration. That is all. It is quite possible for you to raise your objections to the report, vote against it, do anything like that, yet at the appropriate time, when the legislation which this report recommends come in, to bring in then your further proposal. I think that would be the better course.

MR. USHER: Mr. Speaker, I am obliged to you for your learned ruling in this matter. I wish merely to say in self-defence that I had given the Government full notice of the course I was going to pursue. This point of order has been raised by the hon. Member who, I thought, was going to second me at the last moment.

MR. COOKE: On a point of explanation, I understood that, hon. gentleman I have suggested now the procedure which one. The best way would be to request the Attorney General to include it in the Ordinance.

THE SPEAKER: He may give an undertaking to include it in the amending Ordinance. That would be one way out of it. The other was one way out for the amending rules, state why you do not like. That is quite in order in this debate. At the appropriate time when the amending Bill comes before Council amendment.

MR. HAVLOCK: Can you introduce a fresh matter into an amending Bill?

THE SPEAKER: Why not?

MR. HAVLOCK: I was seeking your guidance on it.

THE SPEAKER: I do not see why when a Bill comes before that Council, the Council cannot amend it in accordance with the ordinary rules of procedure. The Council is not bound, having adopted this report, to limit the amendments if that is what you are afraid of.

MR. USHER: Mr. Speaker, I think the hon. Members will have gathered the drift of the amendment which I am not now apparently able to move.

Sir, I suppose that I had better anticipate objections to what I am going to say, although I am not moving an amendment. Had I been moving an amendment I would have had the right to reply, therefore I must anticipate for, in any case, I cannot speak twice.

THE SPEAKER: The hon. Member must recollect that whatever his intentions are finally going to be, the only question before the Council to which you are speaking is whether the report should be adopted. You are speaking to the main motion.

MR. USHER: Mr. Speaker, I can only say that I feel the report is deficient in the particular which I have already mentioned.

Now, Sir, it has been suggested to me that there may be complications by introducing what I have given notice that I shall later introduce, but I ask myself what complications there can possibly be. It seeks to give to a married woman, the option of entering her name upon the one register or the other. It has been suggested to me, and I suggest, frivolously, that the wife should be independent and this seeks to make her into a chattel—absurd! She has a perfect right to enter her name upon whichever register she chooses, and she is protected also by the secrecy of the ballot, so that if her husband urges the claims of a candidate A, she can still, though meekly acquiescing apparently, she may still go and vote for me.

It has also been suggested, Sir, that this is a new principle. I am going to try to show that it is not a new principle in fact. Under the Representation of the People Act, 1918, the following provision exists:—"The husband or wife, as the case may be, of any person entitled to be registered in a constituency in respect of the business premises franchise, and not subject to any legal incapacity, is also entitled to any legal as a voter in the same constituency."

There, Sir, the principle has been clearly recognized. Whether that provision of the law has been repealed I do not know. I had imagined it had not, doubt tell us what is the fact.

Now, Sir, there is a difficulty, and as I regard it a new complication in the law as it exists at the moment, in that

[Mr. Usher] There is some doubt as to the interpretation to be put upon the expression "carries on business". What the word "business" means I will try to explain by quoting from Halsbury on this subject, and in connexion with this legislation too:—

"Business" is a word of extensive use and indefinite signification. It includes almost any occupation, as distinguished from pleasure, which requires time and attention. Receiving payment for what is done is not necessary, and does not make that a business which otherwise would not be a business."

Let us apply that to the situation which I have already described. A wife who has migrated to Changamwe or some such place comes in to Mombasa for various purposes. She does her shopping probably every day; she sees her bank manager; she plays golf; she does good works; she serves upon various committees and so on. What of those things are pleasure and what are business? It is for the individual officer in charge of the roll to decide. The one may say that serving on the Municipal Board is a pleasure and the other may hold that golf is no pleasure. But a business, and so confusion exists. And, I am suggesting that if my proposals were adopted that confusion would be done away with.

Finally, Sir, I feel that this report is different in that respect and I should like to hear an assurance from the hon. and learned Mover that he will give careful consideration to an amendment of the Ordinance when the time comes, inasmuch as the case that I have put forward is consonant with common sense and with natural justice and is in accordance with a principle already established in the United Kingdom.

Council adjourned at 11.05 a.m. and resumed at 11.25 a.m.

THE SPEAKER: With regard to the matter which we were discussing before the suspension of business—that is, the question of amending a report of the Select Committee—it is quite true we did it in the past, and I consider it wrong. We also are in this position. We have before us a motion that the report may be adopted. That motion, like any

other motion, is capable of amendment. For example, a reasoned amendment could be moved to leave out all words after "that", and substitute, say, for example, that the Council agrees with certain recommendations of the report; but also considers that further amendment to the Ordinance is necessary. That is one way in which it could have been done. The danger in that is this: that if the amendment in that form were defeated, and within six months—and the report afterwards was carried—and within six months an amending Bill was introduced, based upon the report, it would not be possible to introduce the amendment again.

I hope that makes the position clear, and in future we do not attempt to amend the report, which is, I say, a signed document by a Select Committee, and should not undergo any alteration at all.

MR. COOKE: Mr. Speaker, I should like to support my hon. friend in his eloquent recommendation to the Committee—that what he advocated should be embodied in the amending Bill later on; and, Sir, as the principal person affected by this suggestion of my hon. friend, I would make it clear that I have no objection to his appropriation or misappropriation—whatever it might be—of those constituents of mine who would personally be involved in this matter. I hope they will give him every support, and I hope he will return to adorn this Chamber next sitting.

MR. BLUNDELL: Mr. Speaker, I should like to join the hon. and learned Mover in congratulating the members of this Committee in their work—with one exception. I make that quite clear, because I do not wish to appear to be against my two colleagues on this side of the Council who signed this report; but I am unable to support paragraph 4 in respect of the provisions which are made for the Irish, and I shall later move an amendment to this report to the effect that it shall be adopted, with the exception of paragraph 4.

I understood you to say, Sir, that that was a procedure which we could take.

THE SPEAKER: You move an amendment to the motion before the Council, if you want to amend the report.

MR. BLUNDELL: Mr. Speaker, in that case I should like to move an amendment in these words: "with the exception of paragraph 4".

THE SPEAKER: To add the words "with the exception of paragraph 4" to the motion.

MR. BLUNDELL: In speaking to my amendment, I will be brief, because I do not think it needs a great deal of words. In my view, the Irish are in a difficult position, because there are, I believe, some Irish who can claim British nationality and, in that event, I should not like to interfere in any way with their rights as British subjects; but, as I see the position, the Irish made a perfectly free choice—it is not a choice which I personally would wish to interfere with at all—but they made a free choice, and that choice was to go outside the Commonwealth and, in effect, the Irish are to-day—especially those Irish who are not British subjects, and those who are born after the period—are, in effect, foreigners; they elected that choice and, that being so, I think they must accept it.

I am unable to agree that in this matter any nation which makes such a choice should, in effect, be able to have its cake and eat it. As I see it, it would be just as logical to allow under paragraph 4 the right of Dares, for instance, to vote. The only reason that the signatories to this report have been led astray in regard to the Irish is due to the long ties of proximity and association over the past; but, in effect, to-day the Irish are—and have elected freely of their own choice to become—a foreign nation.

MR. COOKE: On a point of order, Mr. Speaker, would the hon. Member confine his remarks to the citizens of Eire, and not those of Northern Ireland.

THE ATTORNEY GENERAL: On a point of order, Mr. Speaker, the designation "Citizen of Eire" was abolished in 1949, and the designation "Citizen of the Republic of Ireland" was substituted therefor, and this statute is applicable to this Colony.

MR. BLUNDELL: Would the hon. Member replace wherever I have used the word "Irish" the words "Citizens of the Republic of Ireland"? It is to those persons to whom I am referring. I think I made it quite clear that, until we have a Kenya citizenship, to which the

hon. Member for Nairobi North referred, which would overcome all these difficulties and, bearing in mind all the stresses and strains which are now forming right through the Commonwealth of Nations, I think myself that we shall be wise to accept the position that it was a free choice by the Citizens of the Republic of Ireland to become in effect foreigners. That being so, I fail to see why we should give them any more special privileges than we do, for instance, to Dares.

I beg to move the amendment that the words "with the exception of paragraph 4" be added to the motion.

MR. MACONOCHE-WELWOOD (Uasin Gishu): I second that motion, Mr. Speaker, reserving my right to speak.

THE SPEAKER: You are speaking at the present moment to the motion which is before the Council. You cannot reserve your right to speak. You must speak now or remain silent.

MR. MACONOCHE-WELWOOD: In that case, Sir, I have very little to add to what my hon. friend, the Member for Rift Valley, has said. I cannot see how we can add "Citizens of the Republic of Ireland" specially to this Bill. It is rather like granting a privilege which any other country might request us to give them; it is setting, in my view, an exceedingly dangerous precedent. Certain countries to-day have a desire to retain what may be the dwindling privileges of the British citizenship, while keeping one foot on the other side of the fence, to get over it if it should become uncomfortable. That is a situation which I deplore. If other countries of the Commonwealth wish to become republics and remain within the Commonwealth, that is one thing; but if we set this precedent by telling them that not only can you get out of the Commonwealth when becoming a republic, but also retain British citizenship, then British citizenship is becoming even more of a farce already, in my opinion, it has become

I would also support the idea of Kenya citizenship. That is the only way forward, which I would agree to this way round, feel very strongly that Kenya citizenship would get us out of this very difficult impasse, and I ask everybody to support this amendment.

MR. HAVELOCK: I would like to support the amendment, Mr. Speaker, and on other grounds than those that have been mentioned by previous speakers. There are in Kenya, and especially in my constituency, a large number of Scandinavians who have been in this country and developed it, and have been extremely loyal and good settlers. (Hear, hear.) They have approached me and other Members of Council asking why they should not be given the privilege of voting for the Member of Legislative Council in the constituency concerned, and the answer, the right answer, has always been: "if you are making this country your home, then you can become a naturalized British citizen, and by doing that you will then go on to the electoral roll". That, Sir, is the right procedure, and if you make a special example or, rather, give a special privilege to the citizens of Ireland, then I think you are acting very unfairly towards these other people who have just as much right to claim the privilege of voting in their constituency. Therefore, Sir, I think that the suggestion of the report is extremely unfair, and I support the amendment.

THE ATTORNEY GENERAL: Mr. Speaker, I rise to oppose this amendment, and to express regret that a matter of this importance, raising principles as far-reaching as this, and affecting the citizenship not only in this country, but in the mother country, should have been raised without any prior notice or indication whatsoever to us on this side of the Council. Hon. Members opposite have spoken about the Committee and this recommendation of the Committee being out of step. If they had taken the trouble to inquire into this matter properly they would have seen that in 1949, as recently as that, the mother country—to whom we turn for guidance in this matter, and who is concerned with the historical association between England and Ireland—has given this matter most careful consideration, and has enacted a law as follows:—

"(1) Subject to the provisions of sub-section (2) of this section, the persons entitled to vote as electors at a parliamentary election in any constituency shall be those resident there on the qualifying date who, on that

date and on the date of the poll, are of full age and not subject to any legal incapacity to vote and either British subjects or citizens of the Republic of Ireland."

It would, in my submission, Mr. Speaker, be quite wrong for this Council to take a vote on—what could only be a snap decision—on such a far-reaching matter as this mother country and which should be fully considered by the Secretary of State for the Colonies.

MR. BLUNDELL: Would the hon. Member therefore record the report and consider the matter?

THE ATTORNEY GENERAL: If the hon. Member had given me warning, then certainly we would have considered it. The onus is upon him. If he suggests this should be withdrawn in order to give proper notice of it, and to raise it in such a way that it can be considered in consultation with the authorities in the United Kingdom who are concerned to preserve not merely the citizenship of one Colony, not merely the citizenship of the one part of the Empire, but Commonwealth citizenship and the association between members of the Commonwealth and the Republic of Ireland.

MR. BLUNDELL: I must protest against the hon. Member saying the onus is upon me. I am perfectly entitled as a representative of the people to raise matters as I like in this Council. As it happened, this morning before Council I asked the hon. Member what was the position of a citizen of the Republic of Ireland, and he told me he could not tell me himself, nor could the Chief Justice.

THE SPEAKER: Why should the English become so concerned about Ireland? (Laughter.)

THE ATTORNEY GENERAL: I am not objecting to the hon. Member's constitutional right to raise this question. When I say the onus is on him, I am merely stating what is an obvious fact. If he moves an amendment the onus is on him. That he should quote a casual observation I made to him seems to me to be outside the ordinary practice of the Council—

MR. BLUNDELL: I would like to apologize to the hon. Member.

THE ATTORNEY GENERAL: I take it the hon. Member withdraws his statement.

MR. BLUNDELL: I have apologized to the hon. Member, Sir.

THE ATTORNEY GENERAL: I would ask this Council to consider carefully before passing an amendment of this kind and until we have had a proper opportunity to consider it. When the matter was considered in the Committee no one raised any objection that it was contrary to accepted principles for voting in this Chamber. One argument that has been put forward by the hon. Member for Rift Valley and the hon. Member for Usin Githu is that these people are approving and reprobatng—they are trying to have the best of two worlds. If the hon. Member prefers a metaphor I will give it him. The suggestion is they are both having their cake and eating it, which means in other language, approving and reprobatng; and if that is the suggestion then we should look into the matter carefully, because if the United Kingdom Government has accepted a position like that, well then there must be good reasons for taking a longer view and, I would emphasize, a broader view, which will ultimately be for the benefit of this Colony.

MR. PATEL: Mr. Speaker, I appreciate the reasons given by the hon. Member for Rift Valley in support of this amendment. but at the same time I think it will be ill-advised to pass an amendment of this nature without giving it very careful thought. As we all know, the citizenship which applies to this Colony and colonias, which is governed by the British Nationality Act of 1948. This Act, which applies to this Colony, contains a clause which includes the Republic of Ireland, and in these circumstances I think it would be very unwise to pass an amendment of this nature at such short notice and without careful thought.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker, in rising to support my colleague the hon. Member for Law and Order, I would respectfully suggest to my hon. friend the Member for Rift Valley that he could quite easily withdraw his amendment and have the matter considered at the proper time. That is, of course, when the Ordinance is presented. The words with which we are dealing are in fact "the qualification of

voters . . ." As regards the former, the Committee is of the opinion that the Ordinance should be amended by inserting the words "or a citizen of the Republic of Eire" after the words "British subject" in section 9 (1) (a) (i). That means, of course, Sir, that, as was said in the case of the hon. Member for Mombasa, an amendment to the Ordinance will be brought before this Council, and at that time the matter could be debated. The hon. Member for Rift Valley has indeed given an indication of a certain feeling upon this matter, and the time, the interval which would elapse before the presentation of the Ordinance, the Ordinance to be amended, before this Council, would give plenty of time to investigate the position in full.

It seems to me, Sir, that there is a great deal of force in what my hon. friend the Member for Law and Order said. He said this was something that the Mother Country, whose political maturity we must to some extent at any rate pay great respect, had paid particular attention to and investigated, and had come to the decision that in the interests of the British Commonwealth in particular and the world in general, this recognition of old friendships which have lasted despite what I might call family quarrels, should be made. I would therefore respectfully suggest to my hon. friend that now the wiser step would be to withdraw the amendment, having given in this debate full notice of the position which might arise when the amended Ordinance is presented to the Council.

MAJOR KEYSER: Mr. Speaker, I cannot understand why my friend, the hon. Member for Law and Order, should be indignant at this motion being introduced. After all, Sir—

THE ATTORNEY GENERAL: Without notice—that was my complaint.

MAJOR KEYSER: I cannot see there is any necessity for giving notice. Sir, I did not know what the arguments in favour of the suggestion in section 4 were and I wished to hear them first before I made up my mind. What impressed itself most by the hon. Member in the debate on section 4 motion were the words where he said something to the effect that in the usual way the Irish were able to do something that other people could not; the

[Major Keyser]

average person in the world was able to turn something inside out but the Irish were able to turn it outside in. The thing that immediately occurred to me was, Yes—but not even Irishmen could be outside and inside at the same time. Now, Sir, he said nothing in his opening speech that convinced me that I could support section 4, and therefore I consider that the hon. Member for Rift Valley behaved perfectly within his rights and with proper propriety in moving this amendment now. After all, we are agreeing to the rest of the motion. All we say is we do not agree to section 4. We would like that kept out. That does not mean the hon. Member cannot bring section 4 in at a later date. He can do what he is asking the hon. Member for Rift Valley to do. All he is saying is, do not commit this Council to section 4 now. If he will support the amendment of the hon. Member for Rift Valley, then, Sir, when the Bill comes up for amendment he can reintroduce the subject of section 4, and I think, Sir, it is up to him, in order to allow for greater consideration to be given to the subject—it is up to the hon. Member to support this amendment so that we can have time to think out section 4—that we and Government can have time. If he insists on us agreeing to section 4 then, Sir, what right would we have, if we voted for section 4 to-day—what right would we have in the end? He would in all justice say we were not being consistent if, when the Bill comes up, we moved an amendment. We must show that we do not agree with section 4 now by supporting this amendment. I do hope, Sir, that he will see his way to supporting this amendment in order to do exactly what he wants, in order to give us all time to reconsider this subject.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: On a point of explanation, Sir, the remarks of the hon. Member for Trans Nzoia in regard to the period of waiting should have been addressed to myself and not to my hon. friend the Member for Law and Order.

MAJOR KEYSER: No, no.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I think I was the one who suggested the amendment should be withdrawn in order that this particular step could be taken.

I would suggest, Sir, also in further explanation, that there is by no means anything irregular in voting for the adoption of the report as a whole, while reserving one's right to disagree in detail at a later stage.

LT.-COL. GHERSIE: Mr. Speaker, in rising to support the views expressed by the hon. Member for Law and Order who was Chairman of this Select Committee, as I see the position, the Imperial Government thought fit to introduce certain legislation affecting citizens of the Republic of Ireland. That legislation applies to all British Colonies. In effect all this Committee has done is to attempt to regularize this position as far as this Colony is concerned.

MR. BLUNDELL: Mr. Speaker, in view of the fact that the last word will not necessarily on this subject have been said by the passing of this report, and as I have made quite clear the views of certain Members on this side of the Council, I am quite happy to withdraw the amendment. (Applause.)

THE SPEAKER: I take it by the applause that Council agrees to the withdrawal. The amendment is withdrawn. The debate on the motion continues.

MR. PATEL: Mr. Speaker, I wish to offer one strong criticism to the report and that is in regard to the insufficient attention paid to the need for keeping the Asian electoral roll accurate. I certainly welcome the recognition, however unsatisfactory, of the need for keeping the Asian rolls accurate from time to time. I would also welcome the suggestion made by the Committee that there will be a new Asian electoral roll; but at the same time there are no steps suggested in the report for keeping even that new roll accurate thereafter. Finally, Sir, I would point out in the summary of the recommendations of the Committee on page 4, sub-paragraph (d), which says that special clerical assistance should be provided for registering officers for keeping the European electoral roll up to date, and I suggest the Committee ought to have also said in sub-paragraph (e), after making the recommendations for compiling the new Asian electoral roll, that special clerical assistance should be provided for registering officers for keeping the Asian roll also accurate in future. Now, Sir, it will be very easy to keep the

[Mr. Patel] Asian roll accurate after it is compiled by giving a senior Asian clerk to each of the registering officers in the three Asian electoral areas for keeping an eye on this roll throughout the year and for getting the information from the necessary quarters.

The other point which I wish to make is this, Sir, I notice on the Asian electoral roll that persons who died years back are still on the roll. Now it should be very easy to rectify this. The information can be obtained from the Registrar of Births and Deaths by the returns of the registration officers, and such names could at least be deleted every year.

Now, having made these remarks, Sir, I would like to refer to paragraph 4 of the report, especially in connection with the remarks made by the hon. Members for Nairobi North and Nairobi South. I heartily welcome two of the suggestions made by these two hon. Members:—one, that each voter in this country should have an obligation of loyalty to His Majesty the King and country. (Applause.) Secondly, there is the need for passing a Kenya Citizenship Act. (Hear, hear.) However, Sir, I would like to make a further observation on those two suggestions. When I say that every voter in this country should have an obligation of loyalty to His Majesty the King and country I do not mean interpreted as loyalty to the leadership of any group, however influential or powerful. It has been often asserted in this country from platforms and Press that if any Asian talks against the leadership of a particular country, (No, no.) Well, I have made by certain people of speeches wish to make it clear that when I say I am loyal to the country and to His Majesty the King I do not owe any loyalty or allegiance to any group, or I do not accept the principle of leadership of any group.

Now, Sir, the second point is that there is a great need for passing a Kenya Citizenship Act. At present we are governed in this Colony by the British Nationality Act, and the citizenship which governs us all is the citizenship of the United Kingdom and Colonies. But I must at the same time make it clear

that when a Bill of that nature, namely the Kenya Citizenship Act, will be adopted by this Council, I hope that the necessary corollaries flowing from it also will be accepted. Then all persons of this country should be eligible to have common citizenship with equal opportunities for all. It will be of the nature of the citizenship which prevails in America for the people of various nationalities who do not and settle there. I hope it will not then be said that the Kenya Citizenship Act should have different kinds of citizenship applying to various races living in this country. I hope that will be borne in mind by those who are advocating a Kenya Citizenship Act. (Applause.)

THE ATTORNEY GENERAL: Mr. Speaker, a number of points have been raised in the course of this debate, and I will endeavour to answer them as briefly and as concisely as I can, without taking up, unduly, time of the Council.

The hon. Member for Nairobi North was the first to speak after I had moved this motion, and in acknowledging the compliments that I paid to him, he then—something to my surprise—gave us an encore of the speech that he had made some two years ago. But I would suggest to him, Mr. Speaker, that that speech—which, appropriate though it may have been at the time, in the light of the information he then had—no longer appropriate in view of the investigations that this Committee carried out since that speech was made. Because at that time—indeed, I think I am right in saying until the Committee investigated the matter—we were not fully aware that an Imperial Act had been passed which preserved the status of British subjects for those Indians who previously had held that status only by or descended from the persons who were born in British India. Now, that makes a great deal of difference to the attitude, and the approach, which we should have to this problem as to whether Indians retain this right or have been affected by the changes made in India in 1950 by the changes made in the said—and I think my hon. friend from Nairobi North will agree with me—the argument. Indeed, he did not seek to raise any objection on that account; but

[The Attorney General] he did raise a hypothetical position that might arise if the law were changed. As my hon. friend from Nairobi South knows, the last thing that a lawyer does is to deal with hypothetical cases, the last thing: judges, of course, resolutely refuse to deal with hypothetical cases. I would suggest to him, and to the hon. Member for Nairobi North, that we should cross that bridge when we come to it. It may well be that when the citizenship law is passed in India that that citizenship law will conform in every respect to the Commonwealth citizenship requirements which extend throughout the British Commonwealth, whether they be dominions, the United Kingdom or colonies or protectorates; as, indeed does the citizenship law which has been passed in Pakistan recently. If that should be the case, then the hypothetical case which my hon. friend the Member for Nairobi South postulated would never in fact arise, and we would never in fact be subject to these difficulties.

Several Members have spoken as to the desirability of introducing a Kenya Citizenship law. That opens up a large question—I entirely agree, that it is a matter which should be kept under consideration. At the present time, there are no citizenship laws applicable to any countries within the Commonwealth other than countries that have Dominion status, and in that description I include, for present purposes, Southern Rhodesia and, of course, Ceylon. It is a matter, certainly, which in the fullness of time will be adopted, but there are disadvantages if a Kenya citizenship law should be introduced prematurely; and for the reason that a Kenya citizen would no longer be a citizen of the United Kingdom and Colonies, and it is some advantage sometimes in travelling in remote parts of the world to have a citizenship which is attached to a major power such as the United Kingdom rather than to a smaller territory which may not have acquired that Dominion status which gives it a legal personality in international law. But I can assure hon. Members that the point they have raised is a matter of very great importance, but it is one that could only be solved after very mature deliberation and consideration of all the implications that

would be involved, not only for people in their relationship to this country, but in their relationship to other parts of the Empire and to foreign countries as well.

Now, the other points that were raised by hon. Members opposite were concentrated for the most part, as I understood it, on the suggestion that the report was deficient inasmuch as it did not suggest or accept the view, which had been put forward by certain Members, that wives should be entitled to vote in the same constituency as husbands when her husband was claiming to vote in a constituency by virtue of his business vote, or of his employment vote. That suggestion was put before the Committee by the hon. Member for Mombasa in a letter, and certainly the Committee then did not have the advantage of hearing the oral arguments which have been put before the Council to-day. It was a letter which put forward some reasons, but after careful consideration the Committee came to the conclusion that it would not be practicable, or rather there would be no advantage, in making such alteration at this stage. Indeed, if you examine the proposal of the hon. Member for Mombasa, it does appear to contain within itself a number of contradictions and, indeed, the burden of the proposal is that it would increase the effectiveness of the vote in the business area by allowing the wife of the businessman to cast her vote in the business area. In making that proposal, of course, he assumes that the wife would probably vote in the same way as her husband. It appears to me that he assumes so, because if he does not make that assumption, the result would be—certainly, if there were only two rival candidates—that the husband and wife would cancel each other out, and they might just as well stay at home and "rain", as they say in the House of Commons.

MR. USHER: I must thank the hon. and learned Member for giving way. I particularly said the opposite to that.

THE ATTORNEY GENERAL: I accept the hon. Member's correction. If he assumes that they would vote—if you said the opposite to my assumption, my assumption being that they would vote for the same candidate in order to increase the effectiveness of the vote in the business area—if that assumption is

[The Attorney General] wrong, then I must make the opposite assumption, namely that they will vote for different opposing candidates.

Mr. BLUNDELL: They might vote half and half.

THE ATTORNEY GENERAL: And so cancel one another out or spoil their ballot papers. Certainly, if they were voting for opposing candidates, neither of their votes would count; it is exactly the same principle as when Members on opposite sides of the House of Commons "pair" when they adopt opposite views.

That was not the only fallacy that crept into the hon. Member for Mombasa's speech. He spoke in favour of the married women being allowed to go from their suburban or peri-urban area to vote in their husband's constituency, because, he said in some vague and indefinite way, they carried on business there, because they did shopping there, or called on their bank, or did good works. What about the spinsters? If the spinsters go shopping in Mombasa, why should they not vote there as well? Why discriminate against them? If the argument is good for one, it is good for the other. So my friend the hon. Member wants to give all the spinsters a business vote and—since his definition of "business vote" is so vague—I suppose if you have a spinster going to look for stray cats in Mombasa, that would count as business, just as would shopping. In fact, the Member's speech is riddled with fallacies. I found some difficulty in following what he was saying when he spoke of the suburban or peri-urban areas—I am indebted to the hon. Lady from Ukamba for the word peri-urban—as being only dormitories, bed-and-breakfast places. I was not clear the fact that he was making his argument on rather than on the fact that they were citizens claiming their vote by virtue of their residence. But the greatest fallacy was this: He said that if a married woman moved out of Mombasa with her husband and her family—although he omitted to mention the word family—and set up residence in a suburban area—her interest still remain in Mombasa.

She still plays her golf and goes shopping, or goes to the bank, or carries out her good works. But the hon. Member forgot to mention that when a married woman with a family changes her residence, then her business is at home looking after her children. That is where her business truly lies.

Mr. USHER: I must again thank the hon. and learned Member for giving way. He is perverting, I do suggest, my argument. I maintained throughout that you should give the woman the right to choose between the two. If she has a husband and family she will stay with her husband and family, and there her interest will lie.

THE ATTORNEY GENERAL: It is my submission that a married woman's business—using that word without any precise legal connection—is at home, and that it is where she should stay, that is where she should cast her vote, and not, as the hon. Member would have us believe, take her pram and push it across Nyali Bridge—with all the risk that involves—in order that the hon. Member could smother her children with kisses on polling day.

Mr. Speaker, the argument of the hon. Member for Mombasa is really an argument that is best dealt with by *reductio ad absurdum*. He cited certain English Statutes to show that there was at one time a provision in the English Statutes enabling a woman to vote in the husband's constituency when he had a business vote. But he is out of date, and very much out of date. The business vote was abolished a long time ago, whatever the status of the elector may be.

Mr. HAVELOCK: And men too?

THE ATTORNEY GENERAL: Yes, it matters not, whether they be bachelors, whether they be spinsters, married men or married women. It depends only upon their residence, and other qualifications. Therefore, I would commend to this Council to reject the proposals put forward by the hon. Member opposite.

For those reasons, Mr. Speaker, I move that this report be adopted.

The question was put and carried.

Mr. BLUNDELL: Did I understand the hon. Member to say that he felt the voting qualifications should be by residence only. Was that the inference?

THE ATTORNEY GENERAL: I was dealing with the analogy, which the hon. Member drew from the United Kingdom legislation on the question of wives voting where their husbands had business qualifications.

Mr. BLUNDELL: I am not suggesting any alteration.

Mr. USHER: On a point of explanation the whole point of my argument was that principle that the wife should be able to vote with her husband when that law existed—had been established and should be established here.

THE ATTORNEY GENERAL: That principle is now obsolete and has now been abolished. That does not alter my reference to it.

DOUBLE TAX AGREEMENT

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

BE IT RESOLVED that in the opinion of this Council the proposed Double Tax Agreement between the Government of the United Kingdom and the Government of Kenya, published in the *Official Gazette* on the 7th August, 1951, is a proper Agreement to enter into under the powers conveyed by the Income Tax (Amendment No. 2) Ordinance, 1951.

Sir, it will be recalled that when I moved the second reading of the Income Tax Amendment Bill, I gave an undertaking that should this Council convey the powers which the Government was seeking, the Government, when it proposed to enter into an agreement with any other State, would first publish that proposed agreement and lay it on the table of this Council and so give an opportunity of debate thereon should this be so desired. Now, Sir, it is in the implementation of that undertaking that I am moving this resolution in relation to the proposed Agreement between His Majesty's Government and the Government of this country. It will also be recalled that when I moved the second reading of that Bill, I then dealt exhaustively with the provisions of the Agreement—certainly in a most exhaust-

ing fashion, speaking for myself (Hear, hear.) There are, however, three points in the Agreement which I think, perhaps, call for further emphasis. The first of these points is in relation to paragraph 8 of the Agreement. Now that paragraph seeks to convey certain privileges to Government officials of either contracting country for the time being in the other, but it excludes unofficials from these privileges.

Now, Sir, I did make it quite clear that this was admittedly discrimination as between Government officials and non-officials but I went on to point out that the only way that we could overcome that discrimination was to throw away the advantage in respect of officials which the Government of the United Kingdom was offering, and moreover if we did so throw that away, then having regard to the attitude which His Majesty's Government is adopting in this matter, there would be no *quid pro pro*. However, Sir, I also made it clear that in the view of this Government that privilege ought to be extended to unofficials, and I now make it clear that the Government of Kenya will continue to press the United Kingdom Government for the extension of this facility and privilege to unofficials. (Applause.)

Now, Sir, the second point has reference to paragraph 10 of the Agreement. It will be recalled that of this paragraph seeks to relax the obligation to secrecy imposed upon income tax authorities. It seeks to relax the obligation of secrecy in relation to the exchange of information between income tax authorities in the two contracting countries which have entered into the Agreement. Now, Sir, when the Select Committee dealt with the Bill the members of that Committee expressed some concern about this, but on an assurance that this relaxation extended only to the operation of the Agreement in relation to double tax relief, the Committee felt that the provision in question could be accepted.

The third point is in relation to paragraph 15. It is natural that with an Agreement of this kind, so full of complexities, and so full of potential effect upon the private lives and private affairs of people in this country, that some people would express some diffidence about such an agreement. That is quite

[The Financial Secretary] understandable, but, Sir, I would suggest that the best way of seeing what the full effect of such an Agreement may be is to work it. Let us see how it works. Now you may say, well once you are in it, you are in it. While it is true, however that the Agreement provides that it should continue for an indefinite term, there is also a provision that if any one party to the Agreement wishes to terminate the Agreement, that party can do so by giving six months' notice before the 30th June in any year. Therefore, I say, Sir, that because in my view this Agreement in the long term is a good one for this country, I would strongly recommend that we enter this Agreement. And should it at any time transpire, for any reason, that we should no longer continue as parties to this Agreement, there is the machinery in existence for determination on giving the necessary notice.

In those circumstances, Sir, as I say, I strongly recommend that this Council accepts that this is a proper Agreement to enter into, and I beg to move accordingly.

THE SECRETARY TO THE TREASURY
seconded.

MR. HAVELOCK: Mr. Speaker, in this matter I am speaking on behalf of the Unofficial Members on this side of the Council. I merely wish to say that I support this motion especially in view of the assurances given by the hon. Member as regards paragraph 8 of the Agreement, that he will try, and will continue to press, for the privilege that is now extended to officials only to be extended to unofficials. Also as to the matter that the agreement itself can be abrogated at six months' notice and that the necessary relaxation is only in regard to double tax application for—

THE FINANCIAL SECRETARY: Possibly I can help the hon. Member. The phrase is very carefully worded—that the relaxation is in respect of the operation of this agreement in relation to double tax relief. That is the phrase. (Laughter.)

MR. HAVELOCK: Hon. Members will understand that and I did notice that the hon. Member himself had to read the phrase.

THE FINANCIAL SECRETARY: Quite right.

MR. HAVELOCK: Under those circumstances, Sir, Members on this side of the Council welcome the agreement.

LT.-COL. GHERSIE: Mr. Speaker, there is just one point. Would the hon. Member give an undertaking that investigations will be undertaken with a view to having similar legislation introduced between this Colony and the Dominions of the Commonwealth. There are a number of citizens in this Colony who have financial interests within the Commonwealth, and in the absence of similar legislation, are suffering a certain hardship. I would be glad to hear if the hon. Member would give an undertaking to investigate the matter.

THE FINANCIAL SECRETARY: Mr. Speaker, I think that the hon. Member for Kiambu will require no reply because he simply stated his agreement and that that of his colleagues to the proposal.

With regard to the request by the hon. Member, Col. Gherisie, the position is that this Agreement is a standard one which exists *inter alia* between His Majesty's Government and the Dominions, and I see no difficulty whatever now that the necessary powers have been conveyed to the Governor in Council by the Income Tax Amendment Ordinance—I see no difficulty whatever to extending its effects by a series of agreements with the appropriate Dominions and I give the hon. Member an assurance that we will certainly investigate whether in any particular case we should conclude an agreement. If the hon. Member will give an indication of the particular Dominions he has in mind, we will take those up as a priority.

The question was put and carried.

ADJOURNMENT

THE SPEAKER: That, I think, concludes the business and Council will now stand adjourned *sine die*.

Council rose at 12.22 p.m. and adjourned *sine die*.

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Third Session—Fifth Sitting

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Whyatt, Mr. J.—
(See Attorney General)



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

COUNCIL INAUGURATED
JUNE, 1948

VOLUME XLV

1951

FOURTH SESSION—FIRST SITTING
30th October, 1951, to 20th December, 1951

List of Members of the Legislative Council

President:

HIS EXCELLENCY THE GOVERNOR, SIR P. E. MITCHELL, G.C.M.G., M.C.

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. J. WHYATT).

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 LABOUR (HON. C. H. HARTWELL).

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

Nominated Official Members:

HON. F. W. CARPENTER (Labour Commissioner).

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

*HON. J. H. INGHAM (Secretary for Agriculture and Natural Resources).

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

*HON. W. PADLEY, O.B.E. (Secretary to the Treasury).

*HON. P. E. H. PIKE (Acting Solicitor General).

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

HON. G. M. RODDAN (Director of Agriculture).

*DR. THE HON. E. A. TRIM (Acting Director of Medical Services).

European Elected Members:

HON. M. BLUNDELL, Rift Valley.

HON. S. V. COOKE, Coast.

LT.-COL. THE HON. S. G. GIERKIE, O.B.E., Nairobi North.

HON. W. B. HAYLOCK, Kilimbu.

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

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

HON. L. R. MACDONALD-WELWOOD, Usuin Gishu.

HON. C. W. SALTER, Nairobi South.

HON. LADY SHAW, Ulamba.

HON. MRS. A. R. SHAW, Nyeri.

HON. C. G. USHU, Mombasa.

* Temporary Member.

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—(Contd.)

Asian Elected Members:

HON. C. B. MADAN (Central Area).

HON. I. E. NATHOO (Central Area).

HON. A. B. PATEL, C.M.G. (Eastern Area).

DR. THE HON. M. A. RANA, O.B.E. (Eastern Area).

HON. A. PRITAM (Western Area).

Arab Elected Member:

HON. SHARIF MOHAMED SHATRY

Nominated Unofficial Members:

Representing the Interests of the African Community:

HON. J. J. K. ARAP CIEMALLAN.

HON. J. JEREMIAH.

HON. E. W. MATHU.

HON. B. A. OHANGA.

Representing the Interests of the Arab Community:

HON. SHERIFF ABDULLA SALIM.

Acting Clerk to Council:

J. H. BUTTER

Assistant Clerk to Council:

E. V. BORRETT

Reporters:

MISS R. SCEELEY

MISS E. FRASER



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

FOURTH SESSION, 1951

Tuesday, 30th October, 1951

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 30th October, 1951.

Mr. Speaker took the Chair at 10 a.m.

The proceedings were opened with prayer.

PROCLAMATION

The Proclamation summoning Council was read by the Acting Clerk.

ADJOURNMENT

Mr. Speaker adjourned Council at 10.05 a.m. to await the arrival of His Excellency the Governor, Sir Phillip Euen Mitchell, G.C.M.G., M.C.

Council resumed at 10.25 a.m. when His Excellency arrived and took the Chair.

COMMUNICATION FROM THE CHAIR

His Excellency delivered the following Communication from the Chair:—

Mr. Speaker, honourable Members of the Legislative Council.

We are assembled to-day as is our custom at this time of the year for the Budget Session at which the Finance Member will lay before you his estimates of revenue and expenditure for the year 1952 and will seek the necessary appropriations for the maintenance of the Public Service.

You have already, by resolution, expressed your gratification and relief at the steady improvement in His Majesty the King's health and your delight at learning of the projected visit of Her Royal Highness the Princess Elizabeth

and His Royal Highness the Duke of Edinburgh. I need do no more, therefore, than to repeat that the whole country has received this very good news with joy and enthusiasm and will give our Royal and much beloved visitors a real Kenya welcome. Just before I left Government House this morning, I received two telegrams which I will read to hon. Members. One is from the retiring Secretary of State, Mr. James Griffiths, and the other is from the new Secretary of State, Mr. Oliver Lyttelton:—

"Circular 40. Following Personal from retiring Secretary of State. Begins: It is with profound personal regret that I am giving up the office of Secretary of State for the Colonies which I have been privileged to hold for the past 20 months. During that time through my work in the Colonial Office and my visits overseas I have come vividly to appreciate the magnitude of the problems with which the people of the territories associated with this Office are everywhere faced to-day. I have also been deeply impressed by the devotion and ability with which the members of all branches of the Colonial Service are co-operating with those people in seeking solutions to their problems. At no time has their work been of greater significance not only for the people immediately affected but also for the British Commonwealth and indeed the free world as a whole. I owe [to you and] to all those serving in the territory under your administration the most sincere gratitude for the vital part which you are playing in this great partnership and for all the

[H.E. the Governor] splendid help which you have given me as Secretary of State. Your contribution continues to maintain the highest tradition of the great Service of which you are members. I send you my heartfelt thanks and my best wishes for the future.

JAMES GRIFFITHS, Esq.

"Circular 31, Personal from Secretary of State, Begins: As you have already been informed His Majesty the King on October 27th entrusted me with the charge of the Colonial Office.

2. I enter upon this great office with full realization of the vital importance of its work both to the people of the territories associated with it and to the British Commonwealth and the democratic world. I know how numerous varied and complex are the questions to be answered in those territories but I also know with what energy capacity and high sense of purpose all concerned with them are striving to find answers. I am glad and honoured to have the opportunity to play my part together with the people of the territories for which I now have responsibility and with the Colonial Service in the common effort upon which you are all engaged.

3. Please give this message such publicity as you may think appropriate, Esq.

Hon. Members will no doubt wish me to send in reply a message of welcome and goodwill to Mr. Oliver Lyttelton on his assuming the onerous duties of Secretary of State for the Colonies and in doing so to express also to Mr. James Griffiths, whose visit to the Colony gave such general pleasure, their appreciation of his interest in and care of our affairs while he was Secretary of State.

We meet in anxious and difficult times. In the field of foreign affairs, there is much to cause us concern. Recent events in respect of the oil dispute in Persia affect us directly since it has been the Abadan refinery that we have been in the custom of obtaining our oil supplies. We cannot, again, fail to be profoundly affected in this region by the events now taking place in Egypt, in

their effect at least upon the Suez Canal and possibly upon our air communications.

Here in Kenya we have enjoyed an exceptionally good rainy season. Crops have been excellent and stock thrives. The prices for everything we are able to export are highly satisfactory and confidence in the Colony continues to be shown by substantial internal developments, especially industrial. These conditions have their other side. Housing for all races is still very inadequate despite unprecedented building. The cost of living continues to rise with the cost of all raw materials, fuels, capital and consumption goods and food, whether locally produced or imported. I shall return to the matter of housing later. The rising cost of living has engaged the continuous anxious attention of my advisers and myself; we have maintained such measures of restraint or mitigation as lay in our power, and it is a fact that the principal articles of food are as cheap here, or cheaper, than in most countries, if subsidies are discounted. But I feel obliged to observe that to suggest that it is within the power of a Colonial Government to influence its economy, its price and wage levels, from processes which are common to the whole world is unrealistic and likely to mislead.

The year that is now about to close has been therefore a difficult one—both economically and financially. During the greater part of the year prices have risen steadily and their effect upon the cost of living and the cost of Government administration has been a constant source of anxiety, to Government and public alike. It is inevitable that on this score alone the request for supply which the Member for Finance will place before you to-morrow will show a substantial increase over that placed before you last year. The principal reasons for increases are the cost of living allowances, and greatly augmented charges for education and defence, deriving from the laws of the Colony and decisions on policy taken with the approval, indeed at the instance, of this Council.

Steadily rising prices have, of course, had an equally disturbing effect on the cost of the development programme. The present assessment of the position discloses that foreseeable funds are

[H.E. the Governor] £4,500,000 short of the Planning Committee's estimate of what ought to be found for essential development. Unless we are prepared to accept the consequences of a drastic diminution of urgently needed capital investment over the period of the Plan the problem of this gap will have to be tackled. The question is one which has been under consideration by myself and my advisers for a long time; proposals will be made to you to deal with it.

If the Government's proposals for capital expenditure on development are accepted by this Council, my financial advisers have agreed that the Development and Reconstruction Authority may spend approximately £6,000,000 during 1952, allowing for all sources of revenue, inclusive of grants from the Colonial Development and Welfare Vote, contributions from revenue and loan funds.

Half this provision is required to finance a very large building programme, which includes many new schools to meet the pressing educational needs of all races as well as houses, extensions to hospitals, police stations and prisons. A new feature of the capital Budget is the inclusion of provision for military buildings, the construction and maintenance of which have been taken over by the Public Works Department. The cost will be borne in agreed proportions by the territories concerned and by His Majesty's Government.

Large sums have again been included in the estimates for the exploitation of the natural resources of the Colony in accordance with the recommendations of the Development Committee, as endorsed by the Planning Committee. In addition provision is made for loans to be made to local authorities, mainly in respect of water supplies and housing schemes.

In continuation of its five-year road reconstruction programme, the Road Authority intends to execute works up to a value of approximately £16,000 on the primary and secondary road networks. As part of this capital programme there will be provision for the continuation of the schemes now in progress on the Thika-Sagana road, the Nairobi-Mombasa road, and the Great Trunk Road in the region of Mau Sum-

mit. In addition, as a result of a comprehensive review made during the current year by the Authority, grants will be made to both European and African local authorities for capital improvements to roads in their respective areas. This programme aims at the achievement of a high class gravel standard for all roads. Sufficient funds are not yet in sight to make it possible to contemplate large-scale bituminization of the Colony's roads at the present level of costs.

The Authority intends to promote legislation, in the form of a comprehensive Roads Bill, which it is hoped will be introduced during the coming session, with a view to improving the general administration of roads throughout the territory.

During the course of the coming year it is hoped to bring banking legislation up to date. The failure of the Exchange Bank of India has caused my advisers to give further consideration to the safeguards provided by the existing law; their conclusions are that new legislation is desirable.

Due to rearmament the supply of certain types of goods and raw materials is likely to be restricted and this will apply in particular to metals. It still remains essential to curtail the expenditure of hard currency to the minimum. Agreement has, however, recently been secured to the introduction of open general licences in respect of a wide range of goods from certain European countries.

Matters of policy affecting the operation of the Increase of Rent (Restriction) Ordinance will be submitted to you.

It is proposed to introduce a new Bill to replace the existing Industrial Licensing legislation with the object of clarifying procedure and simplifying administration in the light of the experience gained by the East African Industrial Council since the present law was enacted in 1948. Amendments to the Diamond Industry Protection Ordinance and the Trading in Unwrought Metals Ordinance will be introduced with a view to improving their effectiveness. Revised Rules for the administration of the Weights and Measures Ordinance will be laid on the Table.

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A firm of consulting engineers has been employed to report on the suitability of a site for a new aerodrome at Embakasi, to replace the present aerodrome at Eastleigh. This report will be available in the near future and if it is favourable, further discussion of the means of financing the project will take place with His Majesty's Government. I should make it clear that this Government has been in favour of such a project for the last seven years, provided a means to finance it can be devised which will not place an excessive strain on the finances of the Colony. Since a great deal has been said and written about the defects of Eastleigh it may not be out of place to observe that the largest aircraft hitherto in service have used it continuously for many years without an accident.

You will be invited to consider measures designed to assist the development of gold mining and to encourage the investment of new capital in this industry.

The recruitment of fully trained agricultural and specialist officers is still very difficult. With the great expansion of agricultural research and advisory services in the United Kingdom, the Colonial Service has, at least temporarily, lost much of its former attraction. There are encouraging indications that more and more Kenya-born youths are equipping themselves for this service.

In both the European and African areas, the standard of farming is improving. The recent comparatively prosperous times have made possible a change over from monoculture to a more balanced system of farming; this welcome trend will receive every encouragement from the Department. In 1952, it is intended to devote special attention to the problem of grass improvement.

The demands now being made on agricultural land in Kenya are heavy. To meet these demands, it will in future be necessary to make use of areas which are at present largely unproductive. Research and investigation must be intensified in these areas with the aim of devising agricultural techniques which will enable such lands to carry a much

heavier population of human beings and animals than they at present carry. It is probable that the problem ought to be studied on an East African rather than a local basis.

A capital grant of £218,000 from Colonial Development and Welfare Funds will make it possible to provide additional facilities, for agricultural research and investigation.

Grants from the Colonial Development and Welfare Votes have enabled a start to be made with the new Pig and Poultry Investigational Centre at Naivasha and to extend our knowledge of breeding diseases of dairy stock.

In order to check the spread of trypanosomiasis into the Sotik farms and the adjoining Kirisigis Reserve, large-scale bush clearing in the Cis Mara part of the Mara Section of Masai will be undertaken.

The Kenya Meat Commission's new works at Athi River are to be opened in May or June next year, and major extensions to the Uplands Bacon Factory are projected. With these two modern plants in operation, the export of meat from Kenya will assume increasing importance in the Colony's economy.

Despite staffing difficulties, the Forest Department is now ready and able to embark upon a greatly expanded programme of forest development in order to build up its timber crops and capital equipment to meet the future heavy demands that must be made upon it.

It is expected that the planting programme will be maintained at about 8,500 acres of plantations in 1952. This total will include about 6,500 acres of exotic conifers. Care is being taken to multiply the species in the planting programme in order to minimize the dangers of disease.

The timber industry is working at full capacity owing to the heavy demands for timber, both for internal use and for export. The present yields from the forests are the maximum which they can safely stand without creating the risk of a timber famine until the plantations reach maturity to relieve the pressure on the remaining indigenous forest crops.

The recent increase in timber royalties should have a marked effect in

[H.E. the Governor]

1952, when it is expected that forest revenue should exceed £200,000.

Export Grading Rules for timber have recently been introduced, thus bringing the three territories into line and ensuring that only good quality timber may be exported.

The work of the Forest Boundary Commission should be completed by the end of 1951, and the boundaries of the forests will then be finally stabilized.

The African Land Utilization and Settlement Section will continue to supply the initial capital and organization for specific schemes of improved husbandry in its widest sense, including the opening up for occupation by people and livestock of areas at present unused or little used owing to factors such as water shortage, lack of communications and infestations with tsetse fly and dangerous game. The sum of £271,000 is being included in the 1952 Draft Estimates of the Development and Reconstruction Authority for this work, which includes further rehabilitation in Machakos District; the Makueni settlement, where this year's target of 400 families on the land is expected to be reached soon; the development and control of relief grazing areas on the Yatta and at Simba, and adjoining areas; an irrigation project at Kibwezi; a scheme of settlement with goats near Darajani and the opening up of the Chepalungu area and the Lambwe Valley.

Preliminary investigations have been made into the possibility of creating some form of title or right of occupancy for economic farming units held by individual Africans in the native lands. These investigations, which were begun as a result of representations by prominent Africans, will be pursued with the object of evolving within the framework of the Native Lands Trust Ordinance some form of legal title which will give security of tenure and help development loans and help to prevent the subdivision of land into uneconomic units.

It is proposed to bring into effect early in 1952, the recently enacted Water Ordinance.

Work will continue on township water supplies; most of the schemes in hand should be completed during 1952.

In the African areas, borehole location and drilling will be carried out. Subject to the results which are now awaited of the pilot scheme, it is hoped to proceed with the main Dixey Scheme of water conservation in the Northern Province and Samburu.

It is expected that the Rongai River tunnel and pipe-line will be completed during the coming year.

Financial arrangements for the new scheme of water for Mombasa from the Mzima Springs are expected to be completed shortly.

The coming year will see the continued expansion of educational services for all races. The programme for African education laid down by the Beecher Committee will be under way. The Government's commitments under the law for Asian and European education must also be met, and an extensive building programme, either by Government or by the communities and voluntary agencies on a capital grant-in-aid basis is to be carried out. The most important will be the beginning of work on the Royal Technical College of East Africa in Nairobi.

The changing conditions of education and the acceptance of the Beecher Committee Report have made it necessary to bring the Education Ordinance of 1931 into line with modern requirements and Government will present a new Educational Bill intended to achieve these objects.

In the field of Medical Services, the money that is available is being directed as much as possible towards the national responsibility of preventive medicine. Districts and communities will have to look increasingly to their own resources, assisted by Government grants, for the provision of curative services. It will be Government's policy to encourage local authorities to take an increasing share in the responsibility for lifting the public health services to a higher standard than the Central Government cheque can provide.

A Bill is being prepared to enable District Councils in the settled areas to advance to greater responsibility and control of their own affairs, should they wish to.

In the sphere of housing the Government policy will be to assist local authorities to provide housing for

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Africans in urban areas on a unit grant basis for approved schemes. It is pursuing its policy of assisting Africans to build and own their own houses and plots of land in urban areas. In the Thika areas, a pilot scheme of assisted building by Africans is well under way. I hope that this will encourage local authorities to provide houses of possible on an economic, tenant purchase basis.

The problem of housing for the European and Asian communities in urban areas is also serious. It must be recognized that housing is mainly a responsibility of the local authority, although Government does everything that it can to assist in the solution of this problem. Government has made land available free to local government authorities for housing estates for the needs of all communities. It has called for a list of local authority housing programmes to enable it to consider what further assistance it can render. It has made land available for residential development at low cost and is reviewing the possibility of more land being released for private as well as municipal development. Government hopes that the steps it has taken and is taking will encourage urban authorities to press forward with the provision of accommodation for Europeans and Asians as well as Africans. It believes, however, that the soundest policy for these authorities to adopt is that wherever possible these schemes should be on an economic and tenant purchase basis, enabling the occupier thereby gradually to become the owner of property.

The Whitley Council method of consultation and negotiation with the public service will begin shortly, with the creation of a central Whitley Council on which all three staff associations will be represented. The institution of Whitley Councils was originally proposed in 1948 by the East African Salaries Commission, and the matter has subsequently been examined by an expert lent by the United Kingdom Ministry of Labour and discussed with service associations. I hope and believe that the Council will achieve a useful purpose.

The establishment of a Public Service Commission is being considered. As soon

as the Whitley Council is at work it will be invited to consider the matter.

Continued progress has been made with defence plans, in collaboration with defence plants, in collaboration where necessary with the service authorities. Hon. Members will fully understand that defence plans necessarily include much that must remain secret.

The Compulsory Military Training Ordinance will begin to operate actively in 1952, when about 200 Kenya youths are to be trained in Southern Rhodesia.

The combined cadet forces of the Prince of Wales, Duke of York's and St. Mary's Schools were revived in the latter part of this year and will be expanded in 1952.

An important part of defence arrangements is the review of European manpower, in order to decide in advance, so far as possible, who will be available for military service if required, and who should be retained in his civil occupation. The Compulsory National Service Ordinance, which was enacted early in 1951, has recently been brought into operation to give legal status and powers to the production committees in this matter.

A new Trade Union Ordinance will be introduced next year, to replace the existing Ordinance. The trade union movement is in its infancy in East Africa; only a fraction of the workers belong to unions, and many of those are employees of the Government or High Commission Departments or the Railways and Harbours. In many cases the standard of education and information of the members and officers of the unions is insufficient to enable them fully to understand the proper functions and obligations of a trade union. The new legislation will take all these facts into account, and make provision for associations of workers below the trade union level; for probationary trade unions; and for greater discretion to the Registrar of Trade Unions.

Arrangements for trade testing will begin in the coming year, using at this stage the existing staff of the Labour Department.

The Factories Ordinance which was passed in 1950 came into operation in September, 1951, and will therefore

[H.E. the Governor]

begin to have practical effect during the coming year.

It is intended to continue the measures taken in 1951 for closer administration in both African and settled areas and if the staff position permits, to post a small number of administrative officers to specialize in community development work in African areas.

The new African Courts Ordinance will be brought into operation as soon as the subsidiary legislation necessitated by it has been prepared and has obtained the approval of this Council.

The broadcasting service for Africans in the vernacular has recently been increased. It is hoped that cheap dry battery wireless sets will be available locally for purchase and the possibility of rediffusion services in the larger towns is to be investigated.

Particular attention will be paid in the Police Force to training and consolidation so that the best possible use may be made of the existing strength and material. It is intended to take further steps to raise the standard of the individual African policeman. The Police Force continues to be a popular career for Africans, and, save when a high standard of literacy is required, many more recruits offer than can be accepted. Whilst retaining the overall efficiency of the Force, all possible economies will be effected, particularly in the use of motor transport.

The building of the new Mombasa Prison to replace Fort Jesus has been commenced with convict labour and it is hoped that most of the prisoners in Mombasa will have moved into it by the end of 1952. Progress is also expected with the new prison at Kamiti Downs near Nairobi, which includes a Corrective Training Centre. These establishments will replace existing prisons and will not sensibly affect the problem of prison overcrowding. It is proposed to deal with this by setting up a number of temporary prison camps built by convicts and containing from 100 to 500 men in various areas of the Colony, where their labour can be put to the best economic advantage.

It is the intention to station a Judge of the Supreme Court at Kisumu as

soon as the new court building at present under construction there has been completed. The Department will be the Custodian of Enemy Property will be abolished at the end of this year and the Registrar General will assume responsibility for such matters concerned with enemy property as remain to be cleared up.

In view of the social problem which the increase in gambling presents, and of anomalies in the existing law, a committee will be appointed to inquire into the existing law and practice relating to betting, gambling and lotteries and to report what changes, if any, are desirable or practicable.

Early in the New Year there will be a general election and a reconstitution of the Legislative Council in the manner and for the interim period covered by the agreement reached with the previous Secretary of State on his visit to the Colony. Legislation will be laid before you to make temporary amendments to the Legislative Council Ordinance to give effect to that agreement. It will, in the circumstances, be legislation to provide for one general election only.

As this is likely to be the last occasion upon which I shall have the privilege of presiding at a formal opening of the Legislative Council, I take this opportunity of expressing to hon. Members my sincere appreciation and gratitude for the courtesy, sympathy and understanding which I have invariably experienced at their hands in the seven years since I became Governor of Kenya. Responsibility for public policy is a difficult thing at all times and in the years since the war has been exceptionally difficult; and far from there being any visible lessening of the complications and uncertainties with which we are confronted, the future seems to me to be more enigmatic than ever. There are so many uncertainties, so many imponderables, in the world situation to-day that it is a very heavy task to try to discern the right line of policy in our local affairs at the present time. I claim no more than that my advisers and I, according to such experience and knowledge as we possess, have laboured to the best of our ability and judgment upon the policies we have followed and which are reflected in the supply

[H.E. the Governor] resolutions and legislation to be laid before you. I pray that you may be guided by Divine Providence to reach right conclusions in these matters and I know that you will have no purpose or object in mind other than the welfare and good government of His Majesty's loyal subjects in Kenya.

At 10.50 a.m. His Excellency retired and Mr. Speaker resumed the Chair.

MINUTES

The minutes of the meeting of 25th October, 1951, were confirmed.

PAPERS LAID

The following papers were laid on the Table:—

By THE FINANCIAL SECRETARY:

Schedules of Additional Provision Nos. 8 of 1948, 8 of 1949 and 6 of 1950.

ADJOURNMENT

Council rose at 10.35 a.m. and adjourned until 10 a.m. on Wednesday, 31st October, 1951.

Wednesday, 31st October, 1951

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 31st October, 1951.

Mr. Speaker took the Chair at 10.04 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 30th October, 1951, were confirmed.

PAPERS LAID

The following papers were laid on the Table:—

By THE FINANCIAL SECRETARY:

The Draft Estimates of Revenue and Expenditure of the Colony and Protectorate of Kenya for the year 1952.

By THE ACTING CHIEF SECRETARY:

The Draft Estimates of Expenditure and Memorandum of the Development and Reconstruction Authority for the year 1952.

ORAL ANSWERS TO QUESTIONS

QUESTION NO. 1

MR. BLUNDELL (Rift Valley):

Will Government state:—

(a) The numbers of European, Asian, Arab and African students who are at present overseas for University, technical or higher education giving the countries in which the students are undertaking their studies?

(b) The numbers under (a) above by race who are financed (i) by their own resources and (ii) by public moneys in whole or in part?

(c) The numbers also under (a) above by race, who are married and accompanied overseas by their wives?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: It will be appreciated that many students make their own arrangements to proceed overseas for higher education and Government can, therefore, only give accurate information in respect of those students who receive assistance from public

[The Member for Education, Health and Local Government].

The term "public funds" has been taken for the purposes of this question to include Government Overseas Bursaries, Colonial Development and Welfare Scholarships, Ex-Servicemen's Bursaries, British Council, Prince of Wales School, Kenya High School, Government Indian High School and Alladina Visram High School Scholarships. It does not, however, include loans under the Government Educational Loans Scheme or Government of India Scholarships.

2. The information required in respect of those students receiving assistance from public funds is as follows:—

	United Kingdom	India	South Africa	New Zealand
European	39	—	14	1
Asian	22	41	5	—
African	18	—	—	—
Arab	5	—	—	—
Goan	—	11	—	—

It should be noted that the amounts received vary from student to student and from one type of award to another.

3. In addition, Government is aware of the following students overseas who are not assisted by Government funds:—

	United Kingdom	India	Pakistan
European	108	—	—
Asian	93	(Cannot be ascertained)	2
African	4	11	—
Arab	—	—	—

	South Africa	New Zealand	U.S.A.
European	10	—	—
Asian	—	—	—
African	1	—	2
Arab	—	—	—

4. Accurate information about the wives of European and Asian students is not available. One European Colonial Development and Welfare scholar is known to be married and to have his wife in the United Kingdom.

A number of African students are married but only one has his wife with him overseas in the United Kingdom.

MR. COOKE (Coast): Mr. Speaker, arising from that answer, will the hon. gentleman give an assurance that the liaison officers at home will keep in close touch with all students whether assisted by Government funds or not.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker,

Government will be pleased to give that assurance, in so far as it is possible to give it, with regard to people who do not rely upon any assistance from public funds for their education. In so far as people who rely upon assistance from public funds for their education either in whole or in part, Government can give that assurance definitely.

MR. MATHU (African Interests): Mr. Speaker, arising from the previous reply, will the hon. Member say why it so happens that it is only African students who happen to be married? Is it because they like to marry more quickly than the other races or is it because there is a policy of Government which gets these students to marry before they can apply for scholarships?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I am not quite certain, Mr. Speaker, at what the hon. Member is getting, whether he is trying to insinuate in any way that Government has anything to do with whether an African marries or not. Perhaps the hon. gentleman would clarify his question and relate it to the educational answer I have given.

MR. MATHU: Mr. Speaker, would the hon. Member say why it is that the regulations for African bursaries provide that only the African applicants who have completed a course at Makerere and have again come out and worked in the field for a number of years, can be accepted, and why that provision does not apply in the case of bursaries for other races?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I think the answer to that one is that an educational standard of a fairly high quality is insisted upon by Government before bursaries are granted to members of any race.

QUESTION NO. 5

MR. CHEMALLAN (African Interests):

(a) Will the Government please state how much the East Suk tribe in the Baringo district paid in cash or in kind or both for the levy which was imposed upon them as a result of the disturbances which took place at Kolloa in that district in April, 1950?

(b) Will the Government please state why it was justified in imposing the

QUESTION NO. 7

[Mr. Chemallab]

levy upon the whole tribe, considering that isolated nomadic life, and when the culprits of those who took part knowingly in the affray had either been killed during the fight or had been apprehended and consequently punished?

THE CHIEF NATIVE COMMISSIONER: The contribution towards the cost of the levy force in question was made by the East Suk in terms of cattle only, the proceeds of the sale of which were credited to Government and amounted to £8,980.

2. A magisterial inquiry was held in June, 1950, in accordance with subsection (2) of section 53 of the Police Ordinance, in order to apportion the cost of the Police levy force among the inhabitants of the East Suk locations of the Baringo district.

The Magistrate, after a full inquiry, apportioned the fine in accordance with the degree of support given to Lucas Pketch and his band of *Dinji ya Mambwa* adherents, as follows:—

	Per cent
Location Katossi	35
Location Lojamarok	35
Location Tirioko	20
Location Ribkwo	10

Persons of "Mainia" age grade owning less than ten head of cattle were exempted from responsibility to contribute to the fine.

MR. CHEMALLAB: Mr. Speaker, would the hon. Member please give an answer to the second part of the question: "Will the Government please state why it was justified in imposing the levy upon the whole tribe . . . (inaudible) in the future."

THE CHIEF NATIVE COMMISSIONER: Mr. Speaker, the imposition of a fine was the result of a magisterial inquiry and I am not in a position to question that inquiry.

MR. MATIUO (Central Area): Before asking Question No. 7, Mr. Speaker, may I point out that I am Member for Central Area, not Eastern Area, as stated on the Order Paper.

THE SPEAKER: I have got it on the Order Paper. I must call Mr. Natioo.

MR. NATIUO:

1. Is Government aware that the production of sugar has dropped in Uganda this year, and that the total importation from that Territory will be much less than last year?

2. If the reply to the above is in the affirmative, will the Government state what steps have been taken to increase production of sugar in Kenya and what representations have been made to the High Commission so that efforts can be made in the adjoining territories to increase sugar production as supplies from overseas are likely to be uncertain, particularly when the international situation deteriorates?

THE SECRETARY FOR AGRICULTURE AND NATURAL RESOURCES: 1. Yes, Sir. 2. The Kenya Government has taken the following steps to increase production of sugar in Kenya:—

- (1) The subsidy to producers has been restored with retroactive effect to the 1st January, 1951, and at a rate of 2 cents per lb.
- (2) The advantages which accrued to Uganda producers when the excise duty of 2 cents a lb. was removed in July in that Territory have been extended to Kenya producers.
- (3) Producers in the Kibos area at the instigation of the Government have agreed to organize themselves into eight groups to make the best use of transport facilities and to arrange staggered planting and delivery of cane to the factory.
- (4) New improved varieties of cane have been imported and are undergoing trials.
- (5) Cultivation and fertilizer trials are being conducted both on the Government experimental farm and on estates.
- (6) Suggestions made by Dr. Turner, a sugar agronomist from the West Indies who recently visited Kenya to report on the industry, are being examined and tested both at Miwani and at Bamisi.
- (7) An Asian Assistant Agricultural Officer has been appointed to work full time on sugar problems in the Kibos-Miwani area.

QUESTION No. 8

[The Secretary for Agriculture and Natural Resources]

(8) The possibilities of organized production of cane by groups of Africans is being tested out.

As regards representations to the High Commission to stimulate production in other territories, the matter was raised at the last meeting of the Production and Supply Council when the East African Governments were invited to consider measures to achieve an expansion in sugar production. A meeting of representatives of the three Territories is to be called shortly to consider the practical means of implementing the policy of economic self-sufficiency in East Africa, and the sugar industry is one of the industries which will be considered at that meeting.

MR. MACONOCHE-WELWOOD (Uasin Gishu): Mr. Speaker, arising out of that answer, is the hon. Member aware that the price of sugar to the local grower is about half the price at which it would be imported, and that possibly the price factor has had a great deal to do with the shortage of sugar.

THE SECRETARY FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, it is in realization of the fact that the price factor has had a great deal to do with the shortage of production that these steps have been taken recently, which I have described in my answer.

MR. COOKE: Mr. Speaker, is the hon. gentleman aware that the Nyanza Sugar Mill which at present produces 300 bags a day, could produce over 600 bags if the labour situation were more satisfactory, and would Government, in view of its distinct promise in the Development Report in which it is said "all must work", take steps to see that the Nyanza Sugar Mill and other estates get the labour they require? I mean, of course, legitimate steps.

THE SECRETARY FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, the Government will go into the question of the labour shortage and consider what measures can be taken to improve the situation.

MR. MATIUO:

(a) Will the Government please state the number of acres under pyrethrum in the Colony?

(b) How many of the acres in (a) above are under African cultivation?

(c) If the number of acres in (b) above turn out to be proportionately small, what is the Government doing to encourage the African to grow more pyrethrum in suitable areas?

THE DIRECTOR OF AGRICULTURE: (a) The licensed acreage of pyrethrum in the Colony is 23,000 acres.

(b) Of these 23,000 acres, 780 acres are licensed in African areas.

(c) Government is fostering the development of African pyrethrum growing in selected areas in the Central and Nyanza Provinces by trials of the most suitable varieties, the provision of suitable planting material and the encouragement of co-operatives. Development and Reconstruction Authority funds have been provided, partly in the form of loans and partly in the form of free grants for the building of driers on a co-operative basis and the purchase of planting material.

MR. MATIUO: Mr. Speaker, arising out of the answer to (c) would the hon. Member inform us whether there are any driers in existence now, and if there are, was the money put up by the Development and Reconstruction Authority? And if not, why not? To my knowledge there are no driers in existence.

MR. BLUNDELL: Mr. Speaker, arising out of the original answer in this matter, in view of the vital necessity for control in the interest of the existing industry, will the hon. Member give an assurance that an officer will be nominated who will be responsible for the adequate supervision of control measures?

THE DIRECTOR OF AGRICULTURE: That is the position now, that the officers working on this problem do accept responsibility for adequate supervision.

MR. MATIUO: Mr. Speaker, arising from that reply, will the control be applied only to African pyrethrum growers or to the whole country?

QUESTION No. 4

MAJOR KEYSER (Trans Nzoia): In view of the widespread dissatisfaction prevailing in the Colony due to the congestion at the port and the divergence of opinion as to where the responsibility for this lies, will Government appoint a committee to inquire into the delay in clearing goods from the port, to apportion responsibility for such delay and to make recommendations as to how the matter could be put right?

THE ACTING CHIEF SECRETARY: As the operation of the port concerns departments which come under the purview of the East Africa High Commission the Government will request the East Africa High Commission to consider appointing such a committee.

MAJOR KEYSER: Mr. Speaker, arising out of that answer, it would be the hon. Member (tells us) in the view of Government that they have not the right to appoint a committee such as is proposed?

THE ACTING CHIEF SECRETARY: I think, Sir, the question of the legal rights of Government in a matter of this kind would depend upon the scope of the inquiry. There could be no question that Government would have a perfect right to establish a fact-finding committee about anything in Kenya, but I can conceive of circumstances in which the rights of the High Commission as established by Order in Council might be involved.

MAJOR KEYSER: Mr. Speaker, arising out of that answer, in view of the fact that the port of Mombasa is of no direct concern to Tanganyika Territory—it is situated in this Colony—and is of vital importance to the economy of Kenya and Uganda, does Government not consider the members of such a committee should be nominated by the Kenya and Uganda Governments and not by the High Commission, who should only nominate the Chairman.

THE ACTING CHIEF SECRETARY: Mr. Speaker, I would think that the consideration which the hon. Member has drawn attention to will be very much in the minds of the High Commission if such a committee were appointed, and I do not doubt they would be taken fully

into consideration in appointing such a committee.

MR. BLUNDELL: Mr. Speaker, in view of the supplementary questions which have been raised, will the hon. Member give an undertaking to redraft his answer?

THE ACTING CHIEF SECRETARY: Certainly not!

THE SPEAKER: Question time is tending towards debate, which is contrary to all Parliamentary principles. I do not think we ought to pursue the matter further.

MOTIONS

STANDING AND SELECT COMMITTEES

THE ACTING CHIEF SECRETARY moved: That the following Standing and Select Committees of the Council be appointed:—

Finance Committee, consisting of—

The Acting Chief Secretary (Chairman), Financial Secretary, Chief Native Commissioner, Acting Deputy Chief Secretary, Messrs. S. V. Cooke, M. Blundell, W. B. Havelock, Lt.-Col. S. G. Gheris, O.B.E., Messrs. I. E. Nathoo, and E. W. Mathu.

Public Accounts Committee, consisting of—

Mr. M. Blundell (Chairman), Financial Secretary, Member for Education, Health and Local Government, Solicitor General, Lt.-Col. S. G. Gheris, O.B.E., Messrs. C. G. Usher, M.C., A. Pitman, and B. A. Ohanga.

Seasonal Committee, consisting of—

The Acting Chief Secretary (Chairman), Attorney General, Financial Secretary, Major A. G. Keyser, D.S.O., Messrs. W. B. Havelock, A. B. Patel, C.M.G., and E. W. Mathu.

Standing Rules and Orders, consisting of—

The Attorney General (Chairman), Acting Chief Secretary, Member for Agriculture and Natural Resources, Member for Education, Health and Local Government, Messrs. S. V. Cooke, W. B. Havelock, A. B. Patel, C.M.G., and E. W. Mathu.

SIR CHARLES MORTIMER seconded.

MR. COOKE: May I make it clear, with regard to the Standing Finance Committee, for record, that I represent Arab interests on that Committee, and when I resign from that Committee the Arabs should have the right to nominate their own member.

THE ACTING CHIEF SECRETARY: Mr. Speaker, in reply that position is fully understood by the Government.

The question was put and carried.

THE ATTORNEY GENERAL moved: That the following Standing Committee of the Council be appointed:—

Preservation of Law and Order consisting of—

The Attorney General (Chairman), Major A. G. Keyser, D.S.O., Messrs. L. R. Macdonochie-Welwood, C. W. Salter, C. G. Usher, M.C., C. B. Madan, I. E. Nathoo, Sheriff Abdullah Salim, B. A. Ohanga, J. Jeremiah.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried.

DRAFT ESTIMATES OF EXPENDITURE, 1952

REFERENCE TO COMMITTEE OF SUPPLY

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to move: That the Council do resolve itself into Committee of Supply to consider the Draft Estimates of Expenditure for 1952.

2. Sir, I intend to begin by bringing up to date, as far as current information will permit, the economic survey which was introduced as a feature of the Budget Speech for the first time last year. I am glad to say that the expansion in our industrial economy, which we noted last year, continued unabated. The pace of secondary industrial expansion was well maintained. I do not propose to give figures of foreign companies registered because, without more information than we now possess, the available statistics could be seriously misleading. New local companies registered, however, totalled 221, the gross nominal capital being £9m. More currently, new installations for manufacturing cigarettes, for milling flour, for brewing beer and for exploiting sisal waste are either in production or about to come into production. The

canning industry which is of great potential importance to Kenya continued to expand. In spite of the continued difficulties experienced by the gold mining industry, the decline in the mining industry as a whole I am glad to say appears to have been arrested. Soda ash production in particular made an excellent recovery. Prospecting activity was considerable. Among other results, the discovery of new deposits of asbestos of a higher grade than hitherto found in this country, opens up possibilities of valuable exploitation. The work of the American oil geologists in the Northern Province and its results are now well known. Further investigations are being pressed forward but it is too early yet to say with certainty whether oil in commercial quantities is present. As this stage it can only be said that the conditions are not incompatible with the presence of oil. Certain it is, however, that if oil is there in quantity it will change the financial face of the country.

3. Agriculture continued its healthy progress. On the non-African side the principal cereal crops of wheat and maize were up on the high figures of the previous year by no less than 19,000 tons or 18 per cent in the case of maize, and 8,000 tons or 8 per cent in the case of wheat. Although progress in this direction has been made, it is not yet possible to give statistics in relation to African agriculture—but it is hoped that we shall be in a position to quote some figures next year. At the moment, therefore, we are compelled still to rely upon a general appraisalment. All the indications are that African agriculture in no way lagged behind the general expansion.

Dairy produce, pig production, timber and wattle silviculture again showed increases, in some cases substantial. The plantation crops all enjoyed a good year. Production compared with the previous year was up both for sisal and tea. The coffee crop we are all pleased to know was up by 3,000 tons, or by 50 per cent over 1949. Sugar production which dropped between 1948 and 1949 rose by 2,000 tons and this increase is being maintained.

4. All these developments are, of course, reflected in the growing figure of the national income. Last year I quoted for 1949 a figure of £71m. The figure

[The Financial Secretary] for the year under review is (82.7m. There is, of course, danger in over-pressing ourselves on these figures. Part of the increase is undoubtedly due to increased internal prices and, of course, consequential increases in wages and pay generally. An increase on this account represents not only an increase in real wealth. It is for this reason that I have first surveyed our overall production. It is the increase in this that has real significance in relation to the national income figure. On the basis of the figures I have quoted I think we can justifiably claim that a considerable proportion of the increase in the figure for national income is represented by a true increase in national wealth.

5. The breakdown in the overall figure of £82.7m. is of interest. Agriculture, including African subsistence agriculture, was again the largest single contributor—accounting for more than 156m. Of this, non-African agriculture was £13.4m.—a marked rise of more than 40 per cent over the previous figure of £9.5m. While higher production is reflected in this increase there is no doubt that higher prices have played a considerable part.

Commerce, finance, insurance and all the various ancillary services accounted for £13.6m. compared with £12.9m. in the previous year. Manufacturers produced a figure of £8.9m. This was £2.2m. or about 33 per cent above the 1949 figure. Building and construction showed a further increase to £4.1m. This compares with £2.2m. in 1948 and £3m. in 1949. As I indicated last year, the figure of £4.1m. takes no account of the value of the materials used. It represents only salaries, wages and services. In other words, it is not a figure representing the value of the actual construction which must of necessity be a great deal higher.

6. I turn now to the figures for our external trade. Our balance of visible payments while still adverse showed a remarkable improvement compared with the previous year. Retained imports fell from £34m. to £30m., while exports rose from £11m. to £17m. Consequently, the adverse balance for visible trade fell from £23m. to £13m.—a

truly spectacular fall. It is particularly gratifying to note that while imports were perhaps below normal the bulk of this fall stems directly from the increase of more than 50 per cent in the value of our exports. As everybody is aware, of a considerable proportion of this increase results from the high, and in some cases spectacular, export prices enjoyed by primary products such as hides and skins, coffee and sisal. To the extent that these prices are beyond our control we can take no credit on this account for the improvement in our terms of trade. But the trade figures also disclose an increase of some 20 per cent in the overall volume of our exports—a clear indication of increasing productivity which, as I have said, is the realty which, as I have said, is the realty essence. The overall increase in value of our exports on account both of price and volume represents, of course, an increase in the national income in terms of real wealth.

As to the position of our overall trade balance as opposed to the position on purely visible trade account, hon. Members will not need to be reminded of the importance of our considerable invisible trade—such as banking services, insurance and the like to which I referred last year. Furthermore, even if we take the visible deficit of £13m. alone, it is of significance to note that 27 per cent of our imports were accounted for by capital goods and not less than 36 per cent by producers' materials. Only 37 per cent of the overall imports, and therefore of the visible deficit, is accounted for by consumer goods, foodstuffs and the like. I do not wish to suggest by this analysis that there is room for complacency. So long as there is a deficit on visible trade account and the effect of the (invisible) factors is not assessable such deficit must always give cause for concern. Without discounting the importance of the invisible factors it must be remembered that so far we have no statistical knowledge of their magnitude and can, therefore, only guess at their effect. Much investigational work is being done in respect of this aspect of our economy and it is hoped that for the next review in 1952, figures of some accuracy will be available. Until then we should do well not to be over sanguine in our estimates but to concentrate, by increased production, on eliminating as

[The Financial Secretary] far as possible the deficit on visible trade. That this is not likely to be easily or quickly achieved is evidenced by the figures for the first six months of 1951. It is true that exports are up by 70 per cent in value and imports by the lower figure of 50 per cent, but in terms of absolute figures this means that the visible trade gap is again widening. This is almost certainly the result of increased prices of raw materials now being reflected in the ever-increasing prices of imported manufactured goods—a development to which I referred last year. This process has indeed been going on for some time and the rising pressure of its effect presents the greatest single problem facing us to-day. The shadow of rising prices to which I referred when last presenting the Estimates has broadened and deepened until the effect has permeated every element of our economy. It is not my intention to engage in a prolonged dissertation upon this subject. The whole disconcerting sequence of events has been discussed *ad nauseam* in every extant economic and financial paper. It will be well known to hon. Members. The plain fact is that, temporarily at any rate, the manufacturing capacity of the world (which is, of course, a function of demand) has outrun the overall production of raw materials. This in itself is serious enough in its inflationary effect, but upon this general condition and upon a world already at full stretch; it now imposed the staggering burden of rearmament. To the effect of uncontrolled, competitive buying, therefore, is added the diversion of precious primary materials to stockpiles and ultimately to wholly unproductive uses. It is inevitable that the consumer not only has to pay more for what he gets but he must inevitably get less than he did. His standard of living therefore falls. This development is world wide, affecting every country to a greater or lesser extent. In some, such as Australia, where resultant shortages are coupled with fantastic export prices for local produce, it has caused the most virulent inflation. It would be utter self delusion to suppose that we in Kenya could have escaped the effect of these world-wide forces. And neither have we. The cost of living has risen abruptly over the last 12

months. I can hold out little hope that during the next 12 months it will continue to rise. There may be temporary, hesitations as private and public stockpiles are used up or consumer resistance has a transient success, but the conditions pressure on primary commodities and the ever-increasing diversion of productive capacity to rearmament, must have a serious and growing effect. This is not a gospel of despair Mr. Speaker, but we must face facts. It is no use pretending that it is within this Government's power to hold down the cost of living, because it is not. All that we can aim to do is to prevent it rising higher than it should. It is within this limitation that Price Control must operate. It is completely idle to suppose that the prices of farm produce, for instance, can be held to a ceiling while everything the farmer uses to grow his produce rises unavoidably in price. All those charged with duties in relation to the cost of living soon realize the irresistible nature of the forces with which we are contending. I can appreciate the feelings of frustration that must frequently have attended the anxious deliberations of our Cost of Living Vigilance Committees. So many high hopes have been crushed by the relentless pressure of events. But, Sir, let not these Committees lose heart. While it may be true that price trends are the result of wholly irresistible forces there is, nevertheless, still a most useful field in which these Committees can function. There is for instance a great need for vigilance to ensure that dishonesty is not permitted to exploit the situation. There is need to marshal public opinion against black market dealing and other anti-social malpractices. This and the conveying to the Government of practical suggestions for measures of alleviation is the true function of these Committees and I would strongly commend this to their notice. In the meantime, I should like to pay my tribute to the public-spiritedness of these bodies and of others like the Price Control Advisory Committee which, in most frustrating circumstances, voluntarily devote so much of their time to the public weal.

7. Although it is true, Mr. Speaker, that we are feeling the full effects of these world economic stresses and there is not a great deal we can do about it,

(The Financial Secretary) we must not lose our sense of proportion in relation to the effect. We in Kenya are fortunate enough to produce the bulk of our own food; and although the hard pressed housewife may find it difficult to believe, this food is still among the cheapest food in the world. Nevertheless, I am fully conscious, Mr. Speaker, that food is not the only element in the cost of living and that the overall rise has been severe. This rise has indeed characterized the cost of all goods and services, and this has necessarily had a profound effect upon the cost of Government. Fortunately our overall Kenya picture is far from wholly dark. The very circumstances which impose these stresses and strains upon us have brought boom conditions to some of our primary industries. Sisal, cotton and many other industries are flourishing. Long may they do so! It is unfortunate that these halcyon days for the primary producers should have such a disturbing effect upon so many other aspects of our economic climate.

8. I have perhaps taken a little longer than is usual, Mr. Speaker, over this general survey—but it is of superlative importance that these Estimates, and the policies they represent, should be viewed in the full perspective of our current economic condition.

9. With this introduction, Sir, I now propose to give an analysis of the Revenue and Expenditure position. As there was, I believe, some misunderstanding on this point last year, I should perhaps explain that, in accordance with normal practice, the term Ordinary Revenue does not include the amounts representing reimbursements on account of other Governments' share of joint services expenditure, and reimbursements on account of War Expenditure Civil.

10. The approved Estimate of ordinary Revenue for 1951 of £12,948,746 is likely to be exceeded by slightly more than £2m—the revised Estimate being £15,021,050. The main contributing factors to the increase are Customs, over £1m, Public Works Department Sale of Unallocated Stores £228,000, Forest Revenue £50,000 and Petrol Consumption Tax £90,000. The increase under Customs was located very largely under Textiles (nearly £1m), Food and Drink (nearly £300,000) and Base Metals and Manufactures (£231,000). The overall increase

was partially the result of the higher yields from *ad valorem* duties following the upward surge in prices. There is no doubt, however, that these high figures also reflect the heavy placing of orders by merchants fearing shortages and price rises following the sudden worsening of the Korean crisis. These results are particularly in evidence in regard to textiles and base metals, the prices and availabilities of which are peculiarly sensitive to the international situation. The increase under Food and Drink was located almost entirely under Drink; I refrain from attempting any explanation in regard to this item! The increase in Forest Revenue was, of course, a direct outcome of doubling the royalty on timber during the year. The extra revenue item of £228,000 for sale of Unallocated Stores results from a change in accounting procedure required by the Director of Audit. It attracts a corresponding expenditure item and, therefore, appears on both sides of the account. In assessing the true revenue underestimate this item should, therefore, be ignored. The increase of £90,000, which is expected under Petrol Consumption Tax, will gladden the hearts of the Road Authority etc. of course, the Colony's contribution to that body will be correspondingly increased.

11. The factors which have contributed to the increase of the Revenue during 1951 have also operated to inflate the Expenditure figures. The revised Estimate is £14,496,238 a figure £2,127,054 above the sanctioned estimate of £12,369,184. Of the increase, some £800,000 has been contributed by Cost of Living—Allowances to Government servants including High Commission servants. Hon. Members are well aware of the circumstances in which these allowances were granted and I shall not enlarge upon the matter further. Public Works non-recurrent accounted for £308,000. This was very largely on account of revotes—expenditure to which we were committed in previous years, but coming to account in 1951. There were, of course, corresponding savings in the previous years in question.* There is also the £228,000 corresponding to the revenue item under Unallocated Stores and to which I have already referred. Local Government contributions increased by £190,000. These contributions are for the most part

(The Financial Secretary) . . . statutory. Increased payments on pensions, gratuities, passages and to the High Commission accounted for £180,000. The balance resulted from a number of items not calling for individual mention and, of course, from rising costs generally.

12. Taking the overall revised figures of Revenue and Expenditure in 1951, the surplus for that year is expected to stand at £524,812 compared with the estimated figure of £579,562. As the Revenue balance at 31st December, 1950, stands at £6,458,522 the total of the accumulated surplus balances on 31st December, 1951, is expected to be £6,983,334.

13. Turning now to 1952—the outturn of ordinary revenue on the existing level of taxation is expected to be £15,009,906. The corresponding Colony expenditure figure for the coming year is estimated at £15,454,349. These figures disclose a deficit of £444,443. I shall, of course, return to this deficit later, but before doing so I would like to say a word or two on the individual heads which make up these figures of Revenue and Expenditure. Dealing first with Revenue—Customs and Excise are expected to contribute £6,135,000. This is somewhat lower than the revised estimate for 1951 mainly because we do not expect in 1952 the heavy rush of buying which occurred in the present year and which has resulted in a high stock position for certain ranges of goods. Income tax, including revenue from the Special Investigation Branch, is expected to produce £3,500,000—an increase of £325,000 on last year's budgeted figure. The increase results from increasing assessments, and, of course, the full effect of the increase in company tax introduced last year. Of the total figure of £3,500,000 under income tax, £500,000 may be regarded as arrears collections.

14. The Colony Expenditure figure I have stated at £15,454,349. This represents an increase of some £3,000,000 over the original estimate for 1951, or, if account be taken of last year's special capital contributions, the increase is £3½m. These are indeed formidable figures. But, Mr. Speaker, I must make it clear at once that, with a few relatively insignificant exceptions, every

single penny of the increase springs from commitments—commitments arising from legislation, commitments arising from endorsed policy, commitments arising from public demand, endorsed by this Council. There is no provision for any other new services whatsoever. And when I tell the Council that the demands for highly desirable new services and for ordinary departmental expansions totalled more than a further £½m. it will be appreciated how ruthless the blue pencil has had to be.

15. Hon. Members will wish to know something of the figures that make up the total increase disclosed by the Estimates. I, therefore, give the following analysis:—

(1) Education; excluding provision for cost of living allowances.	£
European	72,000
Asian	82,000
African	300,000
Goan, Arab, plus increase in Administration costs	16,000
Total	£470,000

- (2) Cost of Living Allowances, more than £1,000,000.
- (3) New loan servicing, £150,000.
- (4) Extra provision for Locust Control, £218,000.
- (5) Local Government Contributions, £202,000.
- (6) Public Works Department Unallocated Stores, £300,000.

Increasing recurrent expenditure arising from the Development and Reconstruction Authority, new expenditure on military training and other new policy services, some stockpiling, normal increments and heavily increased costs for all services, account for the balance.

16. All the heads mainly responsible for the increased recurrent bill are familiar to hon. Members but I should perhaps say a word on some of them.

17. Although each of the three committees contributes substantially to the increased Education bill, the bulk is on account of African education. This, of course, follows directly upon the implementation of the Beecher Report. It is clear that our ultimate bill on this account

[The Financial Secretary] is going to be very large. Can we afford these rapidly growing costs for Education? Assessing the position on the present and foreseeable rate of production, I must at least sound a note of warning. As with all our economic problems to-day only a considerably stepped up production will enable us to maintain our position and to achieve what we set out to achieve. I must, therefore, clearly indicate to everybody, and particularly to the African community, that our ambitions in this behalf are unlikely to be realized without considerably increased contributions of effort and finance by the country at large.

Cost of Living Allowances at their present rates will account for a total of something over £1,000,000 in 1952. The origin of this formidable total familiar to hon. Members and, apart from regretting its necessity, I shall not comment further.

The increase under Loan Servicing arises from the need to provide for the next instalment in our loan programme. Hon. Members will not fail to note the rate at which the cost of loan servicing is rising.

The cost of Local Control measures has gone up by £218,000. This increase follows directly the discontinuance by His Majesty's Government of the contributions from the Colonial Development and Welfare Fund. Hon. Members will recall that I indicated such a possibility in my speech last year. Let anybody who should feel that we had been let down in this behalf I should like to make it clear that His Majesty's Government still continues to contribute in a generous degree, by the direct Treasury grant, to the cost of the overall campaign, and although it is true that for the ensuing year, no further moneys in the Colonial Development and Welfare contribution will be forthcoming, I think we must regard ourselves as fortunate that we were saved so much of the financial impact in the opening year of this campaign. The overall cost of the campaign in 1952 is estimated £1,222,000. Of this, Kenya's contribution has been calculated at £426,614. Although, as hon. Members will be aware, the full estimate of £1,222,000 has been voted by the Central Legislative Assembly, £200,000 of the total is to be held back from disburse-

ment under the procedure known as requisition to incur expenditure. Disbursement will not be authorized unless it is fully demonstrated that an effective campaign cannot be conducted without this amount. No authority to disburse will be given without reference to this Government when, of course, the matter would be referred to the Standing Finance Committee.

I have already mentioned the increased Local Government Contributions of £190,000 in respect of 1951. There is a further increase of £12,000 in respect of 1952 making a total increase of £202,000 over the corresponding estimate of last year.

Public Works Department Unallocated Stores account for £300,000 of the increase but here again this item is covered by increased revenue and appears because of a change in the accounting procedure. It can be discounted in any analysis of the true increase in the expenditure or in revenue.

The recurrent expenditure aspect of the Development and Reconstruction Authority is something well understood by this Council and there is no need for me to labour the obvious. Here again, however, there is continuous need for caution. The rate at which recurrent expenditure develops must be kept under constant review and we must be ready to reorientate our plans and ideas if the expenditure shows signs of outrunning our capacity to meet it.

With regard to the residuary item of generally increased costs I would refer hon. Members to the opening passages of this speech. The general inflationary conditions in the world to-day must immediately and drastically affect the cost of Government. There is nothing that the Government is required to purchase be it services, or be it goods, the cost of which has not risen. Stores, transport, travelling, telecommunications services, all have risen sharply in cost. If the Administration is to be maintained, these extra charges must be faced, as they are indeed being faced by Governments, public bodies and commercial houses all over the world.

18. The economic stresses and strains to which I have referred have inevitably increased the burden of work falling upon Government departments. This increase

[The Financial Secretary] is additional to that associated with normally expanding functions. In ordinary circumstances, these increases would undoubtedly have been regarded as justifying corresponding increases in staff. But the circumstances of to-day are far from ordinary and the Government must take the view that increased output must be asked of everybody. No one can expect to maintain his standard of living without working harder. In particular, Government servants can not expect the State to temper for them the rising cost of living—without an increased contribution of effort from them on behalf of the State. No demand to receive more can to-day make economic sense unless coupled with the undertaking to produce more. Consequently, as far as Government departments are concerned it is regarded as proper that increased work other than that arising from substantial new or substantially increased functions must be absorbed by the existing staff. In relation to this Budget, therefore, no provision has been made for increased staff other than in respect of new or greatly expanded functions. To provide for the absorption of increased work by the existing staff it has been necessary to increase the working week for Government offices by three hours that is from 38½ hours at present to 41½ hours in the future. This change will be effective from 31st December this year. It is right and proper to add, that in spite of initial and understandable misgivings, the Civil Service, whose representatives have been consulted, has accepted this increase both readily and willingly.

There is perhaps one considerable item of expenditure which is not a commitment on a limited interpretation of the term. I refer to the £200,000 representing a second instalment to the Rehabilitation Fund. Hon. Members will recall that this Fund is being established to finance, on cheap terms, the change-over to mixed farming, of farms, ecologically unsuitable for cereals monoculture. For the reasons I gave last year, I think we must regard this scheme as of supreme importance to the country and I strongly recommend that the money be voted.

19. This brings me to the end of the Revenue and Expenditure review on ordinary Colony account. It is clear

from what I have said that, even in the absence of provision for uncommitted new services or normal staff increases, in 1952 the Revenue, based on the existing taxation level, will fall short of Expenditure by £444,443. In present conditions, there can be no question of leaving this gap unfilled. Before putting forward the Government's proposals in this behalf, however, I should like first to turn to the Colony's capital account.

20. I do not propose to deal again with the details of the new revised total of foreseeable capital funds as this matter has been fully dealt with in the Planning Committee Report. It is clear that the annual expenditure ceilings, which were suggested last year, can now be correspondingly augmented although, as I have indicated on a number of occasions, the overall ceiling in any year must have most careful regard to the rate at which the funds come forward. My purpose in raising the matter this morning is to refer to the shortfall of £44m. between what the Planning Committee assessed as the cost of minimum essential development over the period ending 31st December, 1955, and the foreseeable funds. It is the Government's considered view that every effort must be made to close that gap. I do not overlook the suggestion that the problem can be met by extending the period of the Plan. This point has already been dealt with in a previous debate. Apart from the fundamental objection that a Plan without a time limit is really no Plan at all, I think we should be burying our heads in the sand if we suppose that 1956 and subsequent years will not produce their own development problems as pressing, and perhaps even more pressing, than those that confront us to-day. Mr. Speaker, if we are fully to retain that confidence of others in the economic future of this country, that confidence which we so rightly value, we must not put off this matter. We must make a resolute attempt to solve this problem now.

How can this be done? I am aware that the superficially easy solution of more borrowing has many times been suggested. I take this opportunity of saying once again that as far as the London market is concerned, this suggestion is not a starter. Indeed, so great is the investment pressure produced by

(The Financial Secretary) conditions, that present-day economic conditions, that even the full achievement of our present national programme of £12½m. must be a matter of considerable doubt: I am aware, Mr. Speaker, of the immediate likely resort—what about the local market? This potentiality has not been overlooked. But apart from any question of our capacity to carry further debt charges, this potentiality is far from being unlimited, and it seems highly probable that we shall, in any case, press heavily upon it to meet the likely shortfall in our present borrowing programme. Moreover, ours is not the only Plan, the execution of which is essential to our balanced development and well-being. There is the capital expansion of the Railways and Harbours to be thought of. These Railways and Harbours are just as much part of Kenya as the road from Nakuru to Eldoret. There is clearly logic in our investing large sums in increased production. If the transport system fails to keep pace with that increase. And I can assure the Council that those responsible for the execution of the Transport Development Plan are no more able to see available from London all the capital moneys required than we are for our Plan. The same difficulties and anxieties, the same uncertainties in regard to loan funds afflict the Railway Administration as afflict us. Where is the administration to turn if its full requirements are not forthcoming from overseas? They must inevitably turn for facilities to the individual East African territories. We should be foolish indeed if we regarded such an appeal as no concern of ours.

Finally, there is the Mombasa Water Supply. Hon. Members will be aware that the initial steps in the execution of this major project are now being taken. The new money required for this scheme is £4,500,000 and, while a considerable part of the investment required will be made from Government-held funds, nevertheless substantial calls on local non-Government investment capacity are being made. The Council will accept, therefore, that the potential capacity represented by the local market is far from being overlooked. It will be clear from what I have said, however, that the potentiality in question is likely to be strained to capacity, and to suppose that

all our other problems of capital finance can be solved by the magic formula, "local market" is to shut our eyes to the realities of the situation.

21. How then is this problem of the capital gap to be solved? The overall amount involved is £4,500,000. To begin with, it is necessary to report to the Council that since the Planning Committee Report was framed a later reassessment of the funds accruing from Excess Profits Tax has disclosed that a further £100,000 is likely to be available from that source. This reduces the gap to £4,400,000.

22. The first step in the attempted solution of this problem was to re-examine our financial position in relation to the surplus Revenue balance. This at the end of 1951 is expected to stand at £6,983,334. This figure may seem large but, as I explained last year, in the circumstances of this country, and having regard to our large contingent liabilities, a surplus balance of this order is highly desirable. One of the important reasons requiring the existence of a considerable surplus is the need to find, every year, large sums for the purchase and marketing of the principal cereal crops. At present the money tied up in this way at the peak period is over £4,000,000. The amount involved is rising every year. There is investigation of our being able to undertake this very large financing operation out of current revenue. Only the existence of our considerable surplus enables us to do so. It follows, therefore, that, on this account alone, it would be risky to disburse any considerable proportion of our revenue balance unless alternative sources of short term finance could be foreseen. Investigation into this aspect of the problem has disclosed that short term finance up to certain limits, and on suitable terms, could now be made available on a reasonably assured recurrent basis. To the extent that such an arrangement would partially relieve the revenue balance of this financing responsibility the Government is prepared to recommend that a proportion of the balance should be voted off as a special contribution to the Development Fund. It is, therefore, proposed that a sum of £1,000,000 be transferred from Surplus Balances to Capital Development and, if the ensuing debate discloses that this proposal meets with

(The Financial Secretary) and the approval of the Council, a suitable resolution to provide for formal consent will be introduced at a later sitting of the Council. Even with this contribution, however, the gap is far from closed. I would now like again to refer hon. Members to those passages of this speech dealing with the economic survey. There is no doubt that the root material cause of the world's inflationary troubles to-day is the uncontrolled scramble for primary raw materials. Unprecedented prices have resulted, and, with them, all the well-known effects upon our own and the world's economy. Among these effects of course is the rising cost of Government, and of Government's capital development. Indeed, part at least of the deficit in our capital finance can be ascribed to this cause. It would seem reasonable, in these circumstances, Mr. Speaker, to ask those primary produce industries which are enjoying the benefit of inflated world prices, and whose very prosperity produces, willy nilly, the major economic problems which beset us to-day, to make some contribution to the solution of these problems. There is not and ought not to be, any suggestion that they should hand over any substantial proportion of a prosperity which, for the most part, has been well earned—but a contribution pitched at a level making no large significant inroad on profits and which cannot, on impartial judgment, be regarded as adversely affecting competitive power or internal financial stability, seems to the Government to be wholly justified. It is, therefore, proposed to introduce with effect from 1st January, 1952, the following export taxes:—

Wattle bark and wattle extract—

Five per cent *ad valorem* of the f.o.b. export price.

Hides and skins—

Hides (air dried), Sh. 22/08 per 100 lb.

Hides (wet salted), Sh. 11/04 per 100 lb.

Goat skins, Sh. 14 per 100 lb.

Sheep skins, Sh. 11/02 per 100 lb.

Cotton—

Where the f.o.b. value is not more than 7d. per lb., no duty.

Where it is more than 7d. and not more than 8d., duty at 2 cents per lb.

Where it is more than 8d. and not more than 9d., duty at 3 cents per lb.

Where it is more than 9d. and not more than 10d., duty at 4 cents per lb.

Where it is more than 10d. and not more than 11d., duty at 5 cents per lb.

Where it is more than 11d. and not more than 12d., duty at 8 cents per lb.

Where it is more than 12d. and not more than 13d., duty at 10 cents per lb.

Where it is more than 13d. and not more than 14d., duty at 12 cents per lb.

Thereafter, for every 1d. increase in the price, the duty to be increased by 2 cents a lb.

Staal—

Five per cent *ad valorem* of the f.o.b. export price.

The total yield from these taxes in 1952—at current prices and production levels—is calculated at £600,000, being Staal £320,000, Hides and Skins £70,000, Wattle Bark and Extract £80,000, Cotton £130,000. It is proposed that the total proceeds should be devoted wholly to the capital Budget. There is no intention of this Government to use the proceeds of export taxes to balance the Colony's recurrent Budget. Hon. Members will note that, corresponding to this new Revenue item of £600,000 in the Estimates, there is an Expenditure item of the same amount as a special contribution to the Development and Reconstruction Authority.

23.—There are, of course, a number of points both of principle and of detail which will have to be dealt with in relation to these taxes. For instance, it is fundamentally important in the relevant cases, to provide a procedure for determining from time to time, the price, on the basis of which, the tax is to be levied. Moreover, it is essential that in each case a safe minimum price be fixed below which no tax will be payable. Finally, it must be made clear that the taxes are in

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the nature of annual taxes and their renewal for any further year will require a Resolution of this Council. All these matters will be dealt with in the appropriate legislation which the Government will introduce later in this sitting. I should, however, make it clear that the levying of the tax in the case of Cotton and Hides and Skins will not involve any increase in the levies now paid by those commodities at export. In the case of Cotton the new tax will be deducted from the existing cess. In the case of Hides and Skins the existing cess will be so reduced as to ensure that the new cess plus the tax equals the existing cess, but it may be assumed that the cess will not be reduced below the level required adequately to finance the Hides and Skins services. At the rate of £600,000 per annum four years would show a total of £2,400,000, and although this does not wholly fill the residual gap of £3,200,000 it goes a long way towards going so. Some part of the balance might, in due course, be found by a further contribution from our Surplus Balances, but I could not recommend consideration of such a course until the locust threat has been overcome.

I may add that consideration of this question of export taxes ranged beyond the list of commodities finally chosen and, if it appears to hon. Members that there are notable absences it can nevertheless be assumed that the case of these commodities was examined and that for good and sufficient reason it was concluded that a tax ought not to be levied at present. These cases will, however, be kept under constant review and should it transpire, at any time, that circumstances so warrant, suitable proposals in this behalf will be made to the Council.

24. This concludes, Mr. Speaker, the Government's proposals in relation to the capital gap. I would suggest, Sir, that the incidence of these measures of taxation on the industries affected is well within capacity to pay. The proposals have the virtue of spreading the burden over all three communities, but as all three communities will benefit from the development moneys thus secured.

25. I now turn to the Revenue gap. It will be recalled that the expected outturn on existing taxation fell short of the Expenditure by £444,443. Before I indi-

cate proposals for meeting this deficit I would like to refer to certain Revenue measures which will give some measure of relief to those who on balance are likely to be most pressed by the rising cost of living. To give some relief to the family man it is proposed that, with effect from the next year of account, child allowances and children's educational allowances in respect of income tax shall be increased by 50 per cent. It is also proposed with immediate effect:—

1. To abolish the customs duty on those infant foods properly regarded as human milk substitutes, and

2. To halve the existing duty on imported soap.

This latter measure in effect abolishes the duty surcharge on this commodity.

These measures will cost the country £50,000 in 1952 and £90,000 in succeeding years.

With this sacrifice of revenue, together with the adjustment of income tax outturn necessitated by the imposition of export taxes, the gap to be filled increases to £554,443.

26. The Government has naturally given the most careful consideration to the method by which this gap should be closed. Here again it is clearly of importance to spread the incidence of increased taxation as fairly as possible over the various communities and at the same time to have meticulous regard to capacity to pay. In these circumstances it is inevitable that the Exchequer eye should alight on those items which, although urged with debatable justification by some to be conventional necessities, nevertheless have in them at least an element of luxury. Certainly the level of their consumption is within the control of the consumer. I refer, Mr. Speaker, to spirits, beer and tobacco. Having regard to what I have just said it is considered that all these commodities could well stand extra taxation. It is, therefore, proposed as follows:—

Import duty on potable spirits exceeding 3 per cent of proof spirit to be increased from Sh. 87 to Sh. 105 per proof gallon. This covers *inter alia* whisky, gin, brandy and rum. Import duty on ale, beer, cider, perry and stout, all kinds, of a strength exceeding 3 per cent of proof spirit

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to be increased from Sh. 5 to Sh. 7/50 per imperial gallon.

Import duty on unmanufactured tobacco to be increased from Sh. 5 to Sh. 13/50 per lb.

Excise duty on locally brewed beer to be increased from Sh. 120 to Sh. 180 per 36 gallons of wort.

These measures, which will take effect immediately, are expected to yield a total of £720,000 in the full year. On this expectation the deficit of £554,443 will be changed to a modest surplus of £165,557.

27. The effect of these measures on the consumer will be that the price of him of whisky (when he can get it!) will increase by about Sh. 2/50 per bottle. There will be a similar price rise for gin, brandy and the other spirits covered by this Tariff item. Imported beer will go up by 20 cents per pint bottle and locally brewed beer by a like amount on a reputed quart bottle. The increase in the duty on unmanufactured tobacco will not affect the price of imported cigarettes and imported manufactured tobacco. The effect will be solely on locally manufactured tobacco. The effect on such a brand as "Clippers" will be to increase the price of a box of 50 by Sh. 1. "Honeydew" will go up from 50 cents per packet of ten to 65 cents.

28. Hon. Members will recall that in the Revenue and Expenditure review for 1952 I dealt with only the revenue accruing from the existing level of taxation and the expenditure on ordinary Colony Account. The reason why this procedure was adopted will now be clear. It will also be evident that the figures quoted in the review of the 1952 Revenue and Expenditure will not be easily discernible from the Estimates. It is now necessary for the sake of clarity to indicate the overall figures of Revenue and Expenditure taking into account the full measures of taxation proposed and the additional contribution of £600,000 to the capital account. The Revenue outturn on existing taxation is given at £15,099,906. Deducing the £110,000 in respect of Customs reductions and Income Tax adjustments, and adding the £720,000 accruing from increased import and excise duties as well as the £600,000 expected from export

taxes, the overall figure of ordinary Revenue thus becomes £16,219,906. Similarly if we add the new expenditure item of £600,000 to the corresponding Expenditure total, the final total becomes £16,654,349. The surplus then is £165,557. This means that by 31st December, 1952, the overall surplus balance is expected to stand at £7,148,891. Should this Council approve the proposal to vote off from the surplus balances £1m. as a contribution to the financial deficit on the Development Plan, this figure will, of course, be reduced by this amount and will stand at £6,148,891 on 31st December of that year.

29. The legislation necessary to give statutory effect to all these changes will be introduced later. In the meantime Orders by the Governor in Council under the Customs and Excise Duties (Provisional) Collection Ordinance, giving effect to the proposed changes in Customs and Excise Duties as being issued this morning and the relevant Bills will be taken through all their stages in the present sitting. It is perhaps unnecessary to add that before the appropriate legislation is introduced all the taxation proposals which I have made, must be considered by a Committee of the whole Council in Ways and Means. I now, therefore, give formal notice that I shall introduce a motion later in this sitting, that the Council do resolve into Committee of Ways and Means to consider of the ways and means for raising the supply to be granted.

30. This concludes my speech, Mr. Speaker, on what might aptly be called the Budget of the Two Gaps. The Budget inevitably reflects the difficult times through which we are passing and the serious problems that beset us. It is the function of this Budget to make a contribution to the solution of those problems in Kenya. I do not doubt that in some respects this Budget may prove contentious. Budgets by their very nature can hardly be otherwise. Nevertheless, I must maintain that if we are serious in our avowed intention of facing squarely up to what are clearly our own responsibilities, measures such as those I have outlined must inevitably form part of any Government's proposals. If, for instance, we let pass this opportunity to

(The Special Commissioner for Works) just listened to. There are ways of dealing with the problem of staffing the Public Works Department which I think can be improved if we are to get a balanced organization. It would appear to me that some of the so-called economies that we now bring about may in fact lead to greater expenditure and I think that is not what we would like to see. I am therefore suggesting to the Member for Development certain changes in procedure which I hope will meet with approval and will enable your Public Works Department to carry out its work with greater efficiency and with greater economy.

May I conclude then on those lines, and again once more thank you Sir, and all Members of this Council, for their support and help during the time I have been able to sit on this Council. (Applause.)

ADJOURNMENT

Council rose at 11.50 a.m. and adjourned until 10 a.m. on Tuesday, the 20th November, 1951.

Tuesday, 20th November, 1951
Council assembled in the Memorial Hall, Nairobi, on Tuesday, 20th November, 1951.

Mr. Speaker took the Chair at 10.07 a.m.

The proceedings were opened with prayer.

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to K. L. Hunter, Esq., O.B.E., Assistant Chief Secretary, and R. W. Taylor, Esq., C.M.G., Director of Public Works.

COMMUNICATION FROM THE CHAIR

THE SPEAKER: Hon. Members, I have to inform you that His Excellency the Governor has received a telegram from the Secretary of State in these terms:—

"Your telegram No. 659 has been laid before the King, who desires me to request you to convey to the Legislative Council an expression of his warm appreciation of the terms of their loyal address which was passed on the occasion of the announcement of the forthcoming visit to Kenya of Their Royal Highnesses the Princess Elizabeth and the Duke of Edinburgh. The terms of the address will also be conveyed to Her Royal Highness the Princess Elizabeth on her return to this country." (Applause.)

MINUTES

The minutes of the meeting of 31st October, 1951, were confirmed.

PAPERS LAID

The following papers were laid on the Table on Tuesday, 20th November, 1951:—

By **THE CHIEF-NATIVE COMMISSIONER:**—The Annual Report of the Community Development Organization, 1950.

By **THE ASSISTANT CHIEF SECRETARY:**—The Education Department Annual Report, 1950.

By **THE MEMBER FOR COMMERCE AND INDUSTRY:**

The Mines and Geological Department Annual Report, 1950.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 51

MR. PATEL:

Is the Government aware that in consequence of the difference in market price between restricted residential land and unrestricted residential land per acre, the average unimproved site tax levied by Municipalities on unrestricted land greatly exceeds that on restricted land?

THE ACTING DEPUTY CHIEF SECRETARY: Without a detailed examination of titles it is not possible to establish whether the price of unrestricted land is higher than restricted land, all other circumstances being identical. Since the unimproved site tax is calculated as a percentage of the unimproved site value it must follow that the tax is higher where the market price of the land is higher.

MR. MADAN: Arising out of that reply, Sir, is it not possible for the hon. Member to ascertain the difference between the prices of the two types of land from advertisements which appear in the local newspapers?

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, as I have explained orally and in writing to the hon. Mr. Patel, a good deal of research would be required in order to establish definitely whether prices are, in fact, higher in the case of unrestricted land, other circumstances being equal; and the hon. Member agreed that it would not be worth while taking up the time of the Lands Department to do the research which would be needed.

QUESTION No. 52

MR. PATEL:

If the reply to Question No. 51 is in the affirmative, will the Government please state what steps are intended to be taken to avoid such unfair racial incidence to the unimproved site tax and to make more unrestricted residential land available in (i) Nairobi and (ii) other towns?

THE ACTING DEPUTY CHIEF SECRETARY: The Government does not consider it unjust that unimproved site tax should be higher in cases where the value

of the land is higher, and does not agree that there has been unfairness to the Asian community. No new areas of Crown land have been alienated subject to restriction against that community since the policy was abandoned in 1923. Crown land is already earmarked for Asian housing in Nairobi, Mombasa, Kisumu, Nakuru, Thomson's Falls and Molo, and plots will be made available (where that has not already been done) as rapidly as possible. The Government will endeavour to find land for the same purpose in other towns if the need for it is demonstrated.

QUESTION No. 2

MR. PRITAM:

Is Government aware that the Selection Committees appointed in up-country centres to consider the applications for direct grants of plots of land for residential purposes have invariably rejected the applications of Asian civil and railway employees and, if so, will Government please consider the advisability of issuing a directive to the Selection Committees that Asian civil and railway employees should be treated precisely in the same way as other members of the public?

THE ACTING DEPUTY CHIEF SECRETARY: As a result of representations made by the hon. Member for the Western Area earlier this year, Provincial Commissioners were asked to report on the working of the system of selective grants in Asian residential areas with particular reference to the needs of public servants. The replies showed that, except in Kisumu, the system was working satisfactorily in the interest of the Asian community as a whole.

It was reported that in Kisumu the Selection Committee, with the exception of the Chairman, had in the past refused to consider the claims of Government and railway employees unless they were about to retire or had completed 20 years' service. At its last meeting, however, it recommended a number of public servants for plots.

The Government believes that the applications of Asian civil servants and railway employees (who represent less than 10 per cent of the total number of Asians gainfully employed) are treated by Selection Committees in the same way

[The Acting Deputy Chief Secretary] as those from members of the general public. It cannot accept the assertion that Selection Committees in up-country areas invariably reject such applications, and does not consider it necessary to issue a directive to Selection Committees.

QUESTION No. 3

MR. PRITAM:

Is Government aware that due to the acute shortage of cement which prevailed throughout the year and in fact is still prevailing, many lessees of Crown and railway land have not been able to comply with building clauses of the leases and, if so, will Government please consider the desirability of extending building time to avoid undue hardships to lessees resulting from the non-compliance with building clauses of the leases?

THE ACTING DEPUTY CHIEF SECRETARY: Grants of Crown leases are given 18 to 24 months in which they are required to build; in leases of land administered by the East African Railways and Harbours the period is 24 months. Both this Government and the Railway Administration are prepared to consider an extension of the building period where valid reasons for so doing can be advanced by the grantee, and it does not appear, therefore, that there should be any hardship to the lessees owing to their non-compliance with the building clauses in their leases provided that it can be shown to be due to a shortage of cement.

The Government is not prepared to give any general extension of building time in Crown leases but will, as has been the practice in the past, consider any cases of hardship on their merits. It is understood that this is the general view of the East African Railways and Harbours Administration. They point out, however, that a number of their lessees who were granted plots as long ago as 1947 have made no attempt to fulfil the building condition and that in such cases the shortage of cement cannot be accepted as an excuse for non-compliance with that condition.

QUESTION No. 12

MR. MAHUI:

Will Government please state:—

- The number of acres under tea cultivation in the Colony?
- The number of acres in (a) above which are cultivated by Africans?
- The reasons why the African acreage, if any, under tea is so small?
- Whether Government has any plans to vigorously encourage Africans to grow tea with a view to bringing down the tea prices by greatly increasing the supplies?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:—

- Approximately 18,000.
- Eight.
- The very high capital requirements for the production of tea of a satisfactory quality for general sale to the public and the high degree of skill required in its culture and manufacture, if the standard of Kenya tea is to be maintained.

(d) Two years ago the Government sent an Officer of the Department of Agriculture to India, Ceylon and Malaya, to gain first-hand knowledge of tea culture. Since his return an area of 80 acres has been excised for a tea nursery and factory site in the Kagosi area of Nyeri District. As already stated, only eight acres have been planted out but seedlings sufficient for some 60 to 80 acres will be available for planting out in the next long rains and the immediate aim is to plant some 300 to 400 acres around this central factory. Some £4,000 is to be spent this year but before the scheme is a going concern expenditure of the nature of £40,000 is envisaged.

In view of the high commitment of public funds and the obvious practical difficulties inherent in such a scheme, Government proposed to regard the Nyeri venture as a pilot scheme and is not prepared to launch other schemes until experience has been gained.

DRAFT ESTIMATES OF EXPENDITURE, 1952

REFERENCE TO COMMITTEE OF SUPPLY

THE SPEAKER: The debate on the Motion that Council do resolve itself into Committee of Supply to consider the Draft Estimates of Expenditure for 1952 will now proceed.

MAJOR KEYSER: (Applause.) Mr. Speaker, Sir, may I have your permission to speak for more than half an hour?

THE SPEAKER: Yes.

MAJOR KEYSER: Thank you, Sir.

Sir, I think that the hon. Member for Finance should be commended for the very lucid manner in which he delivered his speech and for the very hard work that he must have put into compiling it. (Hear, hear.) (Applause.) But, Sir, the most important factor to us on this side of the Council in considering these Draft Estimates is again the very substantial increase in recurrent expenditure, and I would like to refer hon. Members back to the 1947 Draft Estimates in which the Estimate for ordinary expenditure was £6,111,668 and compare that figure with the Estimate of ordinary expenditure for 1952 which is £15,864,627, or an increase of roughly 150 per cent in six years.

Now, Sir, it is true that revenue has kept pace, to some extent, with expenditure. I say, "to some extent," because we have had to balance our Budget by increased taxation during these past six years, and had there not been this increased taxation, we would not have balanced our Budget, and in spite, Sir, of the fact that we have had very great development in the Colony, that our exports have increased, not only by value but by volume, in spite of the great industrial development that has taken place in the Colony, yet those increases of production do not seem to have had the effect on the revenue of the Colony that would prevent increased taxation. So, we are very worried at the moment about the rate at which expenditure is increasing. It is increasing, Sir, in all departments, chiefly by the appointment of officers to new posts. Our services are expanding in every direction. The cost of civil servants is rising and the cost of financing our development programme is also rising. The creation of new posts is perhaps responsible for most of the increase, quite apart from the increase in the Cost of Living Allowance which has had to be provided. This, Sir, is obvious, not only in the headquarters of departments, but in the districts, chiefly where district staffs have increased enormously in the past six years. You have, Sir, the extraordinary position by which provincial staffs and headquarters

are being increased at the same time as the Central Administration is being increased, both in the Secretariat and departmental headquarters. We do feel that a policy should be decided on, either of centralization or decentralization and have either headquarters cut down or provincial headquarters, and if it is decided that decentralization should take place, give the provincial headquarters responsibility and not use them as they are used to-day almost as post offices.

Sir, the hon. Member in his speech said: "As with all our economic problems to-day only a considerably stepped-up production will enable us to maintain our position and to achieve what we set out to achieve. I must therefore clearly indicate to everybody, and particularly to the African community, that our ambitions in this behalf are unlikely to be realized without considerably increased contributions of effort and finance by the country at large." With that, Sir, I feel that most of us must agree, but at the same time I do feel that until the considerably stepped-up production has been achieved, there must be great caution in establishing new Government posts, and at the same time we do feel that now there should be a reduction in a good many of these posts. We feel that a lot of these posts are really redundant and we cannot at present support them.

I, Sir, am not disowning responsibility on behalf of the European Elected Members for the expenditure that has taken place in the past, but it must be remembered that in almost every debate that has taken place since I have been in this Legislative Council, we on this side of the Council have attacked this increase in expenditure, and during that debate, Sir, and in the Committee of Supply, we have on numerous occasions moved the abolition of a post or the reduction of a Head and with very little success. The development programme, Sir, was commenced, I think, in 1946, and while it was obvious that revenue consequential on that development programme would not accrue immediately to the Colony, nevertheless it is some six years now since it was started and we do feel that there should be some effect on the revenue to-day from the vast sums of money that we have expended in the Colony. From now on that revenue should be progressive. We are all fully

[Major Keyser] aware of the effect that the development programme has had on the recurrent expenditure of the Colony, but we do feel that from now on there should be a quite progressive increase from the revenue deriving from that development.

Sir, if we can only maintain this Government machine by a constant increase of taxation as taken place now, we are very soon going to reach a danger level in taxation, and that level is being reached now. We feel that if the new taxation that is visualized in these Draft Estimates is sanctioned, that there will be very little margin left for any further taxation. (Hear, hear.) We feel, Sir, that as far as direct taxation, income tax has already reached its ceiling, especially in the higher income groups. We do know, Sir, that on past occasions whenever that has been mentioned in this Council, that comparisons have been made with the United Kingdom where the ceiling is 19s. 6d. in the £. But, Sir, can any hon. Member say that the effect of 19s. 6d. in the £ has been beneficial to the United Kingdom. We all know that the United Kingdom finances are in a parlous state, so we cannot conclude from that that this very high rate of income tax has been beneficial to the United Kingdom finances. But, Sir, when you do get tax reaching the very high level of the United Kingdom and reaching the levels possibly of income tax in this country, or if it is visualized higher ones, then, Sir, the tax becomes destructive, destructive not only economically but also morally.

Sir, we have always been told about costs following a policy, but the cost of a policy might be the factor deciding its adoption, and I do think, Sir, that we have to decide whether the cost is going to warrant certain services or the increases of certain services, or the maintenance of certain services. I believe that the cost now is becoming so great that there are certain services that can no longer be maintained. Therefore, we have got to think now, not only of no increases, but of reductions in expenditure. In considering these reductions of expenditure we must, of course, do it through considering the abolition of

certain posts. I will, Sir, come back later to this question of expenditure.

Excepting that I would like to mention to-day, Sir, the question of expenditure mentioned again by Supplementary Appropriation. The surplus revenue estimated for 1951 is somewhere in the region of £2,250,000, a little over £2,000,000, and revenue was also under-estimated by a very similar amount. But, Sir, instead of that revenue appearing as a surplus balance it has disappeared in expenditure. Now it is true that a large amount of that was absorbed by the Cost of Living Allowances but some £1,250,000 has been expended by way of Supplementary Appropriation. This is a hardly annual I know, but I do still think that Standing Finance Committee should be more drastic in its consideration of these applications for finance by Supplementary Appropriation, and that no application should be considered if Standing Finance Committee are of the opinion that that item should have appeared in the Draft Estimates. I hope, Sir, that during 1952 that will be their policy.

Sir, I referred to a matter of increased expenditure due to Cost of Living Allowances and in these 1952 Estimates it is a figure of over £1,000,000. Now in the original debate which took place I think in February, 1951, on the Cost of Living Allowances the hon. Member for Finance did tell us that—he said: "Now, Sir, reference to the financial statement in the sanctioned Estimates for this year, 1951, shows that we budgeted for a surplus of £279,000. It is clear from this that even if there are no more abnormal calls upon our purse the estimated surplus for this year will not meet the Colony bill plus the increased contributions to the High Commission services. It is the intention of the Government, therefore, in the changed circumstances, to cover as much of the shortfall as possible by such economies as can be effected without disrupting existing services."

Later on Sir, in the debate on the increased Cost of Living Allowances, he stated:—

"Now, Sir, those sums are very considerable, and it is the intention of Government—as it is in the present year—it is the intention of the

[Major Keyser]

Government, as far as 1952 is concerned, to effect such economy as is possible in order to absorb this increased cost to the maximum possible extent during that year."

Later on in the debate he was pressed by the hon. Member for Aberdare to show us how those savings would be effected and he did mention a figure of £138,000. He said: "Sir, I will certainly undertake, if it is the hon. Member's wish, to provide the necessary information indicating how £138,000 was in fact saved in 1951, and I also undertake that during the coming Budget Session I will indicate how it is proposed to absorb this £138,000 or as much as possible of that £138,000 during the coming year."

Now, we did expect, Sir, in the hon. Member's speech he would indicate to us how those savings were effected, and I do think, Sir, that it is in making his speech to this motion in which he should have given us that indication, but I can find no reference in his speech to it.

The Income Tax Estimates for 1952 showed an increase of some £500,000 which are estimated to be collections of arrears. I would like to know, Sir, whether this includes the sum paid aside by companies for income tax and offered to Government; whether Government did accept any of those offers or whether those offers were refused on the grounds that this money was not yet required. There have in past debates on the Estimates been complaints from this side of the Council that assessments are very much in arrears, and on one occasion the Commissioner for Income Tax was sworn in as a special Member in order to reply to those criticisms from this side of the Council, and he told us of certain steps which had been taken in order to speed up collection, but going around the country I still hear complaints and very numerous complaints of arrears of assessment. I heard of a man the other day who is in a very big way in this Colony, who tells me that he has not been assessed for four years, and the same complaints take place in almost all towns in the Colony and including Nairobi. Now, Sir, if we are not collecting our income tax up to the full amount then, Sir, how in all good faith can Government ask us to

pay (increased taxation in other directions, I do think that before we are asked to pay any increases in tax the present taxes should be properly collected.

In the Expenditure Estimates figure very considerable services, such as education, which are given to the public. We do consider that those services should be paid for to a very great extent, almost fully but not quite, by increased payments for those services, rather than by an overall increase in taxation to meet the shortfall on the services and perhaps Sir, education is one of the heads to which that could be applied. We feel, Sir, that there should be an increase in education fees of all races in order to meet the shortfall under that head. There would, of course, at the same time have to be an increase possibly in remission in cases of hardship under compulsory education clauses, but generally speaking we feel there should be an increase in the fees so as to reduce the present shortfall under education.

Another item, Sir, that looms large in this expenditure is the increased contribution to the High Commission for the loust campaign and again, Sir, we wonder whether really this campaign is justified and whether it would not be better to consider some system of insurance and some system of replacement of food in the event of a locust invasion. The other matter that does arise over it, Sir, is this question of the £200,000 that is put into the Sidsense Account. Does that mean that if the full amount to-day contemplated is not spent, or a £200,000, in other words, if there is a saving of £200,000 on this campaign, that that £200,000 will then be returned to the territories which have contributed to it, or in proportion to their contribution. I should like the hon. Member, perhaps in his reply, to answer that question.

Now, Sir, one other item, large item, that appears is a matter of £600,000 contribution to the Development Fund, and it is proposed to meet that expenditure by the imposition of export taxes on sisal, cotton, hides and skins and wattle. Sir, first of all, I doubt myself whether there is any necessity for the raising of that money to-day; after all, the money will not be required until 1955. Now all sorts of things might happen between now and 1955, to alter the picture completely—

[Major Keyser] it might quite easily alter it in our favour. In addition, Government laid down the policy years ago that they would not raise loans to finance development until that money was required, but to-day there is no compulsion in imposing taxation in order to raise the money some considerable time before the money is required, which does seem to show a change in policy as to when the money should be found for a development programme. Sir, had Government in the debate on the Planning Committee stated that its intention to finance that shortfall of £4,500,000 by the imposition of export taxes I feel quite sure that the support that was given to that Planning Committee Report from this side of the Council would not have been as full as it was. I am quite sure that there would have been considerable opposition to it because I believe that the sacrifice is far too great to provide that increased development; but apart from those arguments, Sir, I think that export taxes are a thoroughly bad form of taxation, quite apart from the fact that these particular ones are inequitable. I believe in a young country development should be increased by every means possible and not have taxes put on to such things as agricultural commodities which we want to encourage the production of. Sir, they are inequitable because the burden of finding these capital sums are put on four branches of the agricultural industry. Now, the implication cannot be that those four branches of agricultural industry are the only ones that are making, shall we say, fairly big profits. Surely, Sir, there are lots of commercial firms, lots of professional men in this Colony who are also making very large profits. Surely there are other undertakings than those four that have been selected. Surely, Sir, there are such things as the production of sodium carbonate, other agricultural industries, but to select four only out of all the industries in the Colony and say these are the four which are going to pay for the future development of the Colony, is, in my opinion, entirely unjustified and inequitable. (Hear, hear.)

Now, Sir, there are other ways in which this development could be

financed. As I said before, 1955 is a very long way off, but I am going to refer now to the matter of surplus balances. In the past, Sir, we have always maintained that these surplus balances should be kept intact unless a certain figure was decided on as the amount of a Reserve Fund which should be established in the Colony. I think it was in last year's debate that we suggested that amount might be £5,000,000 and to-day I still think it might be somewhere in the region of £5,000,000. Our surplus balances at the end of this year will be very nearly £7,000,000, which does give us a balance over what we consider our financial reserve should be of £2,000,000. Now, Sir, in those circumstances we would support the contribution of surplus balances of a sum of £2,000,000 or if it is greater in 1955, or possibly a greater amount towards this gap of £4,500,000.

The hon. Member, Sir, referred to the matter of loans. And he did say that, without quoting him, he did say that the position in London was not so favourable to the flotation of loans as it had been and in fact it was very doubtful if we could raise this £4,500,000 by loan. Well, Sir, that may be so, but I would like to say this about it as far as we are concerned we have never been taken into any of these conferences that have taken place over loans. The hon. Member must himself bear the full responsibility for any failure to raise the full amount of the loans that are required in those circumstances. And if, Sir, in London, he has not been as convincing over his financial policy as he has been in this Council, then Sir, I am not surprised that he failed to raise those loans—(laughter)—and he must of course bear the full responsibility in those circumstances. But, Sir, he also referred rather sarcastically I think to the local market. He said that of course I know I am going to be told that the money should ever made to raise a loan in this Colony? We know of a loan that was raised some years ago but the terms were so unfavourable that it was not popular. But what effort has the hon. Member made to raise loans in the Colony itself? There are numerous ways under which it could be done and which we think would be

[Major Keyser] For instance short-term loans at a discount and a reasonable rate of interest would in our opinion find a considerable amount of money in these Territories. But he does tell us that we must remember of course that we must keep off the local market because the Railways are going to want that money. Well, Sir, I think that that is a most preposterous suggestion. We were asked here not so long ago to give a joint and several guarantee for £23,000,000 to the Railway. If the hon. Member will look back at the history of the Railway he will find that most of the development of the Kenya/Uganda section was done by loans floated by this Colony. Are we to understand from the remarks that he made, Sir, that again any further internal loans would be floated in Kenya and that we are to forego that market for our own development in order that the Railway and the other Territories may benefit by our financial position? The other Territories are, I think, Sir, possibly far richer than us and I think perhaps if they kept off development loans in their Territories they could possibly raise the Railway loan there. But I do think it is a preposterous suggestion that we should keep off the local market in order to allow the Railway to float their loans. With regard to the increased taxation, Sir, I think we give our full support to the increases in the allowances in Income tax for children and for the Customs relief on infants' food and imported soap. And, Sir, when it comes to the increase of duties on spirits and tobacco, well, I say that I do not think any of us have any objection to increases in those taxes. We do in this case think that they are unnecessary. We believe, Sir, that the shortfall between expenditure and revenue estimates should be bridged by a further reduction in expenditure.

We are, Sir, opposed to taxation for the sake of taxation and it does appear to us that there is a tendency here to impose a certain amount of taxes every year in order to keep the taxpayer fit enough to pay new taxes every time something might be required. And this does savour to me, Sir, of taxation for the sake of taxation. But also, Sir, in the past revenue from Customs duties have been underestimated. It was under-

estimated this year. I think it has been underestimated almost every year—and it is again, Sir, inequitable to increase these Customs duties when it is quite possible that we are again underestimating that revenue.

Now, Sir, to go back to the matter of expenditure we do feel that right throughout the items of expenditure in the Colony, considerable saving could be made, chiefly by the abolition of posts which are really unnecessary and which we cannot maintain under our present economy. We feel, Sir, so much about this particular matter that we are going to suggest to Government that they take back these Draft Estimates, that they redraft them and that in their redrafting they come back to us with a cut of six per cent over the whole of the recurrent expenditure—(applause)—and that, Sir, if Government cannot agree to that proposal, we will therefore reluctantly have to oppose the present motion.

Mr. Speaker, I beg to oppose. (Applause.)

Council adjourned at 11 a.m. and resumed at 11.15 a.m.

Mr. PATEL (Eastern Area): Mr. Speaker, I congratulate the hon. Member for Finance for putting forward his views on the Draft Estimates in a very able and lucid manner. (Applause.) But there is one point, Sir, which causes grave anxiety in the whole country, and that is the rising expenditure of the Colony. (Hear, hear.) Explanations have been given by the hon. Member for Finance, but these explanations are not sufficient to remove that grave anxiety. We were told, Sir, some time back—and even in past years—that whenever the revenue is buoyant it is a time to build up surplus balances. Instead of that, we find to-day the position of deficit which has to be met by increased taxation. The general impression in the country, Sir, is that the Government is not controlling the expenditure of the Colony in the manner it ought to be done. (Applause.) It is felt that there is great room for reduction in the expenditure. This country with its resources and wealth cannot afford to have the top-heavy administration which we find now in existence, and something should be done to reduce the expenditure,

[Mr. Palel] which should be in conformity with our national wealth.

Sir, I was told yesterday by a European gentleman at the Mombasa station that it has become the practice with most of the Governments nowadays to appoint five people to supervise fifteen people working in the administration, and he further said "Whether those five people supervised those fifteen people properly or not, there were again three people to supervise those five". (Laughter.) Whether it is right or wrong, the impression is gaining ground in the country that there is a great deal of room for reduction in the number of civil servants. The position we find to-day is that when the revenue is rising, the taxation in the country is increased, and by following this procedure there will be very little room left for adjustment when and if the revenue will begin to fall. (Hear, hear.) It will then be very difficult for this country to tap new sources for finding more revenue when it will be needed. For these reasons it appears very clear that a serious effort should be made by the Government to reduce the expenditure of the Colony. I entirely agree with the hon. Member for Transvaal when he said that large amounts are being swallowed from the revenue by supplementary votes, and it becomes very difficult later on to prune them or reduce the expenditure when the Draft Estimates are presented. But, at the same time, to be fair to the other side I would like to say that during the last many years both sides have more or less acted as partners in expenditure. We on this side have protested against the rising expenditure, have suggested some cuts here and there, and at the same time have demanded increases in some votes. And in the end it is found that at the end of the consideration of the Draft Estimates every year that the Government has come out with an increase in expenditure and not a decrease; and that has been done every year with the consent, more or less, of the Unofficial Members. I hope that the Unofficial Members on this occasion will adopt a different procedure. (Hear, hear.)

Now, Sir, there is one other point which is causing very great concern and anxiety in the country, which I must mention. The Cost of Living Allowance

which will cost about £1,000,000 to the Colony is largely due, mainly due, to the rise in cost of living. Now there are certain factors in the cost of living over which this country has no control, but it is felt generally that in matters where the Government has control, in fixation of prices, the Government has not exercised due care in allowing the prices to rise. (Hear, hear.)

Now, Sir, I must also say, even at the risk of being misunderstood, that the latest rise in prices in regard to essential goods has caused great concern and anxiety and resentment in the country, and my constituents have asked me to suggest to the Government that the time has come when a judicial committee of inquiry should be appointed to see if the Government has rightly and properly allowed increase in every case in essential foodstuffs which has taken place during the last few years. Now, Sir, I am not unmindful of the fact that the farming community is the backbone of the economy of this country, and in an agricultural country like this the farmers must receive a fair price. (Hear, hear.) But what is felt by the consumers generally is that the prices which are allowed to rise are more due to pressure from the farming community, who are more vocal and who are in a position to exercise greater influence than any other section of the community in this country. Now, that is a feeling, right or wrong, and I think that in order to allay that feeling the Government should appoint a judicial committee, an independent committee which should go into the whole matter of prices of foodstuffs in this country. Now, Sir, it has been argued in some quarters that the world prices are very high, that you cannot import those foodstuffs without paying a much higher price; but in my submission that argument is not valid.

When the world prices were lower, the Government had taken steps years back to impose even Customs duty to see that the farmers in this country were not hit hard by the importation of cheap foodstuffs. And, Sir, when we are going to set ourselves as one community of Kenya no section should say that because factors exist outside this country, therefore, we must disturb and upset our economy merely by considering what is happening outside this

[Mr. Palel] the expenditure for social services it has done. country. Where we cannot help it, we have to submit to the world forces, but where we can help it, I think it is wrong merely to blame a case for rise merely on the argument of the prices prevailing outside this country. (Hear, hear.) In fixing such prices, the only consideration should be the cost of production and the reasonable profits, and not what prices are prevailing outside Kenya or East Africa.

Now, on that point, Sir, I must say that there is a very strong feeling—at least, I believe, in Nairobi, Mombasa and all other urban centres—and I hope that Government will take adequate steps to examine the whole question afresh in order to allay those feelings, if nothing else.

Now, Sir, the hon. Member for Transvaal also referred to the question of social services and the expenditure put forward by the Government in the Draft Estimates. Now, that is one point on which I have always held very strong views. Some people have put forward in this country that the productive services must get preference to the social services. Some people hold the views that social services must receive prior consideration to the productive services; and it is felt that, unless we have an intelligent, skilled manpower in this country, the development of these Territories will not have great hope. At the same time, unless we have sufficient wealth, we cannot afford to give social services at a rate which we would all wish to give. It is a vicious circle, and the Government, or those who advocate that the expenditure on social services should not rise as high as it has done, and that the communities should be called upon to make direct contributions toward expenditure, have not yet shown any way to break that vicious circle. I think it should be evident to any intelligent person that the countries which have made very rapid progress have done it on account of the capacity of their manpower; and unless we increase the capacity of our manpower by increased social services, by education and by health measures, it will be difficult to develop these Territories at a rapid rate. And therefore I believe that the expenditure which is provided for the social services is well provided, and I am very glad that Government has this year put forward

the expenditure for social services it has done.

Now, Sir, the hon. Member for Transvaal referred to our contribution to the High Commission Services. Well, I am a member of the East Africa Central Legislative Assembly, and I would like to say that the figures of the expenditure of the High Commission were scrutinized by the Estimates Committee of the East Africa Central Legislative Assembly. I would like particularly to refer to the £200,000 he referred to in regard to the locust campaign. Now, we all agreed it in that form, because if we had not provided for the full amount, reserving £200,000 for further consideration, we should have received that much less contribution from the United Kingdom Government, and perhaps if the expenditure had gone higher for the locust campaign, it would have been found difficult to secure that contribution later on because, under the present system, the United Kingdom Government will only contribute the deficit in the expenditure. If the deficit is less after provision was made by the Territorial Governments there will be less contribution from the United Kingdom Government.

Now, I would like also to refer to the Committee which was appointed a few years back after the war to go into the question of the gradual removal of controls. I do not know whether that Committee is regularly meeting. Perhaps we shall learn about it from the hon. Member for Commerce and Industry in due course; but there are certain controls which require urgent re-examination—and particularly Maize Control and control of movements of rice and ghee in the Territories. (Hear, hear.)

Now, Sir, having made those observations on the expenditure side, I would think that an increase in taxation at a time when there is inflation, when the revenue is coming in in such big amounts, is a wrong step. Instead of an increase in taxation, efforts should be made to reduce expenditure by that amount.

I would then refer to the Development and Reconstruction Authority's Estimates. Here, Sir, I am not in favour of the reduction or slowing down of the development schemes. (Hear, hear.) When

[Mr. Patel] private effort and enterprise in this country shows great confidence in the future development of these Territories; when we see secondary industries rising in this country; and when we see development all round; it will be a wrong step for the Government to show lack of confidence and reduce expenditure in regard to its development schemes. (Hear, hear—Applause.) It will be setting a bad example and creating a lack of confidence in the minds of people outside, and therefore, Mr. Speaker, I suggest that as far as the development schemes are concerned, the money must be found to meet the deficit of capital expenditure.

Now, during the last twelve years one has heard in international affairs as well as national affairs so many predictions and forecasts about economic situations and economic factors, and most of them have gone wrong. It appears that when the human nature has become erratic, perhaps the economic factors also have become erratic, and they do not allow us to grasp them properly. Some people say that there will be either a slump or a war, and that if there is no war, then we must be ready for the slump and provide for it now. Now, Sir, it is not necessary to be panicky at this stage in regard to these matters. If one reads the Hansard and the Budget speeches made during the last ten years in this country, it will be found that so many theories and opinions have been put forward in regard to the future of this country, at a time when the slump will begin, and the effect when the slump will come in; but, after all, these opinions and theories are not necessarily truths and they do not always prove right. But what is right is that we must make every effort to develop East African Territories. (Hear, hear.) In the development and the progress of the East African Territories, be the future of every one of us—(hear, hear)—and for that purpose the Government should not set a bad example by reducing its capital expenditure for development and should find the money for the gap which has been made in capital expenditure owing to the rise in costs of schemes.

I think the suggestion made by the hon. Member for Finance in the composition of export taxes is, in my submission, right, and I support these export taxes. (Applause.) I do not see what

principle is involved in opposing the export taxes suggested by the hon. Member for Finance. In my view, the farming community of this country has unnecessarily opposed a tax which is only to be levied for four years and is to be used merely for capital expenditure. Also, as I understand it, it will not be levied at this rate if the prices of these commodities fall, and therefore I do not see what objection there could be to the levying of this tax at a time when these commodities fetch high prices. It is stated again and again that this is an agricultural country. Our main economy depends upon farmers, and if any of the commodities fetch very high prices, I do not see why the community should not benefit out of it.

While on these Development and Reconstruction Authority Estimates I must say that the Development and Reconstruction Authority have not exercised due care in regard to its building programme. It was often said in this Council that in buildings we cannot afford to be luxurious, there should be an austerity in our buildings; but when you go and see some of the buildings built by the Government, for instance, even the European education buildings, you will notice that huge amounts have been spent by the Government. As far as I understand they have spent £1,500,000 on two European schools. If that is the way we are going to spend our resources I am afraid a poor country like this cannot afford to do it. If £50 and yet he wants a big bungalow, many servants and a fine car, it cannot be done. He may desire it because his neighbour is rich enough to have done it. In the same way Kenya cannot afford to spend huge sums on buildings. I think the Development and Reconstruction Authority have misused the public funds in such matters. There is another point, Sir, which I wish to bring to the notice of the Authority, that a great deal of development in towns, and perhaps out-side towns, is held up for want of quick subdivisions and survey of land. Even industrial development on occasions has been held up because of lack of proper subdivision of land. The Authority started the work in 1946, six years back, and I fail to see why the Authority has been unable to provide sufficient staff for this purpose so that we can go ahead

[Mr. Patel] with our development in the proper manner. Residential, commercial, industrial, all developments have been delayed and have on occasions been completely held up. I will give you another instance, Sir, I have been told whenever I have made representations to the Government to give long leases in the trading centres, they say, "We have not got the staff, we cannot give titles", and what is the result? These people who are owning land in trading centres cannot build permanent buildings unless they are given security of tenure by grant of long leases, and the Government cannot give security of tenure because they cannot give title deeds because there are no surveyors, and this is in my view holding up the proper development of these territories in regard to residential, commercial and industrial areas, and steps must be taken by the Development and Reconstruction Authority as quickly as possible to remedy this position.

Sir, I would like to express that I am very glad that on this occasion the Development and Reconstruction Authority has taken into consideration three very important needs of the Coast. It is about the prison, communications between the Island and Mainland North, and the water supply. I must say in this connection that the up-country Members have no proper perspective to see things concerning the Coast, and particularly when one looks from Kitale at Mombasa the visibility is absolutely dim. (Hear, hear.) They are unable to see what is the need of these things to the Coast, and even some of them say they would like to oppose these proposals, but the Coast Members I am quite certain will have to strongly support the Government in regard to these matters which should have been taken up earlier.

MR. HAVELOCK (Kiambu): Obviously,

MR. PATEL: With these observations, Mr. Speaker, I would like to say that I would strongly support any move from this side for reduction in expenditure generally of the Administration. I would also support this side for preventing increased taxation for the purpose of the Colony's expenditure. At the same time I would strongly support that the capital expenditure which has been intended by the Government for the last six years

should be carried on in order to retain the confidence of the people in this country in order to see that the country is developed properly, and for that reason I would support strongly the levying of export tax for the coming four years.

THE SPEAKER: Surely I am not to ask the hon. Member to reply so soon as all this?

MR. USHER (Mombasa): Mr. Speaker, I deeply regret that I have been put in to bat at this stage; however, I will make a few points I have to make now and reserve for the Committee stage, if it is reached, the further remarks I have to make on particular items of the Budget. In the first instance, I should like to congratulate the Government and to thank the Government very much for the steps they have taken in the alleviation of what I can describe as positive distress in certain quarters due to the high cost of living, but for the somewhat fatalistic attitude that they have adopted I have no applause, because I think a great deal more can be done and in due course I shall be suggesting how it can be done. In the meantime, this income tax relief for families and the relaxation or removal of duties on baby foods, and even this small item, the Customs surtax on soap, are very welcome and, as I say, I am deeply grateful for them, partly because I myself have pressed for them in other debates together with our late friend, Mr. Preston, who assiduously fought for the need of the family man for relief.

May I pass from that aspect of the Budget, Sir, to the question of the export levies upon certain agricultural industries. I am strongly opposed to these, and I noted that my hon. friend Mr. Patel, in whose speech I found so much that was admirable, felt that these special industries ought to contribute of their superfluity and of their affluence to the needs of the whole community. I must make the point, Sir, that in fact they do, whether as companies or as individuals. If he doubts this, let him look, examine the severity of the surtax in the income tax, and it is apparent to me that income tax is in fact the way in which to relieve, not only agriculture but all the businesses which, if I

(Mr. Usher) may so put it, hang on to the skirts of agriculture in this country, should contribute. That is the proper way. But, Sir, I do strongly support the hon. Member for Trans Nziia in his plea that we should look, if necessary and when necessary, to our surplus balances for the financing of these capital projects. (Hear, hear.) In any case, Sir, as my hon. friend Mr. Patel has remarked, there is a precariousness in the future of these industries which it is proposed to tax in this way. How then are we to tie our financing of the capital projects to these matters.

There is a matter which I cannot mention, Sir, when, or if, we come to the Committee stage, and I must therefore refer to it now. May I have your permission to quote from the speech of the hon. Member on this subject. I quote from page seven of the hon. Member for Finance's printed speech. He said: "To provide for the absorption of increased work by the existing staff it has been necessary to increase the working week for Government offices by three hours, that is from 38½ hours at present to 41½ hours in future. This change will be effective from the 1st December this year. It is right and proper to add that in spite of initial and understandable misgivings, the Civil Service, whose representatives have been consulted, have accepted this increase both readily and willingly." It is, Sir, very much in the tradition of the Civil Service of this country that they should accept any suggestion made to them if it is put to them that this is a contribution in a case of emergency, but Sir, while I feel, if it must be pressed forward, there should be nothing said here to set the Civil Service against it. I consider whether this proposed measure is a right one and cannot be reconsidered. The Civil Service as a whole has given generously of its time. The overtime worked by some departments, perhaps by most departments, is quite notorious. Now, Sir, I noticed that the hon. Member spoke of office hours and I must therefore refer to the office hours. It is, of course, necessary for two purposes to have office hours. It is necessary for the ordinary working of the department as well as for the accommodation of the public, but I do fear, Sir, I fear it very

deeply, that if such a principle is admitted, then we shall come to the stage when office hours are regarded as a measure of efficiency and Sir, I feel they are not, and should not be so regarded. It is possible, and I think right, that a certain portion of the Service, whose responsibilities are perhaps not very high and whose work is more or less of a routine nature, should have their work so regulated, but for the majority of the Service, I feel, Sir, that to introduce this proposed alteration in the office hours is to forget the great tradition of the Service and to disregard its present achievement, and its final tendency, I feel, Sir, may well be to turn a Service which we greatly admire into a collection of clock-watchers, and I do very earnestly appeal to the Government, if they can still do so, to reconsider this matter.

Just a word, if I may, Sir, on the taxation of the non-necessities, that is to say, beer and spirits and tobacco. I should like to make my position perfectly clear on that matter because I have been involved in arguments in my own constituency and I said it would have my full support. But, of course, the Press got hold of that part of it and did not realize that what I had said was that the expenditure side would be very carefully examined by Elected Members and that if, after that examination, it was found necessary, then I should give my full support to these measures, as indeed I do, Sir; I see no objection to them in principle, but I see every objection in principle to taxation for the sake of taxation.

Sir, I associate myself fully with what my hon. Leader has said and I beg to oppose the motion.

Mr. NATHOO: Mr. Speaker, to use the words of my hon. friend Dr. Rana it was not my intention to speak to-day, but I think, Sir, that if I did not intervene at the Council were of like opinion, it seems to me if no comments were put forward to-day the Council would be resolving itself into Committee without any debate.

Mr. HAVELOCK: There it still the reply.

Mr. NATHOO: Yes. I think everyone of us will congratulate the hon. Member for Finance for his lucid statement whether we agree with some of the

(Mr. Nathoo) points he has mentioned in it or not. (Applause.)—The highlight to my way of thinking, Sir, is the introduction of the export taxes and some of the issues raised by that new principle. In the past, Sir, ever since the Cost of Living Council members sat about three years ago, I was one of the strongest supporters of the export tax on almost all commodities which were experiencing a very affluent and prosperous state of affairs, and during the last two or three Budget debates I mentioned these points, to be answered always by my hon. friend the Member for Agriculture that this was an established principle and we would not revoke it. I shall be very interested, Sir, much more than I usually am in listening to him as to why he has altered his tune to-day and agreed to this tax being levied. I am glad my hon. friend the Member for Finance has been able to succeed in inducing him to agree to this where I have failed in the past.

Sir, it has been stated that to single out three or four industries for this taxation is bad. I could not agree with that more and I suggest, Sir, that each and every one of these agricultural or other industries should be examined and wherever this export tax is warranted, it should be levied. Sir, in such a rehabilitation, we find items such as rehabilitation and other things which are primarily meant to help the agricultural community. We not only do not grudge them but we welcome this assistance. It has been said by my hon. friend Mr. Patel that the farming community is the backbone of the country, but, Sir, let us face the issue and let us see that these integral industries or these branches of agriculture do contribute towards the general development of the Colony when such circumstances warrant.

Now, Sir, in this respect as I have said and I say it again, I welcome the export taxes for the reason that the money is required. It has been stated by my hon. friend the Member for Trans Nziia that it does not require the money. Sir, if it is proved that we do not require the money then none of us will want to tax ourselves either in the way of export taxes or in the increase of import duties on tobacco, wines and other things. I was very glad to hear,

Sir, all the previous speakers saying that we do not want taxation for the sake of taxation. In this respect, Sir, I should like to bring to the notice of the Council the feelings which are running very high in the two adjoining Territories of Uganda and Tanganyika as regards these increased import duties. I was in Dar es Salaam only last week and I had occasion also to talk to some of the Unofficial Members of Uganda Legislative Council during the last few days. The Legislative Council in Tanganyika have already prepared their Estimates and have postponed the discussion on the increased duties on tobacco and other things pending the decision of this Council. But, Sir, it has been stated by the Members in the Tanganyika Legislative Council that the feeling towards this increase is growing that they are being led by the nose by people in Kenya and that taxation is being imposed upon them when this money is not required. We see surpluses which in Uganda amount to over £2,000,000 for 1951 and in Tanganyika of £1,250,000. They have every sympathy with us in trying to balance our Budget, but feel that some steps should be taken whereby the adjoining Territories are not forced into the position where they have to tax because Kenya is doing so. I submit, Sir, in the past there have always been talks that there should be more co-ordination between Kenya, Uganda, and Tanganyika. In practice, Sir, we find that in all directions we are drifting away more and more rapidly and the present feeling in the two Territories is that we are imposing taxations on them when they are not required by the people. I think the position will arise when these Territories will seriously think whether there is any advantage to be gained by them in joining in the High Commission services. For this reason, Sir, I personally am opposed to the import duties on tobacco and the other things which the hon. Member for Finance has proposed, and I suggest, Sir, that this matter should be reconsidered in the light of the feelings which are prevailing in the other two Territories.

There is another point, Sir, on which I should like to refer, and that is the matter of the Maize Control. Up to now, Sir, or at least up to a few months ago, I was under the impression that it was only the

[Mr. Nalho] non-European communities who were advocating the abolition of this Maize Control. I was very glad to see, Sir, that in the last meeting of the farmers, which met here in this hall a few days ago, there was a unanimous resolution advocating the abolition of this—if I may be permitted to say so—onerous control. Sir, when the farmers themselves are not in favour of it, could we be told why it is being maintained?

Another point, Sir, I would like to ask the Government as to whether, in view of the criticism which has been made in this debate and also in previous debates in this Council, that active steps should be taken to see that land is made available for development of residential, industrial and business areas, and whatever may be the cost, people must be found to do the work, and see that the development of this country is not held up.

With regard to the opposition which was suggested by the hon. Member for Trans Nzoia, regarding opposing the Budget, whilst, Sir, I agree with him that there is serious necessity of overhauling the expenditure of the Colony and that reductions should be made, until I have heard from the other side the arguments against this referring back I shall reserve my opinion.

Sir, I beg to support.

THE SPEAKER: If no hon. Member rises to speak, I will call on the hon. Mover to reply to the debate. (Applause.)

MR. S. V. COOKE: Mr. Speaker, I think it would be a pity if this debate collapsed, and I am prepared, if you will give me the opportunity, to continue it.

THE SPEAKER: Very well. We have only got through four hours and there are four days for it!

MR. COOKE: Well, Sir, another Budget debate has come along and what our friends the American call "the calamity howlers" have started again!

Now, Sir, I personally can see nothing in the condition of the country to be gloomy about. As well might a man be up or because his bank balance is going reverse! For the past few years, Kenya has shown great buoyancy; like the Mississippi, it "goes rolling along" and

long may it roll! It is receiving, thanks to the prosperity of the two other neighbouring territories, freshets to aid it in its course. So I, Sir, can see nothing in this matter to be gloomy about. My hon. friend has shown that the volume of exports—the volume, Sir—has increased by 20 per cent in the past year. He has also shown that the adverse balance of trade is £13,000,000 instead of £22,000,000; as he himself said, "a truly spectacular result". Our national income has increased 15 per cent, to be now £82,000,000. What calamity, Sir, and what gloom! Now there are people in this country who are frightened of events in the future and I was glad to hear the reprimand which my hon. friend Mr. Patel gave to such people. They seem to think, Sir, that anything would be better than a slump; that even war, the avoidance of which millions of people to-day are praying for, would be preferable to the price of primary produce falling in the world. I cannot possibly subscribe to such pessimism. I think, grievous as the fall of prices might be, it would be nothing compared with London with all its millions of inhabitants and with all its culture receiving an atomic bomb.

MAJOR KEYSER: Hear, hear!

MR. COOKE: I am glad to hear the hon. gentleman say "hear, hear", because he has given me a different impression from some words he had used in this Council and from some words he used in Mombasa last week. No doubt my hon. friend will withdraw those words. I am congratulating him on seeing the truth at last.

Now, Sir, with regard to the other side and the control of inflation, I must join issue with my hon. friend the Financial Secretary. I, Sir, range myself in this matter on the side of Mr. Churchill and the Conservatives. My hon. friend says it is impossible to stop inflation. Mr. Churchill said in his broadcast speech "I never subscribed to the conclusion that inflation was inevitable"; and then he said "We must halt inflation; this is a compelling need". Now this inflation, as I remember this Council before, is having a very bad effect politically on a country like this. It was Lenin, Sir, who said that "if you want to destroy capitalism, you must first debauch the currency"; and that is what is happening in

[Mr. Cooke] this country to-day. I, Sir, am not prepared to subscribe to any such an outlook so far as inflation is concerned.

Now, Sir, with regard to the hon. gentleman's usual homily, that all must work, of course we all agree with him. But it is no use, Sir, uttering exhortations unless they are followed by action. There is I contend, Sir, absolute need for drastic action in this matter. I mentioned the other day a certain sugar estate in Nyanza which could produce twice the amount of sugar, that is, raise the production now from 300 bags a day to 600 bags. I was told this morning really it could be raised to 1,000 bags if labour were available and if proper transport arrangements, depending on roads, were available. I think, Sir, if Government comes to this Council and in its Development Report preaches page after page the doctrine that all must work, and we accepted that Development Report on that promise, I think it is up to Government now to take urgent action to implement their implied promises. I know the difficulties in the case, but I think that at any rate more effort should be made to overcome them.

Now my hon. friend went on to say that there was a necessity to raise the working hours of the civil servants in this country, and he said that the proposal to do so had been "readily and willingly accepted". Now, Sir, I must call that phrase "readily and willingly accepted" into question. I, Sir, was in on this matter from the beginning as Chairman of the Civil Service Board, and my hon. friend the Chief Secretary sent for me one day about two months ago and asked me what my opinion was with regard to longer working hours. My hon. friend will bear me out, that I was strongly opposed to such a suggestion. I said to him that it would be much better to have an Efficiency Committee than to put on longer working hours. Later, there was a meeting of the Civil Service Board which I attended, and at which two or three of the members were members of the Civil Service Association, and my impression is—and it is an impression confirmed by those members themselves—that they made it abundantly clear to my hon. friend the Financial Secretary and, I think, my hon. friend the Deputy Chief Secretary

that they were against longer working hours because they did not think that longer hours would produce what the Government really desired; and that they themselves were prepared to appoint an Efficiency Committee to get rid of the dead wood. Now, I regard that as a reasonable and willing suggestion which should have been adopted. If Government, they said, gave an order that there must be longer hours, of course they would have to obey. And then they said "In that case, we would like to discuss with Government when those hours should be added on." Now that is my clear remembrance of what happened, and I understand it is the clear recollection of the other members of what happened. Now, if my hon. friend would, as I think he should, tell us that he has made a mistake in this matter and that the suggestion was not "readily and willingly accepted" I think everyone would respect him for his complying with the wishes of the civil service.

Now, Sir, after this ill-conceived and ill-handed matter, it is a relief to turn to another matter and to find that my hon. friend has at last agreed with my suggestion about the use of surplus balances. Indeed, I must congratulate my hon. friend the Member for Trans Nzoia for his ready agreement as well, because last year he said in this Council that he was going to stamp on the fingers of anyone who suggested such a thing. My hon. friend will have the extreme difficulty now of stamping on his own fingers! (Laughter.) I have always held, Sir, that the proper use of these surplus balances was for capital development. But I congratulate Government because there is more joy for the one sinner who repenteth, Sir, than for the ninety-nine people who are right. Now, these surplus balances have been built up very fortuitously. They have been built up—I think it must be acknowledged—by bad or wrong estimating, which left us with a surplus at the end of every year greater than we had estimated; therefore, we put that money into—I must not call it the "kitty", Sir—but into the something or other of the Treasury. That money, Sir, has been accumulated year after year. Now, Sir, it is a well known axiom in public finance, with which I am certain my hon. friend will agree,

[Mr. Cooke] that it is bad to take from the pockets of the people more than is needed for the service of the public purse. In other words, it is better to let the money fructify in the pockets of the people. Now, Sir, that this money has been accumulated I think it is a good idea to hand it back to the people who provided the money and to hand it back in this form for capital-development.

Now, Sir, it flows from those remarks that I am not in favour of export taxes—(applause)—and I oppose the export taxes because I believe the money can be found some other way. I would make it clear that the suggestion of export taxes as put up in, I thought, a very good report, the Vasey Report on the Cost of Living—these export taxes were advocated in order to level the prices of farm produce—at any rate, it was to have that effect. I think that was a suggestion that deserves a good deal of consideration, but to tax a few industries and leave the others, such as pyrethrum and coffee and one or two others, untaxed, is in my opinion an unfair discrimination.

Now, Sir, I do remind this Council again of Churchill's phrase "recrimination about the past". He says that "it leads to effective action in the future". Now, there were some of us who have been advocating for years the use of, at any rate, some of these surplus balances. Although I should not perhaps adopt the exact words "I told you so"—if we had instead of letting it lie idle—I will remind my hon. friend in a moment why it has been lying idle—it could have been used for such capital investment as, for instance, grain silos, better roads, Government central buildings—the payments for hired buildings being at the moment a great drag on the economy of this country. If that money had been used, Sir, it would have saved this country between £1,000,000 and £2,000,000. So that on either side of the Council there are those people who have refused this use of that money; who have, as I have said, been responsible for a loss to this country of certainly well over £1,000,000. That is a serious matter in a country like this. Of course, my hon. friend will say that the money

was needed for contingent liabilities. Well, he has now learnt of course by experience that those contingent liabilities can be covered by short-term loans; the main contingent liabilities being the purchase of crops. They can, as some of us have urged before, be covered by short-term loans.

Now, with regard to the guaranteed minimum return, which amounts to about £1,500,000 I am going to suggest that that guarantee shall be withdrawn. It has only been called upon to the extent of an average of £10,000 in the last ten years, and I do not see why a few crops should be taken out of the whole pool, as it were, and given this guaranteed minimum return when other crops are not given it. It was a war emergency measure in order to encourage the growing of certain crops and, Sir, that encouragement is now not needed. Therefore, I am going to suggest—and I am going to go much further than my hon. friend, the Member for Trans Nzoia—I am going to suggest that between £3,000,000 and £4,000,000 be taken out to cover this gap in the Development and Reconstruction Authority expenditure: I entirely agree with my hon. friend, Mr. Patel, that it is pusillanimous on our part, it is poltroonery on our part, it is complete absence of reality on our part to cut short in any way this Development Plan.

Now, Sir, we have Uganda going ahead and Tanganyika going ahead, spending money here and there; silos are being put up in Uganda and there was a marvellous new airport which was completed the other day, and here we are, who claim—and rightly claim—to be leaders in this country, and we are saying we should cut short our capital development! I, Sir, would never be one of those to support such a point of view.

Now, with regard to the continued rise in the recurrent expenditure, I agree with everything that has been said by my hon. friend the Member for Trans Nzoia. Again at the risk of saying "I told you so," I will read out very briefly a minority report, as hon. Members of this Council realize, it is not the first Sir, will it be the last. (Laughter.) This is a report, Sir, signed the last time

[Mr. Cooke] the Standing Finance Committee, considered the Estimates. Now, of course, they are considered by a Committee of the whole Council.

LADY SHAW (Ukamba): Not this Council! A previous Council.

MR. COOKE: The hon. and gracious lady must know it is usually the tradition here, where politics really depend more on personalities than on views, that people usually carry on whatever was carried on by their predecessors. They are slightly less efficient at times, that is the only difference! I opposed my hon. friend who was at the time Deputy Chief Secretary, I opposed the number of increases in establishment offices. It is really remarkable how all these things have come true! I had one supporter, Mr. Mathu, in my opposition to the appointment of a European foreman in African areas, which I did not think was necessary; it could have been done by an African. I had half a page, Sir, on what has been referred to by several speakers this morning, and will be referred to, I understand, by several more later, with regard to the increase in administrative officers. In that, I was in the glorious minority of one! I mentioned where the increases took place; none of my colleagues of that day supported me. Then there was the question of labour managers for the Public Works Department, which I opposed, and two or three other suggestions. The only one in which I gained a victory, Sir, strange as it may be, was the proposal for Government to run an African vernacular Press. I was strongly opposed to that; I was still in the minority, but, for once in a way, Government saw my point of view and I think that I saved probably another department, or at any rate expenditure of some thousands of pounds. I mention these matters to show that I am not now being wise after the event. Four or five years ago my hon. friend here, Major Keyser, was a Member of this Council—I opposed these particular increases, and I got no support.

Now, Sir, to finish up, I am a supporter of these increased taxes in principle; I mean, the taxes on spirits and so on. But I think we can show, Sir, that they will not be necessary, if our suggestion of a 6 per cent cut is realized, it will not be necessary to have these taxes. But I am

going to say this, that I cannot understand why the Government have not accepted the report of the Committee which sat last year on an African graduated tax. We went into that matter very carefully indeed, and we felt, except for the African Members, that the time was ripe for such a tax, and my point of view is, Sir, the old Biblical one—"He who doth not work, neither shall he eat". I think that the African cannot claim that he should get more educational facilities, more this and that, unless he is prepared right away to tax the wealthier African. Therefore, Sir, I say this, that unless Government agrees to put this tax on, I shall have to oppose certain expenditure under the Education Head.

Now, Sir, I have not congratulated my hon. friend on his brilliant speech, or anything like that, but I would say that from the rather shy and diffident—I cannot use the word "youth"—person he was two years ago, who has developed a pugnacity which, to me at any rate, is very welcome. (Applause.)

THE SPEAKER: No Member rising to speak, perhaps the debate had better be adjourned until Members have sufficiently recovered from their absence from Council.

MAJOR KEYSER: Could we adjourn it, Sir?

THE ACTING CHIEF SECRETARY: I will formally move, Sir, that Council do adjourn until tomorrow.

THE ATTORNEY GENERAL: I beg to second, Sir.

The question was put and carried.

ADJOURNMENT

Council rises at 12.28 p.m. and adjourned until 9.30 a.m. on Wednesday, 21st November, 1951.

Wednesday, 21st November, 1951.

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 21st November, 1951.

Mr. Speaker took the Chair at 9.32 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 20th November were confirmed.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 6

MR. NATHOO:

Will the Government state:—

- What was the total production of sugar in Kenya in 1950?
- What was the quantity imported from:—
 - Uganda?
 - United Kingdom?
 - Other countries?
- What was the price paid to producers in Kenya?
- What was the price at which sugar was imported from Uganda?
- What was the price paid for sugar from the United Kingdom?
- What was the price paid for sugar from other countries?

THE MEMBER FOR COMMERCE AND INDUSTRY:

- 13,726 tons.
- Imports from:—
 - Uganda, 17,540 tons.
 - United Kingdom, 9,125 tons.
 - Other countries, nil.
- For the first four months of 1951 the price to Ramiid producers was Sh. 572/80 per ton. During the remainder of the year it was Sh. 651/20 per ton. The corresponding prices to other producers were somewhat less after allowing for the adjustment of rail freight.

- For the first four months of 1950 the price was Sh. 579/10 per ton f.o.r. Jinja and during the remainder of the year Sh. 712/60 per ton f.o.r. Jinja.
- Sh. 981/20 per ton.

- No imports were made from any other sources during 1950.

MR. NATHOO: Arising out of that reply, Sir, would the hon. Member tell me whether the price of Sh. 981/20 is f.o.b., f.o.r. or c.i.f.c.?

THE MEMBER FOR COMMERCE AND INDUSTRY: F.o.r.

MR. COOKE: Arising out of that reply, Sir, how does the hon. gentleman reconcile the statement he has just made now with the policy of Government that they would do all they could to encourage sugar growing in this Colony?

THE MEMBER FOR COMMERCE AND INDUSTRY: I am sure my hon. friend will agree with me that all the practicable steps have been taken, are being taken and will be taken to encourage sugar growing in this Colony.

MR. COOKE: Arising out of that reply, Sir, are practical steps being taken to encourage the growing of sugar as mentioned by myself on the Nyanza Sugar Company Estate, where they are already producing only half of their potential sugar production?

THE MEMBER FOR COMMERCE AND INDUSTRY: Like the hon. Member, I hope they will increase their production.

MR. BLUNDELL: Arising out of that answer, is the hon. Member satisfied the price for local sugar is at such a figure that adequate wages can be paid to labour to attract them in order to do double the production which the hon. Member for the Coast wishes?

MR. COOKE: Arising out of that, is the hon. gentleman aware that the Company which I have mentioned pays about double the wages paid by most of the up-country cereal farmers in this country? (Laughter.)

THE MEMBER FOR COMMERCE AND INDUSTRY: I think, Mr. Speaker, the question has been answered by my hon. friend.

QUESTION No. 11

MR. NATHOO:

(a) Is the Government aware of the serious complaints against the East African Airways Corporation lodged by some passengers in connexion with their last trip to Mecca?

(b) If the reply is in the affirmative, will Government give an assurance that in view of the fact that the Kenya

[Mr. Nathoo]

taxpayer will have to share part of the loss of this Corporation, fullest investigations will be made in the matter as there is a widespread feeling that the East African Airways Corporation is not as efficient or as civil as it might be?

THE MEMBER FOR COMMERCE AND INDUSTRY:

(a) The answer is in the affirmative.

(b) The Government is advised that the fullest investigation is being made into the complaints which arose through circumstances which are understood to be beyond the immediate control of the East African Airways Corporation and which, so far as is known, have had no bearing on the efficiency and civility of the Corporation.

MR. NATHOO: Arising out of that reply, Sir, is the hon. Member aware of the statement appearing in the paper yesterday on the same subject with regard to some other instance within the control of the Corporation?

THE MEMBER FOR COMMERCE AND INDUSTRY: If the hon. Member will be good enough to let me have a copy of the statement, I will see that its contents, if they are not already known, are drawn to the attention of the Commissioner for Transport in the High Commission, who is the principal officer of that body responsible for the overall administration of the East African Airways.

APPOINTMENT OF SELECT COMMITTEE

THE ACTING CHIEF SECRETARY: Mr. Speaker, I beg to move: That the following Select Committee of the Council be appointed to inquire into the East African High Commission Services consisting of:—

Sir Charles Mortimer, C.B.E. (Chairman), the Member for Agriculture and Natural Resources, the Member for Commerce and Industry, Mr. W. B. Havlock, Lieut.-Col. S. G. Gherrie, C.B.E., Messrs. L. R. Mwanochela-Welwood, I. E. Nathoo, S. M. Shatry and E. W. Mathu as members.

Hon. Members will remember, Sir, that a Committee composed of these Mem-

bers was appointed during the last sitting of Council which has not yet had time to complete its work. This motion might perhaps have been introduced at the time when the other committees were reconstituted at the beginning of this Council.

THE ACTING SOLICITOR GENERAL seconded.

MR. BLUNDELL: In rising to support the motion, Sir, I shall be grateful if the hon. Mover will elucidate one small point for me. Will he clear my mind as to the distinction which he has drawn, or which this Council has drawn, in the appointment of this Committee—appointed to look into the High Commission—and his answer to the question which the hon. Member for Trans Nzoia placed before him in regard to the Committee of Inquiry into the congestion at the Port of Mombasa?

MR. SALIM (Arab Interests): I understand a former colleague, Mr. Rana, that Mr. Salim is no longer inclined to remain as member, and therefore I would like to suggest that my name be put in his place. (Applause.)

DR. RAMA: Mr. Speaker, I think it is a very serious problem. Mr. Shatry has not told me anything, but I have heard indirectly that, owing to some personal circumstances, he will not be able to attend this session as he has been doing in the past. He did not tell me personally anything.

MR. COOKE: Mr. Speaker, I would like to associate myself with what has been said by the hon. gentleman on my left (Mr. Blundell) and support him in his request.

MR. HAVLOCK: Mr. Speaker, there was a lot of debate on this matter as to whether this Council has a right to appoint a committee to inquire into services under the High Commission, and it was resolved by this Council that there was such a right by the motion which was passed appointing this Select Committee about six months ago. This is reappointment. I would press Government, as the hon. Member for Rift Valley has done, for a reply as regards the inquiry that the hon. Member for Trans Nzoia asked for, the inquiry into the congestion at Mombasa. This must be considered as a precedent that this Council

[Mr. Havelock] has every right to inquire into the services of the High Commission where they affect this Colony.

THE ACTING CHIEF SECRETARY: Mr. Speaker, on the question raised by the hon. Member for Rift Valley, I would remind hon. Members that I was extremely careful when replying to the hon. Member for Trans Nzoia not to say that this Council had no right to appoint a Committee. I think if he looks up the Hansard he will confirm that I am correct in this. I think, also, I might make the point that there is a difference between this Committee which was appointed during the last sitting to inquire into High Commission Services, to which this Government makes handsome contribution in funds and, in computing that with an inquiry into an entirely self-financing organization. I think that there is a difference; but in any event the suggestion has been put to the High Commission and I would suggest that hon. Members might wait and see before they press this matter further whether, in fact, their suggestion for the appointment of the Committee is accepted or not.

MR. HAVELOCK: May I point out to the hon. Member that the terms of reference of the committee appointed to look into High Commission services include inquiry into the efficiency of self-financing services under the High Commission?

THE ACTING CHIEF SECRETARY: I do not think, Sir, that having explained as I have, that I was careful never to say that this Council had no right to appoint a Committee on this matter, that there is anything more I need say on the matter.

The question was put and carried.

PROCEDURE

MR. COOKE: Mr. Speaker, before this debate continues, I should like, Sir, with your indulgence, and with the indulgence of the Council, to draw attention to certain incidents which took place in this Council yesterday. I am referring, Sir, of course, to the maneuvering which took place to avoid speaking yesterday. I was under the impression, Sir, the meeting held the day before that the various parties in this Council had agreed to an

order in speaking. I know, Sir, you cannot take cognizance of that. I myself, for instance, had requested I should be permitted to speak to-day, so there was no doubt about my own position, but I had to intervene to prevent—and so had my hon. friend the Member for Mombasa—a very important debate from collapsing.

Now, Sir, I think, and of course I am susceptible to explanation by my hon. friend, Mr. Mathu, that not putting up an African Member yesterday was a discourtesy to you, Sir, in particular, and to the Council in general, and to avoid anything like that happening in future, I suggest that a list of names of speakers, following the practice of the House of Commons, that a list of names in important debates be submitted. I would not say so in ordinary daily debate, but in important debates such as those taking place this week a list of names should be given to you before the debate begins, and that you, Sir, should find it convenient to catch the speaker's eye who is next on the list. Sir, I submit that suggestion for your consideration.

MR. MATHU: Mr. Speaker, might I put right the point raised by the hon. Member for the Coast regarding the allegation of discourtesy to you and to the Council in not speaking yesterday. I know that no African Member spoke yesterday. I would like to deny that there was any intention on our part of any discourtesy in not putting forward a Member to speak yesterday. I had explained—just before the debate commenced—to the Chairman of the Unofficial Members Organization that the Unofficial Members Organization that I was not going to speak yesterday, and my intention was to speak to-day, and that should any of the African Members be prepared to speak yesterday, he should do so. Unfortunately, in consultation, we agreed that we would not put a Member yesterday, but we started our ball rolling to-day, and if the hon. Member for the Coast would accept that explanation in the Council, I will repeat again that there was no intention whatever on our part to be discourteous to Council or to yourself, Sir. (Applause.)

MR. HAVELOCK: Mr. Speaker, I am sure the hon. Member who has just spoken did not mean to be discourteous to the Council or to yourself. I am not going into the detailed discussions that happened in the Unofficial Members

[M. Havelock] Organization before this Council. I do not think it is right to raise this matter, but I would suggest that the point Mr. Cooke has raised—the suggestion he has made—may have certain merit and should be discussed by the Unofficial Members Organization and, indeed by the Sessional Committee, and then perhaps we could come to you with our suggestions, Sir.

THE SPEAKER: There is no particular right of any Member to speak in advance of any other Member. It is simply a question of catching the Speaker's eye and, as for the list of speakers, that is not quite accurate. What is now the practice in these particular and important debates is for the Members who wish to speak to submit their names in advance to the Speaker. This practice, while not fettering the discretion of the Speaker affords to Members who avail themselves of it a better opportunity of catching the Speaker's eye—(laughter)—and, to the Speaker, a means of distributing the available time as equitably as possible between the various sections of opinion. When the Unofficial Members Organization are going to consider the matter, I hope they will study page 426 of May's *magnum opus*.

MR. HAVELOCK: Thank you, Sir.

DRAFT ESTIMATES OF EXPENDITURE, 1952

REFERENCE TO COMMITTEE OF SUPPLY (Contd.)

THE SPEAKER: It has been proposed that the Council resolves itself into a Committee of Supply to consider the Draft Estimates of Expenditure for 1952.

MR. BLUNDELL: Mr. Speaker, with the generous agreement of the hon. Arab Member, I should like to claim, if necessary, the right to speak for longer than half an hour.

Now, Sir, it is a practice when speaking in this debate, to congratulate the hon. Member for Finance, and I am quite happy to congratulate him on his lucidity, but I should not like to fly false colours and congratulate him on this economics. I am rising to oppose this motion.

I view with considerable alarm the increase in the recurrent expenditure. I do so for two reasons. Every penny increase

in the recurrent expenditure removes that penny from the capital Budget if we so desire to place it there, and secondly, every time we allow the recurrent expenditure to rise, we limit the taxable manœuvrability at our disposal and bring ourselves nearer to what exists—whether we are near to it at the moment or not—our taxable ceiling. Now, it is popular amongst some Members to imply that they are the only ones who are crying in the wilderness, but at any rate this particular angle I presented to this Council in 1949 when speaking to that Budget. I wish to emphasize that, in viewing the rise in the recurrent expenditure with alarm, I am not in any way implying gloom as to the future of our Colony. I believe that we are in a broad expansionist movement over Africa, which will carry us forward although there will be a slowing to and fro in the general advance of the tide. But nevertheless I believe it essential to present upon the Budget the eye of prudent analysis, not of gloom.

Now, I believe that our Budget has been conditioned over the last five or six years by a general upward rise in prices of our produce; by the injection of the Development and Reconstruction Authority programme, which causes within our economy an increase in our wealth, and thirdly, by the flow of capital to the country. I should like against that to examine the actual position which we find. Here we have three factors which are extremely favourable to our economics; a considerable rise in the price of our raw materials which we are producing and selling on the world market; an injection engineered by ourselves into our economy in capital development; and lastly, an immense flow of many tens of millions of pounds in capital development into the industries of the Colony—whether primary or secondary.

Now, against that prosperous background, let us examine the taxation position. As the hon. Member for Trans Nzoia said, our taxation is not low. Now, I notice sometimes when hon. Members on this side of the Council say that, that hon. Members on the other side smile with disbelief, and I should like to give some figures. On an income, say, of £10,000 a year, and I can well under-

[Mr. Blundell] stand that many hon. Members who have not the capacity to reach that income may consider it a diamond glittering in the sky, on that income, no less than £5,000 is paid in income tax and surtax. Of the balance, the Hospital Authority claim a portion and, of course, a very considerable portion goes in indirect taxation. Again, on an income of £40,000 a year only £8,000 is left in the hands of the taxpayer.

Now, to one who is struggling in life on £2,150 a year, plus cost of living allowance, an amount of £8,000 in the hands of the individual is generous, subject, of course, to those deductions similar to those I have outlined also for the man with £10,000 a year. But, Sir, this is the point. Out of that £8,000 left in the hands of the individual from a total income of £40,000, out of that £8,000 has to be found for savings, the capital development from the private individual in the Colony, and for the financing of capital development; and, at any rate, I know one Member on this side who will agree with me. At any rate I know one Member on this side who will agree with me because you cannot say that if you leave £8,000 out of £40,000 you are leaving very much. To use the famous saying of an infamous economist "To fructify in the pockets of the people". Again, Sir, on this matter of direct taxation we have here a difficulty. It lies in the juxtaposition of a peasant economy and that of an advanced social economy such as that of Western Europe and it may well increase taxation upon the one without touching the wealthy peasant economy at all. Let us turn to indirect taxation. Before doing so, Sir, I would just like to make one point on direct taxation. We have a gap in the recurrent Budget of £500,000 a year. If we met that by an increase in income tax we should have to do one of two things, we should either have to place the increase upon the very groups we wish to remove the burden from, i.e. the lower and middle income groups, or upon the higher income groups. If we do it upon the former we increase the load upon those already pressed. If we do it on the latter we should have to raise the rate of income tax in this country in order to raise £500,000 very close to figures in the

United Kingdom. That proves to my mind that our margin of manoeuvrability within the income tax ceiling is limited. Let us examine now indirect taxation. Every penny that we place upon indirect taxation affects automatically the cost of living. Every roof in a house which is made of corrugated iron, every coat that hon. Members wear, every pair of trousers has paid its due proportion of the burdens imposed upon us by hon. Members opposite. I see the hon. Deputy Chief Secretary whispering, it is true I have a new coat on to-day. (Laughter.) That brings me to this, the limit to which we can increase indirect taxation is absolutely conditioned by our willingness to accept a rise in the cost of living.

That brings me on to a point I have stressed before in this Council and I do not think I have met the sympathy which I derive from hon. Members opposite. The cost of Government is one of the most serious factors in the cost of living and that is again a reason why I view this rising recurrent expenditure with such alarm. We cannot afford to reduce Customs duties which would immediately make a contribution towards the cost of living, because we need every penny that we can collect from those Customs duties to carry this burden which is presented annually to us. Now, Sir, I have noticed several times in the past, when I have said that, hon. Members opposite have looked, like sleek Persian cats with a shining fur, licking their whiskers after consuming a bowl of cream. I should like to stress that strongly to hon. Members opposite. The cost of a bowl of cream—I think hon. Members on this side, Sir,—but nevertheless, Sir, the cost of living is directly connected with the cost of Government. Now, Sir, on this recurrent problem a thing that worries me is this. We shall shortly be faced, I am certain, and in equity we shall have to meet it, a request for more "Cola". I believe that we have built the structure of our Budget apart from the three factors which I have mentioned earlier, we prices which emerged after the war and as a result of that we were able to create posts on salary scales which were not truly consonant with the purchasing value of the pound, and we have got a distorted Budget because of those two

[Mr. Blundell] factors. In other words, to put it plainly, many of our posts have been created out of our revenue because our salary scales have only risen slowly in proportion to the progressive decline of the pound. If we are to provide more "Cola" on the cost already before us in this recurrent Budget where is it to come from? It can only come from more taxation and I have given my reasons for viewing with alarm any increases in taxation or a rise in the revenue. We have had a progressive rise in the revenue, but as the hon. Member for Trans Nzoia said, one of the alarming things is that our revenue has never managed to get well ahead of our expenditure. In fact our expenditure has always pursued our revenue and overtaken it. I believe, therefore, we are in a dangerous situation, in that our capacity to fit our mounting needs to our increasing revenue is limited.

Now, remarks Sir, have been made about a check to our economy and I should like to put a few words in on that. It has been suggested that if there was a transition from war to peace, it might have serious effects upon our economy. Now, I think it is a mistake to hang a political flag out on a misunderstanding. The truth of the matter is if there was a change from the present rearmament programme to an era of peace, and that I stress to every Member on this side is a change that we would all welcome with open arms. If there were such a change, we should undoubtedly have a check in our economy. I do not believe, myself, that it would affect us drastically because the pent-up demands of civilian consumption would take up a tremendous amount of the slack which would be produced by a reduction in the rearmament programme but nevertheless we might well have in our economy, a momentary check, which might last as much as nine months or a year. I do not see that we have the taxable manoeuvrability—to use my phrase—to meet such a check other than through the surplus balances.

Now, Sir, with this background I should like to suggest that we should examine the two gaps. The first gap is the £4,500,000 in the development programme. It is well known that I oppose the method which the hon. Member has put forward for meeting this gap, that

of export taxes. I do not wish to go into the details. If he has read the Press, if he has attended conferences, and if he has listened to the speech of the hon. Member for Trans Nzoia, he will very well know our objections to the reasons for those export taxes, and it would merely waste the time of the Council to repeat what I believe are very cogent and sensible reasons. The point I would like to deal with is this. It arises out of the speech of the hon. Member Mr. Nathoo. I believe it is extremely erroneous to think that these taxes will only last once imposed for four years. I have a simple question to ask. Does anyone in their senses imagine that the developing economy of this country, especially the capital development will cease at the end of four years? The hon. Member for finance knows very well that one of the headaches he has daily with him is not the financing of the development programme up to 1956, it is the demands which are already piling up after 1956 and if there are the same restrictions upon our loan facilities and there is no reason why there should not be in view of the taxation trends in the United Kingdom, we shall still have to finance a developing capital programme, and I believe every Member must realize it is erroneous and false to think once these export taxes are established, they will be sweetly and softly removed after the end of four years.

Now, Sir, I find it very pleasant indeed to see the hon. Member for the Eastern Area supporting taxes upon others. I understood he supported the export taxes and at the same time he urged a judicial inquiry into the cost of foodstuffs. As a member of a farming constituency with a very large town in it, I would like to say that we have the greatest sympathy with the pressure upon the townsmen of the rising cost of living. I would like to say that, certainly in two commodities of which I have detailed knowledge, price advances are only given after the most thorough examination of the cost structure, but what in effect the hon. Member means in principle, by a suggestion that farm prices should be rigorously examined is that he is willing to support a closed and controllable economy. Now, Sir, let me turn to the right here, to the hon. Member for the Coast who as well as oppos-

[Mr. Blundell] import export taxes and rightly implied that we should remove the guaranteed minimum returns. (Hear, hear.) He also implied that possibly export taxes might be placed upon pyrethrum and coffee. Sir, let us examine the principle which we advance in destroying the guaranteed minimum returns. What we mean in effect is that the wishes to move towards an open economy without controls.

Now, Sir, I brought this forward because it is in effect a problem which we have not solved in economics. If we follow the hon. Member for Eastern Area's view of a closed economy then we must expect to have rigid controls and a planned economy over everything including the fees of the legal profession and that of the medical profession. If we advance, as the hon. Member for the Coast seems to anticipate, towards an open economy with the removal of such things as the guaranteed minimum return, then we must automatically accept the fact we are in an open economy, wages must rise, prices of primary produce must rise. Now, Sir, we have not resolved in our minds that conflict. If Finance has said that the hon. Member for Finance has, and I would recommend to him that we do resolve it. We cannot go on half and half, one foot in a closed economy and another foot in an open one. My own belief is that we would be well advised to go boldly forward in a young and developing country to an open economy because a closed economy inevitably sets up distortions in the economic structure in the very effort to straighten that structure.

Now, Sir, how are we going to fill that gap of £4,500,000 if we eliminate export taxes? I would suggest that we should fill it as follows. First of all £2,500,000 from the surplus-balance. Now, Sir, there has been much bandying of words to and fro about the surplus balances. There has been much, as I said earlier, crying in the wilderness about the surplus balances, but I believe I am speaking for all the Members of the European Elected Members Organization, with the possible exception of the Member for the Coast, when I say that we have never denied the principle that we wish to keep take up the slack in any check in our inflation, for the daily working capital

of the Colony and for the numerous misappropriations which the hon. Member for Finance indulges in within those balances, and the remainder can be used for the general development of the Colony. Now, I am almost certain that I have put that point of view forward myself. At the end of the development programme, if we have ample surplus balances, apart from the needs which I have outlined, they can be used for the further extension of that programme. Not only that. It is false economy to build up £7,000,000 in surplus balances, it is indeed now within striking distance of £7,000,000 at a time when the value of money is declining daily. All we are doing is building up £7,000,000 and every year driving down a million or a million and a half of it in terms of real purchasing power. I would suggest we make up our minds how much surplus balance we would need for working capital, and for the reasons I have adduced, the balance should be placed to development and put into tangible assets as soon as possible. I would suggest for that purpose at least £2,500,000, and suggest further we should meet—and this is a most important point—we should meet a large element in the gap by prudent savings in the recurrent expenditure. The hon. Member is already moving across from the recurrent Budget to the capital one, £300,000 a year and there is no reason why if he will not allow the money of the people to burn in his pocket, not fruitfully, but burn in his pocket, if he will not allow, that there more money over in the next four years I do wish to stress it, every post we create in the recurrent Budget creates a post and five bogies behind it. It creates pension, replacement, housing, me, and one other which escapes me. (Laughter.) So there are five—so that in effect, Mr. Speaker, every post that we can save, we not only save the posts, but for every £1,000 we save, 40 per cent hidden away as well as the £1,000, all of which can move across towards our capital development.

Now, Sir, my third point to meet the gap is one which I should like to advance for consideration. It is this: that we should extend by one year or two the period over which the report of the Planning Committee was envisaged.

[Mr. Blundell] Now that has not, I think, met from this Council with the due consideration—that suggestion—that it deserved, for this reason. The Planning Committee itself suggested that that should happen in paragraphs 16 and 23, and the hon. Member for Development and—is he the hon. Financial Secretary, the one behind?—(laughter)—and the hon. Secretary for Finance signed that report. Now, Sir, there are tremendous advantages in our extending for one or two years that period for the plan. Now let me dispose at once of the preposterous suggestion of the hon. Member for Finance that a plan without a date or without a target is not a plan at all. What I am suggesting to him is that instead of having a four-year plan, owing to the exigencies of the situation we have a five- or six-year plan—nothing more and nothing less.

We hear a great deal about inflation, and the effect that inflation has upon the cost of living. Now, Sir, it is easy to get up, especially before elections, and say "I am going to cure inflation" and produce, as Mr. Churchill did, certain remarks. But (we do not hear how we are going to cure inflation—

Mr. Cooke: We will hear all about it in the Cost of Living debate which is coming on.

Mr. BLUNDELL: I was waiting for the hon. Member to finish his interruption, that was all!

Now, Sir, how do we cure inflation? Now we can cure it. It is easier for the United Kingdom and it is easier for the United States of America, because they both of them have within their own means a large measure of control over their own economies. We have not. Our economy, up to a point at any rate, is geared to theirs and we have not got such a measure of control over it within our own grasp. But, nevertheless, we can cure inflation, or at least we can check it and thus help the cost of living; but the measures to do so will be most unpalatable and very drastic. I would like to outline them. They are as follows:—A severe reduction in the Government expenditure, and, above all, in Government capital expenditure; the introduction of a forced savings campaign to remove surplus money from

the purchasing market; a tremendous increase and drive towards greater production on the lines of the Member for the Coast, more work by everyone; rigid controls within the Colony and, above all, an attempt to restrict credit. Those are all measures which will control inflation. But, Sir, in fairness to the hon. Member for Finance, not one of them—he might listen to this, Sir, because I see he was not a moment ago—not one of those measures is really possible in a young developing, expanding country. That is a fact we must face. So a great deal of this talk about inflation, although controllable, can only be controlled at a very serious damage to our own economy. Nevertheless, it would be prudent, for the reasons which I have put forward, to move the Planning Committee programme one year or two years forward, because it would have an appreciable effect on our inflationary situation. We are in this year alone pumping into the economy of the country by capital expenditure to the capital programme no less than £6,000,000. Now, if we could slow that up even slightly, by one-fifth or one-quarter, we should relieve the pressure; we should certainly relieve the pressure upon building; we should relieve the pressure upon many items of supply, and that would cause a certain decline only in our inflationary pressure. Therefore, Sir, for those reasons I would suggest to the hon. Member that he seriously considers my suggestion, which was envisaged in the Planning Committee Report which, to repeat myself, his own minion and the Member for Development agreed and signed.

Now, Sir, the second gap, that on the recurrent expenditure side, I have already emphasized that every penny we can save is to our advantage, and I do not want to frighten the hon. Member by saying that pennies saved must result in decreased taxation. Pennies saved will help the hon. Member in the development of his capital programmes.

Excise Taxes: If at the conclusion of this Budget they are necessary I shall support them. I support them for this reason, Sir, that when I signed the Planning Committee report I knowingly signed a document which I knew would carry us into an increased

[Mr. Blundell] expenditure on the recurrent side, and I gave my support at that time to increased taxes to meet that expenditure—subject always to my remarks about prudent outlay.

Now, Sir, I want to issue one warning, and I have an interest in this matter, that is upon beer. It is only this, Sir, I am supporting the taxes, but nevertheless in a commodity such as this, which is much consumed by the African, there is probably a price ceiling and excessive deprivations by the hon. Member opposite may well kill an industry which is advantageous to him, to the farming industry and to many other small ancillary industries in the country.

Now, Sir, I have three or four small specific points to which I would like to refer before I close. They are these: I should like to ask the hon. Member to consider very seriously whether he is wise in his suggestion to demand another three working hours from the Civil Service. It is a popular belief amongst the productive side of the Colony that civil servants are overpaid and underworked. But, Sir, I would like to deny that. I believe that the factor which is important in the Civil Service is the *esprit de corps* of that service and we cannot measure a man's output in terms of hours, we measure a man's output (a) in terms of efficiency, and (b) in terms of willingness. I would give that advice to his hon. Members opposite, because after all this is our Budget—albeit slightly bolstered by income tax from their salaries—it is our duty, Mr. Speaker, to advise them when we think they are on the wrong track. I can understand why he made that suggestion, but nevertheless I would suggest that it should have reflection and we should decide whether indeed it is a wise one.

Another point, Sir, to which I wish to refer, because it is something I feel strongly about, if it may be borne in with all the remarks that I have made about the expenditure side and the necessity of saving every penny. It is this, Sir, I wonder whether this Council is making a big enough contribution towards the difficulties through which the United Kingdom is now passing. It may well be that even the smallest tokens by which we could assist the United Kingdom in some way or another. That may mean an influ-

tion upon our Budget, and if we are not to increase taxation it must mean savings in another way will help. I raise it for this reason. Whatever we may feel about the rising consciousness of our Kenya, nevertheless the fact remains that we owe a great deal to the United Kingdom. We not only owe a great deal of our capital Budget, but we owe the whole of our possible defence in war. That is an angle which I am not too happy about in the Budget.

Lastly, Sir, I should like to make an appeal to the hon. Member. He knows very well that the whole of the agricultural industry is opposed to the export taxes; he also may not know, but the Chambers of Commerce and Industry are also opposed to the export taxes and, in addition to that, every one of the European Elected Members is opposed to the export taxes. There are those who do not pay them who are wishful to ferry them across upon the shoulders of those who do, but my appeal is this. That he, Sir, as a result of this debate, give serious consideration to the suggestions that we have put forward for the financing of the capital Budget and consider very well whether he cannot remove those export taxes which have received—amongst those, I think, who are best calculated to consider their effect—such unanimous opposition.

Mr. Speaker, I beg to oppose. (Prolonged applause.)

MR. MATHU: Mr. Speaker, may I have your permission to speak for more than half an hour if necessary?

THE SPEAKER: Yes.

MR. MATHU: Sir, I should like to start by congratulating the Member for Finance in a very able exposition of the country's economy as he has found it.

May I start off, Sir, by making my comments on his taxation proposals. The first is the export tax. I shall say, Sir, that I represent a section of the Kenya community who have to contribute to this export tax and therefore, if I in the end support the export tax, I am sure the Member for Rift Valley will not say that I am pushing all the burden on to those who only pay and those people who I represent are not going to pay when the export taxes are introduced. We have all agreed that the development of this country is one of the first

[Mr. Mathu] higher priorities to which a public body such as the Legislative Council will have to give attention. The proposal by the hon. Member for Finance that we should institute export taxes on certain agricultural commodities, I think, is a sound one, and I for one will not oppose their introduction. That does not mean, Sir, that I do not find certain difficulties, particularly in regard to some of the agricultural products that the hon. Member for Finance has singled out.

MR. HAVELOCK: Wattle bark extract.

MR. MATHU: The hon. Member for Kiambu, I think, mentions wattle bark extract. I think he is right! (Laughter.) Because already the wattle bark producers pay very heavily to finance agricultural services in African areas in particular and also have to pay for the inspection services. If it turns out, as I am sure it will, that the wattle bark producer will contribute to the export tax as announced, it is definitely going to be a heavier burden that it is now. However, as I do not know the exact proportions into which these taxes will be divided as between the producer, the exporter and the ultimate buyer, I do not want to labour that point, but only to suggest that I do visualize certain difficulties because the burden on the producer will be increased.

The next proposal by the hon. Member for Finance is on 'import duties, excise tax, and this again I do not think I shall oppose except to say that I think I have suggested on a number of occasions that we might include such commodities as cosmetics in this, and we might perhaps get a little more money.

The hon. Member for Rift Valley, I think, gave some warning that we might ruin an important industry by increasing the beer price. But there is another side to it, that is we have legislation in the Statute Book which prohibits African consumers to consume beer within the premises, and it is known, Sir, that the African community have complained that the inconvenience and indignity which this imposes upon them, some of them being tempted to drink on the kerbs of the streets of large towns, is most unjustified, and we feel that certain things will have to be done

to give them the dignity that is given to the other communities, so that if they want to stand somebody a glass of beer, or they want to be stood a glass of beer, they can do it in a dignified way. (Hear, hear.)

The Member for Finance has proposed certain reliefs for the family men who are paying income tax. He has increased the child allowance and children's education allowances, and I would like to remind him, Sir, that he has forgotten a very important section of the taxpayer, that is the person who does not come within the 'income' tax level. What relief is he going to get?

MR. HAVELOCK: Baby food!

MR. MATHU: He says the cost of living has gone up, is going up, and he does not want to give any encouragement to anybody that it is going down, and I would like to say that the person who is very hard hit, more hard hit than any other by the rise in the cost of living, is that person who does not come up to the 'income' tax level. He cannot go to the income tax level. He cannot make ends meet and for him the Member for Finance has no relief, which I think is a great pity. In fact what he has done in one particular case, and this we noticed by it becoming conspicuous for not mentioning it, he has increased the African poll tax for the Nyanza Province by Sh. 1 per head, and it was more surprising—Sir, that—the hon. Member for Finance did not mention this in his speech. He reduced, or rather gives relief to the income tax family men, he puts a shilling per head on the African population who pay tax in the Nyanza Province increasing their burden, and I submit, whatever other people may say, we have, I think, reached the limit of an increase in the poll tax on the African community. It has been said in other directions that we have reached the limit of all taxation. I do not agree, but we have definitely reached a limit on African taxation. (Laughter.) The hon. Member for the Coast complained about Government not introducing the graduated poll tax for the African community. I do not share his view because Government has now definitely 'instructed' the Income Tax Department to go for those Africans who can 'pay income tax, and I know already many letters have gone 'through

[Mr. Mathu] the post] to quite a number of friends of mine to pay this income tax. I am sure the hon. Member for the Coast did not want that three or four taxes should be imposed on one particular community at the same time.

MA. COOKE: Mr. Speaker, on a point of explanation, my suggestion was that the more wealthy Africans were not taxed to their taxable capacity. I think there are a lot of wealthy Africans who could pay more than they do pay. I think the poorer ones are taxed to their taxable capacity.

MR. MATHU: May I point out to the hon. Member for the Coast, he served on a committee with me on this subject and unless it is all mere guesswork, he cannot support by statistics that any wealthy African can come on a higher level of income in comparison with the rest of the community, and in any case the most wealthy ones would definitely be got up by the income tax people if they are, and I think, therefore, by complaining, that I do not. Member for the Coast has not got a very strong point now.

Leaving the question of taxes, Sir, I would like to make some comments on the economic survey which the hon. Member for Finance has given as the first part to his speech. When discussing the 1951 Budget, I complained that Government so far has failed to give us accurate statistics as to agricultural production of the African community is concerned. This year all that the hon. Member for Finance can say is: "Although progress in this direction has been made, it is not yet possible to give statistics in relation to African agriculture, but it is hoped that we shall be in a position to quote some figures next year." He says: "All the indications are that African agriculture is no way lagged behind the general expansion."

I do hope, Sir, that by next year it will be possible to give us the statistics we want, because in fairness to the African community in this and it is important that we should examine what their financial contribution is, apart from direct and indirect taxation. When the hon. Member went on to talk about the national income the £2.7 million, he said agriculture, including African agri-

culture, accounted for more than £36,000,000. Then he says, non-African agriculture was £13.4 million. Well surely one would start from a higher figure and come to a lower one. He left it to us to do the subtracting and find out that African agriculture contributed £22.6 million. That, Sir, I think is very important and very significant, because some people say that the African contributes very little to the economy of the country and a figure like this, I think, is very important because in comparison with others it is definitely nearly double that contributed from other sources.

Now, the hon. Member for Finance has stated that we must produce more and we must have increased output from everybody. That is a point that none of us can dispute. It is extremely important that if we have to bridge the gaps of capital and recurrent expenditure in our Budget, we must get everybody to increase their output and produce more. (Hear, hear.)

Sir, may I suggest that during the last few months I have put in questions in this Council regarding the extension of production of cash crops, principally by the African community, with regard to sisal, coffee, pyrethrum and tea, and I should like, Sir, to say that if we have to encourage the African to produce more, all possible efforts should be made to remove all unnecessary restrictions in his production. In regard to sisal I suggest, Sir, that in the most important areas that have been found to be very good for sisal growing, the Ukamba and certain parts of Nyanza, that they should be encouraged to do this. I was at a meeting not long ago in the Machakos district and Kitul district and they say their complaint is that they are allowed to grow it only as hedges and the Sisal Industry Ordinance, the provision that requires very high capital, does not let them to do so. The African Growth and Resources are equally restrictive. If we have to produce more, surely we should take some risks and get these fellows to plant on a large scale. Now that would apply also to coffee, where the rules drawn to regulate the production of coffee by the Africans are again unduly restrictive. Pyrethrum comes into it too. Sisal was only mentioned to me yesterday, and eight acres is not a very high figure which we can be very proud

[Mr. Mathu] about. Only eight acres we have got of it. I agree it is an experiment but I think we should not suggest because it is a very expensive affair that we should do it as slowly and as gradually as possible. It is more production we want to bring in more money into the country, and all possible efforts, as I say, Sir, should be made to encourage growers. I am not happy and my people are not happy in regard to these cash crops, and their regulation and control have been excessive.

One final point before I leave this question of agricultural production is the point that I have raised in this Council every year, and so far I do not think it has received the support that it should. It is the question of the credit to African farmers. If we have to produce more, not only that, we should give all necessary facilities to all communities to produce more, but at the same time, we should make it easier for them to have capital to use in the production of these crops. I am sure that the results could only be for increasing the revenue of this country. There could be no other.

Sir, I would like to come to the expenditure section of the speech of the Member for Finance and to agree with hon. Members on this side of the Council that the increase of recurrent expenditure has been mounting up and up every year, and it is definitely an alarming figure. But, and this is a very big but, too, we are a young growing country and there is a limit to which we can prune this Head of the Estimates and that Head of the Estimates if we have to develop as quickly and as efficiently as we would like, and although I agree that it is alarming and that these costs have been very high, as that these costs have been very high, at the same time, I think we should not be as despondent as we seem to be showing. Definitely, we must keep a very close eye on Government costs in running all the services, but I do not think we should be unduly despondent because the cost is rising. It must rise, otherwise I cannot see how we can develop and expand agriculturally, industrially and commercially unless we spend money. Here, may I say, Sir, that the question of division of Government recurrent expenditure into two both for productive and unproductive services usually talks about social

services and education as unproductive. I have always held the view that they are not unproductive; that education and medical services are very productive because when we say we must produce more and everyone must increase their output, I say we must have a more educated and intelligent trained manpower to produce more, and if, therefore, we go for social services every time, and say they are unproductive, I do not see how we can do this with an untrained and illiterate community, and here I am referring in particular to my own community, we cannot hope to produce more.

I agree with hon. Members who have already spoken that we must try and make some savings, and when we come to the individual Heads in these Estimates, we shall definitely find that we can prune here and there, and in particular I would like to suggest, Sir, that certain duplication in Government departments, or so many assistants, a senior, a sub-senior, and so on, I think we can do without some of these assistants and keep only the essential manpower for the various services.

I would like to mention, Sir, the question of Maize Control. Here again, the African view has been that the Maize and Produce Control has been very restrictive and in fact has resulted in some direct and indirect loss to the African trade in such commodities as come under the Maize and Produce Control, and I suggest those who say, at many meetings, that the Maize Control should be wound up and there should be some free trading in these matters.

Now, finally, Sir, I would like to say that personally I think that the future of this country is a very bright one. (Hear, hear.) I do not think that we should put any ideas in the people of the world's minds that we are leading to destruction or that we are going out of existence. I think Kenya has a very bright future and I think here particularly in Africa, this country has a tremendous opportunity in demonstrating to the world that a multi-racial community can develop this country in harmony and for the benefit of all. And, therefore, whether another war is in sight or whether it is not in sight, I, for one, am very optimistic about the future of this country, and I say, Sir, that this Budget, however we

(Mr. Mathu) criticize it and however we pull it into pieces, I think it is going to make a contribution to that happy future which we all desire.

Sir, I beg to support.

MR. MACDONOCHE-WELWOOD: Mr. Speaker, in rising to oppose the Motion, I should like first of all to explain the particular reason why we on this side of the Council wish to oppose the Motion instead of pursuing the usual method of criticizing it in Committee of Supply.

Every year, we go into Committee of Supply, we go through the Estimates Head by Head, and invidious pleadings are put up for every post and every expenditure we try to expunge and in the end we may expunge perhaps a uniform, perhaps an office boy, or something of that nature. I believe, and I think my colleagues, the European Elected Members, agree with me that the time has come when we must make absolutely clear to Government that we cannot go on at the present level of expenditure which is every year brought before us and every year pleadings put up day after day in Committee of Supply to prevent anything being pruned off the original Estimates. I think also that if we are going to economize, we should economize now, rather than later, and one of the reasons why I feel that particularly strongly is that in fairness to the civil servants who may be reduced, it is only right that they should be reduced now at a time when there is full employment everywhere and when civil servants are in demand in almost every country—(laughter)—rather than to prune at a later date when a slump has hit us and, undoubtedly, if a slump hits us, it will hit the rest of the world at the same time.

I would also like here to emphasize what has already been said by my hon. friend the Member for Rift Valley, we are bound to be faced with a further Cut of Living Allowance in the course of the next year or two years, and I also agree with him that already despite Cut of Living Allowances there has been and still is a great deal of hardship on some of the civil servants, and as a result, if we keep a civil service which is unhappy or discontented with its terms of service, it is

far more satisfactory to reduce that civil service in order to be able to pay salaries which are reasonable with the changing conditions of present-day economies. (Hear, hear.) We here, it seems to me, continually try to emulate the policies and the legislation of the United Kingdom, and I maintain that that is the real source of error and the real source of this mounting expenditure. The United Kingdom has decided to try a totally new experiment in Government. They have, or thought they had, an economy sufficient to bear it. We certainly have not. (Hear, hear.) There is another reason, however, why we cannot emulate the United Kingdom, indeed why we should not emulate them in this perpetual expansion of services and of costly legislation, often protective legislation such as factory legislation, which is infinitely necessary in certain quarters but is often in this country extended to places where it is not necessary, again at high cost. (Hear, hear.) The reason I am going to give why we should not emulate them is that the position of the United Kingdom, indeed the position of Europe is that through the centuries, individuals have learnt the way of progress through the hard way of individual effort and individual incentives, and I maintain that in this country we are in very grave danger in falling in our leadership if we do not point out that we are convinced that no progress can be achieved purely by a primitive people and that all progress, in fact, in the early stages of any country and any people can only be achieved by the hard work of the individual. (Hear, hear.)

In education in particular, as has been already mentioned by the hon. Member for Trans Nzoia, I think it is vital that parents of all races should realize that sacrifices, personal sacrifices, not State sacrifices by the general body of taxpayers, must be made by parents for the better education of their children. Again I would say here that obviously state assistance must be given to those who cannot afford it, but why has the United Kingdom economy come almost to ruin at the present time? It is because they have decided that all shall be helped by the State. I maintain that only those should be helped by the State who simply cannot get on without that assistance, but we here are endeavouring to follow their example and assist in every way

[Mr. Macdonoche-Welwood.] people who can very often afford to help themselves.

There is another point that comes to me with regard to the High Commission services which I would mention in passing. In a country such as this which is new, applied and immediate research is absolutely vital to the progress of industry, but long-term research which is ever increasing in the High Commission is a thing which only countries with very elastic economies can stand. Indeed there was very little of it in the United Kingdom (by State aid) before 20 years ago. To-day, this country is trying to emulate the example of richer countries and spending large sums on fundamental research which would be better spent on immediate and applied research. (Hear, hear.)

Now to come to the suggestion that has been made on this side of the Council that we must extend the time of Development and Reconstruction Authority planning. It has been suggested, I think by the hon. Mr. Patel, that if we curtail our development, we would destroy confidence abroad by lack of confidence, as it were, in ourselves. I cannot imagine anything less probable. I am certain those big capital interests which we want to attract to this country will be infinitely more impressed by an economical attitude in the running of the Government than any other step we could possibly take. (Hear, hear.) I also wish most strongly to oppose export taxes. (Hear, hear.) To start with I would also associate myself with the hon. Member for Rift Valley in emphasizing that the statement that such taxes were not permanent is an absolutely valueless pledge. It has been valueless in every House or Assembly where it has ever been made on the introduction of a new tax. If a new tax is successful in bringing money into the Exchequer there has rarely been a Chancellor of the Exchequer who has been prepared to abolish it.

As to the unfairness of the tax, I would say this. The very fact that those commodities which are selected for this taxation are standing at an enormously high and inflated level is the very proof of the fact that those are the industries which are most highly precarious and

highly speculative. It is just those industries subject to the widest fluctuations which are bound to suffer the most catastrophic slumps as well as these tremendous rises. Is it, therefore, wise to seize from them a proportion of their revenue which they may need so badly to face the slumps which may take place. Here, I would mention one particular commodity—sisal. Sisal, if (as I believe) the hon. Member for Trans Nzoia was correct when he said that about this uneasy period of cold war be ended we would be worse off (by which he obviously meant financially worse off, and why anybody should have read anything else, into it passes my understanding, except that they can have little understanding themselves) if that were to happen, sisal will be the first to be hit, because sisal is experiencing a tremendous boom as a result of stock piling. Immediately, if the cold war came to an end, that stock pile would be released.

MR. COOKE: Not necessarily.

MR. MACDONOCHE-WELWOOD: Almost certainly released. Furthermore, export taxes are so inequitable to new concerns upon which they fall just as heavily as on old established ones. No account is taken of different costs in different areas. It is a flat tax; thoroughly ruthless in its application. It does not touch those indirect beneficiaries from the high prices of those commodities. In other words, you are going to tax the producer alone and allow immunity to the man in between who makes his profit from them. For example, the people who benefit most at the moment (other than the sisal growers themselves) from high sisal prices are undoubtedly the machinery importers and people engaged in that type of trading—they are not touched by these taxes. These taxes are deliberately put on to the producer and the producer alone.

Again, I would draw the attention of this Council to one paragraph in the hon. Member for Finance's speech. He said: "I may add that consideration of this question of export taxes ranged beyond the list of commodities finally chosen, and, if it appears to hon. Members that there are notable absences, it can nevertheless be assumed that the case of these commodities was examined

[Mr. Maconochie-Welwood] and that for good and sufficient reason, it was concluded that a tax ought not to be levied at present. These cases will, however, be kept under constant review, and should it transpire, at any time, that circumstances so warrant, suitable proposals in this behalf will be made to the Council". (Shame!)

I am particularly drawing the attention of Council to these words. We are not putting on, as we imagine, just a tax on alcohol, wattle and one other commodity, we are initiating a broad new general principle of taxation. (Hear, hear.) A principle of taxation which I submit is absolutely disastrous. It is not merely a tax on wealth. It is a deliberate tax on the sources of wealth in this country themselves. (Hear, hear.)

As to the increased taxes of excise, on drink I personally do not oppose them at this time. I would, however, remind the Member for Finance that in fact such taxes are almost the hardest to remove later because due to the general hypocritical attitude of the British people towards drink, they are always very reluctant to produce a good reason for removing a tax from it. Nevertheless, if they are necessary, I am prepared that we should have these increases. I would also, however, remind the Member for Finance that if indeed it can be shown that they are not necessary, I should remove them for a reason very dear to his heart, that when the Cost of Living Commission set, they discovered (to their amazement no doubt) that of most of the incomes examined, 10 per cent was spent on drink and tobacco. Now, Sir, if in fact a commodity is as generally used as that, it almost ceases to be a luxury—(laughter)—and I am quite certain that there will be as much complaint on the cost of living due to these rises as for any other reason. It is true the complaints will not be made that drink costs more, but that will in fact be the reason.

There is one other point that I wish to re-emphasize which was already made by the hon. Member for Rift Valley. It is simply this, that the Member for Finance should remember that in fact indirect taxes beyond a certain point are in themselves inflationary, and it increases beyond a certain limit of direct taxes, are in fact destructive to

incentive. Those are the two points which I feel are vitally important, and those are the two reasons why the European Elected Members do not wish an increase in taxation at this stage.

Council adjourned at 11 a.m. and resumed at 11.20 a.m.

MR. MACONOCHE-WELWOOD: Mr. Speaker, I have little left to say, but there are two other matters I should like to touch on. In the first place I should like to support what has been suggested from this side of the Council—that we use a higher proportion of the surplus balances than has been suggested by the hon. Member for Finance. I agree that a portion of surplus balances must be retained to guard against the possible dangers of a sudden change in the financial situation. Nevertheless, some portion must be spent now, greater than that recommended. If, as has been alleged that in this matter the European Elected Members are illogical—because two or three years ago they laid down an idea that the surplus balances should be considered sacrosanct—and it is true that the hon. Member for Trans-Nzoia, speaking on behalf of the European Elected Members as a body, did suggest in the past that they should be considered as a reserve—nevertheless, I submit that circumstances in politics must alter cases. You cannot lay down a policy and stick to it in the present fluctuating circumstances of world finance.

I think it was the late Lord Roseberry who remarked that a man who could not change his mind was mentally unfit. I entirely agree with that. We must retain the power of changing our policy and our minds.

The other point I would like to touch on is the question of agriculture. It has been suggested by my hon. friend the Member for the Coast, that the guaranteed minimum return, which appears in terms of £10,000 or £15,000 in this Budget should go, but I think he is under some misapprehension in this matter. The guaranteed minimum return is only secondarily to pay for the total loss of crop by a farmer. By far the major object is short term finance for the farmer, and that short term finance enables prices to be kept lower than they would be if the farmer had to go for short term finance to the banks. Before this guaranteed minimum return came in,

[Mr. Maconochie-Welwood] a farmer would have to go to the commercial banks and pay 8 per cent for short term finance, and inevitably if the guaranteed minimum return was abolished, this cheap short term finance would not be available, and would be reflected in a rising price of primary products. That is quite inescapable. It is the whole system we have built up whereby we have been able to control downwards the prices of primary produce, and the guaranteed minimum return affording short term finance is one of the *quid pro quo* given to the agricultural community in exchange for the control from which they suffer.

MR. COOKS: Mr. Speaker, if I may interrupt for a moment, my argument is that the farming community cannot go on demanding world parity for maize and other cereals and, at the same time, ask for guaranteed minimum returns. They cannot have it both ways.

MR. MACONOCHE-WELWOOD: Mr. Speaker, I am entirely in agreement with the hon. Member. I merely say that if we are to try and keep prices down—and I think the hon. Member is in sympathy with that idea—we must keep the guaranteed minimum return.

A judicial inquiry has been suggested into the structure of farm prices. This is a hardy annual. It always creeps in under a mistaken belief that rises in food prices are not examined with extreme care, not only by the Member for Agriculture but by Executive Council, and I would point out that Executive Council is a majority consumer interest, and therefore nobody can say that that body is biased in favour of the agricultural community. What has happened all too often in this country—and we had an illustration this morning in the question on sugar—is that too little has been given too late, with the result that sudden large rises have taken place which have entirely upset the community. I am most deeply in sympathy with the consumer community in this matter, but I would implore them to realize that farmers are consumers as well as farmers and their position is singularly unfortunate as practically all the means they use to produce food have been subjected to the greatest inflation of all. I refer to the machinery, and that is a thing utterly outside the control of this country.

It is true that if we could make every body work, as has been suggested by the hon. Member for the Coast, we could cut down the increasing mechanization, which is one of the greatest increasing costs of production in this Colony. Machinery has gone up not twice, three times, but four and five and six times since before war, and those things must be reflected in the prices of food. Sugar is a case in point. They could produce more sugar by machine cutting. The cost would be enormous, and I submit this eternal niggling at small price rises produces just the situation that has arisen over sugar where we import at very high prices indeed, because we have given too little and too late to the producers of sugar.

Having said that, Sir, there is nothing left for me to say but that I must oppose this Motion most strongly, as a warning to hon. Members opposite, that we have debated too often these matters in Committee of Supply without results, and the time has come when a real gesture must be made by Members on this side of the Council.

Mr. Speaker, I beg to oppose the Motion. (Applause.)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: (Applause.) Mr. Speaker, there are a few subjects which have been raised during this debate to which I would like to allude, and towards the end of what I have to say, I would like to add something about the general proposal, Budget proposals, that are before us. Sir, the background against which I wish to make my remarks is this, that during the past day or two—two days now—we have heard a number of speeches from which one would gather that Government has on this year as on previous occasions, produced a Budget containing a vast number of more posts and, generally, increased expenditure on extended and new services. Now, Sir, I would just like to stress that, from my own point of view at any rate, in those departments which come under my purview, that in fact we have not allowed a single new service of any sort or description. Much, I might say, to the frustration of some of those officers who are in charge of certain activities which are considered, I think, by all as fairly essential to the development of this country. (Applause.) In

[The Member for Agriculture and Natural Resources] (fact, Sir, I believe that if my Estimates are carefully scrutinized, it will be found that normal increments, cost of living and the increased scale of travelling allowances more than cover increases. And that, Sir, is the position in regard to the proposals which, I believe, have been put forward by nearly every Member for services which are absolutely necessary for a country which is developing very fast indeed. Sir, I will have more to say about that subject later after I have commented on one or two of the specific matters which have been raised during the course of this debate.

Sir, the hon. Member for the Trans Nzoia drew attention to the fact that provincial and district staffs were being increased as well as headquarters staffs, and he quite rightly, from his point of view, if that is the case, stated that he felt that either one or the other might be increased but that we should make up our minds about policy as to whether we are going to decentralize or remain, perhaps, over-centralized. Well, Sir, I would like to say that I consider that the hon. Member is mistaken in the impression he has received, because in so far as the administration of the departments which come within the purview of my portfolio are concerned, we have most distinctly made attempts recently to decentralize to a very great extent, and we do show savings in some of our headquarters expenditure as a result of adopting that policy.

MAJOR KEYSER: Sir, may I explain that I thought I said that over the last six years there has been an increase both in central and in provincial administration and that one of them should be reduced now.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Well, Sir, that is more or less what I am arguing, that as far as we are concerned, I think as far as my Department is concerned, we are endeavouring to give more responsibility and of course, to African District Councils. The hon. Member went on to mention, as I think other Members did later, the expenditure on the locust campaign, and he again raised a very

old issue which has been raised many times in this Council as to whether it would not in fact be more economical for us to take certain risks and give some form of insurance against locust damage than to accept this continuous high yearly expenditure whilst we are under the threat of locust infestation. Well, Sir, first of all I would again like to stress, which I think sometimes is forgotten, that during the past few years, once during the war, and now again, this part of the world is exposed to the risk of a very major locust infestation, what might prove to be a completely disastrous infestation. So very much more is known about locusts now than was the case before, that as a result of an almost world-wide, or at any rate half world-wide campaign, we have been able to prevent, at a time when food was desperately needed in most parts of the world, very serious damage indeed resulting from locust deprivations. I do not think people perhaps quite realize how successful these immense campaigns have been, not only to ourselves but to the world as a whole. I think it would be disastrous if, in the light of that experience, we should try to withdraw from playing what I suggest is our rightful part in actions which are to save a very large proportion of the human race from famine and disaster. However, that is perhaps expressing rather a wide viewpoint and I would much rather deal with that question on the much narrower point of view, the yearly saving, shall we say, to the annual Kenya Budget.

Well, the last time we had a really big invasion, which was in the 1930's, or rather early 1930's, the damage to all European areas was assessed at approximately 40 per cent, and the average loss in African areas, of course, at that time could not be established. But we know that it was considerably more than 20 per cent. I think actually it must have been very much greater than that. One of the total recorded annual losses amounted to about 1600,000 for maize only, and about the same for wheat; that was for 1931 and in that year, of course, the acreage under cereal crops, of course, much less than it is to-day, and that applies both to African and to European areas. One can say that the European production has more than doubled and African production has probably

[The Member for Agriculture and Natural Resources] (I believe that at that time. Moreover, whereas in 1931 wheat and maize were at very low prices, Sh. 15 and Sh. 7/50 a bag at the outside. Comparable prices for now are about Sh. 45 and Sh. 30/50 a bag. That is excluding the price of the bag. To-day, roughly speaking, it can be said that in European areas alone the value of the wheat crop is not less than £3,000,000, probably £3,500,000, and the value of the maize crop is at least another £3,000,000 so that in European areas alone there are £6,000,000 of cereals and what the value of cereals throughout African areas might be I can only leave to the computation of hon. Members; it is a vast sum of money. It must not be thought either that locust damage merely affects cereal crops. A locust infestation does possibly in terms of cash more harm to pastures and grass lands than it does even to the cereal crops, because the damage lasts much longer when damage is done to our grazing areas. Therefore, Sir, in view of those figures alone and in view of our responsibility to our African population, I suggest that the sum which appears in the Estimates is a very small sum compared to what it might cost if we tried the other method of taking a risk and paying when the damage had already been incurred. (Hear, hear.) I might add, Sir, that I have reason to believe that resulting from a recent conference which took place in Rome, an international conference, it is not impossible that we may find we shall get more help from outside sources, towards this campaign than at the moment we know we are going to receive.

The hon. Member for Eastern Area (Mr. Patel) mentioned supplementary votes, which I think were also mentioned by the hon. Member for Trans Nzoia, and again drew attention of Government to the fact that these supplementary votes did in fact make very great inroads on our revenues. I can only assure the hon. Member that I entirely agree with him and that everything that I can possibly do as a Member in charge of large spending departments to prevent supplementary estimates coming up in the course of the year will be done. I have even gone further and in one or two cases where I have noticed—that, for instance, provision for travelling has been

insufficient on two or three successive years and I have been completely satisfied that such travelling is absolutely essential, if we are not going to waste the salary paid to the officers concerned. I have this year included a slightly larger provision for travelling pointing out at the same time that it is to cover special warrants which have been issued in the last year or two in order to avoid the possibility of special warrants being submitted again. I think that hon. Members are absolutely right when they oppose bitterly bad estimation at this period and undue numbers of special warrants in the course of the year. (Applause.)

Now, Sir, the hon. Member then touched on the time-honoured, but I admit, very serious consideration, Cost of Living. I suppose he is not unaware of the fact that it is not only in Kenya that the question of Cost of Living is a highly live issue. I have heard allusions made to the United Kingdom during the course of this debate and what a pity it is that we have not more control over our own affairs and we cannot emulate the United Kingdom in its control over the Cost of Living. I can assure hon. Members that the United Kingdom has got no more control over the Cost of Living than we have. The election was fought on it and both sides admit that what they could do to control it was comparatively limited. Nevertheless, the hon. Member then proceeded to attack Government violently by suggesting that it had not conformed to its duties, had not carried out its proper functions in controlling the price of home-grown foodstuffs.

He even went so far as to say, I think, that the agricultural community here was very vocal and carried an undue influence, and that the price of food, locally grown food, was unduly high. Well, Sir, we have heard a lot about this particular subject, and it is one which has given me the coloured hair I have at the present time. During the last few years there has been one constant contentious subject, the price of farmers' produce. It may interest hon. Members to know that in England, agricultural production has suffered a very serious setback during the last eighteen months or two years. It is a setback for the reason, in fact, that farmers have found that prices which are considered fairly high are insufficient to

[The Member for Agriculture and Natural Resources] Before leaving this subject, Sir, I would again stress—which again does not seem to be realized—that despite the ineptitude of Government the fact remains that to-day, and throughout the war and since the war until to-day, the cost of ordinary foodstuffs in this country is, as far as I know, lower than anywhere else in the world.

The hon. Member then went on to say, or insinuate, that in his opinion too much stress is laid on the problem of the relative importance of providing productive services as against the provision of social services, and that, at any rate, in his opinion social services should more or less be regarded as coming first, because it was on the health and well-being of the people that the prosperity of any country depended.

Now, Sir, I do not deny that there is something to be said for the hon. Member's arguments, but again, from the point of view of Government, and I feel from the point of view of hon. Members opposite, we cannot lose sight of the fact that social services have some day, somehow, got to be paid for. (Hear, hear.) Therefore one must have a balance and a sense of proportion in putting forward arguments of that nature.

The hon. Member went on to say that he felt so strongly, at did those he represented; in regard to Government's lack of discretion, we will call it—fixing farm prices, that he would like to have a judicial committee go into the whole matter: I submit that one could not expect any Government which puts decisions regarding farm prices up as high as Executive Council—that is to the Cabinet—to have the actions of its own cabinet subject to a judicial inquiry, especially bearing in view the conditions to which I have just alluded. In any event, I would inform the hon. Member that we are having out here shortly the Professor of Agricultural Economics from the University of Cambridge, who is going to go into various matters connected with the fixation of farm prices, and matters of that kind, and who will submit his advice to Government on those particular questions. I submit, Sir, that we are far more likely to profit from the advice of a man who has given his life to the study of agricultural economics than from any perhaps somewhat hastily arrived at decisions by a judicial committee of

inquiry.

The hon. Member also went on to suggest that he would welcome, as we all would, if possible, a reduction in recurrent expenditure, but he felt that there should be no reductions in the Development and Reconstruction Authority's mean, or in what I suppose he are undertaking to develop this country of ours. Much the same argument was put forward by certain other hon. Members who spoke this morning. Whilst I agree in general terms with that contention, I must issue one word of warning on a point which I think is appreciated but which is sometimes overlooked in debates of this nature, where perhaps one is a little inclined, I think unduly inclined, to score points off each other on the two sides of the Council. If you are going to incur more capital expenditure for the development of this Colony it is impossible to have capital expenditure of the type we need, without such capital expenditure involving us in consequential recurrent expenditure in the future.

MR. HAVELOCK: And revenue.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: And revenue, yes.

MR. COOKE: What about grain silos?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The hon. Mr. Nathoo, the Member for Central Area, raised the question of what he called "the nefarious Maize Control" and that subject was also alluded to by my hon. friend Mr. Mathu. I must say that I was a little astonished to hear the Member representing African-Interests suggesting that it would be to the benefit of the smaller African producers to do away with any form of controlled marketing of maize and other produce, because I am quite convinced that if Government were foolish enough to remove all forms of guidance and control over African-grown crops and the marketing thereof it would not take very long before the African was where he was a very few years ago—his wives walking around the dukas carrying what they wished to sell on her head until it was dark, and then being told the produce was not wanted, they could take it back or take half its value. I have had too much experience ever to forget the way the African was cheated before we put in some reasonable form of control on the sale of their produce. (Applause.)

MR. MATHU: Is the hon. Member aware that on delivering 10 tons of maize—some Africans were returning maize from Sagana to the Embu district—the Controller would not take it?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I am always very grateful to the hon. Member for informing me of such cases, but they are isolated cases. They are not general cases as regards the benefits that have accrued to the Africans from some form of control. As regards Maize Control generally, I do not think this is the occasion, especially as I have been away recently, to enter into detailed arguments, but it does, I must say, amuse me a little to notice that in our two neighbouring Territories which have been quoted as doing things better than we do, the differential is between what the producer receives and what the consumer has to pay, are, in both cases—and I speak without fear of contradiction—considerably higher than it is the case here.

(The hon. Member for the Coast mentioned sugar and he stated, I think, as more or less a fact that if certain elementary assistance were given to existing sugar producers we could double production quite easily. He did not, of course, give me to understand within the limits of what time factor—whether he meant immediately or not. The hon. Member I think, as I have said, has had a considerable amount of experience of what one is told by persons who are anxious to receive one's assistance in matters of policies or politics and he should be able to assess the true value of such statements, and although I fully agree that we might be able to do more to help the sugar producers, I am quite certain to matter what we did we could not possibly double the production of sugar from the existing acreage with the existing facilities to-day.)

MR. COOKE: On a point of explanation, if the hon. gentleman will give way, the surplus now has been given to existing jaggery and turned into meal, whatever it is called. The surplus is there. It cannot be used because we have not got the labour.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Surely the hon. Member cannot imagine that I am not aware of the acreage under sugar or that I have not been myself to see those acres and to interview the individual farmers, or that I have not myself arranged with the local administration to allow those persons who cannot deliver cane to the mill to turn it into jaggery. I am not arguing for one moment that all is well with sugar—it would be foolish to argue that—but I will say despite the lamentable mishandling of the biggest sugar producing enterprise in this country during the war and immediately after the war, since certain Indian firms have acquired our biggest factory, that those gentlemen have done a first class job of work. They are now growing suitable cane on their land, but that is a long process—you cannot get anything off cane for the first 18 months—and they have put an awful lot of work into the land. I admit that have suffered from labour shortages, and here, again, must, based on information given by my hon. friend, the Commissioner for Labour—I must to some extent join issue with the hon. Member when he stated that those

[The Member for Agriculture and Natural Resources]

producers were paying very high salaries, because I do not think that they are—I think labour conditions are not as good as I would like them to be. But of course, they suffer very much from the fact that there is no proper road of communication between one sugar-growing area and the other sugar-growing area on which the factory is situated.

I am only enlarging on this, Sir, because it is so easy to say that nothing is being done, but one must sometimes appreciate that though possibly it is quite right to urge that more can be done, there is a time factor, and that that time factor is a very live issue when it comes to the question of agricultural production.

MR. COOKE: On a point of explanation, Mr. Speaker, I have the written statement of the manager of this sugar estate to substantiate what I have said. If the hon. Member likes, I will take it over for the hon. Member to look it up with the manager himself.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: It would be very grateful to have that statement.

Sir, the hon. Member then went on to discuss a subject which was then alluded to by at least two other speakers, the hon. Member for Uasin Gishu and the hon. Member for the Rift Valley. He suggested that it is about time we withdraw the guaranteed minimum return over here, that it was really a war-time emergency measure, that it was only drawn upon to a comparatively small sum of money each year, and, in fact, that he felt that better use could be made of the money expended, that the money could be expanded in another way.

Well, Sir, first of all on the general question I would like to say that although we may think that the war finished some years ago—

(Clerk of Council indicated that Member's time was up.)

THE CHIEF SECRETARY: Sir, my hon. friend was so anxious to say the things that he has said, and hon. Members were so clearly anxious to see the Member of the Government on his feet that he continued to make a request that he might be the single *ex officio* Member on this

side to speak for more than half an hour. The Standing Rules and Orders do provide in such circumstances that if Council is unanimous, notwithstanding the omission to make that request, that one Member on this side might be allowed to avail himself of more than half an hour.

MR. COOKE: Has the hon. Member undertaken the Leadership of the other side of the Council?

THE CHIEF SECRETARY: I am the Leader of the other side of Council. That is why I am on my feet now. We on this side are ready to agree and are anxious that the single speech for more than half an hour should be given by my hon. friend.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I apologize, Mr. Speaker, I should have claimed the privilege before I started.

THE SPEAKER: Please continue.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I would like to continue my argument in connexion with the withdrawal of the guaranteed minimum return. As I was saying in the first place, we must remember that although the war has long finished, it looks from recent happenings in the world that we may be called upon, not merely as a war measure, but from sheer necessity, for providing food for human beings in the world, to grow more food than ever before. The emergency arising from shortage of food; more especially in the United Kingdom, is by no means over. However, that is only the wide aspect. The other, perhaps more important aspect to us here is that of the development of this Colony. Now, of course, the hon. Member has his objections on this subject—and he may be right; I have my opinions and naturally feel that my view is correct. The fact remains that I was largely responsible for the introduction of this system of guaranteed minimum returns, and I would like to confirm what has already been said by one Member—that the main objective we had in mind was to provide the many persons who have come out to make their homes in this Colony, with no capital, with the possibility of some financial assistance at no great cost to themselves and at no great risk to Government, whereby they

[The Member for Agriculture and Natural Resources].

could hasten the development of their holdings by a system of borrowings against the guaranteed minimum return. I go further, Sir, I claim—again, rightly or wrongly—that that system of guaranteed minimum return has done more for the development of agriculture in the Highlands of this Colony than any one measure that has ever been taken in the past, because it has enabled a large mass of the smaller farmers to be helped in their year to year production and in developing their holdings. It is perhaps interesting to see, because this again has some bearing on the idea that farmers are making vast profits, the extent to which drawings on guaranteed minimum returns have increased over the last few years. They now stand per annum at very nearly £500,000, and our losses are practically nil. (Applause.) So, Sir, in fact I am concerned, and I sincerely trust hon. Members opposite will support Government in this, we intend to continue the system of guaranteed minimum returns until we hear some more cogent arguments for the repeal thereof.

Sir, I am afraid I have spoken for a long time, so I will terminate by alluding to the Budget as a whole. As I understand it, hon. Members opposite are opposing the Motion which is before the Council, and I must stress that the Motion which is before the Council is: "That the Council do resolve itself into a Committee of Supply to consider the Draft Estimates of Expenditure for the year 1952". Well, I find it difficult to quite understand what hon. Members opposite have in view by taking this action; I can only presume that it is—as was said by the hon. Member for Trans-Nzoia—a gesture, or a demonstration to try and impress on Government their dissatisfaction at the size of the Budget which is laid before them.

MAJOR KAYSER: No, Sir. The idea is that Government does take back the Draft Estimates and definitely produces a reduction in the recurrent expenditure of 6 per cent by the abolition of certain posts.

Now, Sir, my reasons given for that were that in the past five or six years, if you like, we have opposed certain posts here continuously in the Committee of Supply; we have lost on them and we

consider now that if Government reconsidered the whole of the expenditure they could cut it by six per cent without affecting the efficiency of the Government machine. (Applause.)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Well, Sir, I will have to leave many of the main answers to my hon. friend the Member for Finance, but I would like to answer what the hon. Member has just said from my own point of view, having had, I may say, some experience of this Council. What, in fact, some hon. Members opposite are trying to do at the present moment is more or less to "refuse supply" and that, as far as I know, under our constitution, has never been done except once, I believe, and that was in the reign of the late King Charles the First. (Laughter, applause.) I believe that some similar manifestation was made in this Council when I sat on the other side. But we did fully realize, I may say, that it was a gesture and we had no intention whatever—any more than, I trust, hon. Members have to-day—of "refusing supply" or of trying to prevent the Government of the country from being carried on. (Applause.) Today, Sir, I believe the suggestion is that Government should take back the Budget—I presuppose, of course, that the Members do not want to refuse supply, but only want to reduce supply to a more modest scale—and have us reduce the Budget by six per cent. Again I am speaking for myself, I have no doubt my hon. friend the Member for Finance will have further to say on this subject, but I would in all seriousness ask whether hon. Members can really believe—especially in view of my opening remarks of how my own Estimates have been framed, and bearing in mind the fact that a very large proportion of the Budget which is before us is irreducible, for example, service of loans, defence, pensions and a whole host of other things of that nature—that any responsible Government over and above having to produce in this year, Cost of Living Allowances, after forbidding all new services and after having combed, as they think, expenditure to the limit despite the repetition of attendant on the rapid development of this country, could really take back its budgetary proposals,

[The Member for Agriculture and Natural Resources] cut out some £900,000—I do not know where, because hon. Members have not told us—and bring it back in time to enable the Government of this country to be carried on.

MAJOR KEYSER: Yes.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Well, if that is the case, then I must say I feel that I can only express the hope that a greater sense of proportion will prevail in due course. (Hear, hear, applause.) I may say that I have served on both sides of the Council and that if I was on your side of the Council I might attack the Budget and, no doubt, as you are doing, I would attack expenditure. I think it is healthy for any Government to be subjected to a strong and virulent, if necessary, belligerent opposition. On that we all agree, but I think that that opposition must, more especially as it is composed of persons who are responsible jointly with us for running the Government of this country, frame their actions in opposing a Budget of this nature with some due sense of responsibility and some due sense of proportion. (Hear, hear, applause.)

MAJOR KEYSER: Sir, it does not mean that at the end of the year the Government cannot be carried on. We have in the past passed Provisional Appropriation Bills, and if these Draft Estimates come back for consideration to this Council and the consideration is not completed by the end of the year, a Provisional Appropriation Bill could be passed as it has in the past, Sir.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The hon. Member has at any rate shown some symptoms of responsibility; he at least does see the difficulties! (Laughter.)

Sir, hon. Members suggest apparently in all seriousness that we have got to take the Budget back and cut those portions of the Budget—a Budget, mind you, which includes no increased services of any kind whatever, which has to bear the repercussions of increased capital expenditure incurred by the Development and Reconstruction Authority which has to bear this year the Cost of Living Allowances and the increased state of Travelling Allowances—that out of that

portion of the Budget which is not irreducible, that Government is so irresponsible that they could take it back and continue governing the country reasonably after cutting, say, another £1,000,000, off those few services off which those cuts could be made. The suggestion, I submit, cannot be a serious proposal! How could we make the cuts? Make the cuts from Other Charges? Other Charges means that you would then make cuts on travelling and votes of that kind, which means that the officers we are employing could not be fully occupied and, indeed, would mean very often that they could not cope with urgent disease outbreaks and dangers of that kind.

MR. BLUNDELL: Mr. Speaker, we have constantly in the past initiated reductions in expenditure from this side and they have as constantly been refused on the other side. What other course is open to us?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Fight it out in Committee.

MR. HAVELOCK: We have had that before!

THE SPEAKER: Would the hon. Member who has the floor please address the Chair.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg your pardon, Sir.

As I was saying, reductions could only be brought in three ways. You have either got to cut Other Charges, which, I submit, is an uneconomic form of cut; we can stop recruitment for new officers, and that is being to a very large extent carried out; or we can reduce or abolish services altogether and get rid of, dismiss, staff. That, I gather, is the proposal that is before us now. If that is the thing, Sir, we have the right to ask those hon. Members who suggest that this enormous cut can be made and who are on this side of the Council where those cuts can be carried out. (Hear, hear, applause.)

MAJOR KEYSER: Mr. Speaker, we are prepared to assist in this, but we have been told in the past that it is the head of department who knows best where a cut should be made, or what officers

[Major Keyser]

they should appoint. But we are prepared to assist to the best of our ability to do it.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: If hon. Members are prepared to assist, I submit, Sir, that the proper place to assist is in Committee of Supply. This procedure now being adopted is, I repeat, I hope, merely a somewhat unconstitutional form of gesture or demonstration on the part of the other side of the Council.

MR. BLUNDELL: It is not unconstitutional.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: It is slightly unconstitutional.

THE SPEAKER: I would point out that no amendment has been moved to this resolution. The resolution is still before the Council.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: But, Sir, it has been opposed.

I am only pointing out that it is easy, for those especially who have not got the responsibility of running large departments, to demand vast cuts. It is popular to do so, especially on the eve of an election. (Cries of "shame" and "withdraw" from Opposition.)

THE SPEAKER: I must ask hon. Members on the Unofficial side to somewhat restrain themselves. The Unofficial Members have moved no amendment to this motion. The motion is one that has to be discussed. I must ask hon. Members to allow the hon. Member who now has the floor to have the opportunity of being heard.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Hon. Members opposite know quite well that I did not mean that offensively. Hon. Members have adopted a popular outcry. They do know, as I know, that there is a demand for no more taxation and a reduction of expenditure. Where it is possible, I entirely agree that that demand should be put into effect, so does every Member on this side of the Council. But I do say it is utterly unreasonable to ask suddenly for a cut on the top of the extra expenditure which we have had to absorb this year—Cost of Living and other burdens—without any indication

of where such cut is to be made, of the magnitude demanded by hon. Members opposite. I would stress, Sir, in conclusion that despite the alleged ineptitude of the Government, despite our alleged extravagance, despite everything else, I believe that this country is going forward very fast—(hear, hear)—but I go further, Sir, I say it is not despite, it is because Government have retained a sense of proportion and been fairly reasonable, both in regard to economies and our expenditure, during the last few years, realizing how fast is this Colony's development, that we are progressing and going ahead at the pace we are going ahead to-day. (Prolonged applause.)

MR. HOPKINS (Aberdare): Mr. Speaker, I rise to oppose the Motion before the Council, because the attempt that hon. Members on this side of Council have made in the past to reduce expenditure and to check the ever rising yearly increase have been of such little avail.

Many of us have foreseen the situation which now seems to be arising, when a very much less buoyant revenue will be called upon to support commitments in staff which have outgrown the capacity of this Colony, except in abnormally prosperous times.

Credit must, of course, be given to the hon. Financial Secretary for having avoided any new commitments. As it is now the established practice of pretty well every department to try and press for increases, I can appreciate that he must have had some very grim fights. It would surely, however, as was said by the hon. Member for Uasin Gishu, be wiser to embark on economies now when the Colony is solvent and reasonably prosperous rather than to wait until economies and the pruning of votes will give rise to very much more hardship than it would now, when any retrenched civil servant can normally find employment elsewhere without difficulty. The people of this Colony are, in my opinion, more prepared at the present time to make sacrifices and to put up with the inconveniences, to which reduction in Government expenditure would undoubtedly give rise, than ever they have been before. I do not think this factor should be ignored, Sir, on each occasion on which I have attended a Budget session, I have been very impressed with

[Mr. Hopkins] with the vigour with which Government opposes any suggestion for the reduction or the elimination of any particular item of expenditure appearing in the Draft Estimates. The main reason always advanced to justify this opposition is that every item has already been gone into very carefully, and that all possible reductions have already been made, leaving only irreducible essentials in the Draft Estimates. This seems a very reasonable argument, and in the past it has rather impressed me. Statements to this effect, moreover, were made in the last Budget debate, but nevertheless during the year the hon. Financial Secretary, on his own suggestion—on his own Motion—made economies amounting to the substantial sum of £138,000. These economies were made to a very large measure in votes which previously had been declared irreducible. They were, moreover, made without any apparent dislocation in the Government machine, or loss of efficiency. Protestations that expenditure cannot be reduced without disastrous effects will no longer make so great an impression upon me.

In this connexion, Sir, I would like to remind the hon. Financial Secretary that in a debate on the increased Cost of Living Allowances for Government servants, which took place in August, I asked him whether he would give details of how these reductions were made. Now, it was difficult at the time to make him understand exactly what I wanted. So, with your permission, Sir, I would like to quote briefly from the *Hansard* of August of this year. In the course of my speech, I said:—

"In pursuance of the promise given by the hon. Member for Finance in the last cost of living allowance debate, I note that he has made savings of £138,000. Now, Sir, I should like to ask that we be given information as to how these savings were effected. I should also like to have information as to how he proposes to effect savings on the present proposals. I do not mean—and please note this—that I want him in his reply to give me these details, because I think what I want postulates a written statement."

Now, Sir, when the hon. Financial Secretary was replying, plain though I

tried to make my words, he obviously misunderstood me. He said:—

"The hon. Member asked me in what way this was done. Well, Sir, this saving was spread throughout all the portfolios of my hon. colleagues, and to attempt to state these details across the floor of the Council would take a very long time indeed."

Now, Sir, I thought I had been very clear, that I said that what I wanted obviously postulated a written statement. I then got up and said:—

"Sir, what I asked, and I am sorry I did not make myself clear, is that at some time convenient to the hon. Member he would give us a written statement how and where these reductions were made, and in addition, to that a statement of how the reductions are going to be made in the future economies which he has promised us."

The Financial Secretary then said:—

"Sir, I will certainly undertake, if it is the hon. Member's wish, to provide the necessary information indicating how £138,000 was in fact saved in 1951, and I also undertake that during the coming Budget Session I will indicate how it is proposed to absorb this £180,000, or as much as possible of that £180,000 during the coming year."

Sir, I hope I have made it clear exactly what we want on this side of the Council, and I would like to say that we would like to have this first statement as soon as is convenient to him, and also I look forward to hearing from him during the course of this debate as to how he proposes to make reductions of £180,000.

Sir, I oppose very strongly the suggestion that we should have export taxes. I opposed this principle in the debate on the Cost of Living Report and nothing has occurred to make me alter my view that it is inequitable to single out three or four primary products for special taxation, some of which have only started to enjoy prosperity after years of depression. If my member serves me correctly, Sir, there have been export taxes before in this country. They were tried a very very long time ago, found to be entirely unsuccessful, and again, if my memory serves me correctly, they were abolished somewhere about 30 years ago. Now, Sir, I am surprised to find that the hon. Financial Secretary should have

[Mr. Hopkins] disregarded the experiences of the past. If, indeed, additional taxation should be necessary, then I feel some form of taxation should be introduced which will bear evenly on all undertakings and businesses which are fortunate enough to be making exceptionally high profits.

Sir, I believe, however, that it is possible by making economies to enable present taxation to meet all necessary commitments, both in regard to capital and recurrent expenditure. Since 1948, both during Budget debates and on other occasions, I have done my best to draw attention to what I consider is one of the fundamental causes in the increased cost of Government. I refer, Sir, to the rapid increase in European staff, which has taken place in all the districts of this Colony since the war. In 1948, 1949 and 1950, I spoke on various occasions about this alarming multiplication of staff which was going on, very largely in the out-districts. Because this staff was dispersed over the out-districts, it has been very difficult for me in spite of the efforts which I have made to arouse public opinion on this matter, but the fact that I have had only limited success is not going to prevent me from returning to the charge. Some hon. Members may recollect that as far back as 1948 I asked Government in a question for written reply to give me comparative figures of the number of officers of all departments in each district of the Colony, excluding Mombasa and Nairobi, (a) in 1939 and (b) in 1948.

Now, I chose, 1939 as it was the last normal year before the war, but in actual fact there was no increase in staff, there was in fact a reduction during the war years until 1945, so that such increases which were given to me as having taken place between 1939 and 1948 actually took place in the three years 1945 to 1948. The reply which I received more than confirmed my views that there was a tremendous multiplication of staff going on all the time as it showed that the increase in what I say is virtually three years, was just on 100 per cent. In those districts where provincial headquarters were situated, such as Nyeri and Nakuru, the increase was nearer 300 per cent, and that was in a large measure due to the fact that the provincial team system was already being

built up in those areas. Now, Sir, in support of my contention, that this build-up of staff is going on just about as quickly as it did before, I would like to give you comparative figures for 1945, 1948 and the present day, in respect of the Nanyuki/Nyeri area in which I live. I have chosen that particular area because it was easy for me to get the figures and because what is happening there is indicative of what is happening to a greater or lesser degree in all districts of the Colony. Now in 1939, according to Government's reply—and as I explained, for 1939 we can read 1945—there was a total of 23 servants in this area. In 1948, again according to Government's figures, this number had increased to 60. To-day, not counting High Commission servants, not counting Local Government servants, not counting district surgeons and people like that who are only subsidized from revenue, this figure has risen to over 100.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I wonder, Mr. Speaker, if the hon. gentleman would give way for a moment just so we could have a clear understanding about the term "servants". Does he mean only Administrative officers or does he cover the Police and all groups of this kind?

MR. HOPKINS: I should like to make myself clear, and I am glad that the hon. Member has given me the opportunity. I am not referring to Administrative officers, and I would say, in addition, I have no complaint about any increases in the Administration, because they have not increased very greatly, and they are to my mind the most important officers in the native reserves. I am speaking of all departments—Government servants of all departments.

Now, Sir, I have said that this increase in European officials is one of the fundamental reasons for the increase in the cost of Government, and hon. Members will realize that I make this statement because when there is an increase in the number of European officials (and I am going to give a very much larger list than the hon. Member for Rift Valley, though even my list is nothing like complete) it entails increased Asian staff, increased African staff, increased office accommodation, increased housing, increased furniture, transport, travelling allowance, passages and various other

[Mr. Hopkins] things of which there are quite a number.

Sir, my views on the provincial team system I gave very fully last year, and I do not intend to repeat myself. I have, however, always supported the district teams as I know full well that no longer can administrative officers be expected to do the work of all departments as they did in the past. But I regret to have to say that the specialization that has been going on during the last six years has been carried to such an extent that it is now quite an established practice to ask for new posts to be created which divide amongst two, or even three the work previously done by one officer. Now, Sir, to show that I have been consistent in this I would like to read a very short paragraph of what I said in the Budget three Dudget debates ago—that is when we first started this Council. "The hon. Deputy Chief Secretary expressed surprise that I criticized the increase of departmental officers. I think that when he was taking notes he could not have heard what I said. What I did do was to show how these increases took place. I went on to say that I thought increases to a certain degree were inevitable; but that I felt that these increases of departmental officers and consequent specialized developments was taking place much too fast, faster than the African could keep up with, and in fact, faster than our forefathers were asked to keep up with."

Sir, I am convinced that unless this tendency to multiply posts is checked and reversed that not only will the cost of Government go on increasing but the most excellent district team system will fall into disrepute.

Now, I would like to make it clear that I do not advocate wholesale retrenchment of large numbers of officers who have already reached the stage where they are due for a pension, because this is likely to prove an expensive form of economy. I do, however, suggest, Sir, that it will be necessary to dispense with the services of a number of officers who are quite a permanent employment and who have not reached a stage when they would have gone had to causing as little hardship as possible. I also feel, Sir, that it is essential that there should be a stay in

the engagement of new officers—except in very exceptional circumstances—to replace wastages or to fill the many posts which exist in the Estimates, and which have not yet been filled. I feel, Sir, that this policy of ceasing to engage fresh officers should be pursued until such time as the number of officials is more in accord with what the Colony can afford. Apart from European staff, however, Sir, I am fully of the opinion that the large number of African assistants employed by the various departments could, with comparative safety, I think, be cut by something like a quarter. If, indeed, this vast army of Africans, mostly in uniform which we now see wandering about the native reserves were reduced by 25 per cent, and it were made clear to them that the reduction was being made of those who were the least efficient, I am quite confident that we would get more work from those who were left. To give you an idea of how many these Africans are—Yes, Sir, I am quite pleased to see the hon. Financial Secretary saying, but I hope he will make some attempt to reply to the various questions and the specific recommendations which I have made. A quick count this morning showed that in the Estimates there are in the Veterinary Department, 1,514 Africans in the Agricultural Department, 1,748. To my great surprise I found one of the biggest employers was the Medical Department, where there are just on 4,000. I do not maintain that these officers, these Africans, are not doing a good job of work, but what I do maintain is that there are more than are necessary, and that they could be cut down without loss of efficiency. I do not even say that all these, of course, are employed in the native reserves, but the vast majority of them are. Sir I am appreciate fully the extent of the multiplication of officers which has taken place in the native reserves, and in districts which are not native areas, until an *ad hoc* committee is appointed to go into this matter. I made this suggestion in the debate on the Increased Cost of Government, and I got, after some persistence, what I thought to be a promise from the hon. Chief Secretary that such an investigation would indeed not be opposed by him, and that if it were made he would welcome the assistance of Members from this side of the Council.

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[Mr. Hopkins]

Now, Sir, I do not want to make any more points about staff, but I do hope that what I have said will be dealt with.

Before I sit down, I should like to refer to another matter. I am one of those who believe that school fees in respect of the children of all races should be increased. For that reason, Sir, I am not at all happy about the proposals to give educational relief in the income tax setup. Again, on the principle that those who enjoy a particular service should make some personal contribution towards it, I would like to remind hon. Members that I have on several occasions put forward the suggestion that Africans call attention in their thousands, and very efficient medical attention, should make some contribution towards these services, some personal payment is what I mean. On the occasions when I have brought this up, the hon. Director of Medical Services has always shown that he is in sympathy with this idea, while at the same time pointing out the difficulties. He promised me the last time I referred to it that a careful investigation would be made, and I do hope the hon. Deputy Director of Medical Services will be able to give me some information as to how far these investigations have gone.

Sir, finally, I should like to oppose very vigorously the proposal that the office hours of civil servants should be extended. I believe that in this country we are fortunate in having a very good type of civil servant and in the 28 years in which I have had the honour to serve in that Service, I cannot recollect one single instance of a European civil servant, or an Asian civil servant, or an African civil servant even being reluctant to do extra time if that was apparently necessary. Sir, I do believe that the arbitrary increase of these hours, which implies that all civil servants are not working as hard as they should, is going to defeat its own ends. Sir, I hope I have made clear some of the reasons which incline me to oppose the motion before Council.

ADJOURNMENT

Council rose at 12.45 p.m. and adjourned until 9.30 a.m. on Thursday, 22nd November, 1951.

Thursday, 22nd November, 1951

Council assembled in the Memorial Hall, Nairobi, on Thursday, 22nd November, 1951.

Mr. Speaker took the Chair at 9.32 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 21st November, 1951, were confirmed.

DRAFT ESTIMATES OF EXPENDITURE, 1952 REFERENCE TO COMMITTEE OF SUPPLY—(Contd.)

DR. RANA: To be on the safe side, Sir, as I am always afraid of the red light, may I ask for your permission in case I exceed the usual half-hour that you can give me a few minutes more, Sir?

THE SPEAKER: You claim the extra time?

DR. RANA: Yes, Sir. Thank you, Sir. I rise, Sir, to pay my sincere compliments to the hon. Member for Finance for the very clear and lucid way in which he presented the Budget to the Council. I do not blame him. I think it is the usual inheritance which he has been carrying on from previous Finance Members, with regard to recurrent expenditure and taxation, Sir. With these words I would like to say that I rise to oppose the Motion moved by the hon. Member. (Applause.)

I may say, Sir, I am not opposing it because the European Elected Members have opposed it. (Cries of "Shame!") I am not opposing it, with the view that there is anything unconstitutional in it. I am showing my resentment and my opposition, and expressing it on behalf of those who are every day now expressing great concern at the hardship, and I should say a great uneasiness over the whole policy of the Government, as far as these Government services and expenditure is concerned, and the cost of living. (Hear, hear.)

Sir, I think the previous hon. Members have given quite elaborate reasons as regards the recurrent expenditure, and I do not want to go into detail, but I must say during the past five or six years that I have had the honour to sit in this Council I have noticed the increase on every side

[Dr. Rana] as far as Government Departments are concerned. It is not the increase of one officer, but we know, Sir, that a very peculiar position that we are in this territory that has got various races. If a European is appointed, he wants to have an Asian assistant. If an Asian assistant is there, an African must come; and if there were a fourth colour in this country, the African would like to have one other assistant of a different race. (Laughter.) It is a fact, Sir. It is no matter for laughter—I think you know it. It is a fact—I see the hon. Deputy Chief Secretary is shaking his head. He may be the one who may have a European assistant or secretary, but I know from my experience—there is hardly any Government department in which you do not find all three races doing the job which could be done by one person. I have never hidden the fact, Sir, that I dislike the English or British way of life in this country. I have openly said that I admired them in many ways, but I always fail to understand why everything that is being done in Great Britain should be done here. It beats me! After all, this country has got its own difficult geographical, climatic and various other complications, and it is no good to take everything that those people in Great Britain are doing. We all know that during the war, and after, they have gone through various trials, and they are working very hard, while here every one of us, whether Asian or European, we want to have a good time, and our standard of life—increases you find at Mombasa—increases with orders for motor cars, radios and all sorts of luxuries, and I think Government perhaps, and their staff, are in no way an exception to that rule.

I submit, Sir, and I would like to congratulate the Leader of the European Elected Members, for proposing this ingenious method of opposing the Budget—(laughter)—by 6 per cent, whether it is constitutional or not; but it does show that we who are on this side of the Council, who are supposed to express the views of every person, it does not matter what race he belongs to—does that we are alarmed, and we are very uneasy with the way the Government departments are growing in every part of the country. It is with that intention, Sir, that I have followed their lead, and I am opposing the Motion.

Now, I do not want to go further as far as recurrent expenditure is concerned. When we come to different items I will express my views, but coming to the general cost of living question, and the taxation—first of all, Sir, taxation. I admit it is the usual method in all parts of the world that the taxation has to be borne by those who are in a position to pay. No Government can run without a certain amount of taxation. But if the taxation is done purely for the sake of taxation, and to kill the private enterprise, in any part of the world, then it becomes too much. I have seen, as the income and the revenue of the Colony increases, side by side with that, the taxation goes on without any regard to whether there is already enough staff, whether there is enough efficiency. The hon. Member for Finance, or whoever is responsible, has a very peculiar method. One day he put a tax on to spirits—alcohol and tobacco—another day the taxes are removed. If you look at it, it copies to the same thing—there is an increase. I for one do not take alcohol—neither do I recommend to my patients to take it. But I do say that those who have this unfortunate habit, to tax them purely for the sake of taxation is a bad principle.

As far as taxation on exports is concerned, with all due respect to hon. Members on my right, I personally think with all the planning and development programme we have got, that the sisal and cotton and wattle bark—and God knows what else—that you can easily afford to pay and I think we should not lose that money in what is the usual English way—“make hay while the sun shines” and keep the money for the bad days. I would support that idea. I would support tax as far as the few products are concerned. That much for taxation.

Now for the Cost of Living which is a very serious problem and in this I would plead with the Members opposite who are responsible for these various controls. If they do not mind my saying so, I think they are the real people who are the cause of the increased Cost of Living. These controls were brought in during the war for certain objects. Then, thank God, ended long ago. Instead of these controls disappearing we are having more and more now. I really do not find any need for it. I have expressed it in

[Dr. Rana] the past in this Council and I pleaded for it and we have been promised every time, “Oh yes, the Government is very keen to remove them”—but they stay. “Oh yes, they are very essential things, but we will see.” When we come again next year the same black market, the same scarcity of foodstuffs and the same hardships. The man who has got a family and children he finds day by day that either he cannot get the stuff or he has to pay through the nose. I give you one or two examples. Regarding the diet which is mostly used by Asians, I mean the rice and ghee. Year by year the Asian Members on this side have pleaded with the Government to remove the control. Last year, the Indian Chamber of Commerce pleaded with the Government and it very kindly removed the price control. What they did was they kept the movements of the stuff restricted.

To-day, what is the position? If I want to buy a tin of ghee from a Mariakani I cannot bring it to Mombasa, Sir, because movement is prohibited. I hear even that from one side of the railway line to the other side an African cannot take the stuff. I had never heard of a method like that in the war. A producer if he has not got the roads, if he has not got the railway, at least he should have the liberty to take on his back the stuff and sell it wherever he can get a reasonable price in the Colony. What is the result, Sir? That an African is receiving say, about Sh. 100, for a tin of ghee. The man who takes the risk and who has to meet all the various officials on the way from Mariakani to Mombasa, he charges Sh. 50 extra to the people who are unfortunate enough to be living in Mombasa. A thing like that you do not call a control. I have never heard anything like that in my life. On the other hand the countries who are short of food, they are importing, they are subsidizing, and they are seeing everybody get it. Here we have got the stuff at the door and the man is not allowed to move from one side to the other. That means that Government wants the prices to be kept up. An Arab, or Indian, or European who has got a *shamba* at Kwale or Bamburuz or Malindi, if he has got rice, you will be surprised to hear the poor devil cannot bring his own stuff to Mombasa, but he must leave it. Now one can leave

it, Sir, but no one is ready to buy it so the result is there are again merchants and people who are bringing the stuff down there by boat or by crook. I do not know how they do this but they do this. I know, but the result is that Sh. 50 is added to the bag of rice.

Now is that control? Every African and Asian whose staple diet is it. Then on the other hand, with all due respect to the hon. Member for Agriculture and his wonderful Meat Commission here, we were told last year that your beef and mutton will become cheaper. What is the result to-day? All my life I have been fond of mutton, but I hardly get it two times a week now in Mombasa. I have to pay Sh. 1/50 in the black market to get a pound of mutton. The beef and the mutton has become of such a poor quality that nobody wants to touch it.

Now that is one other side of the control, a monopoly—whatever you call it. Now, then you come along to the Development and Reconstruction Authority side, Sir. By the way, I left the control—(laughter)—there is another one, the Rent Control. Now there you see the landlord and the tenants are all milling over each other. Four years ago, after two years' begging to the Government, I succeeded in asking them to revise the Ordinance; they very kindly did it. I have again asked them that—neither the landlord nor the tenant is happy and revision is required. They say we will do it. The same premium, black market, is going on. Buildings are being built, the land Government has got they do not want to give it to the people to build. If they want to get rid of it, they go for auction, they want to charge a terrible price. I know people who want to build but the Government say, no, we want to do this. We have a new Survey Director, we had a new Commissioner for Lands. I hear now he has gone and a new man has come. He will take one year to learn. (Laughter.) I am serious. I am not joking. I am one of the parties who has already been suffering with this survey business, and I do want to say that I am speaking from experience. I would request the Government, Sir, that when we come to the details of these various items at least they will be fair enough and accept that the control must go, with the exception of certain articles

[Dr. Rana]

which we have to depend upon, from other countries, or paying for imports, not like ghee and rice and butter and coco-nut and copra and oil and that wonderful Maize Control about which everyone of you has heard enough. That is the reason that the Cost of Living is going up.

Now the Development and Reconstruction Authority, Sir, I am one of those who is not pessimistic. I have always been optimistic, and one of those who believe in the future of this Colony, and that it has a very great future. But there is a very great *but* to it. That is if all races work together for the development of this country, and those who are responsible see that planning and the money and the way it has been spent, then we will be proud and lucky, Sir. What I have seen of the activities of the Development and Reconstruction Authority, I am in favour of their Estimates. I am not going to oppose them. I am not going to say that the Development and Reconstruction Authority machine should stop. I hope I will not be misunderstood but I am just informing them how their wonderful works are progressing, particularly on the Coast. Sir, if the hon. Members would look at the Development and Reconstruction Authority Estimates, page 22, they will find that under item 3 (4) Asian Primary Schools, Mombasa, the value is £19,542. They were completed last year. I have not seen them. I believe, one of the teachers told me that two or three pillars of the wonderful building are being supported with wood and the buildings are being done in this other white elephants, the various schools and hospitals which are being built, but this is an example. I know of in Mombasa. Under the Development and Reconstruction Authority, as has been said by my hon. friend Mr. Patel, regarding communication on the Coast, regarding everything with the exception of the new prisons which we hope to see very next year and these schools I do not see very much penny which is being used there should be properly supervised, how it is spent, and whatever is being built at least it should last till the slump period in the world comes on. Otherwise there would be no more schools and hospitals and

they will crumble down and then we will have to start again. That is as far as the Development and Reconstruction Authority side is concerned; as I said I am not against it, and I think the money which we are going to get from the export tax on some other produce can be easily borne by the big people who are lucky enough to have those industries. I am not supporting the tax on principle. I will be the one and I have been always in sympathy with the farming class. I think they deserve whatever the prices are and good luck to them; but then on the other hand where there are those who produce products like sisal or waste bark or things which are going outside the country, and the owners are having very high prices, it is only reasonable that it should be for the future development of this Colony.

Regarding one other question which the hon. Member for Agriculture mentioned, I would say under the Development and Reconstruction Authority that it is not due to the Government planning scheme of development in this country, however the farmers, or the producers are benefiting I think the credit goes to their own initiative and to their own hard work. It is not here, the place where I come from, Pakistan, where the farmers were 77 per cent in debt to the money-lenders, they are going about in beautiful American cars and it is nothing to be envious about—(hear, hear)—and I give them the credit that they are working hard and I think they should make the best of it. I do not think that all the credit can go as far as the planning and the Development and Reconstruction Authority are concerned and all the rest of it. Until we have some good rivers and dams and up to now I have not seen much and they are all working and they know they are getting a good return—anybody would do it. If I was in their position I would work ten times harder.

With those points, Sir, with all due respect, I do not think the pure credit should go because we have got the Development and Reconstruction Authority more. I am one of those people that country and have been lucky so far, but the luck is also due to world conditions. We were so situated that we have benefited by various means by the influx of

[Dr. Rana]

capital during the war by having large armies and when so much other capital had been brought here. Regarding increases in working hours per week. With those points of view, Sir, I would say that, as one of the hon. Members said, it is the willingness and efficiency, and it is not the question of the hours that the Government servants should put up, and if for one would say that am against the idea that these people should work two or three hours more than usual. I have never seen so far any labourer, when he is paid hourly, that he works so good as he works when you give him a job to do. If he knows I have got to pay Sh. 3 an hour—even I would sit down and slowly move myself, even as a doctor I would do the same thing. (Shame!) It is human nature. I am not arguing the case. If I had to be paid by the time I spent; well then I can assure you in writing a prescription I can take half an hour by sitting down and writing one word. I can take half an hour and say to the patient "Please give me Sh. 20." But I can't do it.

With these few words, Sir, I will leave the other subject to later on. As I have said, whatever I have said, I say it most seriously and sincerely as there is a very grave uneasiness and resentment in the country all round and the Government should take criticism in a sportsman-like manner and deal with it in what is a reasonable way. I hope whatever I have said about controls and various other things that my good friend the Member for Commerce and Industry is willing to reply to me, but I will say that I do not mean anything as far as the personal Members are concerned. I have a great admiration, each one is doing his best with all sincerity and honesty; and it is the policy or method by which the things are going, and I hope that they will use more discretion in cutting down these controls with ruthlessness and will not depend purely on what the reports of the so-called "in charge" of various controls are saying.

With these few words, Sir, I oppose the Motion.

MR. OIANGA (African Interests): Mr. Speaker, listening to this debate which has gone on for the last two days or more, I have been very much impressed by the point of view expressed by the

majority of leaders on this side of the Council, that the expenditure, or the cost of Government, is rising alarmingly, and that in some ways it will be found that a reduction should be brought about. At the same time, Sir, I realize that it would not be proper to expect that the way of reducing the cost was the job of one particular Member of this Council. In my own view, I think that it is the job of everybody who happens to be an hon. Member of this Council, and we should all contribute towards that by refusing it or allowing it. I therefore will not commit myself at this time, saying that I shall oppose the Motion to go into Committee of Supply but I shall say that I support the Motion on condition that when we go into Committee of Supply we shall altogether very vigorously prune the different headings that are embodied in the expenditure side of the Budget, vigorously bringing down the figures where they are alarmingly high, without very much respect for either person or an office.

Having said that, Sir, I should now like to deal with one or two points. Some of them have been already touched on by my colleague in his speech; which I support 100 per cent. I should like to emphasize only some things which to us seems a little peculiar and need explanation. In his moving speech, the hon. Member gave us an assurance that the out-turn, I am now quoting from page 5 of his original speech—"Turning now to 1952—the out-turn of ordinary revenue on the existing level of taxation is expected to be £15,009,906", and underlining "the existing level of taxation". That is repeated elsewhere in his speech. But, to our great surprise, as my hon. colleague has pointed out, we discovered that there is inserted in the Revenue Heads, licences, duties, taxes and so on, an extra £15,800 expected to be levied by way of poll tax. It implies an alteration in the basic rate of poll tax. Now, would it not be in order to expect that when the basic rates of a tax of any kind are being altered, this Council would be informed? We have had an assurance to the contrary, but by inspection we find that actually the basic rates in Nyanza and the Northern Province have been altered, calculated to yield an extra £15,800 next year.

MR. HAVELOCK: £7,000.

Mr. OBIANG: I think £7,800 from Nyanza, and £8,000 from the Northern Province.

Now, the statement from the hon. Member is a general statement, but now when we find this, we are a little disturbed because we have not really heard the Government explanation for it. I shall not try to advance an argument at this stage, but I should like to say that at the proper time, when that particular Head is being dealt with, we shall try to get an explanation and at the same time develop our opposition to it. The necessity for it will have to be established and whether it is equitable or not, that is a point on which the whole of this Council will have to be satisfied. But as I have said, the correct time is yet to come.

The second point I should like to deal with, Sir, is the gap, the gap which has been created between revenue and expenditure on the recurrent expenditure side. This very big gap is caused, it is said, by various Heads, claiming very high attention this year from the moneys of the country, and African education alone is said to have contributed to that to the tune of £300,000. At the same time, the Member warned this Council that the people have to be warned about this alarming rise in the cost of education, particularly African education. Well, I agree with the hon. Member that the attention of the country and particularly that of the African should be drawn to it. But I would not be a party to a statement such as came from one of the hon. Members on this side, I think the hon. Member for Trans Nzoia, who said that the Africans will have to contribute more to the cost of education. I think that statement implied that at the moment they are doing nothing, that he should contribute more. I agree with, but to imply that at the moment they are doing nothing towards their own education is rather services might imply a very false picture, because we know that in the Central Province we have an independent system of education to which Africans from their own initiative contribute very large sums of money. The African District Councils for the last two or three years have been contributing to their primary education to the tune of over £200,000 a year. Now these are self-efforts to try and help oneself, and I would not agree with a statement of that kind passing unchallenged. More, that is

true, but that they contribute nothing is quite untrue.

Now the £300,000 that is going to African education is made conspicuous by comparison here when we find that Europeans contribute to the use only by £72,000, Asians £82,000 and Africans £300,000. It looks very conspicuous but I think the picture is not a very real one in that the real picture would be brought about by comparisons on payments per head, and I should like to take the Education Department to task a little for a moment. Our Education Department is about 40 years old, and in the Department's Report which has been produced only recently, 1950, when you turn to page 7 of that report where the populations and figures are embodied, you find the numbers of the population of school-going age given for every race, European, Asian, Goan and Arab and non-native. But, when you come to Africans, "No figures for this group available". Well it is 40 years now and this statement has remained exactly like that for all that time. Surely our figures will be misleading so long as we do not know that side of the picture. We are told that the Africans are drawing large sums for their education and others are not. But actually the African education problem is just being touched upon. Large numbers of children still go without education facilities of any kind. At the same time they themselves are anxious to make what contribution they can. But it would be much better if figures were given per head and not in the way they are done. African school-fee population should be given so that we can know exactly where we are.

Now, while on this matter of education, Sir, I should like to refer to one statement which has been made by an hon. Member on this side, I think, Uasin Gishu, with which I must also wholeheartedly agree. Yesterday, in his speech, he said that the public money for education should only be advanced in respect of those people who are unable to help themselves. I thought that was most true and should be adhered to. But has it always been true in the policies of the country? We might be told that it has been but I should like to refer again to Member for Eastern Area (Mr. Patel), that there is a case of two-schools built

[Mr. Obanga]

in this country from public funds costing anything up to £1,250,000. That looks a little extravagant, particularly perhaps when the parents of those people can manage to do something for themselves.

In our own case it is simply the basic necessity which is being given at the moment and very many go without. There is nothing luxurious about it, it is only that which is absolutely necessary—the minimum.

Sir, although African education is allowed to loom large in the minds of the people in this country, I should like to say that it is a problem which we cannot completely avoid. Any taxpayer who contributes to the moneys of the country would be entitled to expect some return and particularly for educational services upon which so much of the future of his children depends.

Now two other small matters I should like to refer to, Sir. It has been suggested by the hon. Member for Aberdare that the cost of Government has been increased by unnecessary employment of Africans and that he considers that at least a quarter of them should be done away with from Government departments. Well I do not know, but I think the officers of Government who are here, whether the presence of these people in the offices is unnecessary, they will be able to tell us. It seems to me that the contrary may be true. The Government might be top-heavy but whether it is top-heavy is another question. But the cost of people who are in the Government in high offices, those are the highest commitments that this country is committed to. The African is generally an office boy here, a clerk there, and so on, in the minority, and their cost is usually negligible. I do not think I can agree with the hon. Member that Africans really take away most of the public money in the employment in Government work. I shall disagree with that one very strongly.

My last but one point is Maize Control. Well year after year we have complained about controls of all kinds, but Maize and Produce Control in particular we agree very conspicuously this year, especially when figures revealed that it costs the country a great deal to run that particu-

lar department. It was pointed out by the Member responsible for this organization that if they were removed, the people who would suffer more than anybody else would be the African producers, particularly the African woman with a basket of maize on her head taking it to the Indian shop. It was alleged that she would be cheated. Well in the first place I do not know whether the present organization is really a fool-proof protection against the African woman who goes with a basket on her head being cheated. Again, even if it were, the Maize and Produce Control is an expensive organization, a very expensive organization. I am not mindless of the fact that through it the African District Councils are able to collect their Agricultural Betterment Fund revenues which would be difficult to collect had it not been for the organization, but I must say it is very expensive. The African in Nyanza, because of the Control, is losing up to anything like Sh. 7 a bag paid for the Control. About half of that goes to the Betterment Fund, but the other Sh. 4 pays for the Control. He would have the other Sh. 4 in his pocket but for that. I should like, therefore, to invite the Government to make an experiment. If Maize and Produce Control is entirely run for African benefit, I would like the Government to try an experiment and withdraw it for a year and see how we get on. We could reimpose it if we were badly off and the country was losing money and if it should, but we would be quite prepared to see it withdrawn for one year with freedom to be reimposed when and if necessary.

My last point is about African graduated poll tax. Already an hon. Member on this side of Council has said that he would oppose certain items of revenue increase if Africans were not to pay graduated poll tax. He referred to a Committee that had been set up to go into the matter and their investigations had been reported with certain definite recommendations which he wished to be carried out. I have seen these recommendations, as most hon. Members have, and I think they are very reasonable, but I do not think they are practicable. If we are going to try and implement that particular report in the way that it was recommended, it would be a very, very, expensive affair

(Mr. Ohanga) and I think the Government is wise in thinking again before actually adopting the recommendations. But, I personally, very much support the idea of trying to get more money from the Africans who can stand it, and African companies under the Companies Ordinance, and Income Tax Ordinance. (Hear, hear.) Those are facilities which we have handy and ready, and if any African was really having some money which he did not really need, surely it should be transferred for public use, and I, personally, do support that very much.

Mr. Speaker, I have now come to the end of my remarks and I should like to say that I support the Motion to go into Committee of Supply, but when we go into the Committee of Ways and Means, I shall oppose the extra Sh. 10 poll tax for Africans in Nyanza and the Northern Province.

With those remarks I sit down. (Applause.)

MR. PHILLIPS: Mr. Speaker, perhaps it may be possible for me to speak more than 30 minutes and in that case I will ask your permission.

Before beginning, Sir, I must compliment the Member for Finance for the very brilliant speech that he made in respect of his budget proposals for the year 1952. All the same, this does not necessarily mean that I agree with all his conclusions. (Hear, hear.)

I should begin, Sir, with the cost of Government. It is an undeniable fact that the cost of the Government in this country is really top heavy. When an hon. Member like Dr. Rana, who is ultra-moderate in his views, condemns the cost of Government, I must admit, Sir, there is really something wrong with it. It was suggested yesterday that no new departments have been created, and no new additions of staff have been made. Well, Mr. Speaker, I challenge that statement. If the Estimates have been very carefully gone into by those gentlemen who made such remarks, they will find that in the very departments that they control, they have created extra posts and a minor extra department. At the right time I shall show that. It is a very interesting and amusing fact, Sir, that when people

are on this side, they are something like apostles of economy, but the moment that they go over to the Government side, they invariably become apostles of extravagance. Some time ago, I think, I remarked on that and that remark still stands good. I had then said that the Government machine is of a very peculiar nature. It is something like a salt mine. Anything that goes into a salt mine, becomes salt, and I think it is just as true to-day as it was four years ago.

I would like to mention something about the sugar industry, Sir. We have been told in the masterly speech that was made by the hon. Member for Finance—he said that the production of cereals, especially wheat and maize has gone up by 19 per cent and eight per cent respectively, and the production of sugar which had gone down during the years of 1948 and 1949 had partially recovered and it had gone up by 2,000 tons. I would say that it could have gone up by 5,000 tons, but Government did not take the steps that it should have taken. It is one industry which has received stepmotherly treatment from the Government. Facts and figures, if they are carefully gone into will support my statement. Yesterday, we were given certain figures by the hon. Member for Commerce and Industry. The total consumption of sugar in Kenya is in the order of 40,000 tons. Producers in Kenya were paid Sh. 572/60 per ton. After April, they were paid Sh. 650/20 per ton, but at the same time, Jinja people got Sh. 579/10 for Jinja up to April and thereafter Sh. 712/60. Sugar that would come from the United Kingdom will cost us Sh. 981/20.

Now I think everyone must have read to-day's price. It is 65 cents per pound, which would work out at Sh. 1,460 per ton, retail price. The difference between the landed price and retail price was Sh. 474/80. I must say it is far too much. It is something like 50 per cent after it has been landed at Mombasa. It is really far too much. We could have saved all this money, Sir, if we had given that attention to the sugar industry, which we always gave to the cereal growers, which did it so happen? Because the sugar cane is generally grown by the Indian farmer. Mostly, I should say, they are illiterate and not very vocal and noisy with the

(Mr. Pritam) unfortunate result that there has been no review of sugar cane prices. There has been no review of any kind. Year after year I have been speaking in this Council to the Directors of Public Works. I remember at least four Directors, Mr. Sykes, Mr. Adircaif Jones who was the Acting Director of Public Works, Col. Boyd and General Rhodes. They gave us very sweet words but the road is still not there. It is really a very small patch from Kibos to Kibigori. What is the position, to-day? Cane has been grown and there is no utility for the simple reason that there are no means of transportation. Cane growers blame the sugar mill and the sugar mill in turn blames the Government. The very Member who took a very keen interest in all that was being done by the European farmer, I must say has been very, very negligent in respect of the sugar industry. It is due to this reason only that we are losing so much money that goes out of the country for sugar. I think the factory is quite prepared to produce the sugar provided the Government will do its bit towards the sugar industry. Farmers have done their best to raise the cane, and the cane there is ripening—in some cases, it is already overripe, but it cannot be used by the poor farmer. He will suffer, and it is not his own fault, he has begged and beseeched for facilities in the name of everything. He has done his job, yet he does not get any result. Things are much more serious than that. Not only his cane cannot be transported to factories, Sir, he is allowed a very meagre price for his jaggery, if he makes it. It does not pay him. I really sometimes think that perhaps the Member is trying to liquidate the smaller farmer. There are some farms whose cane could go to the factories, and other farms whose cane could not be transported; those farms which could not send their cane should have been allowed at least a generous price for jaggery, just as much as Uganda is. Nothing has been done. Who is responsible for all that? Now, the farmers have said that if nothing is done quickly enough they will burn their farms and get out of the sugar cane business altogether. I think anyone would do that if they had been in such a position. But I do not know to whom we shall appeal. Well, I have done my duty. They asked me to tell those things,

because I have been there. I have seen the factory manager. He says he could produce many times a day more than he is producing, provided the road was there. He was able to transport cane. He had another grouse about labour to-day he is short easily by 1,500. Some hon. gentleman said that wages are not of the order that prevail to-day, but I would tell you about this particular factory, Sir. Their wages are fairly generous, their social amenities, I should say, are much better than any in any area to-day, and they have got a European gentleman who looks after the social welfare of the people—the labour. I trust the Unofficial Members, who are mostly farmers themselves, will please support me in my plea that something must be done to save these sugar cane growers before they decide to take some drastic step in the matter.

Sir, while this Government is very, very keen to impose new taxes, there is something really wrong in their collection of taxes. In their zeal to discover new avenues of taxation, they have found out that school students who have reached the age of 18 must pay personal tax. Why? They have not done it, up to now I do not know. If the law had provided that, it should have been done right from the day the personal tax legislation came into being. It was never done, but now they are very keen about it. On the other hand, I know of one company which has recently gone into liquidation who had imported very generously paid European staff. They were here for two years, and I am told they never paid any money by the way of income tax. Most of them have gone out of the country, and no one took any notice; that these people were due to pay income tax on their salaries. They did not pay here—I wonder if they will pay in England. On the other hand, on account of these people who defaulted in the payment of their tax, Government had to pay £14,000 for the repatriation of these people. Who is responsible for that? I should say that since the Income Tax Department has been taken over by the High Commission all is not well with that department.

Now, coming to Cost of Living. The Government has done all that it possibly could in its own peculiar way. They appointed Vigilance Committees and have held meetings of such Committees

[Mr. Pritam] and whatnot; but what is the outcome? Practically nothing. They have various means at their disposal—and they could do things in no time, provided the will is there. But I must say, with the greatest regret, nothing has been done. I could tell something about my own constituency. I have been asking about Kericho, Kakamega and other smaller centres where there is overcropping to such an extent that even doctors are saying that there is fear of an outbreak of any sort of epidemic. It was in 1945, Sir, that I was promised that something would be done to make residential plots available. It is the year 1951 and there is the same old excuse, "Surveyors are not available". But when the Government has to do something itself and when it says that it is absolutely urgent it finds overnight a surveyor and if it does, we have a very clear instance of the Duke of York School. There was no land, no question of anything of the kind; within a week, everything was done. It is a very scandalous state of affairs. Something must be done. Year after year we ask and nothing is done. When we see these officers we are given very sweet words, but things remain absolutely as they were, the same.

Tax on exports, Sir, principally, I must say, I am in favour, because it is a universally accepted form of taxation. It is not new to this country. It is the practice in nearly every country. We have been told that this tax was applied some years ago and it had to be abandoned. But the very gentleman who said that should have remembered that income tax was also introduced as far back as 1920. It had to be abandoned, but then it was reintroduced, and I think it has made a fairly good amount of money for the Government. But—and it is a fairly big "but"—I am not convinced that we need extra taxation. If extra taxation is needed, of course, it is a very rigid form of taxation. It should be done. If the Government will reduce this very unevenly and costly machine to a reasonable degree—it is due for an overhaul, I am told, it has had an overhaul during the lifetime of the dynamic personality of Lord Delamere—it is overhauling in a proper way, I think there is very good room for economy. I would not subscribe to the suggestion that we could reduce by 6 per cent. It is obviously impossible.

Because £1,000,000 is subject to no reduction unless people drawing Cost of Living Allowances go away.

I cannot decide, Sir, at this stage which way to vote. After having heard the Members on the Government side, I shall know which way to vote. With these words I sit down.

Mr. SALIM: Mr. Speaker, Sir, in the first place I would like to join hands with my colleagues on this side of the Council in congratulating the hon. Member for Finance on his very able speech, in which he gave the financial exposition of the country.

Sir, if one looks back on what has been said in speeches on this side of the Council, I think, Sir, one can gather two definite impressions. There is a general agreement, of course, among the majority of Members on this side of Council in saying to the hon. Member for Finance: "First, we want you to take back your Estimates and effect economy, or a cut of at least six per cent. Secondly, we would be prepared to an even heavier taxation than the ones you have proposed, provided we find afterwards that such taxation was necessary". I think, Sir, that that is the message which my hon. friend, the Member for Finance, has been able to receive from this side of the Council. I think he can be congratulated for a compliment of that kind.

Sir, like other Members on this side of the Council, I have not been able to say whether I am voting in favour of the Motion or in opposition to the Motion until such time as I have been able to hear what the Government side has got to say.

With these few words, Sir, I take my seat.

Mr. MADAN: Mr. Speaker, Sir, there are occasions when I wish I possessed that sense of humour that my hon. friend, Dr. Rana, has; but I am so afraid of being inconsistent that I am glad I do not possess it!

It seems to me, Sir, the debate on this Budget—and the controversy that has arisen over it, ranges over three points. One is the question of the increased expenditure; the second is the export tax and the third is the expenditure for our development plans. I consider those are the three main issues in this debate. It is true, Sir, there is a great deal of anxiety

[Mr. Madan] and alarm in the country towards the increased expenditure from year to year in our Estimates. Although I share that alarm and anxiety, I do not lose sight of three important factors, that our increased expenditure is due to three main items. One is the increase in revenue; the second is the increased development plans which we are putting into effect, and three, the unavoidable increased expenditure. I consider, Sir, it is futile to say that our expenditure should not increase while our economy expands, and while we expect that increased income—because to earn that income you will have to increase your activities, which will necessarily mean spending more money.

I think, Sir, we should give up the frog-in-the-well-like attitude and we should try to look beyond what we have been used to. It seems to me that because we have been used to small Budgets, small expenditure and small revenue, we find ourselves out of our depth when we see a Budget worth £16,000,000. In my opinion, Sir, this Budget is a sign of the prosperity of the Colony, and for that reason I would also congratulate the hon. Member for Finance. It is my opinion, Sir, that any Finance Member who can produce a Budget which is a proof of the prosperity of the country deserves to be congratulated, in spite of the fact that new taxation is proposed.

If we look at the structure of the Budget, efforts have been made to meet our expanding expenditure and, of course, the most controversial item is the export tax. That necessarily raises the question of whether we should spend more money or not, or whether we should stay stagnant and remain where we have been in the past. In other words, whether we should bar the road to progress.

I feel, Sir, that this Colony of Kenya is ordained by nature to lead the other Territories in East Africa, and for that reason we have always to set an example to those other Territories, and show them that if we are capable of entering into development schemes, we are also capable of bearing taxation if it becomes necessary. I know, Sir, in this matter, even amongst my own hon. Members, I may find myself—like the hon. Member

for the Coast—in a minority. But I am convinced, Sir, looking at this Budget, studying it carefully, that there is nothing wrong with our Colony—(hear, hear)—that that we are on the right road to prosperity, and I should like to go further and say that perhaps this is one of the few countries in the world to-day which is on the right road to progress. If we want to follow that road—if we want to travel on that road—then we must be prepared to face our burdens. I have, Sir, failed to understand what is the objection to the imposition of an export tax. Is the objection merely to the payment of tax? That is nothing new, Sir, because there is no country in the world—no taxpayer in the world—who would willingly agree to the imposition of a tax, provided the level of maximum taxation has fallen: tax should be imposed according to capacity. I do not see anything wrong with it—the imposition of an export tax. I certainly do not see that any principle is involved in it. The four items which have been chosen for this taxation should feel proud of themselves. (Laughter.) I think, Sir, it should be a matter for gratification for those who are engaged in the production of those items that they have raised the standard of industry to such a degree, and they are making such good contribution that they are able to support the Colony further when the money is needed. If these four commodities are enjoying unusual and unprecedented prosperity, and if they are getting fabulous prices, it is only fair some of that should go, towards the benefit of the State, and through the State to the benefit of the people.

Mr. HAYLOCK: It does—in income tax.

Mr. MADAN: Of course, Mr. Speaker, I do not expect the hon. Members on my right to accept that. They opposed this tax on a question of principle, but not one hon. Member so far has told us what the principle is!

LADY SHAW: You have not been listening.

Mr. MADAN: Of course, after the war, ideas have changed. It may be the definition of the word "principle" has also changed. It has been said, Sir, it was suggested yesterday by the hon. Member for Rift Valley—I am sorry he is not here now—that there are those in this Council

[Mr. Madan]

who would gladly pay this tax on to the shoulders of others. My friend, Mr. Mithu, has already said that his constituency would bear the impact of this tax as much as they have to. I say, Sir, that we do vote for this tax, not because we will not have to pay this tax. That is one thing. We are sorry we are not in a position to pay the tax—I wish we were. I wish we had the means, Sir, to pay—to be able to pay—this tax, and great tracts of land where vital grows and other commodities—we would gladly pay the tax. But in spite of that, we will, of course, pay our share of the tax. We will pay it as much as we can, and if we cannot pay more it is not our fault, it is because we have not got means. That we cannot produce more is because of the restrictions that are imposed upon our agricultural activities.

MR. USHER: Make a donation.

MR. MADAN: We can only make a donation, Sir, the hon. Member asked for it, if we had the capacity to earn the money. Give us the means and we will do the job, or "give us the tools", as Mr. Churchill said, and I assure you, Sir, we will do the job.

I do not think, Sir, any question of introducing a closed economy is involved if this tax becomes law, nor do I favour in any country under modern conditions a state of open economy. I believe, Sir, that economists who used to believe in that have changed their opinion. It is not possible to have an open economy—completely open economy—in any country. What happens in enlightened countries—and countries that we can read about—is that the State tries to strike at a happy medium. The State is no longer able to allow its citizens its subjects—to indulge in complete freedom of commercial activities, and agricultural activities, because unless some method of control is imposed under the modern conditions, complete chaos would result. So what the State does is that it introduces, and it strikes a happy medium, that it chooses certain avenues where a tax can be levied without causing undue hardship, not only to those who pay the tax, but also without affecting the economy of the country adversely, and, I think, Sir, that is exactly what the hon. Member for Finance has done in this case. I think,

Sir, some people have not seen through it yet! (Laughter.)

When those who oppose it, sit back and think further upon it they will realize this is the only kind of happy medium that the hon. Member for Finance could have decided upon, and to refute the argument that we are not prepared to pay our share of the taxes—I would willingly support the taxes for beer and tobacco, Sir. Believe me, Sir, I personally would be very hardly hit so far as beer is concerned. I, Sir, therefore, for various reasons support these proposals. I cannot agree to the Budget being cut down by 6 per cent.

First of all, that would amount to saying we have no confidence in our Member for Finance. Secondly, I am convinced that it would break down the machinery of the Government and, thirdly, I would be the last person to vote for any measure that would halt any of our development plans. (Hear, hear.) It is easy to say take off a million pounds out of the Budget, but what we fear is that that million pounds will inevitably come out of our development plans. I do not believe, Sir, that much of it will be taken out of State services, although there is need for reducing Government expenditure—(hear, hear)—but that does not mean we should not have officers who are necessary and, Sir, from that point—the point of administration—I pass on to the question of the Civil Service.

First, I would ask the hon. Member that what is required is examine the system of working of the Civil Service. It is my feeling, Sir, that there is some extravagance in the Civil Service departments, but it is not so much to justify a reduction in our expenditure such as a million pounds. What needs to be examined is how many people there are who are superfluous that we can remove. The first thing to do is to discourage married women from taking on jobs in industry—not because I have anything against married women, but because I feel that their right place is in their homes and their children. Secondly, Sir, I think I would ask the hon. Director of Establishments to examine how many tea-pot operators we have in our offices. I am not against having a little light refreshment, but when it develops into a

[Mr. Madan]

habit of spending an hour over it, every morning, and every evening, I submit, Sir, our precious time and our precious money is wasted. Of course, when you come to examine the system of Government it will be necessary also to examine how many advisory officers we have got who just sit on a chair and see that the others are working. We do not want that kind of civil servant in our system, Sir. The type of people we want are the type of people who were suggested by the Holmes Commission, by the Salaries Commission Reports, and while it is my honest opinion, Sir, that if more Asians and Africans were introduced into the Civil Service and the Europeans, the number of advisory European officers was reduced, the system would get on much more happily and efficiently; We have got too many *bwana mkubwa*—(laughter?)—in this place, Sir, and, while I am talking about the Civil Service, I should like to support the hon. Member for Mombasa and the hon. Member for Aberdare in their plea for not introducing increased hours of working for the Civil Service. Let us look at it, Sir, as a practical problem from the point of view of the Civil Service. One thing must be said to their credit—if they are called upon to put in extra work to maintain their glorious tradition they never refuse to do so, Sir. But that does not mean that we should take advantage of their generosity. Let us, Sir, I repeat, look at it as a practical problem. You will be aware, no doubt, that in 1940, due to the emergency that existed, their working hours were increased by half an hour per day. Later on, Sir, I believe it was in 1945, their extra working hours were reduced by an hour on a Saturday morning which means that they are still working one and a half hours extra even now; half an hour daily, five days a week, that is two and a half hours less one hour taken off Saturday mornings. I do not know when these extra hours will be introduced, whether in the mornings or in the afternoons. I am not trying to make this a racial question—I mention that so that I may not be misunderstood. It would be hard, most hard, the Asian Civil Service than any other community. As you are aware, we have not got an efficient system of public transport. The average Asian civil servant is unable to afford his own trans-

port. He has to live far out of the town because he cannot get accommodation in Nairobi itself. Before he comes to his office he has to see that his children are taken to the school. The children cannot attend schools of their own accord because, again, there is no efficient system of public transport.

THE SPEAKER: Order, order! It is now eleven o'clock and business will be suspended until 11.15.

Council adjourned at 11 a.m. and resumed at 11.22 a.m.

MR. MADAN: Sir, in addition to the problems of the civil servants which I have already mentioned, those poor creatures have also these days to spend a great deal of time in trying to procure for themselves essential foodstuffs which your are undoubtedly aware are often not easy to procure and are often not procurable at prices which are normally reasonable. All those matters put together make it very difficult for them to work any increase in the working hours as suggested by the hon. Member for Finance. They have to spend a great deal of time in trying to reduce their Cost of Living and I would also add my plea that that particular aspect of the Budget speech, Sir, the Cost of Living. Only this morning's newspaper shows that the price of sugar has been increased by nearly 50 per cent. This has followed the increase in the price of tea and as the hon. Member for the Coast said the other day, it is also my opinion that sufficient steps or effective steps have not been taken to keep the Cost of Living at a level at which we would be able to meet it. I would like to repeat a suggestion, Sir, which I made during the debate on the Cost of Living Allowances and say that it is about time this country considered introducing the system of weekly wages and to encourage people to buy for cash and not on monthly credit as, until about the 28th of the month they never worry about paying their bills. If the system of weekly wages were introduced, Sir, I am convinced it will inevitably lead to the introduction of a cash system of trade in our shops, and that will help to reduce the Cost of Living because the traders themselves will be able to reduce their overheads and I hope be able to sell at cheaper prices. At the moment a tremendous

[Mr. Madan] amount of the recurrent expenditure goes into accounts and in keeping the customers posted as to their financial position.

Sir, there are only two more matters I want to mention. One is in connexion with the Maize Control. It was said yesterday that the poor natives have been cheated by the dukawallahs—

MR. MATHU: Poor Africans.

MR. MADAN: I beg your pardon. But when those poor Africans themselves clamour for the removal and abolition of the Maize Control and would much rather place themselves at the mercy of the dukawallahs than the Maize Control I think, Sir, should be done away with.

The last item I want to mention is that a suggestion has been made that an increase should be effected in the school fees for children, and that parents should make a greater effort to pay for education and expenses. Sir, I will oppose that suggestion very strongly because I feel, as it is, the school fees are high enough, especially in so far as my community is concerned who cannot by any means be put in the same income group as the Europeans. They find it even now extremely hard to meet their education expenses because of school fees. I am aware, Sir, that in some cases the Education Department, in the exercise of their generosity, give remissions but that is not enough and that does not apply to everybody. Those who have to pay the school fees for the sketchy education they receive, I am sorry Sir, I must say this for the very sketchy education they receive; they cannot afford any increase in their school fees or any other item of expenditure. I said, that at the beginning Sir, that I was prepared to support increased expenditure, but that of course, is only where it is necessary, and where prudence justifies it. Subject to that, Sir, I beg to support.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker, I would first like to say, Sir, that I do not propose to answer in this speech many one of the detailed questions which have been asked in this debate. That, Sir, I will do when the Departmental Heads etc. considered.

Surely, Sir, the reason for this Motion of procedure to go into Committee of

Supply was to enable a debate to take place on the general policy and not on the points of detail. The hon. Member for Eastern Area, Mr. Patel, said how often the experience was that after debate in Committee of Supply, there was an increase in expenditure and not a decrease. The hon. Member for Uasin Gishu indeed gave as his reason for proposing the Motion to go into Committee of Supply his fear of the insidious pleadings of the Members of the Government on this side. He is, of course, not present at the moment, Sir, but I would ask him, or his colleagues in his absence, does he fear or imagine the hon. Members of the front bench on this side as a set of charming sirens using blandishments to lure him to destruction? As I listened to him, Sir, I almost pictured myself in the role of "Holanthe" in Gilbert and Sullivan kneeling and pleading at the feet of a very hard chancellor, not a Chancellor of the Exchequer, but the Lord Chancellor, for the life of his son, her child, and, indeed, succeeding finally in dragging from that hard-hearted man relief and reprieve for her child. It might, of course, be largely coincidental that that reprieve was only granted when the hon. Member at whose feet I should be pleading, discovered that he was the father of the child. (Laughter.) Or does he, Sir, fear the cold reasoning of fact faced with the need of statutory commitment to policies which have been decided by the votes of this Council. The hon. Member for Eastern Area, Mr. Patel, welcomed also the amount of social expenditure, and the hon. Mr. Mathu, referred to education as one of the productive services. That is correct. Sir, Government has recognized this, but I will not repeat what I said in this debate last year on those facts. Government has taken these facts into account in allocating expenditure and arriving at a Budget which represents a balanced policy. When we talk about social services and social expenditure, let us be realistic and face the fact that for the great majority of the people of this country of all races, their services have not yet begun. There-fore, needs of such things as old age pensions, needs already pressing hard upon certain members of all races. Something which will become an increasing burden in the years to come. Education we have not started upon the provision of

[The Member for Health, Education and Local Government]

higher education, and as our population grows and the demand increases, and the pressure upon the individual pocket increases, we shall not be able to afford it, even if we could find places to send our children overseas for higher standards of education. Of course, the expenditure is alarming but not quite so alarming as hon. Members opposite would make out. This is a growing Colony as the hon. Mr. Mathu has said.

MR. COOKE: Will he pay for it?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: The growing expenditure is due to two main factors, a growth in population which has taken place continually, and a higher standard of services which is continually being demanded by the people of the country. Let me take, for instance, the effect of one family of immigrants to this country upon my own particular social service vote. One man and his wife and two children enter this country. I have to find—I am compelled to find—educational services for the children. I have to find a degree of medical and public health services for four people. But the hon. Member for Finance for some time to come will only have one taxpayer. Now what are we to do? Are we to say that we shall refuse that burden, that we shall not take immigration when we know well enough that the drive, the initiative that comes, the impetus, economic and otherwise, that comes from these people is one of the main factors in producing and heightening the revenue of our country? Hon. Members, I think, must recognize that these are very large contributory factors in the growth of the expenditure side of the Budget. The hon. Members for Uasin Gishu and Aberdare have said that parents must make sacrifices and fees must go up. When the education Estimates are considered in Committee of Supply, as I feel sure they will be, I propose to place the position before the Council in that respect. It may be that we shall have to call for increased fees and increased sacrifices, but we must be cautious. We must remember the effect on the parents and on the Cost of Living for parents with two or three children if they are to be faced with an increase in fees of from £10 to £50 per child.

(We must also remember that in certain areas to-day, even at our present level and particularly, if I may say so, in the area which the hon. Member for Uasin Gishu represents. We must also consider the moral position of compulsory education which means that when we charge fees for compulsory education we place a compulsory financial burden upon the parent. That is something which needs very serious consideration.)

The hon. Member for Rift Valley somewhat gently taunted the Members on this side about only being able to earn £2,150 and "licking their lips like Persian cats" about a man who had £10,000 and only leaving him £5,000, or £8,000 out of £40,000. Now, strange as it may appear to him, there is no sense of jealousy in that respect and we do recognize that when you come to figures of taxation at that level you need very careful consideration and very careful watching, because you must not dry up that saving which is part and parcel of the capital reinvestment of the country. (Applause.) But, perhaps unwittingly, the hon. Member suggested one of the very reasons why. Of course he cannot get the efficient Front Bench that he desires on this side; since I am perfectly sure that any suggestion that the hon. Members on this side should be made capable of earning on a commercial basis might receive somewhat fierce opposition from hon. Members opposite.

The hon. Members in many cases, too, spoke about the effect of peace. The hon. Member for Uasin Gishu referred to a trial suffering from a tremendous boom. Oh, Sir, may I at some time or other be allowed to suffer a boom of somewhat of the same aspect! (Laughter.) He dealt, Sir, with the effect of peace and the release of stock-piling. Surely, Sir, the hon. Member knows as well as I do, and all hon. Members must know, that if that peace arrived in this world for which we all long, tremendous markets of Eastern Europe and the communist world that are to-day closed to the Western world would be open to us; and that there is a tremendous gap of human needs waiting to be filled with the things that we can help to produce. One of the restrictive factors in the economy of the

[The Member for Education, Health and Local Government] United Kingdom to-day it is that she is compelled to purchase from dollar areas goods which in those pre-war days she could purchase from countries in Europe to which she could sell her own goods in return. I am reminded, Sir, as I listen to this debate, of the words of a famous American economist named Soule. Soule said in his book on Economic Fundamentalism that most people who talk economics, particularly people who talk economics in a restricted debate of this kind, are guilty of the five fallacies: the fallacy of concealed premises; the fallacy of missing quantity; the fallacy of separate pieces; the fallacy of omitted factors and the fallacy of human behaviours. (Applause.) I think it is correct to say that in most of the comments that we have heard since my hon. friend, the Member for Finance, sat down, most of those fallacies have been tested, their heads at some point or another. We have heard some comments about the economy of the United States of America. I would like to refer some hon. Members to the little half column article which appeared in the *East African Standard* on 13th November, "Americans Learn the Cost of Security", and I would like to point out that the Government expenditure anticipated there in that year is \$636 per person, man, woman and child not per taxpayer. It might be of interest to some Members of this Council to know that my wife only last week received a letter from a relative in New York (of which I was reminded when I heard the hon. Member, Dr. Rana, discuss the question of Sh. 1,500 per pound for meat) where she complained somewhat bitterly that in New York to-day beef costs \$1.40 a pound, which represents between Sh. 10 and Sh. 1 a pound.

MR. COOKE: They have more money to pay for it.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: They have certainly got higher wages and perhaps a higher wage level is one of the answers to the economy of this country.

The hon. Member also spoke about the "eye of prudent analysis on expenditure". Again, strange as it may seem to the hon. Member, all wisdom does not rest in the eye of the hon. Member alone. The

Government also, in the person of the Member for Finance and other Members of the front bench, took "the eye of prudent analysis on expenditure". I know from personal experience how much the eye of prudent analysis on expenditure settled on my own particular estimates which I put forward, and I can assure the hon. Member that the education estimates that are before him now are not comparable to the educational estimates of needs which were first put before myself as Member.

The hon. Member for Trans Nzoia, called for a six per cent reduction over the whole of the recurrent expenditure. I do not know why he left out non-recurrent; I feel perfectly certain that he could not have been satisfied with non-recurrent not being touched at all; but as six per cent of the whole of the recurrent expenditure was the phrase he used, I must accept him as a man of his word in fact, and I must therefore deal with six per cent of the whole of the recurrent expenditure. He quoted that figure as being some £720,000, based, presumably, on a total of £12,798,000. Now, Sir, let us face this analysis of this £12,798,000. Let us take those parts which are statutory, such items as Pensions and Gratuities, £764,800; Public Debt Charges, £624,784—of course, we could not reduce those because we could not default; rent to H.H. the Sultan of Zanzibar, £16,000; Road Authority, £623,500; I suggest no one should propriety that we should reduce our statutory commitment: Refunds of Revenue, £25,000; Military Vote, £698,000; Local Government Authorities, £379,225. Those are statutory commitments which can only fail to be met by the altering of total of £3,300,000 and that does not, of course, cover such things as Inland Revenue, which presumably you must say that they must have the money to collect the taxes, and does not deal with the Public Works Maintenance vote, and things like that. But if the total is taken at its full, even omitting those items already mentioned, but taking those items which are statutory or covered by reimbursements and therefore have to be met, and being statutory, in that respect, the total is almost £5,000,000 of £12,000,000. What does that leave? It

[The Member for Education, Health and Local Government] leaves some £7,000,000 out of which to cut your six per cent over the whole. It means, indeed, a reduction of from nine per cent to eleven per cent of everything that has been put in this Budget without having regard to any statutory commitments for Ordinances, without any regard to any statutory commitments for education. It means that, allowing all those, allowing the Judicial Department and everything else to go into the pool, you have got to cut to the extent of between nine per cent and eleven per cent.

MAJOR KEYSER: Why?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Because that is pure mathematics, to get the hon. gentleman's six per cent!

MAJOR KEYSER: May I explain? The hon. Member misquoted me. I never said that I wanted to get £720,000 at all. I will repeat from the report what I said:—

"We feel, Sir, so much about this particular matter that we are going to suggest to Government that they take back these Draft Estimates, that they redraft them and that in their redrafting they come back to us with a cut of six per cent over the whole of a recurrent expenditure."

Well, I did not mention the sum of £720,000.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I think, Sir, with all due respect, that the memory of the hon. gentleman is a little at fault. I sat here yesterday and when a figure of £1,000,000 was mentioned from this side, the hon. gentleman called out "£720,000" and I think if he will look in the Hansard of yesterday, I think he will find that he mentioned that.

Well, Sir, that left us £7,000,000. We have Cost of Living Allowances. We have our statutory commitments to be taken from that £7,000,000 and the hon. Members need only go through those Estimates quickly to see what items can be left to take your £720,000 from. Added to which, Sir, it presumes that Government has provided from that for other than ordinary and essential commitments and that is something which Government has denied time and again during this debate.

Now, Sir, I do not propose to say very much more from that particular point of view, because from my departmental side I shall have a chance to deal with things of educational and medical policy in the departmental debate.

I would like to cease being a Member of Government for a moment—before I cease being a Member of Government. I would like to thank the hon. Member, Mr. Pritam, for referring to the hon. Member for Agriculture and myself as "the salt of the earth". He could have chosen some far less complimentary metaphor and, I have no doubt, the compliment was intended. (Laughter.) If we become imbued with the desire to be impartial, to be fair, to be progressive, perhaps the compliment should really be directed to the salt mine of the Government benches as a whole.

Now, Sir, I would like finally and seriously to turn to the tactics which have been employed by some hon. Members in opposing the Motion to go into Committee of Supply. Having served, Sir, on the other side of this Council, I recognize the sense of frustration European Members on the other side suffer from when they go into Committee of Supply, because the divisions which take place on the Unofficial side when we deal with detailed consideration of the Estimates lead to very little real progress being made. (Hear, hear.) But that, gentlemen, is an exercise in responsibility which the Unofficial Members between themselves must take. They are in a position, if they unite upon any item, to defeat this Government, and that is an exercise in responsibility which they must make. But they must not let their sense of frustration, I suggest, lead them into a false position. That I believe experienced parliamentarians and Houses of Commons all over the world might well regard as irresponsible. I am sorry, I am not going to give way—

MR. BLUNDELL: You did not exercise it when you were with us!

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: If the hon. Member will allow me to finish, Sir—I am sure that Members do not intend to be irresponsible. I know that the hon. Member for Trans Nzoia will say that, "Of course, Government could lay an Appropriation Bill before the Council".

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But the Appropriation Bill could only contain exactly the same items as those which are now presented for the Committee of Supply.

MAJOR KEYSER: I only want to ask the hon. Member, Sir, whether he does not consider that the whole aspect of the debate in Committee of Supply would change if hon. Members on the other side were each allowed to exercise individual responsibility instead of collective responsibility? (Applause.)

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: My answer to that is "No, Sir," because no Government could run and govern if it were a collection of individuals and not a collective machine. (Hear, hear.)

Now, Sir, I am sure, as I say, that hon. Members opposite do not intend to be irresponsible. I can speak at this stage in the debate, Sir, with I believe, sufficient Members of the Unofficial side having stated their intention to support the Motion to ensure it being carried. Therefore, no words that I can say now can be implied as a plea or pleading for voters. They are not a plea or pleading for voters, but a statement—not as a Government Member, but as a Member of this Council, of which I have now been a Member for some years. The present procedure is devised to give this Council an opportunity to debate general policy. It was never, I believe, an intention that it should be used in the present manner in an attempt to prevent Government to prevent its Estimates to a Committee of Supply. What is the general parliamentary position, Sir? It is recognized in this Council, that even though Government is in a minority, the right to initiate expenditure remains with Government—even though Government is in the minority. In every Parliament whose records I know, the right of Government is recognized to submit its Estimates for discussion by Committee in this custom in British Parliamentary procedure that the House of Commons Standing Order No. 13 says, not that the Supply or a Committee of Ways and Means, but that the House shall appoint a Committee of Supply and Ways and Means, and that that question shall be

put without debate. If hon. Members have any doubt as to what I say, if they will consult page 699 of "Erskine May" they will see the position laid out extremely clearly: "The House shall appoint a Committee of Supply and a Committee of Ways and Means". This is a personal opinion, but I believe that any wise parliament will recognize it as the inalienable right of a government, recognized by custom and procedure to place before the Council its Budget proposals for consideration in Committee of Supply. The Government Budget is its considered opinion of the expenditure needed to meet the minimum requirements of the Colony as a whole and of the community in particular. Government has a right—yielded, I believe, to Governments by every parliament and legislative body in a free world—to submit its Estimates—

MR. COOKE: On a point of order, Sir, is the hon. gentleman at liberty to read his speech?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: The hon. gentleman, Sir, is not reading his speech, he is reading from notes.

Government has a right, Sir, yielded to it, I believe, by every parliament in a free world, to submit its Estimates to a Committee of Supply and I have no hesitation as a personal opinion to say that the failure to recognize that right, that the use of an Unofficial majority to prevent that consideration, would be a retrograde step for this Council to take. A failure to recognize—I think the hon. gentleman is merely interrupting my speech—

MAJOR KEYSER: No, Sir, on a point of order, do we not come under our Standing Rules and Orders with regard to this debate on Committee of Supply? Under those, does it not definitely state that on the question of whether we go into Committee of Supply will be put—has not this side a right to decide whether we should or not?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: With all due respect, Sir, I have not challenged the right of Government to present its Budget in detail to a Committee of Supply—(hear, hear)—and I have said,

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as a personal opinion and, in my firm belief, that the use of the Unofficial majority to prevent the detailed and considered examination of the Budget of the country would be a retrograde step for this Council to take. It would be a failure to recognize its due responsibility, and it is something that in my personal opinion might prove harmful in the extreme to the constitutional progress of this Council, in which we have all such hopes and in which we have all such faith. (Prolonged applause.)

MR. SALTER (Nairobi South).—Mr. Speaker, at the risk of being thought irresponsible and possibly unconstitutional, I am still going to oppose this Motion. (Applause.)

I will, however, Sir, address myself only to the question of the outlay expenditure. At the same time I wish it to be known that I adopt every argument that has already been advanced by hon. Members in opposition to the export taxes and the import and excise duties. Now, Sir, year after year, we come to this Council and we raise our voice in protest at the mounting figure of expenditure. We are just like the fishermen in the Scriptures who have toiled all night and caught nothing. Year after year that happens. We know, of course, that the causes of expenditure—in fact, the last hon. speaker has told us that two of the causes are increased population and increased demand for public services. I am not going to say for a moment that that statement is one of the fallacies to which he has alluded. But it does appear to omit something rather vital, because it disregards the very heavy structure of Government which the taxpayer, like Atlas, has to carry.

Now, Sir, we have been told that we have a joint responsibility with hon. Members opposite in the consideration of these Estimates. We accept that responsibility, and we accept the accuracy of that statement. It is for that very reason, Sir, that we ask hon. Members to re-examine these Estimates. We have been reminded that we must have a sense of proportion. It is for that very reason that we have suggested a cut of only 6 per cent. We have been told that we have not indicated in any manner where these cuts are to be made. That

will be indicated. But surely, Sir, I think it is agreed also, that the duty of initiating expenditure, the duty of presenting these Estimates, rests with hon. Members, and one particular hon. Member opposite. And quite rightly so, because—apart from any other reason—it is only amongst hon. Members opposite that the full knowledge of the full working of the departments rests.

Now that, of course, is not connected with the matter of establishments—the working of particular departments. I, Sir, claim to have some knowledge of establishments, although not in a civil department. I refuse, however, to believe that establishments in war time fit, for instance, a command headquarters that is in any way different in principle from establishments in peace time in a civil Government.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: But you did not have Elected Members!

MR. SALTER: We did not have Elected Members it is true, possibly we would have had a little more assistance had we had the benefit of views of that kind. But I would like to say this, that anybody who has had some experience of establishments knows that a great deal of manufacturing can take place with establishments. We know, for instance, that sometimes it is possible, and indeed has happened, when a man who is performing a duty where he should be held upon one establishment is not held on that one but, in fact, is held against a vacancy in another. I must say, Sir, that there have been times when I have suspected even my hon. and gallant colleague the Member for Rift Valley of doing that very thing. (Laughter.)

THE SPEAKER: Personal allusion is quite out of order.

MR. SALTER: I was going to say, Sir, that I did not think that you, with your wise and kindly understanding of the frailties of hon. Members, would think that the hon. Member for Finance would be any more innocent than the hon. Member for Rift Valley. (Laughter.)

Sir, in his speech, the hon. Mover has said that no provision has been made for increased staff other than in respect of new, or greatly expanded, functions. But he has not mentioned, Sir, any reductions

(Mr. Salter)

in existing establishments and existing staff. I believe, Sir, that if an inquiry were to be held, as I hope it will be held, into the working of these departments it will be seen that there is considerable overlapping and there is great room for economies to be made. I would like, Sir, if I may, with the indulgence of the Council, to refer to a speech of Lord Randolph Churchill in 1884, because, Sir, it seems to me that the situation then was very like the situation here to-day. At that time it was stated that there was need for national thrift and Lord Randolph Churchill is reported to have said this: "I should like to turn the House of Commons loose into our public departments on a voyage of discovery. I should like to see every one of our public departments rigorously inquired into by small committees of about seven experienced and practical Members of Parliament, each. Depend upon it, we should discover some arrangements of extraordinary interest and curiosity. The inquiry should include the amount of work which any department is expected or supposed to transact, the amount of work which it actually does transact, the number of hands employed in transacting that work, the hours of labour of each clerk or employee, the salaries received by each, and let all these be carefully compared, under the same headings, with the arrangements in some of our great commercial establishments. Such an inquiry could not be most useful, and I think it is compulsory and perpetually dictated to you when you consider the vast scale of your expenditure and the present bad times. My firm belief is, that such an inquiry would demonstrate that those useful arrangements of economy of time, economy of labour, and economy of money, are absolutely unknown in our public departments." (Applause.)

Sir, I am not going to suggest that the public departments here do not know about the arrangements of economy of time, economy of labour, and economy of money, but I do suggest they have only a nodding acquaintance with them.

Sir, we have recently had set before us an example by a new Government in the United Kingdom. We feel on this side of the Council that we should be falling in our duty if we did not take

to heart the example which has been set, an example of the most rigorous economy and cuts, even in the emoluments attached to those who are part of the Government in England. In so far as that is concerned, Sir, I myself am quite willing to offer a cut of 6 per cent or 7 per cent in my own emoluments. (Applause.)

Now let us consider what the servants of the Government here themselves appear to wish. I believe that every one of them would like to see substantial reductions in their numbers. I believe that they would like to see a very considerable pruning. I do not believe that they want to work the additional half-hour or the additional three hours a week, or whatever it may be. I do not believe that that is the remedy. I do not believe that extra time of that sort is going to produce any more work. The man who is busy is not going to worry about that extra half-hour; anyhow he has got to get through his job, and the man who is not busy is certainly not going to employ that half-hour usefully. I believe, Sir, that the civil servants would like to see a cut of anything up to 10 per cent. So that it will be seen, Sir, that even though there may be differences of opinion as to the method, how we are going to reduce the expenditure, there is at any rate unanimity on the fact that it should be reduced. I realize, of course, that it may be disappointing to the hon. Member for Finance who has presented these Estimates with so much care and thought and industry, but I feel sure, Sir, that he is far too big to allow any disappointment of that kind to prevent him from listening to what we believe is the voice of reason. If he does not agree to this 6 per cent, at least I hope he will tell us with that frankness we have come to expect from him what percentage he would agree to. If he agrees in principle—and I feel sure he would like to agree in principle—then surely it is merely a question of method. We think that the method should be to look again at this stage at the Estimates to see what we can cut, rather than await consideration of them in detail. That will not prevent them from again being considered in detail at a later stage.

And so, Sir, I beg to oppose. (Applause.)

MR. JEREMIAH (African Interest): Mr. Speaker, I rise to speak on the Motion before the Council and in doing so I wish to refer briefly to the remarks made by the hon. Member when he referred to the increased contribution of effort and finance. Sir, in his remarks the hon. Member for Finance when referring to the education increase said, "I must, therefore, clearly indicate to everybody, and particularly to the African community, that our ambitions in this behalf are unlikely to be realized without considerable increased contributions of effort and finance by the country at large". Now, Sir, when he particularly quoted Africans it seems to me that he is not satisfied with the contributions made by Africans but, Sir, the fact that African subsistence in agriculture has been able to produce £22,000,000 to the revenue in spite of all the handicaps, in spite of lack of agricultural assistance, but only with their despised *jembes* it shows actually that the Africans are doing the best they can to increase the output and thereby contributing to the economy of the country. Also, Sir, it should not be forgotten that the African is playing a very important part in the production and in the increase of wealth to the non-African community. Almost all the wealth which is being earned by non-Africans, most of it, is being brought about by the African labourer. (Hear, hear.) Therefore, Sir, it may be possible that we cannot contribute financially sufficiently but we are contributing far more in kind—namely, by labour. That is, Sir, in spite of lack of necessary encouragements worth mentioning. I refer particularly, Sir, to the encouragement which I think Government can give to Africans, such as in my employment and in responsible employment—encouragement such as better wages and encouragement with regard to agricultural credit, a supply of farm machinery which Africans can borrow and help themselves to farm better. Sir, all those things if they could be made available to the African—I think far more contributions in kind—could be achieved. But is it the case, Sir? I think not. What we can see is almost discouragement.

Now with regard to employment, I see in some Government departments, perhaps they think it is below their dignity to employ Africans as clerks. Now, Sir,

can we know why that is the case. There are some departments which do not employ Africans at all as clerks and some of them; which even if they do, the comparison between the non-African and African is insignificant. We want encouragement and that is a thing Government can do without any difficulty or without any hardship at all.

Another point is with regard to encouragement as to how we should market our produce. I think Government should do more for the African by encouraging the co-operative societies to do some form of better trading. At present, Sir, most of the money which the producer should get direct from the consumer is going to the middleman, and this, I think, should be remedied. The position could be remedied by the Government by encouraging more co-operation. Actually we see in the Budget a number of Agricultural Instructors, and so on, but their efforts cannot be seen in some cases.

Another point, Sir, is that we should be encouraged to grow more cash crops. At present the little permission we get to grow cash crops is also restricted. With regard to coffee we are restricted to about 100 trees per person. Even if one can claim that he can do better it is not allowed. With regard to sisal, as my hon. friend, Mr. Mathu, mentioned yesterday we are only allowed to grow it as hedges. The same goes for sisal. It has also been the price given; I think it is too little. With regard to expenditure, I think during the committee stage we will have to agree more as to how the money is spent. I see there are about £34,000 for sugar subsidy and yet we see the price of sugar rising daily for the taxpayer who has been subsidizing it. Also in regard to the reduction of the cost of food, £100,000. We do not know where that is going, Sir, because we still pay the market price for the food we buy. May I say the middleman is perhaps getting all the benefit. Now when we come to the controllers you can also see how much profit they are making out of the producer. These things have got to be considered and I think Government should actually consider very seriously the mood of this Council regarding the rising expenditure, our main object is that rising expenditure should be controlled. As the hon. Doctor Rana

[Mr. Jeremiah] mentioned the controls, but not actually doing any good to the producer or the consumer. Take an instance of people living about half a mile away from the trading centre, not being allowed to sell their ghee locally on that market because it happens not to be within their area. People on the one side of the railway at Mariakani are in Kwale district and on the other side is the Kilifi district. A man may not move his bottle of ghee from Kwale and sell it to the nearest market. He has got to sell it ten miles away where there is a proper trading centre for Kwale. What is the point in that? Government will have to see whether that should continue and if so why.

Now, Sir, I have not very much to say but after comparing a little of what Government has not done and what it has done, I have been touring my remote corner of the country, that is the Tana River area, after almost three years, and I must congratulate Government on what they have been able to do there. The people at Tana River are almost isolated, but due to the posting of a District Commissioner things are much improved. We have now got a dispensary and a hospital will be ready by next year and all sorts of other improvements are going on. Therefore I think we ought to pay tribute to what the Government is doing, and I would say, Sir, in regard to the opposition to the Motion and the suggestion that the recurrent expenditure should be reduced I fail to understand the reason for reducing recurrent expenditure. Had the hon. Member suggested a reduction of capital expenditure I could understand it. I do not see the point in reducing the recurrent expenditure, because if you allow capital expenditure, that will bring in more recurrent expenditure. The country is growing and I think everyone should have faith in it, and as everyone is not poor yet I think we should spend money expecting that spending money brings in more money. I have every confidence that we are going ahead and that the Budget will be accepted, and that in going over the points under each Head we shall not go on arguing with each other as we usually do but that we will see eye to eye, and that unnecessary items will be reduced.

I think the main point, Sir, why we do not support the Motion to refer the

Estimates for redrafting, is because we are very much afraid that the form in which it will be returned to us would be alarming to us, because it is possible the African will suffer in the process.

Therefore I personally support the Motion.

Mr. CHEMALLAN: Mr. Speaker, there is no doubt that wealth, prosperity and progress is what we all wish for in this country, prosperity and progress, which is undoubtedly achieved through the modern way of doing things, a way which through education and effort. Therefore, Sir, I support the plea that social services are just as productive as agriculture, veterinary and industry. Some hon. Members in their speeches in this debate have rather given the impression that the African community did not pay enough towards their social services, especially education and medical, and that the European and Asian community rather have subsidized those services. I do not think that is true, Sir, because all hon. Members of this Council know very well that when we approved the Beecher Report last year in this Council we certainly put on to the shoulders of the African community the burden of not only running their primary schools but also the intermediate schools, besides very many unaided schools that exist in this country.

Regarding the question of improvement of the cattle industry of this country, I am not altogether satisfied. It has been very easy for other races, the European community especially, to criticize the Government that they stood and watched the Africans ruining the land by the accumulation of so-called excessive stock, but when it comes to the question of trying to make the African dispose of the surplus of his stock, what does the farmer do? He would not allow any stock routes through his farm. Although the African is quite willing to dispose of his surplus stock the European, the European farmer and his farm is really a stumbling block. How can these men dispose of their surplus stock if you do not give him an outlet into the consuming areas? I think that is a discrepancy for which I do not really blame the European farmer, but I think the party most to blame is the Government, especially the Veterinary Department. They do not allow the African farmer to move his stock through

[Mr. Chemallan] European farms—they say they spread disease. But the same department do not ascertain whether there is or no spread of disease. The whole thing is mere talk.

Regarding the improvement of the cattle industry in this country. The Government says, first the African must sell some of his stock—in order to balance the use of the land.

Mr. MATHU: What about the Meat Commission?

Mr. CHEMALLAN: The Meat Commission does not take very much African stock in this country. So far as the figures of slaughter bought by the organization are concerned, it was very negligible. I do not think an organization of stock marketing of that type is what we should really aim at. We must give the African free trade. (Hear, hear.) I find here, Sir, that during the eleven months of this year in a district like Nandi, we have been able to dispose of 10,000 head of stock through a free market. That is what we want. When the Africans have a free market we will get free trade. Let us encourage the African to see that it is just the same to have part of his wealth in money and part in cattle.

The other question, Sir, is the problem of eradicating disease. In most of our districts there are cattle dying almost every year of disease, especially rinderpest and pleuro-pneumonia. It is ridiculous to make the Masai pay Sh. 19 poll tax when you do not look after the health of their cattle. That must be done. We must have these fellows rearing healthy cattle. If they must make money out of them.

Another point, Sir, I might also refer to is the question of medical services in the isolated areas, such as Masai and the Northern Frontier District. In those areas the sick do not get treatment on the spot because there is nothing in a form we could support. I would therefore suggest most strongly to the Government that in those areas they should try to establish forms of what I might call "mobile dispensaries", dispensaries which move, and convey treatment to the manyattas and the villages, because the people cannot walk 200 or 300 miles to hospitals in isolated areas. We must make an effort to do something for them. We must show we are ready and willing to help these

people who are not yet able to help themselves.

The question of taxes has been discussed very thoroughly indeed in this Council, in this debate and I would like, Sir, to refer to the cess on hides and skins. I understand that it was the intention to establish the cess so as to improve the hides and skins industry in this country, but I do not see what is happening about these improvements, with the exception perhaps of few hides drying-frames which are seen outside dukas in trading centres. I do not see anything else, and I would like to know how much has been done to carry out these improvements before we can be asked to transfer the cess into the revenue of the country.

THE SPEAKER: As the hon. Member will not be able to finish his half-hour before 12.45 I think it better if you reserve the rest of it until 5 o'clock this evening. I understand that it has been much canvassed among the Members that we should sit on Tuesday and Thursday evenings from 5 o'clock until 8 o'clock. Further that that period with the exception sometimes that that might be taken up by giving notices or having questions or anything like that, will count as a Supply day. Now, of course, that is much more advantageous than the present Supply days which operate. If Supply business is taken between, I think, 10.30 a.m. and 12.15 p.m. Now this of course, is something of an experiment. (Hear, hear.) We are rather lacking perhaps in Standing Orders as to how a further session in the day should be carried out, but, after certain discussions that I had yesterday with the Members of the Sessional Committee, I think that the arrangement proposed now is that at 5 o'clock the Speaker will take the chair, the prayer will be read and, after any minor matters, then the Motion which we have before us will be continued and Mr. Chemallan will speak.

Now, I had some differences of opinion with various Members over this matter. I thought perhaps at one time it would be advisable to suspend business at 12.45 and to resume business at 5 o'clock, very much as we do from 11 to 11.15, but as I say, after mature consideration we have decided that Council shall be opened formally at 5 o'clock.

Now there is another matter, and I think I am expressing the congratulations

[The Speaker:]

of you all if I say Sir Charles Mortimer that we are very happy indeed that he has been appointed by an Instrument under the Royal Instructions to preside over this Council during the absence of the Speaker—(Applause)—and I feel sure that you will continue to give him, as you gave him during the time I was absent in England, that support which the Chair is entitled to. I am sure you will be happy under his directions at such times as he is in this place.

Now the question arises that as we have no definite provisions for a Chairman of Ways and Means, or even for a Deputy Speaker, how shall my deputy *de facto* be addressed? I have had discussions with him and I have told him that I have no objection if, when he is in the Chair in Council, he is addressed as "Mr. Speaker." He himself thinks it is better as "Mr. Deputy Speaker" and certainly according to past rulings when he is in the Chair in Committee, he must be addressed as "Mr. Chairman." I think perhaps we should accede to Sir Charles's idea. I have observed in the Hansard, when I was away before, that sometimes he was addressed as Mr. President, which, of course, was quite wrong because the only President we have is His Excellency the Governor. However, I leave that matter as it stands, not pressing anything of my own views upon you. And then comes the question that as we will be having a *de facto* Chairman of Ways and Means whether the Chairman should report the resolutions passed in Committee to the Council, and I think on those days when I am able to take the Chair myself, Mr. Chairman will every morning, whenever necessary, report the resolutions that have been passed, if he has, because of my absence for any reason, like the roads giving up Chair himself then the Member in charge report. That is in accordance, as far as I can see, with what is laid down in "May's Parliamentary Procedure".

With those few words I will now say that we shall adjourn Council until 5 p.m. this evening.

ADJOURNMENT

Council rose at 12.35 p.m. and adjourned until 5 p.m. on Thursday, 22nd November, 1951.

Thursday, 22nd November, 1951
(Evening Sitting)

Council assembled in the Memorial Hall, Nairobi, on Thursday, 22nd November, 1951.

Mr. Speaker took the Chair at 5 p.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 22nd November, 1951 (Morning Sitting), were confirmed.

DRAFT ESTIMATES OF
EXPENDITURE, 1952REFERENCE TO COMMITTEE OF
SUPPLY.—(Contd.)

MR. CHEMALLAN: Mr. Speaker, I was referring to the Hides and Skins Cess when this Council adjourned this morning, and I complained, Sir, that I did not think that this cess had been employed properly and fully, to assist the hides and skins producers to produce better material. Another point I should like to mention, Sir, is the fact that the cess is quite high and it is definitely affecting the price of meat to the consumer, and therefore I think it has added to the continued rise of the Cost of Living in the country. Another thing I would like to emphasize is the increase of poll tax in the Northern Province. I think, Sir, the Government should not make it the habit when introducing these Estimates to omit an explanation of whatever taxes are proposed to be increased, especially African poll tax. I believe that this Council has the right to be informed of these increases and sometimes be told why they should be increased, and in paying particular attention to the people in the Northern Province, I would like to get the explanation of the hon. Member, as to why those poor desert dwellers should have their poll tax increased.

Well, with those few remarks, Sir, I should like to join hands with those hon. Members who have declared their confidence in the future of this country, this Kenya of ours. It is my firm belief that the confidence we have for the future of this country will very much depend on the willingness and understanding and full co-operation amongst us all who live in it. (Hear,

LT.-COL. GHERSE (Nairobi North): Mr. Speaker, I would like to preface my remarks by paying a tribute to the hon. Mover for the well considered speech that he gave us when introducing the Budget in which he gave a very clear and comprehensive picture of this Colony's financial position. Now, Sir, the revenue for 1952 based on the present or proposed level of taxation is something of the nature of £16,250,000. That, Sir, is £3,500,000 more than the estimated or sanctioned revenue for this year, 1951. Admittedly with the exception of a small surplus of £165,000, that has now been absorbed into additional expenditure.

Now, Sir, we do not need to deal with the major points of that expenditure, we know the Cost of Living. Allowances will cost £1,000,000, additional education £470,000 and so on, but when one considers the extent to which our revenue has increased, not particularly this year, but year after year, I believe that Government have been over-cautious in suggesting additional taxation in order to meet that anticipated deficit of £500,000, or approximately that amount. I believe that our collections of Customs duties, and income tax, will continue to increase in value and that the care of that £500,000, and possibly the £600,000 which is proposed, or was required rather, for our capital Budget. When one considers the arrears of income tax in this Colony—we have a good deal of information on that subject—when one also realizes the extent of the congestion which took place in Mombasa recently, the cargoes, the volume of cargo which is lying to-day in the United Kingdom and South African ports awaiting to come to Mombasa but are unable to do so because they are afraid of the uncertainty in regard to the rapid off-loading and turn-out of ships. By the same token—incidentally business people in this country are facing difficulties because of the difficulty in obtaining imports into this country, and strangely enough this is resulting Dar es Salaam having the same difficulty in getting away their exports—as somebody suggested, it appears that there is a kind of thrombosis in the circulation of the system and the identity of the clot is unknown. (Laughter.) Now, Sir, I am not opposed to the increased taxation in regard to what we might consider non-essentials, such as spirits, beer and tobacco, but I

do believe, Sir, that there is no necessity to apply the proceeds to the purpose for which that tax is designed, namely to balance the Budget.

I believe any proceeds from that particular taxation should be held as a buffer or brake on the Cost of Living. On the other hand, I am strongly opposed to the proposed imposition of export tax. (Applause.) Sir, in the first place, I consider it entirely wrong to single out any section of the community for what may be termed "double taxation". And in that respect, I am naturally referring to income tax and export tax. Secondly, I consider it is economically unsound, because if there is a slump or a recession in regard to world prices, it will either be necessary to reduce the amount of tax or withdraw it altogether. Then, of course, the expenditure items or projects will be adversely affected, that is, those expenditure items for which this tax is provided. Now, Sir, instead of Government suggesting additional taxation, I also agree that they should be directing their attention to a reduction of expenditure. I do believe this could be accomplished to quite a marked degree, both in Government services and in the High Commission service. In that respect, Sir, I would suggest a revival of the old Efficiency and Economy Committee, or some such body. (Laughter.) (Hear, hear.) Some such body whose duty it would be to inquire into all Government departments, including those of the High Commission. Now, that body should be completely independent, have very wide terms of reference, and should be a permanent feature as an investigating body, in order that they can see that their recommendations were implemented.

Now, Sir, I have always been an advocate of the High Commission, my reason being that I have always maintained that the co-ordination of services under one authority should result in efficiency and economy. But I have got rather serious doubts, with one or two exceptions, if that in fact, has really taken place. In fact, I think there is a considerable amount of overlapping. I have also, Sir, got doubts in regard to the co-ordination of policy. A glaring instance was the difference in the Company tax applicable to the various Territories. Until recently, there was the difference in the price of tea applicable

[Lt.-Col. Ghersi] in the various Territories. Again, I believe, that where Government servants are concerned, there is a difference in salaries, despite the fact that officers may be holding similar posts. A state of affairs that must create discontent and one for which I can see no real justification.

Now, Sir, there is another factor which will require our very careful financial consideration. That is the research services which are operating under the High Commission. Most of these research services were, in the first instance, sponsored and, to a large extent, financed, by His Majesty's Government. But we have already indications that His Majesty's Government proposes curtailing contributions in that connexion. If that were so, what would be the result? The financing of those services will fall as a burden on the taxpayer of the East African Territories. Many of those services will obtain little or no result unless they are allowed to continue for a long period of years, and I believe we have got, at this stage, to examine them and decide which of those shall be closed down if we feel we cannot afford them.

Now, Sir, His Majesty's Government has already reduced its contribution to the extent of £60,000 to High Commission services, whereas Kenya's contribution has increased by £337,000. The High Commission services budget to spend £3,500,000, of which this Colony's contribution is over £1,000,000. On the question of Locust Survey alone His Majesty's Government has reduced their contribution by £446,000, whereas Kenya contribution has been increased by £230,000. Admittedly, Tanganyika and Uganda have agreed to increase their contribution by half this amount, but, Sir, what is the result? We are, at the moment, contributing something in the neighbourhood of £442,000 to an organization which the hon. Member for Agriculture admitted this morning that its activities were extended over half the world—Persia, Arabia and other parts of Africa. What I am worried about is, as to whether or not the allocation to this Colony is perhaps unfair.

Now, Sir, I consider one of the most encouraging statements made by the hon. Member for Finance in his speech was

his reference to the adverse balances of visible trade which has now fallen from £23,500,000 to £13,500,000 and I do believe that had we accurate figures of our visible balances the position would be even more healthy. Nevertheless, Sir, a gap of £13,500,000 in our balance of trade is still a very adverse factor, and we should do everything in our power to encourage production and industry in order to narrow the gap still further, but that will not be accomplished by the introduction of export tax. That will never achieve the end.

Now, let me examine the few enterprises that are dollar-earning in this Colony, and they are limited to, for instance, at the moment, our limited mineral production, such as soda, kyanite and gold, and our plantation crops, sisal, coffee and pyrethrum. In order to build up a stable economy and increase our exports—

THE MEMBER FOR COMMERCE AND INDUSTRY: The tourist trade is very important.

LT.-COL. GHERSI: That, Sir, is one of our invisible assets.

MR. HAVELOCK: Put a tax on it.

LT.-COL. GHERSI: Sir, I was referring to our visible imports and exports. We should do our utmost in order to encourage production and so increase our exports. But again, there should not be any question of taxation that will never encourage them but may curtail their activities. What we want is additional production in this Colony. Similarly, we should be encouraging our secondary industries and the manufacture of local articles, the object being to make ourselves as self-supporting as possible in order to reduce our imports.

As Mr. Anthony Eden said only a few days ago when he was fighting the General Election:—

—Where people are prepared to plough back profits to expand industry, obtain more efficient machinery, thereby reducing costs and as a result the cost of living, they should receive relief in regard to taxation.

That was what I was trying to impress upon certain hon. Members to-day.

Now reference has been made by certain hon. Members to poll tax, income tax and graduated wealth tax. The African

[Lt.-Col. Ghersi] a community are expected to contribute to the Exchequer: by way of poll tax, the sum of £842,000, but when it is realized that African taxation costs something in the nature of £732,000 and the Technical Training Institute something over £90,000, this particular contribution is practically cancelled out by African education alone.

Now, Sir, I fully realize that the African community make other contributions to the revenue of the Colony, for instance, by way of indirect taxation in regard to Customs duty and Excise, but when one realizes that it is costing over £16,000,000 to run this country, and when one considers the amount of money which is made available in research, agriculture, veterinary, etc., specifically for the improvement of African areas, I am doubtful whether they are really making what is a fair, reasonable financial contribution.

And, Sir, it is for that reason I am raising this point. Government have instructed the Commissioner for Income Tax to apply the principle of the Income Tax Ordinance to the African community and assess those who are liable. Now, Sir, from experience I gained as a member of the committee which went into the desirability of introducing a graduated wealth tax for Africans, I am quite convinced at this stage it would be a complete waste of the Income Tax Commissioner and his staff's time to attempt to assess the African community in regard to income tax. In fact, their time would be far better employed assessing and collecting income tax from other sections of the community. (MR. MATHU: Hear, hear.) I was very pleased to hear the hon. Mr. Mathu say "hear, hear," because he was a member of this particular committee I referred to, and I am sure he is completely impartial in the matter and he will remember very well that the evidence we obtained was that due to the lack of accounts, due to the state of the advancement of the average African from a business point of view, he could not maintain records, and in fact most of them had not the faintest idea of their financial position. I submit it would be a complete waste of time of the Commissioner of Income Tax to attempt to examine their problems and come to any decision.

I maintain the simplest and most equitable form of taxation as far as the

African community is concerned is a graduated wealth tax. We realize it may not produce very much to commence with, but neither did income tax in its early years of operation. Further, the introduction of a graduated wealth tax for Africans would ultimately produce very valuable information to the Income Tax Commissioner which he could use later on for the assessment of income tax in relation to the African community.

Now, Sir, there has been a lot said on the question of the Cost of Living Allowance, but as we have been threatened or promised a debate on this subject later on in this session, I will therefore reserve my remarks for that occasion.

Sir, that concludes all I have to say at the moment. I beg to oppose. (Applause.)

THE ACTING CHIEF SECRETARY: Mr. Speaker, I have no intention this evening of anticipating the speech which will be made in winding up this debate by my hon. friend the Member for Finance, and, bearing in mind the remarks which have already been made by my colleagues on my right, and on my left, there is little now left for me to say; but I do feel that as, for the time being, Leader of the Government side, I ought to make a few remarks on one or two serious criticisms which have been made of the Government during this debate, and a few remarks also on the attitude that the hon. Members have shown in their speeches towards the two Budgets which are now before us.

I will deal with the former first. In particular the hon. Member for Trans-Nzoia and the hon. Member for the Eastern Area, Mr. Patel, were critical of the control exercised by Government over expenditure. The hon. Member for Trans-Nzoia was particularly strong on the point that no supplementary expenditure should be approved during the year which could have been foreseen at the time when the Budget was being prepared. I agree, Sir—we all do on this side of the Council—with that view which the hon. Member expressed. I do not agree, Sir, with the inferred criticism and, indeed, the spoken word of criticism by the Member for the Eastern Area, that Government does not properly control expenditure.

[The Acting Chief Secretary]

Now, what happens, Sir, when a head of department, anxious that his department shall function efficiently and properly, comes forward with a request for additional funds in the middle of the year? He makes that request to his Member. His Member is imbued with the same strong desire as Members on the other side of the Council, not to put forward for the consideration of Government any expenditure which he does not consider absolutely vital in between Budgets. If the application gets past the Member with a recommendation, it comes before the Treasury, who scrutinize it—men experienced in this work—who scrutinize it very carefully indeed, and will certainly not let it pass unless they are satisfied that, for some reason or other, the incurring of that expenditure is absolutely necessary. If this application should get through that sieve, then it normally comes before the Standing Finance Committee, and there, Sir, it has to undergo scrutiny of a body which has on it a majority of Unofficial Members of this Council, and I am perfectly certain that hon. Members opposite who have served on that body will not disagree with me when I say that they, too, apply a very critical examination indeed to every proposition of this kind which comes before it. I can assure them, too—I have mentioned this to them before—that were it not for the scrutiny of the Treasury, and of the Members of the Government themselves, that particular body, the Standing Finance Committee, would spend very, very many more hours of their time throughout the year in considering these applications. We are, Sir, on this side of the Council, at one with hon. Members opposite—that every possible step shall be taken throughout the year to avoid introducing supplementary expenditure, but it does inevitably happen in a country of this size, and in an administration of this size, that matters do crop up which are urgently necessary in between November and December of one year and November and December of another which it would be negligent on the part of the Government, and on mine, not to consider on their merits.

Another criticism, Sir, which I would like to turn to has been mentioned by quite a number of Members, and that

relates to the proposal that the office hours of Government servants should be increased. I will deal with the need for that increase in office hours, as seen by the Government, later on, and at the moment I am only concerned to deal with those hon. Members who have expressly criticized the use of the words "readily and willingly" in my hon. friend's opening speech. Now, Sir, I would like to be entirely frank with hon. Members over this, because it would be most harmful if the idea was allowed to remain in anybody's mind that there was any dishonesty whatever in making that statement. This is what happened.

I, myself, before I became indisposed, presided over a meeting at which members of the Civil Service Advisory Boards were present by invitation to discuss this position—with me. I should make it clear at this point, in view of his own remarks, that, unfortunately, the hon. Member for the Coast was unable to be present at that meeting, which was the meeting after which the decision was taken. At that meeting, which lasted for an hour and a half, I explained in detail why the Government had considered putting this proposition forward. When I had done so, I asked those present frankly to state their comments on the proposal. They did so, and one after another of them made it clear—and indeed it was to be expected—that they did not like the idea. (Heart heard.) They said that they thought that there were other ways in which the efficiency of the Service could be improved, and they put forward a number of very helpful suggestions, which I was very glad to have. The effect, however, of implementing a number of those suggestions was inevitably long term, and I was at pains to explain that the situation facing the Government at this time, and facing the country, was on our doorstep, and that I thought that in all probability Government would decide that it would be necessary to increase office hours. At the end of that meeting, I was also at pains to sum up as fully as I could what I believed was the attitude of the meeting. I said that they had all of them made it clear that they would have preferred rather than that office hours should be increased. One of those suggestions was that a committee should be appointed to look into questions as to whether or

[The Acting Chief Secretary]

not there was overlapping in certain departments which could be made to disappear by a reduction of staff. I undertook to consider all the suggestions that they had made to me. I then went on to say that, notwithstanding what they had said, would I be correct, as I thought I would, in noting on the record that if, notwithstanding what had been said, the Government considered that the official office hours should be increased up to a maximum of three hours a week, that that decision would be "readily and willingly accepted". I cannot remember the exact words I used, but certainly they were either these very words or words like them, bearing the same meaning. They were accepted.

MR. COOKE: They were denied.

THE ACTING CHIEF SECRETARY:

Nothing was said after that summing up. There were nods round the table, and I had not the slightest doubt that the summing up was accepted as correct in the absence of any criticisms of it. The reaction of my hon. friend on my right and the Director of Establishments, who was also present, was precisely the same as my own; and I believed that the use of the words in his speech, for which I fully share the responsibility with him, were justified. It may be that if he had not, as he had to do in a speech of that length, compressed his remarks in the way they were, and had been able to explain in possibly a little greater detail what had taken place at that meeting, and the reactions of those present to it, that the misunderstanding, which I appreciate resulted, would not have occurred. I would only add, that my conscience is absolutely clear about it, and I believe, as my hon. friend believed, that what he said in his speech was completely true; and I believe further that the vast majority of that admirable body of civil servants who serve us will confirm that in the way they accept this decision.

MR. COOKE: Would the hon. gentleman draw distinction perhaps between loyally accepting and readily and willingly accepting? Possibly he was mistaken by that.

THE ACTING CHIEF SECRETARY: I think, Sir, that is rather splitting hairs. Surely people who loyally accept an obligation do so readily and willingly.

MR. COOKE: No!

THE ACTING CHIEF SECRETARY: I think it is rather splitting hairs. I would also like to say as regards my conversation with the hon. Member for the Coast: it is perfectly true that he did tell me when I first mentioned it to him that he himself would be opposed to the suggestion, but he did go on to say—and I think he will remember this—that it was clearly something which he was glad to know that the Government were considering.

I regret, Sir, if any of those loyal and excellent Government servants who do many, many more hours even than the increased hours now being required, feel—and I do not see why they should so feel—that that service has been overlooked. The effect of the decision on those servants is completely negligible; but we did feel—and we still do feel—that, in view of the fact that expanding services, requiring more work by departments, are not being recognized by the appointment of additional staff, it inevitably means that more work will fall upon existing staff, and we felt that the Civil Service should give a lead in this matter. The hon. Member for the Coast has agreed, as we all do, with the slogan, "All must work", but I disagree with him when he says that the Government, having said that, has done nothing about it. This decision is doing something about it and we believe that more work will be done throughout the whole Service.

MR. COOKE: Keeping a man in does not ensure that he works harder.

THE ACTING CHIEF SECRETARY: Another criticism with which I must deal before coming to the Budget was the remarks made by the hon. Member for Eastern Area, Mr. Patel, that public funds were misused by the Development and Reconstruction Authority, and that there was a great need for austerity in building. I will deal in greater detail with the latter point, I think more appropriately, in Committee of Supply; but I flatly and strongly deny the foremost criticism of the Development and Reconstruction Authority. It has been said over and over again in this Council, that the Development and Reconstruction Authority's function is an executive one—to spend funds voted to it and allocated to it for specific purposes by the Council—that is

[The Acting Chief Secretary] what it does. If it has spent more money than the hon. Member thinks it should have spent on this school here or that school there, I must remind him that the funds voted for both those schools were voted for those particular purposes by this Council.

Turning now, Sir, to the Colony Budget, I must make it clear, as he will no doubt expect it to be made clear, that the suggestion made by the hon. Member for Trans Nzoia and the Government should take it back and cut by six per cent over the whole range of recurrent expenditure is completely and absolutely unacceptable; and I will give my reasons for stating that. This Budget, Sir, which is before us now is the work of many, many months' very hard work by heads of departments and their staffs, by Members, and by my hon. friend the Member for Finance, and his experts. It is the bag of tools, the minimum tools, that we believe that we require to fashion all the multitudinous services demanded of us by the country and by this Council. These Estimates are what we honestly and sincerely believe are the minimum requirements that we need to do the job. If we were to pretend, Sir, to hon. Members to-day that we could do the tasks which we are required to do at lesser cost than we honestly believe is the case, then, Sir, I submit that we would be guilty of wickedly misleading hon. Members of this Council and of a dishonest concession to public clamour. That, Sir, is something we cannot do. We have explained an evidence our awareness of all the difficulties arising out of rising costs—we have explained that there is no provision in this Budget for new services except in so far as these are absolute commitments following past policy decisions made by this Council. I am surprised, Sir, that this particular feature of the Budget, which is perhaps unique and of which there is certainly no precedent in any Budget since I have had the honour to be a Member of the Council, has hardly been noted at all in the speeches which have been made by hon. Members opposite.

These, Sir, are the Estimates which we are inviting hon. Members opposite to consider with us in Committee of Supply. We expected, Sir, that consistent with their heavy responsibilities, hon.

Members opposite would attack them, and do their utmost to reduce them. We expected that. But, Sir, what we did not expect was that any hon. Members opposite, or any group of hon. Members opposite, would seek to shirk what I say is a statutory obligation and a statutory responsibility placed upon us all; and how inconsistent, Sir, with that stated attitude by some hon. Members opposite are some of their remarks! The hon. Member for Rift Valley, with his head on one side—rather like a wise old owl—if he will excuse my saying so, talked to us about presenting upon the Budget an eye of prudent analysis. I do not know whether he has already cast that eye over it.

MR. BLUNDELL: More than one.

THE ACTING CHIEF SECRETARY: If he has, I would have liked to have heard from him what he had seen, and what advice, as a result, he would be prepared to give us as to where these enormous savings are to be found. He went on, Sir, in his peroration, to sit up preening himself on his back—[laughter]—no say: "This is our Budget—let us consider it!"

MR. BLUNDELL: What did I do?

THE ACTING CHIEF SECRETARY: At the end of your speech, you stood up and you said: "This is our Budget—let us consider it!"

MR. BLUNDELL: On a point of order, I was standing up the whole time.

THE SPEAKER: On a point of order, it is quite unparliamentary to refer to a Member and say "you said so and so."

THE ACTING CHIEF SECRETARY: I beg your pardon. "Let us consider"—his last words—"if it is a wise one". Well, Sir, I hope, that having been reminded of those words he will retract from the position he has taken up and join with us in considering just that—whether it is a wise one.

As regards some of the remarks of the hon. Member for Nairobi South—I could not help feeling that it might have been a little more helpful if, instead of spending, as he seems to have done, the last three weeks delving into the archives of the nineteenth century—[laughter]—he had kept himself more in

[The Acting Chief Secretary] touch with modern trends of thought on these problems. [Laughter.] If he had done so, he might, as I did, if I think a fortnight ago, have noted in *The Times* report of the recent debate on economic affairs in the House of Commons some very different words which were uttered by Mr. R. H. Butler in 1951. Mr. Butler, speaking in that debate and dealing with this the question of economies in the Civil Service in the United Kingdom, said that for his part he believed that the best way of tackling this matter was the way in which he had done it, that was by appealing to his colleagues in the Cabinet to scrutinize the Estimates of their departments with a tooth-comb and honestly to do their best to keep them down to the absolute minimum. [Hear, hear.]

MR. BLUNDELL: How do you scrutinize with a tooth-comb? [Laughter.]

THE ACTING CHIEF SECRETARY: That is the procedure followed in this country, though I would hesitate to suggest that Mr. Butler was consciously emulating our practice here.

The hon. Member for the Eastern Area, Mr. Patel, thought there were far too many staff employed by Government and that we could do with far less. There—almost with the next breath—he went on to criticize Government for not having enough staff, and he explained that development in urban areas was being badly held up because Government had not taken the trouble to obtain the services of a sufficient number of surveyors. Well, Sir, what are we to think? As regards the recruitment of surveyors we do the best we can; we are in touch, not only with the Colonial Office Appointments Department, but with the Dominions and with the Survey Training School at Cambridge. We have done everything we can to get surveyors, but unhappily they do not grow on trees which flourish in the tropics.

Before I pass to the Development and Reconstruction Authority Budget, Sir, I do hope that those Members who at present do not wish, apparently, to consider these Estimates in Committee of Supply, will reconsider their attitude. I can only describe their present attitude—and I must so describe it—as being an

attitude 100 per cent destructive and precisely nothing per cent constructive.

MR. HAVELOCK: No.

THE ACTING CHIEF SECRETARY: As regards the Development and Reconstruction Authority Budget, Sir, I have been glad to note generally that hon. Members opposite approve of the plans going forward which have been approved in the past by this Council.

MR. HAVELOCK: You wait.

THE ACTING CHIEF SECRETARY: What we have done in presenting the Development and Reconstruction Authority Budget is to follow strictly the mandate given to us by Council last August when the Planning Committee's report was approved. I have also, Sir, been particularly gratified in my own particular sphere at the competition which has been going on opposite as to how much of his surplus balances the Member for Finance should be pressed to give to the Development and Reconstruction Authority.

Hon. Members have vied with each other, as to whether it should be between three for four millions, two and a half millions or one million. But, with all this desire to get on with the Development Plan, there has loomed over it all this frightful question export taxes! [Hear, hear!] I am not going to deal now in detail with the reasons why Government has proposed this measure in this Budget, but I am going to say this—that the Government would most certainly not have come forward with this proposition if we had felt that, by so doing, we should do any harm at all to these vitally important industries that we have. [Hear, hear.] The Governor himself has made that remark in public in regard to the sisal industry. The same statement is true in respect of the other industries noted for this tax. We believe, Sir, that our proposals are reasonable, and we believe that there have been some gross overstatements in the objections which have been made to them. Some Members feel that, if they come, they are bound to stay—with emphasis on the word "bound". One other hon. Member opposite, however, has reminded us that once before they came but that then they did not stay.

As regards the size at which our reserve balances should be maintained, perhaps,

[The Acting Chief Secretary] as leader of the Government, I should just say this. We recognize that, at any time in the history of any country, it is a matter of opinion very difficult to arrive at as to the size at which the reserve balances should be maintained. It is perhaps more than usually difficult at a time like the present, when the future is so very unsettled. In arriving at the figure included in this Budget, my hon. friend the Member for Finance and his Treasury experts have given the most careful consideration to all the factors concerned before coming to the conclusion to which they have. They are expert in this matter and the Government has accepted the advice which they have given.

Sir, I beg to support. (Applause.)

MR. HAVELOCK: Mr. Speaker, I hope that what has just happened, the hon. Leader of the Government having seen the red light at sitting down, means also the hon. Financial Secretary will also see the red light and will also take sitting down what we have said from this side and what I am going to say now. I would like to join, of course, with other hon. Members in appreciating or giving my appreciation for the great work done, the terrific investigation and detailed speech that the hon. Financial Secretary has made. I would first like, before I go on with his speech about which I have some criticisms to make, I would like to touch on this matter of the six per cent cut. We were treated to an educational treatise this morning by the hon. Member for Education and I could see him wishing he had a blackboard so he could work out his sums in front of us, so that we would have an understanding of all the figures he gave us.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: The hon. Member was entirely wrong. I did not regard it necessary to go as low as that.

MR. HAVELOCK: The hon. Member perhaps if he wishes to interrupt would like to get up.

I would like to say this, when the hon. Member for Trans Nzoia, when putting his suggestion for a six per cent overall cut mentioned the words "recurrent expenditure". It was in order to draw distinction between capital and recurrent expenditure and it is not to be taken as according to the financial interpreta-

tion of Government. The word, I think, so that the hon. Financial Secretary should understand it should be ordinary expenditure. The matter that was brought up by the hon. Member for Education as to the statutory payments that have got to be made is fully realized by hon. Members on this side, and if those statutory payments, most of which he actually mentioned are deducted from the total expenditure, and then six per cent of the remainder is taken, the figure will be somewhere in the region of £750,000, and that is the approximate amount at which hon. Members on this side of the Council are aiming to cut this Budget.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Could I ask the hon. Member a question just to clear up. Is he referring to the £3,300,000 or the £5,000,000?

MR. HAVELOCK: I will detail to the hon. Member if he wishes the figures of the statutory and the contributions which are necessary and which we feel cannot be touched, which he himself did mention. A £700,000 loan for Military from revenue which I suggest is an asset anyway. Local Government £580,000; Development and Reconstruction Authority £600,000; which appears on both sides, Public Works Department Stores £230,000 also appearing on both sides. Public Debt £620,000; Pensions £760,000; I think you will find that totals up to £3,300,000.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I did not include the £600,000 for the Development and Reconstruction Authority, I did not include the Public Works Department Recurrent vote and I certainly did not include Loans from Revenue.

MR. HAVELOCK: I am very glad to hear he did not include it. The case is quite clear. The £600,000 to the Development and Reconstruction Authority—surely it is quite obvious that should not be included. It is an entry on both sides. I think the hon. Financial Secretary himself might agree with that. There, anyway is the explanation of the amount of 6 per cent and the resultant, approximately £700,000 which the hon. Members on this side of the Council wish to see cut, and I wish to say now that I do not think that such a cut is either irresponsible or impracticable. From a cursory examination from the outside, and I say from

[Mr. Havelock] the outside, because we are not able to be inside in the detailed examination of the Estimates—from a cursory examination, we on this side of the Council believe that we can see a saving of at least half, more than half of the sum which I have quoted. Therefore, I suggest it is not impracticable and not irresponsible. That is, of course, only considering actual cuts of expenditure. That is not considering other savings which I suggest amount to the same thing such as increased payments for services by Government departments in which we think there should be quite a number of increases in that way, in other words adding to the revenue in that way, and I am not thinking of education when I mention that.

We were accused by the hon. Member for Education of irresponsibility at the attitude we have taken up. For a number of years, as the hon. Member himself admitted, we have tried to reduce different Budgets. We have entered the Committee of Supply and Government have entered the Committee of Supply determined to support the Budget which they put up. They, of course, quite sincerely and honestly, as the hon. Chief Secretary has just said, consider that that Budget is the minimum. We realize that, but I suggest that Government have never taken sufficient notice of the reasons put forward by hon. Members on this side of the Council for reductions. They have just dug their toes in and if they were able to get a few odd votes on this side of the Council they have then carried the Motion against the considered opinion of Unofficial Members on this side. I suggest that they have not taken into consideration, as seriously as they should have done, the opinions the honest and sincere opinions as well of this side of the Council. The hon. Member for Education said that we were acting, or might be considered to be acting, I think, in an unconstitutional manner and he said that it is understood in other Houses that there should be no opposition to the Committee of Supply.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I think I must point out to the hon. gentleman that I never accused him of acting in an unconstitutional manner. I have my speech in front of me.

MR. HAVELOCK: I am glad the hon. Member did not do that. I think the hon. Member did say in other Houses entering the Committee of Supply was never refused or opposed. Well that may be, but all I can say is that as far as other parliaments are concerned we are a completely different set-up, entirely different, and our rules surely are to be adapted for our own very peculiar conditions.

THE ACTING CHIEF SECRETARY: Yes, very.

MR. HAVELOCK: I am glad the hon. Member recognizes this Council has its very peculiar conditions. We are not, Sir, refusing Supply, I contend that we are attempting to refuse the total Supply which is indicated at present in the present Budget. We are not refusing Supply as a whole. We are quite prepared to see Supply as long as the Supply is cut very considerably. Now Government will say to us, tell us where to cut. I have indicated we have already ideas where to cut but Government has always said that; when we do say where to cut, Government turns round and says, you do not know, we know, therefore no cut will we oppose. That is the situation we have been facing from year to year, (Hear, hear). The hon. Members on the other side of the Council cannot have it both ways. Either we are allowed to indicate where to cut, and they take serious consideration of what we say, or they themselves should do the cutting.

I would like to turn now, Sir, to the speech of the hon. Mover. There are a few points on which I would like to comment. Near the beginning of his speech the hon. Mover painted a picture of the development of agriculture, "agriculture continued its healthy progress" especially the principal cereal crops, etc., etc., and I would merely like to ask him is that or is it not due to the fair price that has been paid to the cereal farmers during the last year or so. I think an assurance on his part would go a long way to meet a number of objections by hon. Members on this side of the Council. I would also like to touch on this matter of African subsistence agriculture which the hon. Mover told us accounted for about £22,500,000 of the national income. The hon. African Members speaking in this debate had made great play with this figure and I understood them to say that because they

[Mr. Havelock] contribute so greatly to the national income then their services should be either increased or at least kept on the same level as now, probably increased. But of course, I would like the hon. Member in his reply to make it quite clear, is it a fact that peasant subsistence agriculture adds in any way to the taxable capacity of the country or to the actual wealth of the country. It is a question that has come up in this Council before and it is a question that I think the hon. Member might answer.

Another question I would like to ask the hon. Member which I could not understand in his speech completely in this regard, and that is the matter of the gap between imports and exports. He told us that the gap had been closed to some extent in 1950, but then went on to refer to the figures for the early months of 1951, up to June, I believe, and he says here "In terms of absolute figures this means that our visible trade gap is again widening". I think it would be advisable for the hon. Member to go into a little more detail on that and tell us why it is widening. Is it a matter of the volume of exports being produced or the cost of imports going up?

I notice again in the hon. Member's speech that of the imports 27 per cent are the capital and 36 per cent producer requirements. I am presuming until the hon. Member replies that the gap is widening because the prices of imports are going up. In which case, Sir, I suggest that with those terrific percentages of actual imports required for production, capital and producer, both required for production, that it is not the time to put any taxes on those who are trying to produce. He has indicated in his own figures that the cost of production is rising.

Sir, hon. Members on this side of the Council have dealt with a number of detailed questions and obviously I have not got the time or the wish to go over all these matters again, but I would like to say as regards the Cost of Living which some members have touched upon I was a little disappointed that the Financial Secretary did not seem to make constructive suggestions in any particular way in which this very great problem could be attacked. I do not believe myself that we can do an awful lot about it but I believe that we must try to do

something and I hope that the two aspects which I have brought up in this Council before, and other hon. Members have brought up, those of transport and housing, I believe they can be attacked and I believe some means will be found by which they shall be investigated and adjusted.

There was one point in the hon. Member's speech which I believe when discussing the Cost of Living one should re-emphasize. I have underlined it. "Food is still among the cheapest in the world", that is Kenya food, and it is a matter which I think everybody should remember.

Another little point on which I would like the hon. Member to correct himself if he would in his reply. He said the increase of £90,000 which is expected under petrol consumption tax will gladden the hearts of the Road Authority as, of course, the Colony's contribution to that body will be correspondingly increased.

May I suggest it is not the Colony's contribution but it is the vehicle users' contribution?

THE FINANCIAL SECRETARY: Have it your own way.

MR. HAVELOCK: The hon. African Members, Sir, have taken exception, I understand, to some extent, to part of the hon. Member's speech which suggested that Africans add everybody should work harder—these remarks were directed towards the Africans especially. Of course, this has been taken up on the point of the cost of African education. I must say this, that, as far as the hon. Member for Trans Nziia is concerned and indeed every other European Unofficial Member, everyone has said that the cost of education must be met certainly by an increased payment by all races, and that has been emphasized and re-emphasized and there is no intention on the part of European Members to say that only Africans have got to pay more, and I hope the hon. African Members will remember that. Also on this matter of increased taxation, it is a thing that puzzles me a lot, and I do not know if there is going to be an opportunity in Committee of Supply if we get to it. (Laughter.)

THE FINANCIAL SECRETARY: You cannot have it both ways.

MR. HAVELOCK: I would like to know how this matter of poll tax works out, especially in Nyanza. I work it out that

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according to the present total receipts there should be some 332,000 taxpayers—something like that. What it works out to is if you put another shilling in that particular area you should get some £23,000 back. The increase appearing is £7,800. There is a big discrepancy. Does it mean last year it was over-estimated, and if it was, all those beautiful stories we were told last year as to the need for extra tax collectors and so on and what they would bring in were dreams, castles in the air.

I would like also to mention very quickly, Sir, the reference by the hon. Member to locusts in his speech and I suggest he might well at that time have made it clear to hon. Members on this side of the Council that as regards this freezing of the suspension of £200,000 that has been put into suspension for the total cost of locusts, that this Colony would gain no benefit and it would be His Majesty's Government's contribution that would be reduced. I think he should have made it clear to this Council. We were under a very grave misunderstanding.

The working hours, Sir—I am not going to enter into this rather complicated discussion. I will only say this that I have very great sympathy indeed with the views of civil servants who say they want to see efficiency and economy first and then they would discuss long working hours. I have great sympathy with them. I hope Government will consider the suggestions that have been put up for obtaining this by the hon. Member for Nairobi North. As far as the Efficiency and Economy Committee is concerned I am sure it is a good idea and should be implemented immediately. The hon. Member for Aberdare suggested a Committee to go into expenditure in the provinces and that I think should be seriously considered and adopted. I would give another suggestion—that leave conditions must be reviewed. I have said before and I say again, the economy of this Colony cannot stand the expense of sending all civil servants abroad, either every three or four years according to their length of service, for six months, and I do pray that Government will take this seriously this time and appoint a Committee to go into this matter. I am sure the civil servants themselves will welcome it. In those ways,

I am sure a lot of saving could be made over and above the savings that have been visualized in our currency examination of the Budget.

The Development and Reconstruction Authority gap has been discussed by a number of hon. Members. I believe the Development and Reconstruction Authority gap should be closed by a £500,000 in the Plan, £2,500,000 from our Surplus Balances, and £1,500,000 from loans and savings, and I believe both loans and savings could be made. I would also like to ask the hon. Financial Secretary when he replies—

THE FINANCIAL SECRETARY: The hon. Member went so quickly over his filling in of the gap that I quite missed his point, Sir. Would he mind repeating that?

MR. HAVELOCK: I am afraid the hon. Member is wasting my valuable time—I will tell him afterwards!

I wanted to say on this matter of loans and savings, the hon. Member said that the local market would probably have to be used for the Mombasa Water Supply Scheme and also, there was the Railway; is that not the case? I would like the hon. Member to give us more details of what he has in mind about financing the Mombasa Water Supply Scheme. His reference to it in his speech was extremely vague, and I suggest that we cannot be expected to accept his suggestion that the local market for loans must be devoted to these projects if we do not know the details of them. It is time we knew all about it, and I hope he will be able to tell us so in his reply.

On this matter of the Development and Reconstruction Authority gap, the hon. Member for the Coast invited the hon. Member for Trans Nziia about his having changed his mind. I would say, Sir, that the hon. Member for Trans Nziia has not changed his mind. The hon. Member, speaking on behalf of the European Elected Members, has at least once—and probably more than once—said that there should be a reserve, and the reserve might be in the region of £5,000,000. Now the hon. Member says, "Let us have that reserve still and the other balance of the money up to the £7,000,000 which we have in the Surpluses, paid to development for the Development and Reconstruction Authority Fund".

(Mr. Havelock)

Now, there is one very important point, surely, in having some sort of reserve. It is not always possible, I suppose, for the hon. Financial Secretary to float his loan when he wants it, and it may well be that the Development and Reconstruction Authority programme must go on before he is allowed to float his loan, surely, then, the Development and Reconstruction Authority programme must be financed from something. For that, I believe, the surplus balances have been used in the past and, no doubt, will be used in the future. For that reason, some reserve is necessary.

THE FINANCIAL SECRETARY: Hear, hear.

MR. HAVELOCK: I am so glad to hear "Hear, hear" at last!

Now as far as loans in the local market are concerned—other Members have mentioned this quickly, I think—I suggest there is still scope for short-term loans, considerable scope in the local market. There is a lot of money available. Short-term loans income tax free or with the capital appreciation element would produce a lot of money, I am certain of it. May I remind the hon. Member again what I suggested last year—and I am not certain it was not the year before as well—the £6,000,000 of Kenya money in the Post Office Savings Banks, which is not reinvested in this country. When I was in London with the hon. Member for Transvaal I took this matter up with the Colonial Office. I was told that we had every right to invest up to 40 per cent in our own country, that is £2,500,000. I was told it might well be possible that more than 40 per cent, say, up to 60 per cent, could be invested in this country, and there would be more money. I suggest that real efforts have not yet been made to find the money to finance our Development and Reconstruction programme from loans.

Touching on that, Sir, what is the policy. I understood the country accepted the policy that capital development could be financed from loan. Now it is suggested it should be financed from revenue. What is the policy? I am not saying that financing from revenue is wrong—I certainly say that financing from export taxes is wrong. I would like to know what the policy is, and

have we got a chance in this Council to decide on it? We do not seem to know where we are going.

Now I will turn quickly, Sir, to the export taxes.

THE FINANCIAL SECRETARY: Not too quickly!

MR. HAVELOCK: I would like to suggest that as far as this Budget is concerned, I believe, the hon. Member for Nairobi North said that it should not be the "Budget of the two gaps, but the Budget of the two taps". I suggest this Budget should be called the Budget of the four saps. (Laughter.) I will leave it to hon. Members to work out for themselves who are the saps—poor soil growers, etc. etc. (Laughter.)

THE FINANCIAL SECRETARY: Is not the hon. Member for Rift Valley going to take objection to that, Sir?

MR. BLUNDELL: I have been called an owl, I cannot be a sap as well!

MR. HAVELOCK: As far as export taxes are concerned, Sir, along with other hon. Members of this side of Council, I join with them in saying I believe they are inequitable, not only the wattle bark tax, but the others are also inequitable. They are also unound finance for development; also, they are unnecessary. The reference to them in the hon. Member's speech is very vague, he makes some reference that there should be a minimum price for these particular products, under which no export tax would be fixed. There is no mention of what the minimum should be, and I suggest in every way that the hon. Member and the Government have not given sufficient thought to the whole matter. I oppose strongly any idea of export taxes.

Some hon. Member on this side of the Council said that the hon. Financial Secretary had been very clever and some people have been seen through him. Well, I have seen through him—(laughter)—and I see through one particular dodge which I believe is extremely clever, but wrong. That is, this matter of the cesses, the fact that the actual cash from the cotton grower and from the hides and skins people will not be increased—the amount that they pay over. In other words, the poor ignorant man who has hides and skins or grows cotton will think he is not being anything, whereas he really is, and he should form the money that he pays

(Mr. Havelock)

—or, his industry, is not, I believe, that it is a very wrong way of doing this.

MR. BLUNDELL: Wicked!

MR. HAVELOCK: Yes! It is wicked—(laughter)—trading on the ignorance of the poor people. And, of course, the other suggestion, the other threat that was inherent in the hon. Member's speech, was that other industries were under consideration, just to keep people on their toes, I suppose, so that people would not invest in such industries, never knowing what was going to happen to them next year.

Sir, I would like another quick question. Will the hon. Member tell me: if Nestlé milk can be classed as infants' food? (Laughter, applause.) If so, I can see a very large reduction in revenue.

May I, Sir, turn quickly to speeches by other hon. Members, and first of all congratulate the Member for Agriculture on his excellent speech and his complete verifiability. It seems to me he would make an extremely good Financial Secretary himself. (Laughter.) It also was very gratified to see that the hon. Leader of Government put to rest, when the wicked was rather sticky, two of his Members who were trained in a very good school on this side of Council.

I would leave a number of comments, Sir, on what other Members have said for the Head, where I think actually they should be. A number of comments should have been made in the debate on the Head and not in this debate. But I would remind the hon. Mr. Patel that I anyway have always criticized the extravagance, especially, of school buildings. (Applause) (Hear, hear!)

Income tax for Africans, I believe, Sir, that it is completely unrealistic and that it is completely uneconomic to try and collect income tax from Africans. I cannot understand why Government has adopted this suggestion. It is also unfair, and I will give you a quick example: The income tax, of course, includes Company tax, and I was approached by a small African company who wanted to carry on their business in the best and proper manner, and therefore asked a European accounting firm to do their accounts and balance sheet for them. This accounting firm did it, and sent their balance sheet to the

Incomes Tax Department, and this company was assessed, rightly and properly, by the next day, is another company which does not keep books and does not try to improve its methods of accounting. Why should one have to pay, and share other's? To my mind, it is completely illogical and, if not, not work.

MR. MATHEW: They want education in book-keeping.

MR. HAVELOCK: Have that first, before you have education applied.

The other point I would like to bring up is, this matter of indirect as against direct taxation. I would remind the hon. Members of that excellent committee, the Pwaniwa Committee, which sat some years ago—(hear, hear)—which suggested that the proportion between indirect and direct taxation should be about 2 to 1. According to my rough calculations, I hope the hon. Financial Secretary has made calculations himself, this Budget produces a figure of 7 to 5. Therefore, my mind, either direct taxation is too low, or indirect taxation is too high. Anyway, there it is and it is a very important point in this country of ours. I believe we should try to keep to that particular proportion, which is one that the Committee did inquire into. We have a very peculiar set-up in this country, as well as in this Council, and I am quite sure that the proportion is the fair one in getting the proper revenue from the different and diverse people of different cultural standards in this country.

I would like to congratulate the hon. Mr. Dittus, on a very good (factual) speech, and I would only ask him one question: Has he any reason to suggest why export taxes should not be lifted on timber? (Laughter.) The other point is, I would also like to say that I have great sympathy with him on the question of his sugar people in Kilos, and I understand that the Food Authority has granted money from a road in that area, but I do not think it is going to be sufficient, and I do not know what more can be done.

Now, Sir, I am coming very close to the end. I merely want first of all to refer to the hon. Acting Chief Secretary's speech, where it surprised me to see, when he quoted the words of Mr. R. H. Butler, he knew them off by heart. He had no need read them. All I can say is that I am sure that he is acting in the manner suggested, but possibly the Kenya Govern-

[Mr. Havelock] ment Members have not got a tooth comb!

(The Clerk Indicated that the Member's time was up.)

May I go on, Sir, I will finish in two minutes?

THE ACTING CHIEF SECRETARY: Mr. Speaker, if the hon. Member has a little more to say, and unless he is too much out of breath to say it, we have no objection to his completing it. (Applause.)

THE SPEAKER: I think the Council is with you.

MR. HAVELOCK: Thank you, Sir.

I am not at all sure, Sir, that we made the wise decision to sit from 5 p.m. to 8 p.m. I am not only out of breath.

Sir, I would like to refer very shortly—I will not take more than one or two minutes now—to the speech of the hon. Member for Central Area (Mr. Madan) and I cannot, I am sorry to say, congratulate him on it as he did say, I think, that Kenya was "ordained by nature" to lead East Africa. I would like to say, Sir, that we are not "ordained by nature", we are the poorest of the three Territories but through the character of our people, we do lead East Africa. (Applause.)

The hon. Member, Sir, gave us a lecture, I think, on socialist economy, and I understood him to tell us that expenditure was a proof of wealth. Well, I would suggest that that is very symptomatic of the age of the common man, and I would suggest that it is the same type of thing as a cake being judged by the icing and not by the contents. I would suggest that extravagance is being encouraged under this system which fouls the mind and obliterates all sense of true values.

Sir, I appeal to all Members of this Council to view this Budget realistically, not on the lines the hon. Member Mr. Madan suggested, so that a really substantial cut in expenditure, which is absolutely essential, may be achieved. (Prolonged applause.)

THE SPEAKER: No other Member wishing to speak in this debate, then I have to apply the rule that at the end of the four days allowed, I shall call upon the Mover to reply.

THE ACTING CHIEF SECRETARY: Mr. Speaker, at a meeting of the Sessional Committee held yesterday afternoon, it

was agreed that in order that my hon. friend should have sufficient time in which to prepare his important wind-up speech, it would be convenient that Council should adjourn this evening until 11.15 a.m. to-morrow morning.

I therefore propose, Sir, that Council do now adjourn until 11.15 a.m. to-morrow.

MAJOR KEYSER seconded.

MR. BLUNDELL: Mr. Speaker, while accepting the proposal which has been moved by the hon. Chief Secretary, I would like to record my strong disagreement with it, and hope that it will not establish a precedent. The whole object of these evening sittings was in order to expedite the time, and it is for that reason that I hope that this will not be considered a precedent for the future.

MAJOR KEYSER: May I explain why I support this and why I seconded it. It is that I do consider that the hon. Member for Finance has an extremely difficult question to answer and he should be given ample time to think out his answer to the debate, Sir. (Applause.)

MR. COOKE: Mr. Speaker, I should like to associate myself with what has been said by the hon. Member for the Rift Valley. It is quite unusual for such a thing to happen. Every year in this Council we have not adjourned, but the Member replying has carried on, and surely it is not so difficult as all that to fulfil the traditions of this Council?

Sir, I oppose the suggestion. Of course, nothing can be done now if the Sessional Committee has sanctioned it, but I do hope it will not be used as a precedent for the future.

MR. MATIU: Following on what the hon. Member for the Coast has said, might I suggest that we are experimenting in many things. We have not met before at 5 p.m. as long as I can remember. To give the hon. Financial Secretary overnight is nothing really very big. (Hear, hear.)

THE SPEAKER: I am bound simply to put the question and I should not normally speak on it. However, I am thinking I will put the question.

The question was put and carried.

ADJOURNMENT

Council rose at 6.32 p.m. and adjourned until 11.15 a.m. on 23rd November, 1951.

Friday, 23rd November, 1951

Council assembled in the Memorial Hall, Nairobi, on Friday, 23rd November, 1951.

Mr. Speaker took the Chair at 11.20 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 22nd November, 1951 (Evening Sitting), were confirmed.

ORAL ANSWERS TO QUESTIONS

QUESTION NO. 25

LIEUT.-COLONEL GHERISE:

Having regard to the Motion passed in Legislative Council on 19th August, 1949, and General Notice No. 1817 published in the Official Gazette on 20th September, 1949, the intention of which was to refund to Kenya personnel whose war services had rendered them liable to United Kingdom income tax any excess of income tax paid by such personnel over and above the amounts they would have paid if treated as colonial personnel, and whereas in calculating the amount of refund due, Government added the amount of service emoluments to income earned from other sources, which is contrary to the procedure adopted in respect of Kenya personnel serving with the East African Forces during the war, in that war service emoluments were not added to their other income in Kenya for purposes of calculating their liability for income tax, will Government please instruct the income tax authorities that in assessing the refund:—

- The taxable service emoluments will be limited to the amount of basic pay?
- The service emoluments and income received from other sources be treated separately?

THE FINANCIAL SECRETARY: The Government has given full consideration to this matter and is prepared to put the facts to the Standing Finance Committee and to invite the Committee to recommend such action as it may deem appropriate.

DRAFT ESTIMATES OF EXPENDITURE, 1952 REFERENCE TO COMMITTEE OF SUPPLY—(Contd.)

THE SPEAKER: I will now call upon the hon. Member for Finance to reply to the debate.

THE FINANCIAL SECRETARY: (Applause.) Mr. Speaker, I must say I am a little taken aback by the applause! Having regard to some of the things that have been said about this Budget from the other side, I rather expected brickbats, not applause! (Laughter.)

Now, Sir, in seriousness, I would first like to thank hon. Members for their expressions of appreciation for the Budget speech. But I would like to make it clear that that speech was the culmination of a year's intensive work not only by myself but my colleagues in the Treasury, including my hon. friend the Secretary to the Treasury—(applause)—the Clerk of this Council—(applause)—and the other officers of this Department for whose loyalty and creditable devotion to duty I shall be, and the country ought to be, forever grateful. Now, Sir, on the debate itself, I propose to deal with the matter under four headings. There is the question of increased expenditure. Secondly there is the question of revenue estimation and supplementary expenditure. Thirdly, there is what I might call the revenue taxes that is to say the customs and the excise duties and fourthly, there is the question of capital expenditure in dealing with which I shall make more than passing reference to the question of export taxes. I shall also have to devote a special part of my speech in reply to the hon. Member for Kiambu, who always seems to arrange it in such a way as to get a special part of the reply devoted to his speech! I congratulate him on his astuteness!

Now, Sir, the first point—increased expenditure. The increase is indeed substantial. The Government has made no attempt to disguise that fact. Why that increase has occurred, I think, was made quite clear in my Budget speech. There are two factors. The first factor is the very severe rise in prices, which has occurred over the last eighteen months, twelve to eighteen months, and which has given rise to a general condition of

[The Financial Secretary] world inflation. That world inflation has arisen initially from the spectacular prices, uncontrolled and unprecedented prices paid by the world, and being paid by the world for primary products, primary raw materials. Half the rise in expenditure over last year can be ascribed to that particular phenomenon, the rise in prices, entirely beyond the control of the Government.

The second factor contributing to this rise is the implementation of decisions taken by this Council. We must presume that if this Council takes a decision on policy, that the Government must implement it and the Government has in fact done so. That is the second factor. No part of the increase is due to any action on new services taken by the Government. The increase therefore follows directly on the rise in prices, and the spectacular rise in prices, and the implementation by the Government of decisions taken by this Council.

Now, there seems to be some impression on the other side that Government is to blame for this. I want to make it quite clear, that where this Council is asked to make a decision on a policy matter, there is no question of the financial implication of that decision not being made abundantly and absolutely clear to this Council. Can anybody say that the financial implications of the Beecher Report were not made absolutely clear to this Council? Of course they were made clear, and in this year, in this year's Estimates, we see those implications taking the form of figures in the Estimates. Take the case of compulsory military training. Can this Council say that the position was not made absolutely clear? In fact, my hon. friend the Deputy Chief Secretary, at my instigation, when dealing with this matter, made it quite clear that an increase, a bill of this magnitude, might lead to extra taxation. It was made quite clear, I think, Sir, that in these circumstances there is some inconsistency, there is some inconsistency on the part of hon. Members opposite. Does the hon. Member for the Coast for instance, imagine that the increase in pensions for which he so assiduously presses can be granted without those increases being reflected in the Estimates?

MR. COOKE: No, Sir.

THE FINANCIAL SECRETARY: Of course not. Does the hon. Member for Nairobi South imagine that we can provide two more Judges, four resident magistrates, and all the ancillary staff without something appearing in the Estimates?

MAJOR KEYSER: No, Sir, (Laughter.) THE FINANCIAL SECRETARY: What about the hon. Member for Mombasa. Does he suppose we can provide subsidies in respect of tolls for the Nyali Bridge without something appearing in the Estimates?

MEMBERS: No, Sir!

THE FINANCIAL SECRETARY: Is it supposed we can do these things without affecting the Estimates? Of course not! That is the inconsistency of the other side. And the inconsistency is carried even further in this debate. The hon. Member for Eastern Area, when he made his speech, deplored the increase in expenditure, and said the Administration was top heavy; too many posts, and yet before he sits down he points out that on his own particular pet subject there is not enough staff and the Government must provide for it! How do these things make sense?

MR. HAVELOCK: We will tell you.

THE FINANCIAL SECRETARY: Sir, we must have a sense of proportion. I will say this, that if it is a question of consistency it is the Government that is being consistent. I can tell this Council that when the first balance sheet of this country was drawn up early this year, it became quite clear that such was the rising cost of Government that extra taxation would have to be imposed. But it came clear also that if we were to give the extra staff necessary to cope with the increased work, that taxation would have to be considerably higher than is now provided. It was in the circumstances of this difficulty that the Government decided that in the economic circumstances of to-day we must ask for increased work to be absorbed up to a reasonable point by existing staff, and it was on the basis of that principle that the Government decided that the Government servant's hours should be increased. Heads of departments were refused extra staff for increased work, and the increased work in many cases was considerable. If you refuse extra men then you must make provision for

[The Financial Secretary]

extra man hours and that was what was done and it is on that basis that hours of work have been increased; I am surprised at hon. Members refusing to accept that simple proposition. I can warn hon. Members that the financial figure for extra staff was very considerable. I made the statement in my Budget speech that blue-pencilled items, including extra staff of this nature, came to more than £500,000, and it was of that magnitude that the cut was made.

MR. HAVELOCK: Extravagance.

THE FINANCIAL SECRETARY: The hon. Member for the Aberdares asked me why I had not referred to the question of absorbing the £180,000 for increased Cost of Living Allowance in my Budget speech. Perhaps, he now understands that it was by this method that we were able to get the extra work absorbed and so refrain from recruiting extra staff and paying for that staff. A very considerable extra expenditure, more than £180,000, was thus avoided and I think the hon. Member will accept that money not spent is money saved. (Hear, hear.) That is the answer.

Now, Sir, there is, of course, this question of increased expenditure. We all feel concerned about it but we must be realistic. After all this is an expanding country—I understood that everybody's desire was to expand our economy—(hear, hear)—to expand our wealth, to expand our services. And surely you cannot expect that to happen without expanding recurrent expenditure by the Government of the country.

Now, Sir, I would of course agree that this matter has to be watched with great care. It is very important to see that the increase in expenditure does not outrun the increment in our national wealth. (Hear, hear.) In other words, you have got to keep a very cautious eye upon your taxation in relation to your national income. Now, let us look at the position from that point of view. In most countries, the proportion of tax revenue to the national income is between 20 per cent and 25 per cent. In one or two it is as high as 33 per cent. (Shame!) Let us look at the condition of Kenya in relation to that analysis. Now, in 1948, the national income figure was £61,000,000.

The revenue taxation was £6.1 million—exactly 10 per cent. In 1949, the national income figure was £71,000,000, revenue taxation £7.5 million—about 10½ per cent. In 1950, the national income figure was of course, the one I have given in the Budget speech, £82.7 million. The taxation revenue in that year was £9.01 million, something under 11 per cent. Now, we have not, of course, got the national income figure for 1952, but I should be very surprised indeed, having regard to the way in which this figure is rising, and having regard to what we know about our economic wealth to-day—high prices for primary produce and so forth—I would be very surprised if that figure was not considerably more than £100,000,000—

MEMBER: Including subsistence agriculture?

THE FINANCIAL SECRETARY: Mr. Speaker, my figures are always based upon the same principle, and the same elements which appear in the Budget speech figures can be taken as constituting the figures I am now quoting. Let us suppose the figure for 1952 is only £100,000,000, and I personally think it will be more, then if we take the figure of tax revenue, which is proposed in these Estimates for 1952, at £13.53 million, then we have got to a percentage of 13.5. The hon. Member may shake his head but figures after all—

MR. COOKE: Can prove anything. (Laughter.)

THE FINANCIAL SECRETARY: Well, I do not think it needs very much to prove, Mr. Speaker, that 13.5 is 13.5 per cent of 100, which is all I am trying to establish! However, hon. Members apparently find this difficult. They asked for a blackboard yesterday—

MR. HAVELOCK: How is the 100 made up?

THE FINANCIAL SECRETARY: Sir, I think the hon. Member is really asking whether it is proper to include subsistence agriculture in a national income figure. I can assure the hon. Member that in every country where national income figures are drawn, subsistence figures of that nature are included.

Now, consequently, Sir, having regard to what I have said it is clear that we must expect (even) with the greatest

[The Financial Secretary] 'the economy of which I am the strongest protagonist) that unless we are going to change our policy; unless we are going to abandon, say, compulsory education; unless we are going to refuse to supply adequate health services for the people, we must expect our expenditure to grow and the country would be deluding itself if it supposed that anything other than that could be the case.

Now, Sir, I get to this question—the second point—the question of revenue underestimation. It is quite true, Mr. Speaker, and nobody is trying to hide the fact that we underestimated last year and possibly the year before. In fact we were £2,000,000 under.

MR. HAVELOCK: You did not say so last year.

THE FINANCIAL SECRETARY: I said so, Mr. Speaker, very clearly in the Budget speech. There was no attempt to hide this fact and there is no reason to deny it. This country is dependent for a very considerable proportion of its revenue on what are known as *ad valorem* import duties. Now, did any hon. Member opposite when I was laying those Estimates in 1950 say to me: "Now look, I have a feeling in my bones that the war in Korea is going to blow up to a crisis; a war panic is going to sweep all over the world and everybody is going to rush to stockpile primary produce." If anybody had said that—which, of course, they did not—we might have foreseen this rise. But that is in fact what happened. Up went prices and, of course, as prices rise *ad valorem* duties based on prices rise, too. That was the greatest factor in the increase of £2,000,000. No less than £1,500,000 was due entirely to that factor. Moreover and quite naturally parallel to that rise your expenditure rises, too. The question of Cost of Living Allowances raised its head and had to be dealt with, £800,000 on one item alone! And it is interesting to note, Mr. Speaker, that the rise of expenditure and revenue are virtually the same. We budgeted for a surplus of about £500,000. In spite of both sides of the account being heavily inflated the surplus is still about £500,000. If it is supposed that there is something wrong with estimates in this country, I ask hon. Members to have a look at the Tanganyika Estimates. Precisely the same thing has

happened. You will find that the revenue has gone up by £1,750,000 above the Estimates and so has the expenditure. The Uganda Estimates have not yet been laid, but I shall be very surprised, if exactly the same thing has not been found in Uganda.

There is also this complaint, *yes, complaint*, by hon. Members opposite that in spite of our getting this £2,000,000 extra, it has all been swallowed up in supplementary expenditure. It seems to be implied that this Government, having found this extra revenue, went on a spending spree completely ignoring this Council. But every hon. Member knows that no expenditure can be incurred without the consent of this Council or of the Standing Committee on Finance.

Whenever this Government found it essential to spend money, as it did in the case of Cost of Living Allowances, it came to this Council and placed the matter fairly and squarely before it, and acted only upon the decision of this Council. In some cases—in quite a number of cases—the initiation came from the other side. I am sorry to refer to the hon. Member for Nairobi South again, but look at the expenditure incurred as a result of his Motion concerning judges and magistrates!

Now, Sir, I must agree—I must fully agree—with hon. Members opposite that it is most undesirable to let supplementary expenditure get out of hand. There is no doubt whatever we are getting into very high figures in this country, and I think their criticisms on this behalf are fully justified. But I must make this clear, that although this Government will certainly give the most careful attention to remarks made by hon. Members opposite, and will certainly do its best to keep such expenditure to a minimum, here again we cannot expect to eliminate supplementary expenditure altogether and we should be deluding ourselves if we thought we could.

Now, on the third point, the question of customs and excise duties. I gather said that these taxes, these increases, are viewed it is demonstrated that in fact the increases are necessary. Now, I made clear what the general financial position of the country was in my Budget speech,

[The Financial Secretary] and I thought it would be amply clear from the figures quoted that if we are to balance the Budget we cannot get through the coming year without increased taxation. However, we shall go through this matter again in Committee of Supply and the Government will amply demonstrate the necessity for this taxation.

Now, I think it will be fully accepted that this taxation is equitable in the sense that it is spread over all communities as it ought to be, and that it pays careful regard to the capacity of people to pay. I know that some hon. Member has suggested that some taxes could be claimed as increasing the cost of living. I would say, Sir, that that is nonsense. He, himself, did not make that statement, but he suggested that some people might make it. There is no doubt that that claim cannot be made. Nobody can say that these items enter essentially into living, as do bread, meat, butter, and so forth. You cannot cut down the amount of bread, meat and so on beyond a certain minimum, but you can certainly cut down the consumption of these things. I hope people do not, of course! (Laughter.)

Another hon. Member, or maybe it was the same Member, suggested that indirect taxation could be inflationary. Now, whether or not he is implying that these particular measures are inflationary, I do not know, but this is the kind of remark which can be misconstrued. It is true that in certain cases indirect taxation could be inflationary. Suppose, for instance, if we quadrupled the import duty on petroleum. Now, petroleum is used throughout the transport system of this country, and obviously immediately such a thing happened the cost of carrying goods, the cost to the farmer of growing crops, and so on must rise. Such a step could easily start a spiral which would have a very undesirable cumulative effect. But I will say this with regard to this taxation. I say it is *anti-inflationary* to increase a tax, of this nature on goods of a *luxury* type, to compel people to pay more for luxury goods, must surely relieve, the pressure, reduce the pressure of money on essential goods, on food, and so forth. And therefore I must contend that there is not only no question of these increases in taxation being *inflationary*, I

contend that the position is quite the contrary.

Now, the hon. Mr. Nathoo opposed the increase in taxation on the ground that Unofficial Members in Tanganyika and Uganda opposed them. Now, Sir, this is a very novel reason for opposing taxation measures in this Council, particularly when the taxation measures are demonstrated as essential to balance the Budget in this country. It appears, according to the hon. gentleman, that in Tanganyika there is an accusation, a feeling that Tanganyika is being led by the nose by Kenya, that they do not want the money, they are only increasing the taxation because of Kenya. *Mr. Speaker, nothing could be further from the truth.* There is something very much more important in this than trying to do something on behalf of Kenya. The principle is this: the step is necessary, if the *fundamental concept of a customs union between these three Territories is to be preserved.* That is why the changes in Tanganyika taxation must take place, *not to do something on behalf of Kenya.* I have no knowledge, Mr. Speaker, whether these Territories need extra money or not. That is not my function. I have quite enough to do seeing what this country needs. (Laughter.) I will say this, that any suggestion that these other Territories are being forced into increased taxation because of Kenya is wrong. It is to preserve the most important concept and principle of a customs union; and if anybody wishes to know what it would mean in these three Territories without a customs union, let them think back on the times before these arrangements were made. If there were not a customs union, I can assure hon. Members that there would be the most serious dislocation of commerce, trade and industry, and if we wish to preserve this union, this is the price to be paid. Not only Tanganyika and Uganda, but, in due course, this country will have to pay, and I will say this: that to preserve so important and fundamental a concept as a customs union the disruption of which would cause the most serious dislocation of interterritorial trade, *this is a small price to pay.* (Hear, hear.)

Now, Sir, I get to my fourth point, the question of the capital Budget. In dealing with this my remarks will be

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concentrated upon the second of the two gaps to which I referred in my Budget speech, that is to say, on the £4,500,000 representing the deficit in our capital development plan. Now, while hon. Members opposite have not been wholly consistent in their criticism of the method by which Government proposed to close that gap, I am glad to note that, with one exception, there has been a departure from the suggestion, that we can cut down below what is accepted as the minimum. Nobody on the other side, except one hon. Member, who suggested a relatively small cut of £500,000, has suggested a cutting down of what has been stated to be the essential minimum development of this country. But suggestions have been made as to how that gap should be filled in a manner different from that suggested by the Government. The most important proposals are, of course, to raid the surplus balances. Offers to do so have ranged from an extra £1,000,000 to £4,500,000. Now, obviously, if we are going to fill the gap from surplus balances, we have got to take at least £4,500,000, and maybe, if prices go on rising, you may have to take £5,000,000. On the present level that would leave us £2,000,000, and if we add to that our reserve fund of £500,000, it makes a total of £2,500,000. Well, I do not know what hon. Members opposite would think about a reserve—if you like, a surplus balance—of £2,500,000 against all our liabilities. If hon. Members wish to examine that point, I will ask them to turn to page 1 of the Estimates and have a look at our liabilities—look at them!

MR. COOKE: Look at our assets, as well!

THE FINANCIAL SECRETARY: £2,500,000 against our guaranteed minimum returns alone!

MR. COOKE: Why be so gloomy?

THE FINANCIAL SECRETARY: I am not being gloomy, Mr. Speaker, I am exhibiting the ordinary prudence of the average human being, not even the extra caution of a Financial Secretary! Where would be the cushion? We have a Budget of the order of £16,000,000. It is supposed— is it really supposed £2,500,000 could represent a cushion of any real use against the economic slump which some

hon. Members seem to think might be round the corner?

MR. COOKE: £100,000,000 would not be any use in that case!

THE FINANCIAL SECRETARY: I am not suggesting we should go on living on our fat. I am talking of a cushion, a cushion which would enable us to absorb the shock, and make our adjustments—£2,500,000 would not enable us even to do that.

MR. HAVELOCK: You suggested £2,500,000; it was your figure.

THE FINANCIAL SECRETARY: I have not even mentioned the locust threat. Would £2,500,000 get us over a catastrophe of that nature?

I think the hon. Member for Trans Nzoia who, I must say, was very much more restrained in this matter, suggested we might take £2,000,000, because he suggested that £5,000,000 was a reasonable figure at which our surplus balances could stand. It is impossible to deal with the matter so easily and simply as that. You cannot say "our surplus balances for all time, or any given period, should be just £5,000,000." Everything depends on how our Budget is rising or falling: What are our liabilities going to be? We cannot finally fix it with regard to what we know now. £5,000,000 might be quite all right for the present time. What is going to happen in the future? Is it going to be quite all right when our expenditure Budget rises to £25,000,000? It is no use looking shocked, hon. Members, it will rise to £25,000,000, with our expansion—perhaps not in your time or my time, but it will rise and, indeed, to £50,000,000 one day.

Now, Sir, some reference has been made to loans. Now, I did deal at considerable length in my Budget speech on the question of loans, and I think the hon. Member for Trans Nzoia thought it necessary to blame the Financial Secretary across the floor of the Council for his failure to raise more loans on the London market. I know that the hon. Member could not have been serious. He knows too much about it to really have thought that the Financial Secretary was to blame, because he might just as well blame any farmer who fails to get rain falling on his farm. It is exactly the same thing.

MR. HAVELOCK: You can make rain these days!

THE FINANCIAL SECRETARY: He also went on to say that I made disparaging remarks—or belittling remarks—I forget his exact words—about the local markets. I do not quite know what he meant. I would like just to read out, Mr. Speaker, what I did say about the local market. I said this:—

"I am aware that the superficially easy solution to fill this gap of more borrowing has many times been suggested. I take this opportunity of saying once again that as far as the London market is concerned, this suggestion is not a starter. Indeed, so great is the investment pressure produced by present-day economic conditions, that even the full achievement of our present residual programme of £12,500,000 must be a matter of considerable doubt. I am aware, Mr. Speaker, of the immediate likely retort—what about the local market? This potentiality has not been overlooked. But apart from any question of our capacity to carry further debt charges, this potentiality is far from being unlimited, and it seems highly probable that we shall, in any case, press heavily upon it to meet the likely shortfall in our present borrowing programme. Moreover, ours is not the only Plan, the execution of which is essential to our balanced development and well-being. There is the capital expansion of the Railways and Harbours to be thought of. These Railways and Harbours are just as much part of Kenya as the road from Nakuru to Eldoret. There is clearly no logic in our investing large sums in increased production if the transport system fails to keep pace with that increase. And I can assure the Council that those responsible for the execution of the Transport Development Plan are no more able to see available from London all the capital moneys required than we are for our Plan. The same difficulties and anxieties, the same uncertainties in regard to loan funds afflict the Railway Administration as afflict us. Where is this Administration to turn if its full requirements are not forthcoming from overseas? They must inevitably turn for facilities to the individual East African territories. We should be

foolish indeed if we regarded such an appeal as no concern of ours."

Well, Sir, that was my reference. I do not see anything disparaging in that. I make it quite clear that we fully intend to use the local market to the maximum extent possible, any penny of it, and we shall need every penny of it, and so will the Railways, and possibly the Posts and Telegraphs as well. We cannot ignore their needs, they are part of us.

I think the hon. Member for Klambu—I might deal with a point of his at this juncture—referred to what we are doing about our Savings Bank funds. Now, the figure that he gave of the proportion of Savings Bank funds which this country—any Colony, for that matter—is permitted by law to invest in its own development, was a little bit high. He said 40 per cent; actually, it is 33½ per cent. Now, we have a total of about £6,000,000 in these funds, so that a third of that would represent £2,000,000. That availability has not been overlooked, Mr. Speaker, I can assure the hon. Member. But we have got to be careful about this matter. Experience has shown in this country that purely local loans, on any terms, are for some reason not very popular. That is past history. Times may have changed, probably they have—I hope they have. For that reason, it has been the practice, when we float a loan, when we go to the market, we have a joint issue, partly in London and partly locally. Now, that joining with London has the great advantage of giving the local investor confidence, and it is for that reason that we use that system. It has worked exceedingly well. In our last loan issue of £6,000,000 we were able to reserve for local subscription no less than £2,500,000. Now, the question of whether we had gone for a purely local loan of £2,500,000 without any connexion with a London issue—we would have succeeded. I would not like to say. Consequently, I feel it highly necessary that if we go for a purely local loan, as we shall do in due course, if we go for such local loans, we should be careful to see that those loans are properly underwritten; and it would be my intention in the first instance, until we get experience in this matter, to underwrite a local loan with such Savings Bank funds as we are entitled to use for that purpose. This is perfectly sound finance. I must insist that

[The Financial Secretary]

if we did go for a local loan and it was badly undersubscribed, it would give the worst possible impression as to our credit-worthiness on the London market, something we must avoid at all costs.

So, Sir, the hon. Member may take it that local facilities for raising loans will be exploited to the full, but even so I can assure him that having regard to the fact that we are unlikely to get our full funds from London there will still not be enough money available to fill this gap.

Now, another suggestion, which I find rather difficult to understand is that in order to fill this gap we should extend the Plan by two years. I have thought this matter over very carefully. The exercise, as I understand it, is to find another £4,500,000 to fill the gap. Now, Sir, how on earth, by merely extending the Plan for two years, will we find another £4,500,000? It is true we shall get for this two years £600,000 from the revenue contribution of the Colony. I can understand that. But at that stage the Colonial Development and Welfare Fund will have come to an end. How, by extending the period? I cannot see that any extra money will be forthcoming. What I can see is that for certain there will be extra problems forthcoming. We will certainly have extra development problems in those two years. (Hear, hear.)

So we are forced back on this question of export taxes. Now, there has been a certain amount of criticism of export taxes in the country—

MR. BLUNDELL: Question!—More than certain.

THE FINANCIAL SECRETARY:—not to mention a certain amount of comment in this Council! Now, as I understand it, nobody has contended that these industries which we have chosen—nobody has contended that they cannot afford to pay. I think such a contention would be very difficult to make. In the case of hides and skins and cotton—there is no extra impost on the industries concerned, none at all.

MR. HAVELOCK: Yes, now.

THE FINANCIAL SECRETARY: In the case of wattle, and wattle extract, I have been told by somebody who ought to know—it is not my own statement, it is a statement made to me—that the in-

dustry would do well on half the present prices.

MR. MATHU: Question!

THE FINANCIAL SECRETARY: Mr. Speaker, I said I had been informed, and I can assure hon. Members that my informant was a man very well versed in this particular industry.

MR. COOKE: What about pyrethrum?

THE FINANCIAL SECRETARY: On the question of sisal, is anybody going to contend that the industry cannot afford to pay a tax of this level? (Opposition cries of "Yes.") If he does, let me refer him to the words of the Chairman of the Tanganyika Sisal Association, Mr. Hitchcock. What in fact did he say? At the annual general meeting of the Association he said in effect: "Of course, nobody likes export taxes, but no fair-minded person is going to say that a tax at this level, at 5 per cent, is going to have any significant effect on the sisal industry." (Applause.) It is suggested that this tax is narrow-based. I deny it. This tax falls upon all races. With any other method how are you going to ensure a fair incidence. Excess profits tax—upon whom would this fall?

MR. HAVELOCK: Everybody.

THE FINANCIAL SECRETARY: A very narrow proportion of the population of this country. It is considered right that the African, for instance, should pay his share for the development of this country, and he has expressed a willingness to do so through export taxes. It is the only way with our large peasant economy. How else are you going to do it? This is the way it is going to be done. I would suggest, Sir, that this basis of taxation is not narrower than any other. Indeed, I will contend that it is wider. (Hear, hear.)

Now let us also analyse the figures. It is contended, it is asked, why these people should be singled out to make a contribution to development. Why should they? Now, in the first instance, let it be made quite clear that naturally these people's profits will be slightly reduced, and to that extent the income tax they have to pay will be reduced, so our returns will be that much less. Now, how much less it is extremely difficult to compute. I have been in consultation with the Commissioner for Income Tax on this matter, and it might be one-fifth

[The Financial Secretary]

of the total of £600,000. I should not want anybody in this Council to tie me down to that figure, but it is apparently a figure of about that order.

Now, Sir, obviously, if our income tax out-turn is reduced then we have to make up that balance by general taxation falling on everybody, the whole country, and to that extent general taxation is paying part of this contribution. Then there is the question of the surplus balance contribution, I have suggested £1,000,000 from surplus balances to fill this gap. That amount has been provided by general taxation, from the whole body of taxpayers.

Finally, Sir, and this is very important, it will be recalled that in our development fund we have a sum of no less than £3,250,000 from excess profits tax. Without that sum this gap would have been not £4,500,000 but £7,750,000. Now let us see who made those contributions. Let us see who made those contributions. I have then stated here, Mr. Speaker. Of a total of £3,250,000, £3,115,000 was subscribed by trade, industry and commerce other than agriculture. (Applause.) £3,115,000! Only a total of £135,000 was contributed by Agriculture, and of that sum by far the largest part, in fact the major portion, was contributed by one crop, one industry in agriculture, and that was tea. The total contribution by sisal was nothing. Now, Sir, how can anybody contend in the face of those figures that these export industries are alone being asked to make a contribution to capital development?

MR. COOKE: A good point.

MR. BLUNDELL: Make excess profits tax for everybody.

THE FINANCIAL SECRETARY: Now, Sir, I have already talked about the level of the tax. It has been complained that this tax will be unfair, will press heavily and so forth. Let me make it clear, that the legislation that will come before this Council in relation to export taxes will take every care, that a limiting figure will be placed well above any danger point and below which no tax will be imposed.

Secondly, that legislation will provide that where, in the opinion of the Governor, the imposition of the tax causes hardship, then that tax may be

remitted. And finally, Mr. Speaker, this measure is in the first instance for one year only. These are annual taxes. Each year the matter of continuance will come before this Council. Surely, Sir—can I not appeal to hon. Members, can I not appeal to them not to let their out-moded ideas in relation to export taxes interfere with the development of this young country?

Sir, I have now got to the stage of the special part provided for in respect of the hon. Member for Kiambu. Now he asks whether the increase in cereal production is due to fair prices now being paid. Well, that is a curious question; it is framed rather in the same way as the man who was asked if he had given up beating his wife! Is the suggestion of the hon. Member that prices were not fair before?

MAJOR KEYSER: Yes.

THE FINANCIAL SECRETARY: On that point, Mr. Speaker, I have no knowledge and can make no remarks. These figures refer to the past; not to the present. Of course, the hon. Member must appreciate that there are many factors which go to encourage increased production. Among them, of course, an attractive price, or a price when a farmer considers to be reasonable is one of them. But other things enter into it—climate, soil and so forth; but certainly price must enter into it. But if he suggests by that, and wants to draw me across the floor of this Council and suggest that only now or the last two years have fair prices been paid to the farmer—Sir, I am not to be drawn! (Shame!)

Now, Sir, he asked me also, these figures of national income in respect of a subsistence agriculture, do they add to taxable wealth? Now, Sir, it is a tricky question, but my answer is that indirectly they do and in this way. If the people engaged upon subsistence agriculture were not so doing and they had to depend upon the services and productivity of the rest of the country in order to achieve their own subsistence, then of course that amount of production and effort would be diverted to this object which otherwise would be used in increasing the amount of taxable national income. To that extent you can say the answer is in the affirmative. They add indirectly to the revenue.

(The Financial Secretary)

Now the next point he raised was as to what I meant when talking of the external trade figures. As to why, in spite of our imports only rising by 50 per cent in the first six months of 1951, and our exports by 70 per cent, nevertheless the trade gap was widening in terms of absolute figures. Now the reason for that is this. If we take the retained imports in 1950 at £30,500,000, then at the same level for the first six months of this year we would have £15,250,000, but imports have actually risen by 70 per cent, so you have an increase of 70 per cent on £15,250,000. On the other hand, the exports would be at the rate of £8,500,000 in the first six months, but they have risen by 70 per cent and what I am saying is simply this: that 50 per cent of £15,250,000 is greater in terms of absolute figures than 70 per cent of £8,500,000. That is the explanation. I hope the hon. Member has got it quite correctly.

Mr. HAVELOCK: It is in *value*.

The Financial Secretary: Now, Sir, the hon. Member referred to short-term money. I am not quite sure in what way he was referring to it, to what point, but I take it he does not intend to suggest we could fill our capital gap by means of short-term money.

Mr. HAVELOCK: Short-term loans—fifteen years.

The Financial Secretary: Now, Sir, he suggested that income tax on Africans was unfair. I do not see why it should be unfair. If there are Africans who have the income which attracts assessment how could it be unfair? Why should it be unfair on the African and not on the European or Asian? I do not see the point.

Mr. HAVELOCK: Because you cannot assess it.

The Financial Secretary: Sir, the question of practicability is another matter, and it is for that reason that the Government, in imposing this, in instituting this system, is going slowly. Let us see. But to suggest that any section of the population of this country should not receive the impact of income tax in one way or another seems to me to be the thing that is completely unfair.

Mr. COOKE: It should be collected from the man who keeps accounts, not collected from the man who is idle (?)

The Financial Secretary: The question I am making is, how can anyone say it is unfair? Impracticable it may be, but on that score let us see. Let us make a start. Now, Sir, the hon. Member also referred to the proportion between indirect taxation and direct taxation, and he referred to the optimum figure or optimum proportion of 2:1, which is referred to in the Plewman Report. Now, Sir, I am going to commit a complete indiscretion, a great heresy. I have never for the life of me been able to understand why the Plewman Report suggested that ratio. I have gone through it in the Plewman Report, I have gone through it and tried very hard to follow it. How can it be true? How can it be a permanent ratio? The idea was of course that with a population that does not pay direct taxation you take the taxation by indirect methods. I understand that. The ratio might have been true then, but is anyone going to suggest there should be no variation, that the proportion of Europeans, Asians and Africans is all the time going to be static? Of course not.

Mr. HAVELOCK: It is the same as it was then.

The Financial Secretary: In any case, let us suppose there is something sacred about the 2:1 ratio. The hon. Member, if he really feels that way, must be pleased to see the increase in customs and excise, because that would bring it even nearer to his desired ratio of 2:1.

Finally, the hon. Member asked me if "Nestle's Milk" is an infant food. Well, I am not quite sure what the hon. Member's interest in this matter is—(laughter)—but in any case the expression I used was "infant foods which are properly regarded as human milk substitutes".

Mr. HAVELOCK: Is "Nestle's"?

The Financial Secretary: Sir, I do not know! I do not think the hon. Member can expect me to give an *ex cathedra* decision across the floor of the Council. This matter, Mr. Speaker, the actual day-to-day interpretation of the tariff is quite properly left to the Commissioner of Customs.

Mr. HAVELOCK: There will be an enormous loss if it is not.

The Financial Secretary: The hon. Member can rest assured there will not be enormous losses.

Now, Sir, I am very sorry to see the opposition to the Motion which developed from certain sections of the Council opposite. It has been suggested that we should take back the Estimates and over a certain range of the recurrent expenditure cut by six per cent. Now, I suppose hon. Members feel that that is the only way of achieving some objective they wish to achieve, but the Government cannot accept that. It cannot accept it. It considers that if we did a thing like that we might well disrupt, indeed would disrupt important and essential services, and to do a thing like that would be a disservice to the country. Now, Sir, I do appreciate that hon. Members of all groups on the opposite side have expressed alarm at the level of the Budget expenditure. I cannot say that the Government is alarmed, but it is deeply concerned at the growing cost of Government and is as anxious as hon. Members to effect all proper economies. (Applause.) I must, however, on behalf of the Government reiterate first that these Estimates have already been subjected to the severest reductions in the course of preparation; and secondly, that it is our belief that in general the Budget as presented, represents the minimum necessary to carry out the approved policies. As has already been said in the course of this debate by my colleagues, Government has a responsibility, which it can neither escape nor delegate, to prepare the Estimates of expenditure and to lay them before this Council for examination in Committee of Supply, but if convincing arguments are put forward in Committee by any hon. Members or group of Members, Government will be open to conviction. In appropriate cases, and subject to Supply being voted, I can indeed undertake to hold an item under requisition to incur expenditure pending its examination by the Standing Finance Committee, which should be asked to appoint a sub-committee to deal with this matter and to report back to this Council. Of course, if the item happens to be a post that is filled we could not hold it under such a requisition,

but nevertheless that post would be referred to the Committee and sub-committee in precisely the same way. I need scarcely say, of course, that if hon. Members opposite unite in opposing any particular item, that item would in any case come out, or, if across the floor of the Committee the Government then and there agreed to the omission of any particular item that item, too, would come out then and there.

Now, Sir, there is an offer to the hon. Members opposite, and I do hope that in the light of that offer they will reconsider their decision and vote for this Motion.

Mr. Speaker, I beg to move.

(Applause.)

The question was put and carried on a division by 21 votes to 16.

ADJOURNMENT
Council adjourned at 12.30 p.m.

Tuesday, 27th November, 1951

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 27th November, 1951.

Mr. Speaker took the Chair at 10 a.m. The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 23rd November, 1951, were confirmed.

PAPERS LAID

The following papers were laid on the table on 27th November, 1951:—

By THE ACTING CHIEF SECRETARY: The Report of the Advisory Committee on Additional European Constituencies.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 13

MAJOR KEYSER:

Will the Government state whether in the new rates of the East African Railways and Harbours the Tanganyika rates have in almost all cases been reduced whereas the Kenya/Uganda rates have risen?

THE MEMBER FOR COMMERCE AND INDUSTRY: The Government is advised that the answer is in the affirmative.

QUESTION No. 14

MAJOR KEYSER:

In view of the fact that the Tanganyika Railways were in a bad financial state when taken over by the East African Railways and Harbours, is not the reduction of rates in that section likely to throw an increasing burden on the Kenya/Uganda section?

THE MEMBER FOR COMMERCE AND INDUSTRY: The Government is advised that due to the marked increase in the traffic density in the Tanganyika section, no burden is likely to be thrown on the Kenya/Uganda section.

QUESTION No. 15

MAJOR KEYSER:

Will Government agree to press the High Commission to submit to the Territorial Legislative Councils separate accounts for:—

(a) Kenya/Uganda Section?

(b) Tanganyika Section?

THE MEMBER FOR COMMERCE AND INDUSTRY: The Government is advised that the effect of such a procedure would be to nullify the saving in administrative costs effected by the amalgamation of the two systems which was agreed by the Territorial Legislative Councils in accordance with the terms of Colonial Paper No. 210, and that apart from the administrative difficulty of apportioning overhead expenses, separate accounts could be maintained only as the result of a very great additional expenditure.

MR. MACONICHI-WELWOOD: Mr. Speaker, arising out of that reply, and in view of the fact that the Transport Advisory Council has been told to consider the affairs of the Railway as those of a great commercial concern, does he think that such a consideration can be efficient if the economic aspect of each individual branch of the Railway is not submitted to the Council?

THE MEMBER FOR COMMERCE AND INDUSTRY: First of all, Mr. Speaker, I should like to congratulate my hon. friend on his very well-phrased question. As an expression of a personal opinion, I would say the economics of Railway working must be made clear to the members of the Transport Advisory Council, of which I am one, if they are to perform their proper functions. I am quite certain the Railway Administration will be only too glad to make whatever information they can available.

MAJOR KEYSER: Arising out of that first answer, Sir, can the hon. Member tell us whether, in view of the geographical position of the Tanganyika Railway, it would not be quite easy to keep separate accounts.

THE MEMBER FOR COMMERCE AND INDUSTRY: I cannot add anything to the advice given to me by the Railway Administration, but I am quite certain will succeed in drawing the attention of that Administration in such a way as he would wish.

MR. BLUNDELL: Mr. Speaker, arising out of that answer, and in view of the anxiety which hon. Members opposite must have that the transport system of the country is efficient, will the hon. Member give us an assurance that

[Mr. Blundell]

Government itself will press the Railway to produce these accounts?

THE MEMBER FOR COMMERCE AND INDUSTRY: The Government will be very pleased to make the views of hon. Members known.

MR. BLUNDELL: Arising out of that answer, would the hon. Member answer the correct question? I asked if Government would put forward their views in view of their own interest in the matter.

MAJOR KEYSER: Mr. Speaker, in view of the unsatisfactory answers, which I do not think are the fault of the hon. Member, I shall move a Motion later on in this Council.

QUESTION No. 16

MR. HAVELOCK:

(a) Is it a fact that a Bill will shortly be presented to the East Africa Central Legislative Assembly which will seek to clarify the procedure of income tax collection and to establish an agreed practice in the three East African Territories, regarding allowances and chargeable income?

(b) If the answer to (a) is in the affirmative and in view of the fact that such legislation will affect the actual receipts of the Income Tax Department and the amounts to be credited to the General Revenue of the Colony, will Government ensure that this Council will have an opportunity of expressing its views on the proposed legislation before a Bill is introduced in the Central Legislative Assembly?

THE FINANCIAL SECRETARY: An East African Income Tax (Management) Bill to cover administrative and general provisions relating to income tax in East Africa is to be published in the near future for public information with a view to its introduction into the East Africa Central Legislative Assembly at a later date. The Bill will not deal with rates of tax and allowances in East Africa which are not within the legislative powers granted under the East Africa (High Commission) Order in Council, 1947. If the East African Bill is passed into law, a Bill will be introduced into this Council to provide for the rates of tax and allowances in Kenya. The

Government does not propose to initiate a debate on the East African Bill in this Council.

MR. HAVELOCK: Mr. Speaker, arising out of that answer, is it true that the interpretation of the present law is to be clarified by the legislation which is being placed before the East Africa Central Assembly?

THE FINANCIAL SECRETARY: Mr. Speaker, there is no doubt whatever that the new Bill will seek to clear up any difficulties and difficulties of interpretation which exist under present legislation.

MR. BLUNDELL: Arising out of the original answer, is it not a fact that the Bill which will come before the Central Assembly will, in effect, give the power of alteration of allowances under Income Tax Rules to the High Commission, and is that not, in effect, the removal from this Council of one of the points upon which we insisted when powers were given to the High Commission?

THE FINANCIAL SECRETARY: The answer to that is "No", Sir. It will not give the power to govern allowances by the High Commission of the Central Assembly.

MR. USHER: Arising out of the first part of the answer, could the hon. Member say when is the earliest date at which the Bill will be introduced in the Central Assembly?

THE FINANCIAL SECRETARY: Sir, the question of the date on which this Bill will be introduced naturally will depend upon the amount of representation which the Bill will attract after its publication. It is the intention, I may inform the Council, that after that Bill is published representations will naturally be invited and the Commissioner of Income Tax proposes to tour all East African Territories and meet members of chambers of commerce and so forth. It is quite impossible to say how much representation will be produced as a result of publication, but the intention is, having cleared up all points to the satisfaction of the East African Territories to introduce it as soon as possible.

MR. HAVELOCK: Arising out of that reply, Sir, would Government state if it would be in order for a Member of this

[Mr. Havelock]

Council to introduce a Motion to debate in full the replies which have just been given?

THE FINANCIAL SECRETARY: Mr. Speaker, under the constitution as it stands, there is nothing whatever to fetter hon. Members opposite from introducing any Motion they like. (Applause.)

THE SPEAKER: Subject always to any ruling from the Chair!

QUESTION No. 17

MR. HAVELOCK:

1. Will Government state the amounts of money owing to it by civil servants as advances or loans in respect of:—

- (a) Advances to purchase motor vehicles?
 - (b) Advances to build houses or purchase land?
 - (c) Other advances or loans?
2. What proportions of these amounts are interest free?

THE SECRETARY TO THE TREASURY: The amounts owing to the Government by civil servants in respect of advances or loans as at 31st October, 1951, are as follows:—

(a) Advances to purchase motor vehicles	£ 390,386
(b) Advances to build houses	70,440
Advances are not given to civil servants to buy land as such but the amount advanced to officers to build houses takes into account the value of the land.	
(c) Other advances or loans:—	
(i) Advances to purchase bicycles	£ 1,163
(ii) Advances to purchase refrigerators	7,711
(iii) Advances to purchase cameras (this is a special arrangement applicable to officers of the Game Department)	391
(iv) Advances in respect of salaries	9,999

All these advances are interest free with the exception of those in respect of

building houses on which interest is charged at 3½ per cent.

MR. BLINDELL: Arising out of that answer, Mr. Speaker, would the hon. Member give consideration to the making of grants to civil servants for the purchase of wireless sets so that they can listen to the efficacy or otherwise of the African broadcasts of the Information Service.

THE SECRETARY TO THE TREASURY: I am always prepared to consider anything which the hon. Member may wish to put forward.

MR. MATHU: Arising out of the answer in respect of (b), will the hon. Member say what Government is going to do to overcome the difficulty existing at the present in regard to the African civil servants applying for loans to build houses, because they cannot produce land as security?

MR. COOKE: Mr. Speaker, arising out of that answer—

THE SPEAKER: Could we not get one question answered first.

MR. COOKE: It is tied up with this one, Sir.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Replying to the question raised by the hon. Mr. Mathu, I can at any rate say that in the Thika Housing Scheme and in various housing schemes for Africans which are being put forward from quite a number of townships at the present moment, land will be made available to them, and in some cases loans have already been advanced to them.

MR. COOKE: My question was tied up with the last question, Sir. I am afraid it would fall flat if I asked it now.

MR. MATHU: Arising out of the answer given by the hon. Member for Local Government, does he imply that the Thika scheme will be extended throughout the whole country so that African civil servants can avail themselves of those facilities?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I can only reply on that that the matter in municipalities is largely one for local authorities, but in townships I have already got four or five other schemes to put forward on the lines of the Thika scheme.

LADY SHAW: Arising out of the reply to (b), would the hon. Member inform me why the rate of interest charged is lower than that of the Land Bank?

MR. COOKE: Would not the reason be, Sir, to encourage civil servants to settle in this country?

MR. BLINDELL: Has the hon. Member joined the Government? (Laughter.)

THE FINANCIAL SECRETARY: Mr. Speaker, every transaction, when it involves financial administration of this kind, must attract a rate of interest suitable to the particular circumstances.

QUESTION No. 18

MR. MADAN:

(a) Is Government aware that serious dissatisfaction exists among Asian police officers because they are not promoted to the ranks of Assistant Superintendents and Superintendents of Police?

(b) If the answer to (a) is in the affirmative, will Government please state whether it is intended to grant such promotions? If not, why not?

(c) If the answer to (b) is in the negative, will Government please state if it is intended to change the policy to bring it in line with Tanganyika where three Asian police officers have been promoted to the rank of Assistant Superintendent during the last two years, a step which is said to have given entire satisfaction?

THE ATTORNEY GENERAL: I have made inquiries into this matter and as a result I am satisfied that there is no serious dissatisfaction among Asian police officers because they are not promoted to the ranks of Assistant Superintendents and Superintendents of Police. This being so, the further questions raised in (b) and (c) of the hon. Member's question do not arise.

MR. MADAN: Arising out of that answer, Sir, would the hon. Member kindly tell me how he has decided that dissatisfaction does not exist?

THE ATTORNEY GENERAL: By making inquiries from the Commissioner and senior officers of the Police Force, who are the people in the best position to be well informed on this subject.

MR. MATHU: Arising out of that reply, Sir, would the hon. Member say whether

in the course of his inquiries he found that Asian police officers wanted to be promoted to the rank of Assistant Superintendents?

THE ATTORNEY GENERAL: My inquiries were directed to the question on the Order Paper, the question being, was there any serious dissatisfaction, and I am satisfied there is no serious dissatisfaction.

MR. MATHU: Mr. Speaker, arising out of that answer, did the hon. Member not find that there was small dissatisfaction—small?

THE ATTORNEY GENERAL: If the hon. Member Mr. Mathu wishes to raise an other question on a different hypothesis I must ask him to put down a different question on the Order Paper.

MR. PATEL: Mr. Speaker, arising out of that answer, may I know from the hon. Member for Law and Order if it would not have been advisable to ask the Indian officers concerned about the dissatisfaction, instead of the European officers?

THE ATTORNEY GENERAL: Mr. Speaker, I think the hon. Member for Eastern Area is in error in assuming that those officers from whom I made inquiries did not themselves make appropriate inquiries from the Asian officers.

MAJOR KEYSER: Would the hon. Member tell us whether promotion in the Police is dependent on efficiency and not on the wishes of the officers concerned?

THE ATTORNEY GENERAL: It appears to me that question does not arise out of any of the questions previously asked or out of the answers previously given.

QUESTION No. 19

MR. MADAN:

Is it true that Asian Chief Inspectors of Police are not permitted to wear the full "Sam Browne" belt like European Chief Inspectors? If so, what is the reason for such discrimination?

THE ATTORNEY GENERAL: I am obliged to the hon. Member for Central Area for drawing my attention to an anomaly in the Standing Orders of the Police Force which at present restrict the wearing of a "Sam Browne" belt with brace to European Chief Inspectors. I have arranged for the Standing Order to

[The Attorney General] be amended so that "Sam Browne" belts with brace will in future be worn by all police officers, of whatever race, of the rank of Assistant Inspector and upwards, thus adding, as I have no doubt the hon. Member will agree, to the dignity and smartness of the Inspectors' uniform and to the already considerable pride of those who have the honour to wear it.

MR. MADAN: Arising out of that answer, Sir, may I, on behalf of the Asian Police Inspectors and Chief Inspectors, thank the hon. Member for his generous attitude in this matter.

THE ACTING CHIEF SECRETARY: On a point of order, Sir, it is now 10.15 a.m., and as hon. Members know Standing Rules and Orders require that for a Supply Day to be a Supply Day Council shall resolve itself into Committee between 10.15 a.m. and 12.30 p.m. As I know hon. Members are anxious to get through our business in the shortest possible time, I would like to suggest that the remaining question and the first reading of the Bill might be postponed until this evening.

THE SPEAKER: We will now go into Committee of Supply under the Draft Estimates.

COMMITTEE OF SUPPLY

HEAD 2-1

THE ACTING CHIEF SECRETARY: Mr. Chairman, the first Head of these Estimates that hon. Members opposite desire shall be discussed in this Committee is Head 2-1, Central Administration—Secretariat.

I beg to move that this Head be now considered.

When introducing this Head of the Estimates last year, Sir, the Chief Secretary explained in some detail the general form of the Estimates. He did so because their form was somewhat varied from the form of the previous year's Estimates. This year the form follows exactly the form of the 1951 Estimates, and I propose in introducing this Motion to be extremely brief.

There are only a few points to which I think it necessary to invite the attention of hon. Members. The first is that more than the net increase in the total expenditure on the Secretariat is brought about

by the three items making provision for Cost of Living Allowances. There is an increase to which I should invite hon. Members' attention, under item 1-7, Assistant Chief Secretary, which is briefly explained in a memorandum note on page 91A of the Budget. Only one new post is provided for, and that is under item 1-4 under (2), Press Office, on page 45. The need for that small increase has been pressed upon the Government by the Press Officer and the Government believes that the efficiency of the Press Office will definitely be improved if that additional small item receives the blessing of hon. Members of this Council.

As, Sir, these Estimates follow so very closely the current year's Estimates it came as a certain surprise, but I will admit with some satisfaction, that pride of place in the work of this Committee should this year have been given to the Central Government Office, the Secretariat.

Sir, I beg to move.

THE CHAIRMAN: Hon. Members will recall that last year, I think, it was agreed that on this Motion Members should only speak once, when in Committee and that the debate should be formally wound up with a reply.

MR. USHER: Mr. Chairman, Sir, I wish to make three points of policy very briefly. The details, of course, will be dealt with later by my hon. colleagues.

The first one is in regard to reliefs, and I wish to know whether, in the stringency of these times in general, reliefs are justified. Our suggestion upon this side of the Council is that they are not.

The second point I wish to make is in regard to the Establishments Section, which has been the subject of comment now for some years. I think that, in the last debate of this kind, there was a suggestion made that the Establishments Section could not be substantially reduced because it was impossible to effect the devolution to departments which we had hoped for. I should like to know, if possible, whether the Government could explain what progress has been made in the education of the departmental officers so that this devolution could proceed in the manner which we have requested.

The third point I wish to make is this. Much has been said both by the hon.

[Mr. Usher] Financial Secretary and by other Members of Government, in regard to these Estimates in general, that they do not provide any substantial increase in the establishments or of posts. That indeed is quite clear from a perusal of the present Estimates of Expenditure. But I know that my hon. colleagues on this side, although the word has not been used, would now wish me to say that what we are asking for in general, and in particular upon this Head, is definitely retrenchment.

LT.-COL. GHERSIE: Mr. Speaker, I listened with considerable interest to the hon. Chief Secretary's speech in which he has attempted to justify the increased expenditure in the Central Administration. Now the increased expenditure in that particular branch of the Service is £8,048—a little more than 10 per cent of the previous year's Estimates, and when one realizes that Cost of Living Allowances represent over £100,000, one must admit that the additional expenditure is not unreasonable—(hear, hear)—always provided that policy does not dictate increased expenditure in other branches of the service, and in particular in the Provincial Administration. Now, Sir, any person who carries the burden of the Development and Reconstruction Authority on his shoulders in addition to that of Chief Secretary, has a rather arduous task, and with all due deference, I would submit that because of the nature of these responsibilities that he may not have the right perspective when examining these Estimates. Now, Sir, I believe the Chief Secretary is quite sincere when putting forward his arguments, but be that as it may, hon. Members on this side of the Council and a large number of thinking people in the Colony, have arrived at the conclusion that the expenditure of the Government machine is out-growing the Colony's capacity to maintain that machine. (Hear, hear.) Now, Sir, hon. Members on this side of the Council suggest that an inquiry be conducted into the whole of the Government Service, and that that inquiry be undertaken by an independent committee. On the other hand, the hon. Member for Finance suggested that an inquiry of this nature was the proper function of the Standing Finance Committee. We appreciate his point and in doing so realize that the

Standing Finance Committee is appointed by Legislative Council to function as a custodian of the Colony's purse. But, Sir, require an inquiry into more than just the mere appointment of an individual. We require an investigation into such items as whether or not the system under which the Government departments operate is really efficient and economical; whether all the accounts and stores systems could not possibly be improved, and having regard to the fact that Government must provide accommodation to Government officers, both office and housing accommodation, whether or not the rents in some instances are not excessive. Again there is the possibility of the use of Government transport being abused. A further point is whether or not an investigation should be undertaken in order to arrive at alternative measures for leave in regard to civil servants. This may be considered desirable.

Now, Sir, I could mention many other examples; but the point is this. My submission is that an investigation of this nature is not the function of the Standing Finance Committee. Even if it were, and I contend it is not, what members of the Standing Finance Committee could devote the time required to carry out an investigation of this kind? I only hope, Sir, that the Government will agree, and will give an assurance that they are prepared to agree to the appointment of an independent committee with the widest possible terms of reference which will inquire into all Government departments from every possible angle. Such a committee should not only inquire into Government departments, but also services under the High Commission, and during the period of that investigation they should be required to submit interim reports to Legislative Council. (Applause.)

MR. COOKE: Mr. Chairman, I rise to a certain extent to give hon. gentlemen of the Press an opportunity of saying once more that I am always in disagreement with my colleagues on this side of the Council!

Now, Sir, I want to make it clear that so far as my attack on this Budget is concerned, I am attacking it where there is unnecessary or wasteful expenditure. For that reason I cannot wholly agree with my hon. friend, the Member for

[Mr. Cooke] Mombasa, when he attacks reliefs. Now, Sir, it may be wholly uneconomical to cut down the reliefs, it may mean injury to a man's health and in the long run we would lose more money than we would gain. That is my objection. It is also not quite logical. I think, though my hon. friend may combat this, that while he and I are fighting strongly to oppose longer hours for civil servants, we should advocate, in effect, what may mean very much longer hours for hon. gentlemen on the other side of the Council. I express my complete agreement with my hon. friend the Member for Nairobi North, in a suggestion for an Efficiency Committee. I think that that is the solution and that is what would please, I think, every Member on this side of the Council. Four years ago, in 1947, I asked for an Efficiency Committee to inquire into the Provincial Administration and this it was what the paragraph says, paragraph 68, "with regard to Mr. Cooke's submission, the Committee"—that is then the Standing Finance Committee which went into the Estimates in those days—"the Committee noted that an inquiry was being carried out departmentally, and recommended that the members of the Efficiency Committee should be associated in this".

Now, Sir, that was the reply, a promise that an inquiry would be held, and from that day to this, I, nor have the Standing Finance Committee, have not seen the results of this inquiry. That is a case of a promise in this Council which was lost sight of, pigeon-holed, and not fulfilled, and we must see this time that in any committee we have, that the promises are fulfilled and that drastic action is taken. (Applause.)

MR. BLUNDELL: Mr. Chairman, I just wish to clear up one point about my relief. As I understand it, in the Central Administration, when an officer is proceeding on leave, the body to report him is drawn from the Administration proper, and I think the point that my hon. friend Mombasa was making was that it is unnecessary to show in the Vote of the Central Administration—the Secretariat—special provision for those bodies. In effect, the number of officers in the Administrative Service, to wit 143, I think, in the Administration alone, is sufficient to provide reliefs in the Secretariat without additional bodies. That being so he

feels that this item could be abolished, to which he referred.

THE CHAIRMAN: Hon. Members should not discuss details in this debate.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, there are one or two points which I think I might usefully speak on.

The hon. Member for Mombasa referred to the Establishments section of the Secretariat and wanted to know whether anything had been done in delegating authority in establishment matters to heads of departments. The answer to that is that a great deal has been done in that direction. They have been authorized to make appointments in respect of all three groups of the service below particular salary levels, provided of course that the provision exists in their estimates for the posts. In addition, they have, as a result of a Select Committee of this Council, been given disciplinary powers to dismiss or to retire an officer for inefficiency below a particular salary level. In addition to that, duties connected with the grant of leave and the arrangement of passages have been passed from the Establishments division to the heads of departments.

The provision in the Estimates for 1952 for the Establishments division is the same as in 1951, except that the post of Chief Establishment Officer has disappeared. It has been replaced by an ordinary post of Establishment Officer. That establishment is what experience shows is actually needed to do the work which comes into that part of the Secretariat. I have very intimate personal knowledge of this part of the office because, as Members know, that is my normal work. I am perfectly satisfied in my own mind, and I am quite convinced that I could satisfy Members opposite if they could give me the time to come and look at it, that all those people have not only got a full day's work, but they have got much more. You will see all their working overtime on weekdays and working on Sunday mornings. They are doing it not because they like it, but because there is the work there to be done.

In regard to reliefs, the fact is that the provision has to be made because the provision in the Estimates is only for the

[The Acting Deputy Chief Secretary] number of posts actually required to do the work, and if someone is away it is often necessary to employ a person to fill his place. It is not always the case, as the hon. Member for Rift Valley suggested, that that body is supplied from the Administration. And if he is supplied from the Administration, he is paid from the item "Reliefs".

MR. BLUNDELL: Who administers the savings under Administration?

THE ACTING DEPUTY CHIEF SECRETARY: The Administration might also wish to find another person to replace the person borrowed from the Administration.

The Member for Nairobi North suggested that an inquiry should be made into various points, including conditions of leave and the use of Government transport. Conditions of leave, as Members know, were fully discussed as a result of the report of the Salaries Commission of 1948. That was fully debated in this Council, and the present terms of leave were approved. Subsequent to that I did have an inquiry from the Member for Rift Valley, about a year ago, on the possibility of introducing a different system. I replied that we had come to the conclusion that the system he had proposed would be more expensive than the present arrangement. I suggested that if he or the Elected Members wished to pursue that matter they should take it up with Government, but I do not believe it has been done so far.

With regard to transport, that is a matter which has been very carefully supervised during recent years as a result. I think, of questions asked in this Council in Mr. Troughton's time. I personally believe that the arrangements which we have now got ensure there is not any abuse at all of the use of Government transport.

MR. HAVELOCK: Mr. Chairman, may I ask you which Head you put to use? I think you said Head 2, sub-head (1). Does that include the Press Officer or not? The Press Officer is sub-head (2). Sir.

THE FINANCIAL SECRETARY: Head 2-1.

THE CHAIRMAN: Head 1 is Central Administration, Secretariat. That includes

everything down to a total sum of £87,951.

MR. HAVELOCK: Thank you, Sir. LADY SHAW: Mr. Chairman, in that case I shall have to speak in the Policy debate on a matter which I had originally only intended to bring up under details. It is the question of the Press Officer. At the time of the Committee which went into the Information Services various recommendations were made and accepted by the whole Committee, some of which were not subsequently accepted by Government and ultimately variations were put before the Council in the form of a White Paper. The Press Officer as originally intended by the Committee was a man of experience in dealing with African affairs, and also a man of considerable journalistic experience. The Press Officer as we have him now has not, in effect either of these qualifications and I myself would like to give notice of the fact that when this section appears in detail before the Council I shall move its deletion. I speak now Sir, because, as a matter of policy, I would like to explain my point now before the details come up.

THE CHAIRMAN: I will ask the hon. Member to reply.

THE ACTING CHIEF SECRETARY: Mr. Chairman, there are only very few points that are left for me to deal with. On the question of reliefs mentioned by the hon. Member for Mombasa and the hon. Member for the Rift Valley, the sum appearing in the Estimates is required for reliefs of African and Asian clerks and is only resorted to when a relief is absolutely necessary while some clerk is away on leave. Expenditure under this item is not incurred unless absolutely necessary. I would inform hon. Members as evidence of this that while the Administrative Secretary was away on leave for two months this year, arrangements were made to carry the load normally carried by him, by existing Senior Officers. We do not, Sir, have resort to this Vote, unless it is absolutely necessary, and resort is limited to paying for reliefs for clerks during their absence on leave.

It has also been suggested by hon. Members that a Committee should be set up generally, as I understood it, to inquire into the establishment and the

[The Acting Chief Secretary]

cost of departments, of Government in general. Well, Sir, I should inform hon. Members, that as a result of one of the suggestions made to me by members of the Civil Service during my consultations with them, on the question of office hours, a small but high-powered committee under the Chairmanship of the Administrative Secretary, having on it my hon. friend the Secretary for the Treasury and the Accountant General, has now been set up to investigate suggestions which were made to me that there was in some Departments some overlapping. I think, Sir, we should be wise to await the report of that Committee before I should be pressed to undertake as requested by hon. Members to set up some very much bigger Committee, which it seems that he and other hon. Members had in mind. As regards this particular head, Sir, I would remind hon. Members with a view to hon. Members running on this question of irregularities and inquiry that it was only two years ago that Mr. Shillon, representing a firm of Industrial Consultants did go through the Secretariat with a tooth comb—if indeed that is a proper function for a tooth comb.

Mr. HAVILOCK: Was any action taken?

The Acting Chief Secretary: As was explained last year by the Chief Secretary, the great majority of his recommendations were accepted, and as I was glancing over the Hansard record of the debate on this motion last night preparatory to this debate I noted, though they were made somewhat reluctantly, I will admit it, the grudging remarks of the hon. Member for Trans Nzoia, who said that with the exception of the Establishment section on which he had some further words to say, he felt compelled to accept the explanations given by the Chief Secretary in his opening remarks when introducing this Motion, Sir, this particular department made into it by a man generally qualified in such matters, and the Estimates as presented last year, which as I have explained, are almost exactly followed this year, did generally follow the recommendations which he made.

As regards the remarks of the hon. and gracious lady the Member for

Ukamba, the Press Officer was, as hon. Members will remember, appointed on the advice of the Select Committee which inquired into the Information Services. Government has already explained in answer to a question in this Council regarding the appointment of the present incumbent of that post that the officer who was appointed who, on the information available, it was considered, would do the job well and was generally the best suited for it amongst the persons who had applied for the post; and while on this subject it is fair I think that I should inform hon. Members that the present Press Officer has expressed quite a large number of letters expressing the very great appreciation of visiting journalists to this country and representatives of important newspapers in the United Kingdom for the reception that he has given to them, and for the helpful advice he has given to them, and I believe that we have good reason to be grateful for the assistance we have had from the present Press Officer in putting, or perhaps I might say, keeping, Kenya on the world map. It is also the case that the present Press Officer has been of considerable assistance to the African Press, that has been stated in this Council by my hon. friend the Chief Native Commissioner, and I would, Sir, be very sorry if these facts, which I give with a full sense of responsibility, should be overlooked in any criticism which may follow in the discussions on specific items in these Estimates which will follow.

The hon. Member for Nairobi North referred to the responsibilities on the shoulders of the Chief Secretary and Member for Development. But, Sir, I can assure him that Members of the Government have no more important functions during the year than the vetting, if I may call it so, of these Territorial Estimates. On the voting of the necessary supply for them depends the question as to whether or not they are to have a chance of successfully carrying out the functions entrusted to them; and I would not like hon. Members to feel that because of the other responsibilities which they carry mean that they do not give proper attention to the details of these Estimates when they are submitted to them.

Mr. Chairman, I beg to move.

Mr. BLUNDELL: On a point of explanation Mr. Chairman, would the hon. Member repeat the names of the Committee which he says has just been set up?

The Acting Chief Secretary: The Administrative Secretary, Col. Deverell; the Secretary to the Treasury, my hon. friend here; Mr. Petrie, the Accountant General.

The question that Head 2-1 be now considered was put and carried.

The Acting Chief Secretary: Mr. Chairman, I beg to move that Head 2-1, items (1) to (33) be approved.

Mr. Chairman, I beg to move that item 1 (2) under this Head—the Member for Finance—I beg to move that the salary for the Member for Finance be reduced by £100.

I regret to have to single out the Member for Finance in this particular instance—(applause)—but, of course, the remuneration paid to the hon. Chief Secretary appears under the Development and Reconstruction Authority. (Laughter.) My reason, Sir, for moving this Motion is that we on this side of the Committee, and I think, Sir, I am speaking for the whole of the Unofficial Members in this Committee, are not satisfied with the statement made by the hon. Acting Chief Secretary in regard to the terms and the personnel of the Committee he has appointed. We maintain, Sir, that what is required is a completely independent committee in order to examine every Government department.

For that reason I beg to move the Motion.

The Chairman: It is proposed that sub-item (2) be reduced by £100.

The Acting Chief Secretary: Mr. Chairman, what I said was that it would be wise to see what this small committee discovers as a result of the representations made to me to which I have referred before considering the larger proposition which the hon. Member made in his speech. It is not necessarily intended that the examination which will be made by this Committee shall be the last word in this matter.

Mr. NATHOO: Mr. Chairman, arising out of the remarks made by the hon. Acting Chief Secretary it seems, Sir, that this Committee which he mentions has

only been appointed a few days ago. I think, Sir, it is a waste of time for this Committee to go into certain things the result of which may be satisfactory and may not be satisfactory. I cannot see what objection Government has in agreeing to a Committee in which the Unofficial Members may be there so that the thing may be done expeditiously.

Mr. SALTER: I would like to add just one remark to what has been said on this subject. It would appear from what the hon. Acting Chief Secretary has said that this Committee was prompted in the first case by discussions with the civil servants themselves, and it would appear at first sight to bear the impression of a domestic inquiry. Now, Sir, what we want and what the public are demanding is an inquiry on a far wider basis altogether. And they feel that what they want is a Committee which might possibly be called a Public Service Committee or something of that kind, which would be entrusted perhaps to one or two experts who would go over the whole range of the Government departments and the Administration generally in this country, and that, Sir, Committee or Commission, as it might well be, would sit or be appointed over a more or less permanent period not just an *ad hoc* domestic committee to be appointed in the manner of which the hon. Acting Chief Secretary has mentioned. (Applause.)

Mr. MATHU: Mr. Chairman, I rise to support what has been said by the Unofficial Members on this side of the Committee, that Government should consider very seriously accepting this recommendation of appointing an Efficiency Committee. Personnel cited by the hon. Chief Secretary, as my hon. friend the Member for Nairobi South has said, is a domestic affair. What I personally would like, not only a Committee to be confined to two Members, but a Committee that would associate all the Unofficial Members of this Committee, because the Civil Service is composed of all races. Have two experts, naturally, but at the same time I would advocate that Members are from all communities and should be associated with these experts to give them advice. And I can see no harm in Government accepting this recommendation, and so I support

[Mr. Mathu] the suggestion that an Efficiency Committee be appointed.

THE CHAIRMAN: I am a little at a loss because I think the Rules provide that when a Motion is made to reduce an item, the debate should be strictly relevant to that item. Hon. Members are addressing the Committee as if some other amendment had been moved, say, an amendment to appoint some kind of a committee, a sort of general committee of some kind which I am not quite clear about, because after all the Motion we have before us is to reduce the Financial Secretary's salary by £100. And all I am saying is that Members must speak strictly to the Motion. After all, you may ask for an assurance for something if you like and say well, we shall vote in favour of reducing the £100 if we do not get an assurance, but to go on discussing it, taking up the time of the Committee in general over a general question—when there is a very limited question before the Committee at the present time, is in my opinion, out of order.

MR. BLUNDELL: Mr. Chairman, I rise to support the Motion and wish to reduce it, Sir, to the particular item before us. I am supporting the motion that the salary of the Financial Secretary should be reduced by £100 because I am of the opinion that without a committee he is not competent to perform his duties of placing before this Committee a proper reasoned and assessed Budget. That is the particular and detailed reason why I am asking for the hon. Member's salary to be reduced because without the functions of this Committee, in my view, Sir, he is unable to come before this Committee with a properly assessed Budget to present to us. (Applause.)

MR. COOKE: I am, Sir, seeing it more or less from the same point of view. (Applause.) If my hon. friend were a wise and far-seeing person he would at once agree with our point of view, if he does agree with our point of view, if he does not agree with our point of view, then he cannot be wise and far-seeing and would not deserve his large salary. (Laughter.)

THE ACTING CHIEF SECRETARY: Mr. Chairman, I would point out that I have not said, and in defending my hon. friend the Member for Finance, that Government would not consider the suggestion

which has been made on the other side of the Committee. I now, Sir, say, in order to make it perfectly clear, that Government will consider the suggestion (Applause)—which hon. Members have made. I rather got the impression in listening to the speeches that have been made that hon. Members opposite are not themselves all entirely in agreement with precisely the form that this inquiry should take. It seemed that the hon. Member for Nairobi South considered a one- or two-man expert committee was the right form, while the hon. Member for African Interests, Mr. Mathu, seemed to have in mind some committee which would have associated with it hon. Members opposite. I would also make the point that this suggestion has been put forward without notice, and it is only since coming into this Committee that it has come to my ears. I do suggest, Sir, that in those circumstances the reply which I have given that Government will consider this suggestion which has been made, it is a reasonable one.

MR. SALTER: Mr. Chairman, arising out of the remarks of the hon. Acting Chief Secretary, would Government go further than that? We attach, naturally, great importance to the fact that consideration will be given. But we would like a definite assurance, Sir, that not only will the hon. Members opposite consult with Members on this side as to the form of committee or commission or whatever it may be, but that they will undertake now, Sir, in this Committee that such a committee, by agreement and after such consultation, will be set up with the minimum of delay. (Applause.)

MR. HAVELOCK: Mr. Chairman, there is just one point that the hon. Acting Chief Secretary touched on. He said that he had no notice of this until this morning. I would like to remind him that during the Policy debate at least two Members speaking on behalf of their colleagues gave notice of their intention.

THE ACTING CHIEF SECRETARY: I immediately give the first assurance, Sir, that Government in the consideration which I have said will be given, will consult with hon. Members opposite. But it is extremely difficult for me to say now that an inquiry, the actual scope of

[The Acting Chief Secretary] which will have to be worked out and considered, will definitely take place at any particular time. Surely, it is not unreasonable to say that I will have discussions on this matter with hon. Members opposite as soon as ever these can be arranged, and in particular when Government has some guidance from the small Committee which has been set up in order to guide it in this matter. It seems to me that to be asked to state under this sort of pressure that something will be done without any notice having been given to me that the request was going to be made is a little unfair. And I would ask hon. Members to accept that point.

MR. BLUNDELL: Mr. Chairman, we do not wish on this side to appear unfair—I hope the hon. Member will forgive me if I press the point. First of all the Committee which he has set up, that Committee will of necessity take a certain time and we consider in this matter there is an element of urgency. Secondly, he says that he is doubtful in his mind about the range of the inquiry, Sir, that is perfectly clear. We have made it clear that we want an Efficiency and Economy Committee and in so far as to carry out the two purposes, it will have to accept, I think, the whole range of Government activities. I do not think it is difficult for hon. Members to say that "we will agree with that"; and if they discuss it with us with regard to the personnel and the means, we can then decide details then. It is not a great deal to ask; it is a perfectly simple wish I should say from the whole country as represented by the people in this Council.

LADY SHAW: Mr. Chairman, the Committee which it is proposed to set up to look into the question of the efficiency of the Civil Service is obviously welcome to Members on this side of the Committee. This goes further than that. It is not just a question of whether one man does his job. In many cases it is a question of whether the job is necessary or to the possibility of deleting that job. We do not want a purely Civil Service Committee which is purely investigational and which only goes into the question of the efficiency of the Civil Service—we want something which goes further. We wish to have an independent Committee, a body to go into

the whole range of activities of the departments and decide upon them.

THE CHAIRMAN: Would it not be better for a separate amendment in the terms required to be moved the next time a Motion is made that the Head be now considered. A reasoned amendment to that Motion would be set forth exactly the terms of reference for a committee instead of leaving it very much in the air, as you are leaving it now.

MR. COOKE: Would it be possible for the Committee to adjourn.

THE CHAIRMAN: Well we are just on 11 o'clock. I did not notice we had reached the point where business should normally be interrupted and I will interrupt business now for 15 minutes or longer, if necessary.

Committee adjourned at 11.08 a.m. and resumed at 11.34 a.m.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, whilst realizing that hon. Members opposite are quite rightly anxious to do everything they can to reduce any wastage or any unnecessary expenditure in Government Service, I do think, Sir, we have got to be very precise on this side of the Council—and I hope on both sides of the Council and make sure that the Committee are clear in their minds as to precisely what they want this proposed committee to do.

Now, many of us have been in this Council for some time, and we can remember innumerable committees of this nature. The first one I remember was the Expenditure Advisory Committee of 1932, of which I happened to be a member. That Committee was charged with looking back on it—what I consider quite improper responsibilities to put on any committee—in that it was ever-commending the cutting down of Government Services in various directions.

Now, Sir, I do not think that hon. Members on this occasion would recommend the cutting down by a committee of services that have been duly considered by this Council, and recommended as necessary for the development of this Colony. That, Sir, I maintain is the responsibility of a committee. (Hear, hear.) If, on the other hand, what

(The Member for Agriculture and Natural Resources) Mr. Chairman, I am prepared to agree to the principle of appointing a committee to inquire into the efficiency and economy of Government departments, having regard to the policies approved by this Legislative Council, and that the personnel and terms of reference will be a matter for discussion with hon. Members opposite. (Applause.) The committee here envisaged is quite apart from have referred earlier in this debate. (Applause.)

Bearing in view the rapid development in the whole Colony—having in mind that as our expenditure increases, so our revenue increases—I do think that, not only in regard to the terms of reference, but also in regard to the personnel that is envisaged, we must bear in mind the object for which this Committee is appointed.

I have already dealt with the terms of reference—I may add that in doing so I have been speaking on these lines, in view of the remarks made before break by the gracious and hon. Member for Ukamba and by the hon. Member for Rift Valley, both of whom talked about a committee to inquire—if I remember rightly—into all the activities of Government, or words to that effect—which I could not accept—cost and staff etc. activities no, Now, Sir, as regards personnel—that is a matter on which we have to think very carefully, as I would submit, with all due respect to hon. Members on the other side of the Council, that the sort of personnel one generally chooses, consisting of, say, three Officials and one Member representing each of the different groups on the other side, might, with due respect, not be found to be the most efficient type of committee for an inquiry of this kind; because it is very difficult to find persons who have the experience or the time on which they could really produce anything that would be of much value to this Council when the report comes in.

So, Sir, with those words and on the conditions I have stipulated I will state that I have nothing against the proposed committee, but I did think it is unwise not to be pretty precise when you are talking about committees of this nature in a debate of this kind. (Applause.)

THE ACTING CHIEF SECRETARY: Mr. Chairman, I am prepared to agree to the principle of appointing a committee to inquire into the efficiency and economy of Government departments, having regard to the policies approved by this Legislative Council, and that the personnel and terms of reference will be a matter for discussion with hon. Members opposite. (Applause.) The committee here envisaged is quite apart from have referred earlier in this debate. (Applause.)

But, having said that, I must refer to the remarks of the hon. Member for Rift Valley in directing the attention of Members to what he called "the responsibility of the Member for Finance for producing a Budget without having first of all had an economy and efficiency committee to advise it". Sir, I think that that is a most unfair criticism; if I may say so, addressed against my hon. friend. The responsibility for the submission to him of the Estimates included in this Budget is firmly and squarely on the shoulders of the Members of the Government responsible for those departments.

MR. BLUNDELL: Mr. Chairman, perhaps it would allay troubled hearts if I was to say that my object in putting forward that was to pin the Motion fairly to the item. I was not in any way reflecting upon the integrity, the sagacity or the balance of judgment of the hon. Member for Finance. (Applause.)

THE ACTING CHIEF SECRETARY: I am sure, Sir, that we on this side accept that statement, with the single qualification that when speaking of the "fairness" of pinning this matter on to this particular item—the hon. Member really meant "unfairness".

LT.-COL. GHERSIE: Mr. Chairman, I would first like to reply to a remark made by the hon. Member for Agriculture. I think I did endeavour to emphasize the reports from this committee would be submitted to Legislative Council. Now, in view of the statement and assurance given by the hon. Chief Secretary, I am prepared, Sir, with your permission, and that of the Committee, to withdraw this Motion. (Applause.) I would merely like to add, Sir, that we do sincerely hope there will be no undue delay in regard to discussions with

[Lt.-Col. Ghersie] regard to the formation of this committee.

THE CHAIRMAN: Does any Member of the Committee object to the withdrawal of the Motion?

It is withdrawn.

LADY SHAW: Mr. Chairman, I do not know whether anyone wishes to discuss any item before No. (7). I wanted to speak on item (7).

THE CHAIRMAN: Please continue.

LADY SHAW: Mr. Chairman, I should like to move that the post of Assistant Chief Secretary be deleted.

Sir, only to-day, the hon. Chief Secretary said that when the Administrative Secretary had been away from this country for two months it had been found possible to bear the load of his work—I think was the word. I suggest that the Administrative Secretary should "bear the load" of the Assistant Chief Secretary's work. Personally, I think to have both of them is entirely redundant, and I beg, Sir, to move that the post of Assistant Chief Secretary, £1,635, be deleted.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I rise to oppose the Motion.

In doing so, I should like to explain to hon. Members what are the functions of the Assistant Chief Secretary and my hon. friend the Acting Deputy Chief Secretary who, as I will show, is also directly concerned in this matter with follow my remarks. The title Assistant Chief Secretary, Sir, might be thought possibly to be a slight misnomer. What, in fact, the Assistant Chief Secretary is, is Secretary to the Deputy Chief Secretary—(laughter)—and Member for Labour, in precisely the same way as other Members of the Governments have senior civil servants to assist them in the management of their responsibilities. The title Assistant Chief Secretary has remained and has not been altered because, as hon. Members may be aware, the portfolio of the Deputy Chief Secretary is a very composite one. He is Member for Labour, he is Member for Lands, he is Member for Defence, he is Member for all sorts of other things; and, whereas it is possible, for instance, in the case of the Secretary to the Member for Agriculture

and Natural Resources to give him a title which can all be included on one line of print, it would not be possible so to indicate precisely, in any such short title, the responsibilities of the Assistant Chief Secretary.

Now, Sir, if any hon. Member opposite had time to sit at the side of my hon. friend, or myself, during normal times when occupying my substantive post, he would, I think, appreciate that with the political side of their work ever increasing with the development which is going on in this country it really would be asking the impossible to expect a Member of the Government properly to carry out his responsibilities without a senior civil servant to assist him. My hon. friend the Acting Deputy Chief Secretary has, he thinks, during the last two or three years, quite apart from the time necessarily spent with all of us here in Council on the business of the Council, has taken part in the deliberations of some seven or eight select committees of this Council, one or two of them involving many, many hours, many days and many weeks of his time when he must necessarily be divorced from his office. It would be quite impossible for a Member of the Government adequately to carry out the responsibilities entrusted to him by Government if he were to be denied the assistance of a senior and competent civil servant in the post of Secretary. These remarks apply in general, of course, to the Secretaries to all the Members.

—As explained in the debate on this Motion last year, the set-up in the head-quarter establishments of Members is what Mr. Rankine described as "a three-tiered set-up". The Assistant Secretary or Assistant Secretaries dealing with special subjects, then a senior and experienced civil servant to whom those papers are submitted and who is not only able to advise the Member on important questions, but who is sufficiently senior to be able to take the responsibility for making decisions on the Member's behalf within the broad lines of policy laid down by the Member. Now, Sir, responsibilities of that kind are extremely important in a Government machine of this size. Not only that, but with the increasing emphasis which is laid, nowadays, on the political responsibilities of Members of the Government,

[The Acting Chief Secretary] responsibilities which they must necessarily delegate to the civil servant occupying this post are gradually becoming greater and the work which they do more onerous. This is an expanded explanation of the note which appears in the memorandum to this Budget on page 91A.

The hon. and gracious lady referred to the arrangements which we were able to make to carry the load normally carried by the Administrative Secretary during the two months of his absence. This, to be perfectly frank, imposed a strain on the Members of the Government and the Service, who did their best to carry out his functions—a strain which would have been quite unacceptable had the Administrative Secretary been absent for any longer period. The Administrative Secretary himself has, in broad outline, functions comparable, in so far as the Administration of Kenya can be compared with that in the United Kingdom, with the responsibilities carried out in Whitehall by the Secretary to the Cabinet, and if the Government machine as it has developed since 1946 is to have a chance of functioning smoothly, then it is the view of the Government that that post is an extremely important one. I hope, Sir, with those general remarks, which perhaps my hon. friend, the Acting Deputy Chief Secretary, would like to expand, in this post is principally there to serve him, I hope the hon. and gracious lady will be prepared to withdraw this Motion. It would put an impossible burden on my hon. friend or upon myself, if this post had to go. As hon. Members know, with my hon. friend as with myself, we are always prepared, at all times, to come along and discuss matters of policy with hon. Members opposite. It, however, my hon. friend or I myself am to spend even longer hours in the office than we do at this moment, which we shall have to do if a post of this kind, absolutely essential, were to be removed, this sort of thing will become impossible; and, Sir, hon. Members this time next year might, or might not, be denouncing the loss of one of us. It would impose a strain which would be quite impossible, and it would mean that the Member himself would be tied quite firmly to his desk dealing with papers which would not

have been sifted and examined as is the case where a competent secretary is there to advise and assist him, and certainly which we would not be able to spend the time which we are, both of us, always prepared to spend, discussing important matters of policy with hon. Members opposite. I hope with that explanation the hon. and gracious lady will not seek to deprive either of us of absolutely essential assistance if we are to have any chance of efficiently carrying out the responsibilities placed upon us.

MAJOR KEYSER: Mr. Chairman, I think that this post is an excellent example of how, when this Council has approved the creation of a post, it immediately leads to the creation of a number of other posts. I do not know if hon. Members are aware of why the post of Deputy Chief Secretary was created. It was created at the time of the Development Committee's Report having been approved by this Council. The then Chief Secretary was Mr. Rennie and he had to organize and to start the development programme. It was considered that he must be relieved of a considerable amount of the duties of the Chief Secretary, and in order to do that the post of Deputy Chief Secretary was created. Now, Sir, that having happened, the Deputy Chief Secretary has now got to have an assistant to help him. Well, Sir, I do not think, while I do agree that the duties of the hon. Chief Secretary are still very onerous, nevertheless his duties with regard to the Development and Reconstruction Authority are not nearly as onerous as they were at the time that the development programme was being started, and I think, Sir—I see hon. Members opposite shaking their heads, but I think if they really look up they will see that the post of Deputy Chief Secretary was created for the purpose I have stated—to relieve the Chief Secretary of some of his duties in order programme.

MR. COOKE: Mr. Chairman, while agreeing with a good deal of what my hon. friend has said in regard to responsibilities, I cannot see why this post should not be occupied by one of the Assistant Secretaries. What my hon. friend said is really a reflection, though of course he did not mean it, on the efficiency of the Assistant Secretaries.

[Mr. Cooke]

Most of these men, I imagine, have been ten or eleven years in Government service and if they cannot accept the responsibility attached to that post when we are discussing now, they never will. If you will excuse my using the expression, Sir, the post is really a "stooze" post to the Chief Secretary and I feel, Sir, it could equally as well be held by an Assistant Secretary with much less salary.

Therefore I am supporting the hon. Member.

MR. BLUNDELL: Mr. Chairman, I am supporting the hon. and gracious lady in spite of what the hon. Chief Secretary has said, I do not believe the post is necessary. To-day hon. Members opposite will deny this, but the impression that anybody who visits the Secretariat will be undoubtedly that the pressure of work is not as great as it was three years ago.

Secondly, Sir, the hon. Member who spoke at such length on this matter has built up under himself in any case, certain other posts such as the Secretary for Development and Reconstruction and the Assistant Secretary for Development and Reconstruction, so that a portion of the work falling under him is well covered by those officers.

Now, Sir, if the hon. and gracious lady is unsuccessful in her Motion to delete, I wish to move a Motion to reduce by £200, and I wish to speak to that point, as if the deletion occurs my point will have been achieved. It is this, Sir, I cannot see why the Assistant Chief Secretary has been raised £200. I have read the note about increasing responsibilities but I wish, at this stage, to record my protest at this rise, I do not believe it is justified and I do not believe it is necessary. When you think to-day an Assistant Chief Secretary is running at a higher salary than the deputy of a large department, I believe it puts the post into proper perspective.

MR. SALTER: Mr. Chairman, I do not think anybody would wish to increase the pressure which is already laid upon the hon. Chief Secretary and I believe that the hon. Chief Secretary. It may be that we are fortunate in the personalities who fulfil, at present, these appointments, in that they are shouldering a burden to such a degree that there is little burden

left to be borne by the Assistant Chief Secretary. But I do submit that the post is in fact redundant, especially if it is going to be tied to a principle that, where you have a Member, you must have a Secretary. Now it may be, and no doubt will be in individual cases that a Secretary is necessary, and I am looking at page 91A of the Estimates where a particular appointment is mentioned. I am also looking at the note which is against this item and it would appear that there is a principle involved that wherever you have a Member, you must have a Secretary, and, Sir, I would say that that does not follow logically in every case, and in this particular case of item 7, we on this side, Sir, are unconvinced that it is necessary.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, in view of what the Chief Secretary has already said, I do not think there is very much for me to add except that I am convinced from my experience of acting on a number of occasions since 1949 in the post of Deputy Chief Secretary that it is necessary, if the officer fulfilling that post is to do the work properly, that he shall have somebody of the Assistant Chief Secretary type, with that sort of experience, to help him do the work. The Deputy Chief Secretary is a Member in the full sense of that word, He is a Member of Legislative Council and of Executive Council, and in the same way, as any other Member, he is in charge of a group of departments and functions. Those are Labour, Lands, Surveys, Administration of the Public Services, Defence, Government Press and a number of miscellaneous things like Ceremonial, Consuls, Scientific Research and Expeditions which sounds very little, but when they are added up together produce quite a lot of work.

Now, Sir, in addition to the current day-to-day files which the Member has got to deal with, he is a Member of Legislative Council, Executive Council and Standing Finance Committee. In addition to that, as the Chief Secretary said, during my time, which is less than three years, because I have not been acting all the time since 1949, I have been a member of eight select committees. In the case of four of them I have been the chairman of the committee, and in a number of cases I have had a good

[The Acting Deputy Chief Secretary] to do with the writing of the report of the committee, because it happened to be on a subject matter with which I was familiar. I think it is reasonable to suppose that if the post had been filled at that time by a permanent person he would probably have been engaged more in that way than I was myself. There is no doubt to my mind that if the work is to be done properly and expeditiously there must be somebody above the Assistant Secretary level, the *alter ego* of the Member, as it were, to make decisions for him, and keep the work turning over when he is not available to do it. In addition to that the Assistant Chief Secretary has got other functions. He is a sieve between the Assistant Secretary and the Member. If there were not there the amount of stuff coming to the Member would be very much greater, and he would have to deal with it more heavily than he does at the present time. And I admit at the present time I have to deal with things more heavily than is really desirable. That is because there is not the time to give everything the attention which I think it ought to have. In addition to that there is another matter which has not yet been mentioned. Although it is true that very often Assistant Secretaries are men who have had some years in the public service, it is not always possible to post people to the Secretariat who are of that seniority. Moreover, it very often happens that although a man has had a number of years in the Administration, he has no Secretarial experience, and therefore to my mind it is most desirable there should be somebody with more experience who can assist and guide him. In addition to that, the Assistant Chief Secretary performs a very useful function in co-ordinating the work of the various Assistant Secretaries falling under the Member.

Now, Sir, there is one other point I ought to mention. The hon. Member for Trans Nzoia said that he believed that the post of Deputy Chief Secretary came into existence in Sir Gilbert Rennie's time, when he became responsible for the Development Plan. Now, I was not that that is incorrect. I know for a fact that in the year 1935, when I was here myself, there was a post of Deputy Chief Secretary and Assistant Chief Secretary

in existence. What I think happened in 1946, when Sir Gilbert Rennie became responsible for the Development Plan, was this; it was agreed that the Deputy Chief Secretary—who then existed—should take over from the Chief Secretary some of the duties which he formerly performed. The post existed formerly. All I can say, Sir, is that I am absolutely convinced—on the basis of my experience here, and, I might say, elsewhere, because I have had very long experience in Secretariats in other parts of the world—that this post is essential if the work of the Member is to be done properly.

LADY SHAW: Mr. Chairman, I am not prepared to withdraw this Motion, and I would like to give the Committee a very good reason why I am not prepared to withdraw. When we opposed the original Motion on going into Committee of Supply, we asked that Government should reduce by a percentage their own costs. We explained at that time that the object of that Motion was that Government themselves should be in a position to choose what posts they should reduce. We are now reduced, Sir, to the point of taking out specific posts and moving a deletion or reduction on them. I would say, Sir, that if the Government does not like it, it is its own fault, and we have chosen our best to give Government the produce these necessary reductions. Now we are in a position of having to specify the posts we believe must be reduced, it is possible that we may choose the wrong ones from the Government's point of view. But Government had every opportunity of selecting those posts for themselves.

Now, Sir, I beg to move this reduction.

MR. NATHOO: Mr. Chairman, arising out of the remarks of the Deputy Chief Secretary, we must be logical regarding the Secretary to the Member because with the number of departments he is holding, it is quite evident he would require a Secretary in the same manner as other Members do. Therefore, if this post is deleted, it is the fault of the Government. They should have stated that he is the not have objected—and we would not have objected. Now, we know from personal experience, how busy the Deputy Chief Secretary and Chief Secretary are, but the

[Mr. Nathoo] solution is to promote one of the Assistant Chief Secretaries to that job which the present Assistant Chief Secretary is doing, and, Sir, if by any chance this Motion is defeated, I also would like to record my protest against the raising of these Secretaries to the Members' salaries by £200 irrespective of the fact that some Secretaries to some Members may have more responsibilities than others. This is a case which should be decided on its merits, not because one Secretary is shouldering more responsibility which warrants an increased salary, the others should go up automatically.

THE ACTING CHIEF SECRETARY: Mr. Chairman, there are one or two further remarks which I must make having regard to what has been said since I sat down. It is perfectly correct, as the hon. Member for Trans Nzoia has stated, that in so far as the functions of the Chief Secretary and the Member for Development are concerned in regard to the management of the Development and Reconstruction Authority, those duties are less onerous now that the Development and Reconstruction Authority is functioning smoothly than they were during Sir Gilbert Rennie's period of office as Chief Secretary. But I maintain, Sir, very strongly that in other respects the responsibilities attaching to that post have increased since that time and bid fair to increase very very considerably in 1952 and later years, in the additional political responsibilities which he has and with the additional time taken up with political affairs. I think if hon. Members look back to the time spent by Legislative Council in earlier years on the business of Government, they will see that the hours of time taken up by the Chief Secretary in this Council in these days are very much greater and ever increasing than was the case some years ago. Hon. Members should be in full possession of all the facts before the vote on this Motion. I would also like to tell them that in 1952, when the new Council is formed, it is His Excellency's intention that as many as possible of the ten additional Members who will be nominated to the Government side of the Council, shall be persons who do not hold office under the Crown. Now, Sir, it ought not to take hon. Members very long to realize that with

a Government side of Council containing probably as many as ten or eleven persons not holding office under the Crown, there is going to be a very considerable additional responsibility placed on the shoulders of the Leader of the Government side. I myself contemplate that when that time comes, a great deal more of the Chief Secretary's time will inevitably be taken up in the affairs of this Council, even than is the case at the present time. When that time comes, Sir, I have no doubt also that a greater responsibility will be placed on the shoulders of the Chief Secretary and the Deputy Chief Secretary will fall upon the latter, to whom it is proposed to deny the post of a Secretary. What I said, Sir, about the necessity for this post was, as the hon. Member for the Coast said, of course, no reflection on the work which is done by Assistant Secretaries. They are, as was explained last year, by Mr. Rankine, the foundation of the Central Government machine, and we could not do without them. The fact does, however, remain that when an Assistant Secretary is first appointed to the Secretariat he has no experience, he cannot have any experience on first appointment, of the work in a Secretariat, which in many ways is very different from work in the field and the district offices. It would be quite wrong to imagine that, with the limited time that he has available to consider papers, any Member of the Government could properly deal with the papers that come to him unless there had been a more experienced civil servant as a sieve to help him and to guide him and, indeed, to stop papers at that level with decisions. Members would be utterly swamped if all the papers which have to come up from comparative newcomers had to be submitted to them for consideration and decisions.

The hon. Member for Nairobi South has said, very kindly, that he has no wish to increase the pressure on either myself or my hon. friend, and as he is indeed my Member, I appreciate that consideration. But, I must tell him, as my Member, that if he has any regard for my health and ability to do my job when I revert to my substantive post, then as my Member I call upon him to oppose this Motion. (Laughter.)

[The Acting Chief Secretary]

The hon. and gracious lady, in writing to her guns on this Motion, has blamed the Government for not finding its six per cent reduction over recurrent expenditure, and that had it done so, then the Government, and not Members opposite, could have chosen where the reductions were to be made. But, Sir, surely those words—if I may say so with respect—entirely overlook the functions of this Committee. The Government has said, quite frankly, that it did not believe that that six per cent reduction over the whole range of recurrent expenditure could be brought about having regard to its responsibilities for carrying out approved policies; really, in those circumstances, Sir, it seems to me to be entirely irresponsible to assume the contrary, before the contrary has been proved, which the hon. and gracious lady seems to be doing.

Mr. HAVLOCK: On a point of order, is the hon. Member in order in speaking for more than ten minutes to this debate? I think he did it before, but I did not say anything at that time.

The ACTING CHIEF SECRETARY: On the point of order, Mr. Chairman, may I say as I understand them, the Standing Orders allow the Mover unlimited time in introducing and in winding up a Motion.

Mr. COOKE: As the hon. Member goes on and on, are we not reminded of the Shakespearean expression "Mc'thinks the lady doth protest too much"? (Laughter.)

The CHAIRMAN: The Motion we are discussing now is the Motion to reduce.

Mr. HAVLOCK: The hon. Member is not replying to any Motion.

The CHAIRMAN: All other speeches, apparently are limited to ten minutes.

The MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: On a point of order, Mr. Chairman, of course the hon. Member can speak as often as he likes.

Mr. HAVLOCK: That is correct. He has already spoken twice for over ten minutes.

The CHAIRMAN: There must be somebody in between.

THE ACTING CHIEF SECRETARY: Am I correct in saying I have two minutes more?

The CHAIRMAN: I think your time is up.

The MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, in rising to oppose the deletion of this item I would take up two points.

The first is that one of the hon. Members on the other side, I think, put forward a suggestion that it could not *ipso facto* be accepted that in adopting the membership system we accepted that there must be some form of Secretary to the Member. In other words, some form of permanent Secretary? Well, Sir, I would say only this, that I am convinced that if we are really progressing along the lines of having what are embryo Cabinet Ministers, it is impossible for those Ministers to carry out their duties unless they have underneath them the equivalent of a Permanent Secretary as understood in any other Government in almost any other part of the world.

My second point, Sir, is a reiteration of an argument I used in the general debate. The hon. and gracious Member for Ukamba has accused Government of not deleting items from the Estimates and thus reducing them by selecting the ones they think they could best do without. Also by implication, in most of the speeches that have been made on the other side one would imagine that we have come forward with a lot of extra posts. Between items 1 and 33 which are under discussion at the present moment, there is not one extra post, and life one which certain hon. Members have selected for deletion is one that has existed in the Government of this country for at least 15 years and probably a great deal longer.

Mr. BLUNDELL: Too long!

The MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I cannot agree; it is strange you should select that particular post without, if I may say so, giving us any detailed information as to why you think this post is superfluous, or even stating that in hon. Members' opinion the man who occupies it has not a great deal to do.

Mr. BLUNDELL: Mr. Speaker, I move that the question be put.

The question that the question be put was put and on a division carried by 22 votes to 16 votes. Ayes: Messrs. Blundell, Chemallan, Cooke, Lt.-Col. Gheris, Messrs. Havelock, Hopkins, Jeremiah, Major Keyser, Messrs. Maconochie-Welwood, Madan, Mathu, Nathoo, Ohanga, Patel, Pritam, Dr. Rana, Messrs. Salim, Salter, Shatry, Lady Shaw, Mrs. Shaw, Mr. Usher, 22. Noes: Messrs. Carpenter, Major Cavendish-Bentnick, Messrs. Davies, Hartwell, Hope-Jones, Hunter, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 16.

The question that sub-item 7 be omitted was put and on a division carried by 22 votes to 16 votes. Ayes: Messrs. Blundell, Chemallan, Cooke, Lt.-Col. Gheris, Messrs. Havelock, Hopkins, Jeremiah, Major Keyser, Messrs. Maconochie-Welwood, Madan, Mathu, Nathoo, Ohanga, Patel, Pritam, Dr. Rana, Messrs. Salim, Salter, Shatry, Lady Shaw, Mrs. Shaw, Mr. Usher, 22. Noes: Messrs. Carpenter, Major Cavendish-Bentnick, Messrs. Davies, Hartwell, Hope-Jones, Hunter, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 16.

Lt.-COL. GHERIS: Mr. Chairman, I beg to move that sub-item 18, Temporary Clerical Assistance, £600, be deleted.

This item appears consistently through the Central Administration and Administration Estimates and we consider on this side of the Committee that these duties would well be performed by permanent officers.

I move, therefore, Sir, that this item be omitted.

The ACTING CHIEF SECRETARY: Mr. Chairman, I rise to oppose the Motion, but again I did not have any notice that this particular item was going to be raised.

Mr. Chairman, this particular item appears in the Estimates every year. Had it not been there—well, it would no doubt have been necessary in order to be sure of covering all the work, to increase the permanent posts in the office. I would like to assure hon. Members that no

recourse is had to this particular item unless it is found during the year that this assistance is necessary to deal with the volume of business coming into the department. If items of this kind—which we do not have recourse to unless we need them—are going to be deleted by hon. Members opposite, then let me tell them that the work which the Secretariat is required to do just will not be done, and it will simply mean that letters coming into the departments will not be expeditiously and properly dealt with. If, in fact, the clerical assistance that we need to do the work cannot be provided it will just mean that the Secretariat will not be able to give the service that hon. Members expect of it. I do think, Sir, that when Motions of this kind are coming forward, that if hon. Members opposite really want them to be considered, then they should comply with regular parliamentary practice and give notice to the Members on this side who have to deal with them. It almost seems that the intention of a Motion of this kind, of which no notice has been given, is purely to embarrass the Member of Government concerned, and yet I am sure that hon. Members opposite do not intend that at all. Members of the Government are perfectly ready, as we have said during the course of the debate, to consider any proposition put forward by hon. Members opposite, but it is just not possible to give proper consideration to this sort of Motion, with the best will in the world on the part of myself and my hon. colleagues over here, if we have no notice that these Motions are coming forward.

I beg to oppose.

Mr. USHER: Sir, may I ask, if it is not possible for the clerical staff to carry out its full duties without extra assistance, what is the clerical staff going to do in this extra three hours a week? If it cannot carry out those duties and the Secretariat finds itself in a position when it must get outside assistance, very well then, Sir, let it resort to the procedure of the special warrant.

The ACTING CHIEF SECRETARY: Mr. Chairman, if it should be found that as a result of the increase in office hours the work in the office can be done without recourse to this particular vote, then—although I should have thought

[The Acting Chief Secretary] it unnecessary—I give my assurance that recourse will not be had to it. We have no desire whatever to employ temporary clerical assistance unless it should be found that is necessary, and if in the event, with the extra hours now to be worked, it is possible to get along without making calls on this particular item then I assure hon. Members opposite that recourse will not be had to it.

MAJOR KEYSER: Mr. Chairman, the hon. Member has just given an assurance that if it is not necessary this vote will not be used. Sir, should an emergency arise and great pressure of work be put on this department which will necessitate increased staff, then surely, Sir, that is the proper way in which the supplementary appropriation should be used. What we object to, Sir, is the vote coming in here of £600, which might or might not be used.

Sir, the hon. Member has also protested against not having been given notice, but the hon. Member is perfectly well aware of our Rules and Orders over this matter of debate. He is also perfectly well aware that we have expressed our dissatisfaction at the size of the expenditure, and he must have known that we were going to move certain votes. If he wanted to know the items, I think he might have asked us for them and not protested now that we have not given proper notice.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I have asked for them, and I think that will be confirmed by the hon. Member for Kilambu.

MAJOR KEYSER: He must have known the reason also as to why this particular item was put into the Budget.

THE ACTING CHIEF SECRETARY: I have explained, Sir, why this particular item is in the Budget, and why we have leave it in there for years, and why we believe it is necessary to keep it there, but desire whatever to have recourse to it unless it should be required; and when the hon. Member says, as he has done just now, that the right thing to do is not to put it in the Budget and then to go to the Standing Finance Committee for supplementary expenditure in the middle of the year, he is fully contradicting

what he and others have said year after year in this Council about the need to avoid supplementary expenditure and making complete nonsense of the argument. (Government applause.)

MAJOR KEYSER: On a point of order, I said if an emergency arose, and I think a vote by sub-appropriation should be to deal with emergencies.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, does the hon. Member really suggest that when there is an emergency and there is extra typing work to be done in a Government office, we should wait for the Standing Finance Committee to meet in one month's time before we engage a typist. Is that the suggestion?

MAJOR KEYSER: Yes.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I would suggest, if there was an emergency, the last thing you could do would be to wait for one month while someone decided whether you could engage a girl for 24 hours' or for 48 hours' extra work. This is surely quite common commercial practice, and during the time that I was in business it was quite a common thing, in order to prevent an extension of permanent staff, to put work out either to a secretarial bureau or to call in someone to do extra work for a day or two.

MAJOR KEYSER: On a point of order, in my experience I have had to deal with emergencies rapidly, and the way they were dealt with rapidly was for everyone to get down to it and do that particular task immediately by a little extra work at that time.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I suggest the hon. gentleman might quite well see my office sometimes when the girls and myself are employed, not from 8.30 until 4.30, but 8.30 until 6, or 7, and we very often have to work Saturday afternoon and Sunday morning.

MR. MATHU: Mr. Chairman, arising out of the remarks of the hon. Member for Education, Health and Local Government, is it not a fact that the Member for Finance has a certain latitude in spending money allowed by the Standing Finance Committee, a certain amount without reference to the

[Mr. Mathu]

Standing Finance Committee in the first instance, and then he reports to the Standing Finance Committee? Why not do that in the case of emergency?

MR. NATHOO: Mr. Chairman, perhaps the hon. Member for Education is not aware there is a certain system also in the Standing Finance Committee where, if necessary, within two days they can get a decision from the Standing Finance Committee? (Unofficial applause.)

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Arising out of the hon. Mr. Mathu's point, surely it is more clear and honest to put it in here in case it is wanted than for the hon. Member for Finance to have to use his power of allowance, and go to the Standing Finance Committee and face them with a *fait accompli*?

MR. MATHU: If this were the only item where the hon. Member for Finance could exercise his powers, then there is a point in what the hon. Member says, but in any case the hon. Member for Finance, in the course of a year, will have to use his powers, and spend money and then report to the Standing Finance Committee.

MAJOR KEYSER: Mr. Chairman, my particular objection being here is not that it might not be used, but because we hear taxation has to be increased in order to meet it. (Government calls of "Ah!")

MR. SALTER: If I may add to that it appears to be here as a sort of standing item over a period of years. We do not know to what extent it is used, and it never seems to vary in amount.

THE ACTING CHIEF SECRETARY: The item is there, Sir, because it has been found in past years that it is more economical to have this degree of flexibility than to appoint an increased number of staff. That is why the item is in the Estimates: We believe that to be good business.

On the other points raised by the hon. Member for African Interests, it does not of course matter one jot whether supplementary expenditure is within the limits approved by the Member for Finance, or whether in fact it has to come before the Standing Finance Committee. In either case it has to be made

the subject of the special warrant procedure which hon. Members oppose, and rightly, have objected to so strongly in the past.

LT.-COL. GHERSIE: Mr. Chairman, I think the hon. Member for Education has given the very reason for our wishing to have this omitted. He says, is it not better to have it there in case it is wanted. That is the very reason why we do not wish it here. Items which may not be wanted should not appear in the Estimates, and that is the very reason we are asking to have it removed because there appears to be no specific justification for its inclusion.

MR. COOKE: That is the way they build up surplus balances.

The question that sub-item 18 be deleted was put and on a division carried by 22 votes to 16 votes. (Ayes: Messrs. Blundell, Chemallan, Cooke, Lt.-Col. Gherstie, Messrs. Havelock, Hopkins, Jeremiah, Major Keyser, Messrs. Macoonchik-Welwood, Madan, Mathu, Nathoo, Ohanga, Patel, Pritam, Dr. Rana, Messrs. Saligi, Salter, Shatry, Lady Shaw, Mrs. Shaw, Mr. Usher, 22. Noes: Mr. Carpenter, Major Cavendish-Bentinck, Messrs. Davies, Hartwell, Hope-Jones, Hunter, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 16.)

THE CHAIRMAN: Would someone move that the Committee reports progress and asks leave to sit again?

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That the Committee reports progress and asks leave to sit again.

The question was put and carried.

Council resumed.

ADJOURNMENT

Council rose at 12.42 p.m. and adjourned until 5 p.m. on Tuesday, 27th November, 1951.

Tuesday, 27th November, 1951
(Evening Sitting)

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 27th November, 1951.

Mr. Speaker took the Chair at 5.02 p.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 27th November, 1951 (Morning Sitting), were confirmed.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 20

MR. MADAN:

It is true that Asian Inspectors of long experience, standing and service. In some cases even Chief Inspectors of about 25 years' service, are posted under European Officers of the rank of Assistant Inspectors who in some cases are new to the Force and without any experience or service? If so, what is the reason for inflicting such an indignity upon Senior Asian Officers?

THE ATTORNEY GENERAL: I have made inquiries into this matter and have ascertained that it is not correct that Asian Chief Inspectors and Asian Inspectors of long standing and service are posted under inexperienced European Assistant Inspectors. I might add that the usual practice is to post Asian Chief Inspectors as officers in charge of police stations or, if they are employed at one of the larger stations, to appoint them as officers in charge of crime sections or as similar posts of special responsibility.

REPORTS

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to report that the Committee of Supply commenced its proceedings by considering Head 2-1. The Committee reached item 1 (18) but has not yet completed deliberations on Head 2-1.

BILLS

FIRST READING

On the Motion of the Acting Solicitor General, seconded by the Acting Director of Medical Services, the following Bill was read a first time:—

The Hindu Marriage, Divorce and Succession (Amendment) Bill

Notice was given that the Bill would be taken through all its stages during the present sitting of Council.

COMMITTEE OF SUPPLY

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1952.

HEAD 2-1—(Contd.)

THE CHAIRMAN: The Committee of Supply will now be resumed. The Motion before us was that item 18 should be omitted.

THE ACTING SOLICITOR GENERAL: That, I think, has been dealt with.

THE CHAIRMAN: The Motion now before us now is that sub-items 1-33 be approved.

MR. USHER: If nobody has anything before 31, Sir—

THE CHAIRMAN: We have got as far as 18. We have passed 18.

MR. HAVELOCK: Item 31, Sir.

MR. USHER: Item 31, Sir. I beg to move that this item be reduced by 10 per cent, which very nearly represents £117.

MR. BLUNDELL: SH. 10.

MR. USHER: The reason being, Sir, that the work which will be done by the imposition of extra office hours will justify such a reduction.

THE CHAIRMAN: I did not quite catch what the hon. Member was moving. Were you moving a reduction in the item?

MR. USHER: That the item be reduced by £117.

MR. COOKE: SH. 10.

THE ACTING CHIEF SECRETARY: Mr. Chairman, this item is required to provide reliefs for two European Clerks and 1 Asian Clerk for a whole year. It is to provide for the normal number of European and Asian Clerks who go on leave. I am prepared, Sir, to accept the reduction proposed on the understanding, of course, that if during the course of the year public business requires it, and notwithstanding the views so oft repeated about a supplementary expenditure, that it might be necessary to

[The Acting Chief Secretary] come back to the Standing Finance Committee for additional provision. Committee for additional provision. Subject, however, to those remarks, Sir, I am prepared to accept the proposal that this item be reduced by £117.

THE CHAIRMAN: I will formally put the question in order to set it on the record. The question is that sub-item 31—Reliefs, be reduced by £117.

The question was put and carried.

MR. BLUNDELL: Mr. Chairman, item 33. I move a reduction in this item of 10. Mr. Chairman, in speaking to the Motion it might save us a great deal of time if the hon. Member opposite would give us an assurance that whenever there has been a post deleted the consequential reduction will be made in the cost of living.

THE ACTING CHIEF SECRETARY: Certainly, Sir. That follows automatically.

MR. BLUNDELL: In that event, Mr. Chairman I withdraw the Motion. In view of the hon. Member's assurance that a consequential reduction follows automatically, I will withdraw the Motion.

THE CHAIRMAN: It is necessary I think,

THE ACTING CHIEF SECRETARY: Mr. Chairman, is it not the position that I have a right to reply before my original Motion as it has been amended. I put to the vote, the original Motion being that item 1-1 to 33 be approved?

THE CHAIRMAN: You will observe that the present set of Rules or Standing Orders commences with 91A and is not 91A completely mandatory by saying: "the following procedure shall be adopted for the consideration of the Estimates of Revenue and Expenditure for the ensuing year." To that extent, therefore, does it not cut out the ordinary rules of debate but applies, because with regard to the Motion to consider, these special rules do contain a right of reply, but they go on in sub-rule 4-91b. "After the question that a particular Vote or Head of the Estimates be considered has been put and carried the *ex officio* member in charge of that Vote or Head may move that a particular item or particular items of that Vote or Head be approved", and reading on from there, right the way through I can find no reference to any right of reply. I am ready to listen to

any Member who wishes to address me on the point of order.

MR. BLUNDELL: Mr. Chairman, with all due respect to the hon. Member opposite, in the past the reply has always taken place, if I am right, on the policy Head and not on the item of debate, item by item. I would draw the hon. Member's memory to the past. I do not recollect any occasion when we have been into item by item that the Member in charge of the Head has replied to the debate item by item. Each is a Motion on its own.

THE CHAIRMAN: That dots the "Y's" and crosses the "Y's" of what I have said.

THE ACTING CHIEF SECRETARY: Naturally, if that is your ruling, I accept it, Sir.

THE CHAIRMAN: I will put the question that Head 2-1, item 1, sub-items 1-33 as amended and as reduced by the sum of £1,152 be approved.

The question was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that item 1, 34-47 be approved.

LADY SHAW: Mr. Chairman, I want to speak on item 35 unless somebody has something before that.

Sir, I beg to move that the post of one Establishment Officer be abolished. It is £1,000, I think, roughly. For many years past Members on this side of the Council have been making attempts—they have got no further than attempts—to reduce the post of one Establishment Officer. I see here that the Chief Establishment Officer has disappeared, but—his place has been taken, not been taken perhaps—but, certainly another Establishment Officer has been put in instead of him at a slightly reduced salary, in spite of the fact, Sir, that as we have heard this morning from the hon. Member, a good deal of the Establishment work has been taken on now by the different departments. In view of this fact—and we are delighted to hear this has been done, because we have been hoping and expecting it would be—but I do think if this is so it is a little ridiculous that the Establishment Division by itself should remain as big as ever; in fact it has gone up this year, largely of course due to Cost of Living Allowances. But, Sir, in view of the position which has been maintained

[Lady Shaw] throughout the year about this Establishment question, in view of the fact that we know it was recommended by the industrial consultants who examined the Secretariat that one of these posts at least should go, and in view, Sir, of the fact that a good deal of the work has now devolved upon the departments, we move that one of these officers at the cost of £1,000 should be removed from this vote.

THE CHAIRMAN: You propose a reduction of a £1,000?

LADY SHAW: Yes, one post.

LT.-COL. GHIRSE: Mr. Chairman, I rise to support the hon. and gracious lady in her request of this reduction. I think all I need do at this particular moment is to refer Members to a speech made by the then Chief Secretary at the last Budget debate. With your permission I would like to just quote the relevant paragraph:—

"On the other hand, Sir, we have been examining the Establishment section of the Secretariat very carefully indeed. The firm of office consultants has made a very special study of the Establishment section and we hope that a very great improvement can be made there, particularly by delegation to departments. That is being done but it will, of course, be some time before the full effect of that re-organization or that reorganization becomes when the effects do become known it will lead to a substantial saving. What exactly those savings are likely to be I cannot say exactly at this stage, but I do hope they will be considerable and that unless the volume of work continues to increase that there will in fact, in due course, be a reduction in cost of next year, be a reduction in staff."

Now, Sir, perhaps Government would explain why the hopes of the then Chief Secretary has not been realized.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, I explained this morning that this establishment of one Director of Establishments and five Establishment Officers is based on what experience shows is actually needed at the present time. It is quite true that this particular item was debated on previous occasions and as the Member for Nairobi

North has said, the Chief Secretary at that time said that he hoped it might be possible to make reductions in the future. In fact actual experience, and I am the person who has the actual experience, has proved that that is not practicable. As I said this morning the Acting Director of Establishments as well as the Establishment Officers and clerks are already working more than the normal office hours. There is no doubt whatever that all of them have more than a full day's work. We have, as I said, delegated a good deal of work to departments, but the fact is that the work has increased, and the same number of people is still required.

Now, Sir, I think I ought to mention here that during the coming year there will be further increases in the work of some of the Secretariat, for two reasons. One reason is that we have recently completed negotiations with the public service for the setting up of a Whitley Council, which will take up a good deal of time, and one of these people will have to act as Secretary to that Council. We also have in contemplation the setting up of a Public Service Commission, which was recommended by the Holmes Commission, and has been under consideration since then. If that is brought into existence it will be necessary to find a Secretary for it, and he will have to come from the Establishments Division because they know the work with which the Public Service Commission will have to deal. I am appointed when I say this, I was very disappointed this morning that, in spite of the fact that I assured the Council that my own personal knowledge is necessary, notwithstanding it was decided to delete the post. I can only say that I hope on this occasion with regard to the post of Establishment Officer, Members will take me seriously when I say that I know perfectly well that all these people are really required to do the work which has got to be done. If one of the posts is cut out, it simply means the work will all fall into arrears and confusion. There is no doubt about it at all. I am quite sure of it. They will do their best, but they will not be able to do the work which has got to be done. Therefore, Sir, I must oppose the deletion of this post.

MR. HAVELOCK: Am I to understand from what the hon. Member has said that if there should be a Public Service Commission—that a member of the present Establishment branch shall be transferred to do that work? If there should be—there is no Public Service Commission at the moment, therefore presumably somebody has got some spare time in the department to devote themselves to that work should it arise.

THE ACTING DEPUTY CHIEF SECRETARY: I have already said, and I meant it, that nobody has got any spare time. They are already working over normal office hours.

MR. KEYSER: I presume the number of Establishment Officers necessary depends on the number of personnel in the Civil Service. Now, Sir, last year at this time, the hon. Chief Secretary stated that he thought that a reduction in the number of Establishment Officers could be effected with a certain number of civil servants laid down in the Estimates. We are told, Sir, that there have been in these particular Estimates no increases in services and very few increases in personnel. Therefore, Sir, the position must still hold as it did last year that the Establishment Officers could be reduced.

MR. COOKE: Mr. Chairman, I had intended to support the hon. and gracious lady but I think we have got to be reasonable on "this side." I think the explanation of the hon. gentleman is reasonable. I know myself how important it is to establish the Whitley Council and the Public Service Commission, and I therefore cannot support the hon. and gracious lady in this particular matter.

MR. MADAN: Mr. Chairman, Sir, like the hon. Member for the Coast—I would like to join the hon. Member in his loneliness—I am quite satisfied by the explanation given by the hon. Deputy Chief Secretary and I think it would be wrong to vote against this vote for the reduction of one post, if we are satisfied that that reduction would result in inefficiency or incompetence, or dislocation of work.

I will support the Deputy Chief Secretary.

LADY SHAW: Mr. Chairman, we have heard ever since the sifting of the Holmes

Commission that we are going to have a Whitley Council. We have heard for a considerable amount of time that we are going to have a Public Service Commission but the only thing we have got, Sir, is an extra Establishment Officer.

THE ACTING CHIEF SECRETARY: Mr. Chairman, there is no extra Establishment Officer. My hon. friend the Acting Deputy Chief Secretary did explain that the Chief Establishment Officer has gone and there is in fact a reduction.

LADY SHAW: Mr. Chairman, I recognize that fact, in fact, I think I explained that I knew the Chief Establishment Officer had gone, but that does not take away from the point I have already made. We were told last year there would be a reduction in the Establishment Officers in the near future—the Chief Secretary of that time hoped during the year. Now, Sir, it is possible that this extra man may be needed for the Whitley Council and for the Public Service Commission, but as I said, Sir, we have neither the Whitley Council or the Public Service Commission. We do not see at present any reductions such as that which was promised at that time.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, I think I ought to correct the hon. gracious lady. My recollection of the Chief Secretary's speech as quoted by the Member for Nairobi North was he did not promise there would be a reduction, he said he hoped it would be possible to make a reduction. He said he hoped it would be possible to make a reduction. Now, Sir, in say this number is necessary on the basis of actual experience.

The question was put and negatived on a division by an equality of votes. (Ayes: Messrs. Blundell, Chemallan, Lt.-Col. Ghirse, Messrs. Havelock, Hopkins, Jeromiah, Major Keyser, Messrs. Maconochie-Welwood, Mathu, Nathoo, Maqonga, Patel, Dr. Rana, Messrs. Salim, Saller, Shatry, Lady Shaw, Mrs. Shaw, Mr. Usher, 19, Nos. Messrs. Carpenter, Cavendish-Henock, Cooke, Davies, Hartwell, Hope-Jones, Hunter, Madan, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Pritam, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 19.)

MR. USHER: Item 42—I beg to move a reduction of £128 for the same reason that I gave in the case of item 31, with

[Mr. Usher] consequential alteration to the Cost of Living Allowances.

THE ACTING DEPUTY CHIEF SECRETARY: I am sorry, Sir, I did not catch which item the hon. Member was referring to.

MR. USHER: Item 42, Sir.

THE ACTING CHIEF SECRETARY: Mr. Chairman, subject to the same conditions as I mentioned when the hon. Member moved his reduction under item 1—31, I am prepared to accept this reduction.

The question was put and carried.

MR. HAVELOCK: Mr. Chairman, I would like to ask a question on an item if I may?

THE CHAIRMAN: Yes.

MR. HAVELOCK: I would like to ask what travelling the Establishment Branch needs to do and why there is £1,500 for Travelling Expenses?

THE CHAIRMAN: Where is that?

MR. HAVELOCK: Under item 47, Sir, next page. Have we not got there?

THE CHAIRMAN: No, it is the next page.

The question that sub-items 34 to 47 as amended by the reduction of £128 be now approved, was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that items 2—6 be approved.

THE CHAIRMAN: No Member rising to speak, I will put the question that items 2, 3, 4, 5 and 6 under Head 2—1 be approved.

The question was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that (2) Press Office, items 1—8 and 2—8 be approved.

MR. BLENDLE: Mr. Chairman, I beg to move that item 1—£1,080, be omitted. I should make it clear, Mr. Chairman, that I am going on the dictum that if you chop off the head, the body falls to the ground and if this Motion is passed I shall subsequently move Motions to remove the whole of the Vote.

Mr. Chairman, speaking to this Motion, we made it perfectly clear in the main debate that we were dissatisfied with the level of expenditure at which Government had arrived, and expressed

the opinion that there were services, which although desirable in every other way, were not necessities, and might well be considered luxuries. Hon. Members on the other side pressed us to mark those services and I am doing so in this Motion.

Now, Sir, I asked a question in August on this matter, and the reply told us that this officer had advised six African editors during the year—a calculation, Sir, shows that is a charge of £700 per editor. I submit that that is luxurious. Secondly, Sir, we understood that this officer is engaged in moving to and fro in the country visiting journalists, on the assumption that one journalist comes a week—that is a burden upon us of £86 for visiting journalists, and I submit there are officers elsewhere who could perform those functions.

MR. MADAN: Mr. Chairman, as I am not sure whether this £160 will be deleted or not—in case I am left out—may I ask a question on item 5—the big five? Journalists' Fees—£160—Travelling Allowance—what that item is for? Is it to encourage the Press Officer to develop his imagination?

THE CHAIRMAN: We should under the present Rules speak to this item until it is disposed of.

MR. MATHU: Mr. Chairman, I rise to support the Motion moved by the hon. Member for Rift Valley. One of the reasons why I support the omission of this item is that recently a question was raised in this Council which was answered by my hon. friend the Member for African Affairs. My supplementary question was whether the hon. Member could tell us whether the Press Officer has improved the standard of the vernacular press. I think, if my memory serves me right, he said that little improvement has been made. I did not put another supplementary question, because I do not think there has been any improvement whatever—and I read the vernacular press. Sir, as far as the service rendered by this officer to the African Press is concerned, I would say that it has not been beneficial, and that is one of the reasons why I support the Motion.

The second reason is that I know that reported the appointment of this officer was that in certain quarters it

[Mr. Mathu] that the African Press was getting out of hand and it must be controlled.

MR. COOKE: So it was.

MR. MATHU: And we protested because we thought, like all countries, the Press should have its due freedom. I do not say licence. I certainly say I must have its freedom. In order to make the position doubly sure, Government has its own presses—its own newspapers. In most districts of the Colony to-day we have what you call "District Gazettes" or "District Newsletters", and these are published periodically to disseminate information. Whether that has been the function of the Press Officer, or some other officers, I am not quite sure, but my impression is that these "District Gazettes" are produced by the local district officers for local consumption. I, personally, do not think that that perhaps is the way to solve any problems emanating from the allegation that the vernacular press has got out of hand. I think, either this officer or the Information Services produce a weekly paper in Swahili called *Pamoja* which, during the war, may have been useful, but for the Press relations I personally think it is not worth the paper on which it is printed. It gives practically no information and, when it does, perhaps you do not follow what it is talking about; and this thing is in charge of that officer. I do not think it would be right to support the retention of this post.

Now, for this reason, Sir, and for others which I do not want to keep the Committee to listen to, I support the motion that this item be omitted.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I am a little surprised at this Motion since it asks that we should delete the office of Press Officer, which was only made as the result of the Committee which went into a Committee of Inquiry into the Information Services, and that Committee itself said that this Press Officer should be appointed. Moreover, it said what this Press Officer, I should do. With your permission, Sir, I should like to run through the functions this Press Officer was given by the Com-

mittee, the Committee of Inquiry, and say that the report of the Committee of Inquiry was accepted by Government in practically all particulars.

Now, the Press Officer who is now holding the post was appointed on 1st January of this year. His functions are, first of all, to act as a channel to the Press of all races for the supply of Government hand-outs, communiqués and special articles. That is one of his functions, and that is a function which he carries out and, as far as I know, he carries it out perfectly satisfactorily. He has also got to arrange such Press conferences that are necessary. Very few of those do arise, but he has, in fact, made those arrangements when necessity has arisen. He is also supposed to draw the attention of the editors to any statements of fact affecting the Government. That again, he does—certainly in the case of African editors, I do not know whether he has done so in the case of European editors.

I regret to say that when my hon. friend the Member for Agriculture and Natural Resources was reported in the local Press—and a very famous journal—a few days ago to the effect that supply had never been refused since the days of Charles I, the local Press reported him as saying "Since the days of George V, I am not taking up that point, Sir, with the Press and, as the Press Officer is in London, I do not expect he has seen it."

The next function that the Committee advised that this officer should carry out was to provide assistance and technical advice to African editors, with a view to improving the standard of their papers. Now, my hon. friend Mr. Mathu says that standard is not yet improved. I can assure him that the African editors, in close touch with those African editors. He has done a great deal in the six months in which he has held this post to gain the confidence of those African editors. I can speak, Sir, to this Council as a past Information Officer for some five years, and I am particularly convinced that the present Press Officer has certainly done more to get in touch with the African Press, and gain their confidence, and help to improve their standards, within the last six months that he has been holding that post than we were ever able to during the five years

[The Chief Native Commissioner] also prepares for the information of Government the periodic survey of views submitted to the Press on matters of importance, and I think it is a very valuable document. He does keep in touch with the people of all races, and I must say, Sir, that this post is quite vital. He has got to be able to help the African Press. We have got to be able to try and tell other countries something about ourselves. This officer has only held this post for six months, and it seems to be very early in the day to say that he is not necessary, particularly when we have in view of our very important and famous visitor who is coming to us in a very few months' time.

We all know here that we want a good African vernacular Press.

I am perfectly certain there is nobody in this Council who does not want to see that and by that I do not mean a muzzled African Press, I mean a responsible, useful, sound African Press.

The next function, Sir, that he was to undertake was to be responsible for the two-way channel of information between the United Kingdom and Kenya. Now, the only way he can do that is to distribute to the Press the material that is available that comes from Britain, and it does come in quite considerable quantities to the local Press, for such use of it as they like, and to send articles home as and when he can, quite a lot he has done a certain amount, quite a lot of writing himself. Although the Committee thought he would not have time to, he has done a certain amount of writing himself, and has got a good deal of information about this country into the provincial Press. Now anybody with any knowledge whatever of the Press at home will know that it is extremely difficult to get Kenya a good lot of space in the big London Press. But it is possible by hanging the news on to the personalities of people concerned in certain developments of this country—taking those as a peg you can get articles into the provincial English Press, and that has the effect of bringing Kenya before quite a wide British reading public.

The next function that this officer was to perform was to edit the *Kenya Information Fortnightly* and *Pamoja* and in the Seasonal Paper No. 2 of last year Government decided that they could not accept that this officer should edit *Pamoja*. This paper *Pamoja* is edited by the African Information Services and, although no doubt we will be discussing this point later in the debate, I would say to Mr. Mathu, who considers this a useless paper, that some 200 Africans write and ask for it personally every month. The *Kenya Information Fortnightly*—the Press Officer edits it, produces it and distributes it. He

also prepares for the information of Government the periodic survey of views submitted to the Press on matters of importance, and I think it is a very valuable document. He does keep in touch with the people of all races, and I must say, Sir, that this post is quite vital. He has got to be able to help the African Press. We have got to be able to try and tell other countries something about ourselves. This officer has only held this post for six months, and it seems to be very early in the day to say that he is not necessary, particularly when we have in view of our very important and famous visitor who is coming to us in a very few months' time.

Mr. Chairman, I beg to oppose.

Mr. BLUNDELL: Mr. Chairman I wish to press the Motion before the Committee. In answering the hon. Member opposite, because a committee decided something does not mean that changed circumstances cannot change that decision. What we are submitting—and hon. Members could have chosen on the other side, could have chosen perfectly well for themselves the Heads they wished to remove had they accepted our suggestion in their policy debate—because the Committee said this officer was advantageous does not necessarily mean we must submit it to-day. We are submitting to hon. Members opposite, we are concerned with Government expenditure. Now, Sir, I take ill the European Press—for this reason. Whether King Charles I was reported as King George V or not—neither of them had to contend with the acoustics of this hall. I should like to ask the hon. Member—is this officer the officer who is responsible for the communications which come out on occasions about Government policy? For instance, a rise in prices, etc. 7 (Laughter.)

THE CHIEF NATIVE COMMISSIONER: Yes, Sir, he is. He is at the moment and as you know he has been, since 1st June, out of this country.

Mr. BLUNDELL: If that is so, that is a fundamental reason for removing the whole of this post, not one of those communications giving Government's reasons for rising prices has been drafted in such a way that the public can possibly understand the reasons.

[Mr. Blundell]

Now, Sir, if I may carry on—no, I am not going to give way. (Applause.)

The hon. Member, Mr. Chairman, said that this officer was in the closest touch—he emphasized it—the closest touch with the Press and yet, as far as I know, he has been on leave for five months, although the post was only commenced in January. Now, Sir, I do submit we cannot afford a whole department to perform the function of a two-way channel and I press my Motion before the Committee.

THE MEMBER FOR COMMERCE AND INDUSTRY: Would it be in order to ask the hon. Member for Rift Valley if he considers himself to be a two-way channel? (Laughter.)

Mr. BLUNDELL: Mr. Chairman I always had doubts about the sanity of hon. Members opposite—I am almost being convinced now.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, rising to oppose the Motion I must gently chide the hon. Member for Rift Valley for the illogicality of his arguments, that the Press communiqués of the past few months on increased prices are a reason for removing an officer who was not here to be concerned with those Press communiqués.

Mr. BLUNDELL: It is his office.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I may, of course, express my wonder whether perhaps it was that the arguments put forward in the Press communiqués did not entirely suit the wishes of the hon. Member for Rift Valley because I think probably that is his doubt about the value of those particular communiqués.

Now, Sir, I should also like to say how glad we are to hear him admit that changed circumstances can alter decisions, because, not so very long ago in this Committee, we were hearing quite the opposite—that the position that prevailed last year must, of course, prevail this year. Sir, the hon. Mr. Mathu spoke about the freedom of the Press and said, as one of his reasons for voting for the removal of this officer, that he was appointed to control the African Press. Now, Sir, that is not the position at all. This officer has absolutely no control over the Press, and the Government did

not seek control over the Press. It recognized, however, the danger of an ignorant, illiterate and ill-informed vernacular Press, and it set out to do the best it could, not by words but by persuasion and information to alter the method of that Press, and I can say from personal knowledge, that that has been achieved to some extent. It was not to be expected that, within a short time, there would be the great change that a large number of Members of this Council—be they on that side of the mittice—be they on this—wish, but that African editors, African editors, have sought out the Press Officer and asked his advice on matters, have indeed accepted from time to time, his correction of their misstatements, and have looked to him for technical advice—that, Sir, I can say. Indeed, when in London last week I met the Press Officer concerned and one of the main things that he has been doing whilst he has been on leave was to try and negotiate for a press to be made available, if necessary, by a script from England for the African vernacular Press in this country, in that they could remain completely free from any type of influence at all; and I would suggest if the Press Officer succeeded in that alone, he would have rendered a service of great value to this country. (Hear, hear—applause.) One of the grave dangers to race relations, one of the grave dangers to the prestige of places like this Council, is the type of rubbish and misstatement that is put out by a bad vernacular Press and I would suggest that we should think extremely carefully before we remove the method of persuasion and education that this officer and his department have rendered. (Hear, hear—applause.)

Mr. MATHU: Mr. Chairman, two points arising out of what my hon. friend the Member for Local Government has said—one, that my information, and I am in very close touch with the African editors, is that they have not found that is the way to help, not the censoring of the news—the law, the control. That is exactly what I am trying to say, and I do not think I will be moved on that because I am convinced that is the position.

The second point is, I would like him to inform me whether this Press which is being looked out for by the Press

[Mr. Mathu] Officer in England—he says subscriptions in the United Kingdom—is it going to be handed out to the African like that or are they going to purchase it, because if they were going to be given it, I think it is the wrong way of doing it.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: No, Sir—I will take the first point first—and I must repeat, there is no question of Government censorship or Government control over any Press in this country. Secondly, Sir, the idea that was being followed at home was that it should be formed—if a press could be obtained—it should be formed into a limited company in which the African vernacular companies would take shares and it would finally move to their own control, but they would be expected to take some form of investments in it.

MR. COOKE: Mr. Chairman, I suppose I could claim without any contradiction whatever that I have, in this Council, time after time opposed more than any other Member in this Council, and I claim that without my contradiction, that I have opposed the creation of new posts. Four days ago, Sir, when I read out a list from the Standing Finance Committee, I was able to show that I opposed on eight occasions the creation of new posts and I received no support whatsoever from this side of the Council with the exception of one or two Members on one or two items. Now, one proposal which I strongly opposed, Sir, was the establishment of a Government vernacular newspaper because I thought that that work could be done, so far as the vernacular newspaper was concerned, better by the newspaper *Banza*, but everybody else, on this side of the Council at my rate—and I would say we had not got the same Members then as we have to-day—supported this.

MR. MATHU: I did not.

MR. COOKE: You did not? Well the hon. Member Mr. Mathu's name is not recorded here, because in this document which I have, the report of the Select Committee of the Draft Estimates of Revenue and Expenditure for 1948, the only person recording objection is the hon. S. V. Cooke. (Laughter—applause.) The reasons he gave—

THE CHAIRMAN: I should like to ask the hon. Member for the Coast how it becomes relevant to this Motion to discuss these past events about the establishment of a vernacular Press. As far as I can see, there is nothing of that kind in the vote.

MR. COOKE: Well, I am leading up, Sir, to the point I am going to make.

Now, Sir, I think we would be showing a sense of irresponsibility if, by a snap vote in this Committee, we will abolish a whole post. I know it is a very unpopular thing to say—that I am opposing now the reduction in expenditure, but we have got, I think, to be reasonable about this matter. I would suggest, Sir, that this is a particular post which should be referred to the Efficiency Committee which we heard to-day would be appointed and I think that would be a much better way of dealing this matter than by taking a snap decision now. For that reason I said what I did when I got up. It was to make it perfectly plain that I, in the past, was against the creation of new posts and I think now to delete these posts would be an irresponsible action on our part. (Applause.)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I am rising really, in view of the remarks by my hon. friend the Member for the Coast, instead of declining here and now on the desirability of cutting it out or leaving it in, to the Efficiency Committee which we discussed this morning. Now that is the very point I tried to make when, to some extent, I supported the appointment of that Committee. Whether we have a Press Office and whether we require the services of this Department or not is not a matter for an Efficiency Committee to decide. It is a matter for this Committee and I think, Sir, that is a very important point to make. As regards this item, Sir, I oppose the Motion. It seems to me that we are beholding rather strange bed-fellows amongst those who are actually opposing this particular vote. On the one hand, we have those who, quite reasonably from their point of view, no doubt, feel that the African vernacular Press should be as untrammelled as possible. Others, I think, Sir, really feel that, at this stage, it is probably rather danger-

[The Member for Agriculture and Natural Resources] ous not to have some sort of advice or limited control—call it what you will—over a very immature Press which can become somewhat dangerous. It is strange that the two, I may say, almost opposing viewpoints should come together in order to oppose this particular post. (Applause.)

MR. NATHOO: I beg to move that the question be now put, Sir.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I would suggest that I might have the courtesy of being able to reply to this debate.

THE CHAIRMAN: It is within my competence to say whether the Motion should be put or not. I think there is still scope for debate and that the closure ought not to be moved. (Hear, hear—applause.)

THE ACTING CHIEF SECRETARY: Mr. Chairman, the case for the Press Office has been put by my hon. colleagues and I do not wish to go over again the ground that they have travelled over. I must, however, make the point that this section has been put in the Estimates as a result of a decision of this Council as recently as a matter of a comparatively few months ago. The Press Office has not been in existence long enough yet conclusively to prove to all its value, but what I have seen of it and what we have seen of the Press Officer suggests to us on this side of the Committee that it is a very valuable office to have in the Government. I do not myself know of any single country the Government of which finds itself able properly to keep the public in touch, with both inside and outside the country, with what it is doing and what is going on without a Press Office. I listened with interest to what the hon. Member for the Coast has said and I think, on reflection, he will probably agree with the remarks just made by the Member for Agriculture. I think that the proper course, if hon. Members would wish it, would be to take the line on this particular section that my hon. friend the Member for Finance undertook to take if there was any considerable opposition from the hon. Members opposite and to have the matter considered in the Standing Finance Committee. It would then be left, as it

properly should be, as a matter of policy is concerned with this Council for consideration through the medium of one of its Standing Committees, and I would like to suggest to my hon. friend the Member for Rift Valley, that with that undertaking, that he should consider withdrawing his Motion.

MR. BLUNDELL: Mr. Chairman, I beg to move items 2 to 8 under the Press Office be omitted.

I beg to move also under Other Charges (2) items 2 to 8 be deleted, making a total of £4,403.

THE ACTING CHIEF SECRETARY: Mr. Chairman, for the reasons which have been given on this side of the Committee, naturally we oppose this Motion and in doing so, I think it is right that I should inform hon. Members that we have certain contractual obligations under this particular section and that naturally it would be necessary to see that whatever steps may be necessary to see that those contractual obligations are honoured.

The question was put and on a division carried by 21 votes to 17 votes. (Ayes: Messrs. Blundell, Chemallan, Lt.-Col. Ghering, Messrs. Havelock, Hopkins, Jeremiah, Major Keyser, Messrs. Macnochie-Welwood, Madan, Mathu, Nathoo, Ohanga, Patel, Pritam, Mr. Rao, Messrs. Salim, Sater, Shatry, Dr. Lady Shaw, Mrs. Shaw, Mr. Usher, 21. Noes: Messrs. Carpenter, Cavendish-Bentick, Cooke, Davies, Hartwell, Hope-Jones, Hunter, Matthews, Sir Charles Morimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vase, Whyatt, 17.)

HEAD 2—ADMINISTRATION

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2 (2) Administration be now considered. I am a little doubtful Mr. Chairman what sort of speech I am supposed to make because it appears to me that the hon. Members opposite are thirsting for blood and are anxious to get on to the details of this Head so that they can chop the heads off as my hon. friend the Member for Rift Valley described a few moments ago. At the same time I believe that this is an occasion upon which the Members of the Government have an opportunity and should take a brief

[The Chief Native Commissioner] opportunity at anyone of saying something about their departments. Therefore, Mr. Chairman, if hon. Members will bear with me for a very few minutes I will try and say something about the administration, general staffs and all the various groups that come under this Head 2 (2), before we start and remove them from this Vote.

First of all, the Estimates show an increase as you see of about £131,000, which I know is a horribly large figure, but we all know that the cost of Cost of Living Allowances next year is in these Estimates and that accounts for about £107,000 of the £131,000. When the Estimates came in to me I pared them down as much as I could and sent them a pretty anxious lot when I sent them along to the hon. Member for Finance. By the time he had finished with them they were a ghost of what they were before. Now, as far as Cost of Living Allowance is concerned and the general increase is concerned, that institution and, I think, an excellent institution, the Community Development Organization, and the Jeanes School taken together show that if you omit from that bill the items of Cost of Living Allowance, they are actually down on their Vote for last year.

Now, Sir, taking one or two of the items, and the items that arise in this group, I would like to raise a few things about the item, District Officers (6), item 1 (6). We are, Sir, trying to get back to the old system of recruiting to officers, that in their early 20's, 1920 to 1923, that kind of thing. After the war, of course, we had to and we were very pleased to get a number of men straight from the war, and their average age was perhaps 28, 29, and 30, some more, in the early post-war period and just getting back to the stage when we can recruit our young cadets straight from Britain, aged 22, 23 or so. There is only one point that has affected their age and that is the introduction of compulsory military service in Britain they are likely to be 18 months to two years older than they normally were when they came out before the war, and that, of course, unfortunately from the point of view, perhaps not from theirs, gives them a longer period under which they are liable to

the darts of Cupid and therefore more of them unfortunately come out married than used to be before the war. Now, Sir, I am afraid I am an old-father, old person and I would much rather our cadets came out unmarried because I do believe these young men have got to get right down to it and spend most of their spare time learning their job. I personally believe that they can do that better in the first year or two of their service when they are not married. We must realize we have the Northern Province to fill with officers, we have a good many other, what I would call, hard districts, places where you want to have unmarried men.

The standard of cadets, Sir, that we are getting is extremely good, but I would say this of the 154 or 155 whatever it is, 154 men that we have in the Administration at the moment we have 90 of them who joined the Service after 1946. That is a pretty big proportion. There are, of course, always demands on our strength. There is the Ethiopian Boundary Commission, there are Settlements here and there. We have just had an appeal to send officers to Malaya. We are often asked to produce Resident Magistrates. All those are calls on the Administration which we have to try to meet. Moreover, Sir, a few weeks ago sitting in this Council, we were discussing the new African Courts Bill and that new African Courts Ordinance has now been passed by this Council, and will undoubtedly require certainly the posting of two and possibly more, but certainly two, Provincial African Courts officers, whose hands, I have no doubt, will be extremely full. We have I heard a few days ago that in one district alone of Nyanza there were 68 appeals from the Native Courts to the District Officers, you will appreciate the sort of amount of work that is now falling upon officers in the District Administration. I also said, Sir, last year that I thought we must try and strengthen the administration in the settled areas—for that reason I posted an officer at Naivasha and I posted another one to work in the north and west of Nakuru. Those officers, I think, have done extremely good work and I think that the administration in the settled areas, particularly the Rift Valley, have to remain strengthened.

There are a lot of grouses I get about the continual movement of officers. We

[The Chief Native Commissioner] are trying hard to keep our officers, our District Commissioners in the big stations for five years at a time. Sometimes individual—hon. Members I know will appreciate we have not been able to do so, but we are trying to stick to that rule, and generally speaking we are succeeding. District Officers themselves, of course, are moved far more often than I would like and I am sure hon. Members would like but I do not really see how we can avoid that. Now, Sir, I thought last year in this debate I mentioned the need for closer Administration. In an effort to achieve this we are trying to encourage District Officers to learn the vernacular language and in the last year we have had six of them through the vernacular language which personally I think is a very creditable effort, and Sir, following the advice of my hon. friend the Member for Rift Valley we have absorbed one of the District Officers (C.D.s) as they are called into the Administration and we have reduced as you see item 9 by one and put up item 6 by one. A District Officer will be posted to that Community Development work within the next few weeks. As far as the work of the District Administration is concerned I think we can say that it is growing more and more towards development and production, meanwhile all the old work of law and order courts, and so on have to continue and is increasing. I think you have only got to look around the African areas and see the tremendous development that is going on. We also, Sir, unfortunately but certainly it is the manner of the times, we are getting much more formal. We are having to deal with committees, and sub-committees and Estimates and so on, and they are getting bigger and bigger things. We have location councils and they are very anxious to tax themselves and so on. All this leads to a much more formal work, far less romantic work than various hon. Members opposite will remember they used to do themselves and I do not think we can get away from that, that is a sign of the times and perhaps, that is fortunate, perhaps not, these are the methods which we now adopt. We are also, Sir, always faced with the increase of politics into African affairs, we are living at the same time with the enclosures . . . (inaudible) going on on the one side as they were in England in the 17th century and

with all the democratic eries and political catch words being shouted in our ears on the other, and just around the corner conditions remain which practically existed in the Stone Age. District Officers in the midst of this have got to keep a sane balance.

One or two other points I would like to mention, the Liaison Officer, item 8, under General Administration. That is now Mr. W. H. Billington whom I think is probably known to a lot of hon. Members here.

On the Community Development side I would say that the Commissioner is now responsible for discovering the particular needs of the districts for material, education, material . . . (inaudible). I can never get the word for this, educational is the best word I can give. I loathe the word "propaganda", it is not propaganda, it is information, education, whatever you like to call it. I am sure hon. Members will probably know the word I am searching for, but he is responsible for seeing what kind of material they want, seeing that the Information Services produce it and getting round the country. He is also responsible, Sir, for the policy of the Jeanes School. Now the Jeanes School, to my mind, is an extremely valuable institution. It is essentially a school for civics and for giving people background. As well as for giving more instruction in specific subjects. It gives us a chance to influence individual people. I have always been when I was in the districts, was always and continue to be, strongly in favour of getting your points over to the African individuals. I believe that by the instruction of individuals, the encouragement of individuals, you will lighten the mass, and the mass will come with you in quite a short time. Now, Sir, at the Jeanes School we have got a cell where the individual can be trained and those men can go out, and I think have immense influence in the districts when they get to their homes. At the same time, Sir, the emphasis at that Jeanes School, and the emphasis on community development work in the districts is being more, and more put upon education, in its widest sense, of women.

Now, Sir, I believe we are just beginning to get the tie-up that we are all so anxious, I believe, to get between the

[The Chief Native Commissioner] Administration, the Community Development organization and the Information Services. I believe we are just beginning to get it and I think it is going to grow.

Finally, I would like to say that I should myself be most gratified if Members of the opposite side of the Committee would only go and see what is being done in the Jeanes School and offer them an open invitation at any time. I wish they would go and see it and then come and tell me what they want. I am sure they will tell me what is wrong, but I would like them to go and see it first, then we can discuss it on equal terms.

THE CHIEF NATIVE COMMISSIONER: Finally, Sir, I would equally like them to go round our African areas. I think if you look at the programme in the Development and Reconstruction Authority Estimates, you will see the enormous amount of development that is going on in this country, and it is being done through district teams, and I would say through provincial teams. It has been done by those officers in the districts with the welcome, co-operation and hard work of a large number of Africans.

Sir, I beg to move. (Applause.)

THE CHAIRMAN: I take it that you move only Head 2—2.

THE CHIEF NATIVE COMMISSIONER: I moved that we should consider Head 2—2.

MR. MATHU: Mr. Chairman, I would like to congratulate the hon. Member for African Affairs in the able way and the brief way that he moves this Head. There are certain comments I would like to make arising out of his speech.

In a similar debate last year, I made the point that the line has now come that Government should endeavour to associate the African more closely with the Administration. My point was, Sir, that if in other departments the Africans have not got a place for holding senior positions, it is certainly not the case in regard to the departments of District Administration, because there the material to deal with is mainly the African people and the Africans themselves should be able to help. I think more greatly in the development that my hon. friend has mentioned is going on

in the African areas than people who do not know the language and customs and everything of the people. In that debate, Sir, I said that in addition to what I said that it would be cheaper to run a Service with trained African personnel than an expensive civil servant recruited from overseas and I said this, Sir, if I have your permission to quote just a sentence or two, I said that:—

"I suggest, Sir, that by providing places, opportunities for the educated Africans in the Administration, we can do it more quickly because however we like it, it is not possible to support a very expensive hierarchy of administration. The African will do a good job and we will pay him less, not because he should be paid less but circumstances are that he will definitely work for less than the other communities because this is his country and I do not think that a very expensive civil service can be supported by the financial resources that we have at our disposal. That is why, Sir, I have suggested from time to time that opportunities be given to Africans to help in the running of affairs in this country."

That, Sir, is still my view, and in replying to that debate, the hon. Member for African Affairs, particularly with reference to African Assistant Administrative Officers—a long title with very little in it—he said, "we are considering whether or not we could get some system of accelerated promotion going for those outstanding ones of whom there are. I am very glad to say, a few".

Sir, the future of these officers, and if I may say so, it is easier to call them African District Officers, much easier than the very long-winded title, I say, and I should like to see to-day is very dark, and I should like to know from the hon. Member what propositions there are on foot in having these accelerated promotions, because I do not think, Sir, that the Administration of this country can go on supporting a very expensive personnel when the local people are here who can be trained and who are responsive to the education and responsibility that you can give them. It is my contention, Sir, that I do not see very encouraging signs in the policy of the Administration by not giving Africans responsible positions in this work.

[Mr. Mathu]

Now, the hon. Member did say, and very rightly, that the District Officers have a lot to do. They have committees, sub-committees, locational councils and what you will, but I say, as I have said before, that one of the reasons why is because these officers are very jealous of delegating even the minor responsibility to the African personnel. Now, why do they delegate this work at all, least to these people so that they can try to do what are supposed to be things that cannot be done by Africans. Of course, I do not share that view, but that I think is one difficulty. Unless we can delegate some powers to these officers and appoint a greater number of them there is no question but that we shall have an increased expenditure every year from this Vote, and I suggest, Sir, that Government should seriously consider giving these people—appointing more—greater responsibility because it is a partnership and it should not be done by only one community. My hon. friend the Chief Secretary's phrase was "the sky is the limit". Well, we never even get to the clouds, Sir, and at least give us an opportunity to get to the clouds.

I would like to comment on the Community Development set up with my hon. friend has mentioned, and say, Sir, that some of the remarks he makes, I share. But when you read his report on Community Development for the year 1950, the second paragraph tells you this, that "Community Development is on the other hand, merely an intensification of normal administration, using new methods and media to launch betterment schemes to convince African communities of their value and to persuade them to co-operate with Government in their implementation". Well, if it is only a mere intensification of the Administration, why do not you do it purely through Administrative Officers and appoint Africans to help with that instead of setting up a Community Development Officer who is almost a "Jack of all trades". He is an Education Officer; he is a Sanitary Officer; he is a Forestry Officer; he talks about soil conservation—everything—I do not think that he can afford to do all these things. I think that could be normally done by the officers of the different departments of Government who are still in the field,

and when we come to discuss the individual items, I will have a few words to say later, because I think we can reduce this Vote very tremendously.

The Jeanes School is an institution, but why it has never been found possible to put it under the Education Department, because, if as the hon. Member says, it is a school where there is education, not quite propaganda, but more education information, I think you will get a better financial perspective if we put the Jeanes School under the Education Department, but not a separate organization which we have to-day.

One more word, Sir, before I sit down. My hon. friend talked about the increasing work of Provincial Courts and here again, which is my annual, very hardy annual, I would like to ask the Government whether they are finding it possible now to divorce the executive functions from the judicial ones. At the moment they are held by one and the same officer in the African areas, and I do not think it is the proper thing for administering justice.

Those were the comments I wanted to make, Sir, and I support the Motion that the Head be now considered. (Applause.)

THE CHAIRMAN: The Committee will now suspend business for ten minutes.

Committee adjourned at 6.54 p.m. and resumed at 6.50 p.m.

THE CLERK TO THE COUNCIL: I have to inform the Committee that the Speaker is absent.

In the absence of the Speaker, Sir Charles Mortimer took the Chair.

THE CHAIRMAN (SIR CHARLES MORTIMER): Hon. Members, it has been proposed that Head 2 (2), Administration, in the Estimates be considered. The debate will continue.

MR. HAVELOCK: Mr. Chairman, I have only two short comments. I should like to say that hon. Members on this side of the Council are very appreciative of the work that the Administrative Officers are doing in this country. (Applause—hear, hear.) The hon. Mover of this Motion has touched on the matter of provincial and district teams. The only other comment I would wish to make is this—that Members on this side of the Council are worried that the expanding

[Mr. Havelock] number of personnel included in these teams—not necessarily only of Administrative Officers—in fact very few are—I can see the hon. Member for African Affairs making faces at me, Sir, but I am hoping that you having been so shortly in the Chair, I might get away with a reference which may not be in order!

I am merely saying that I do hope Government will consider with reference to this Committee which the hon. Chief Secretary mentioned this morning, that provinces as well will come under the eye of this Committee, and that if they do so—and they should—that it might be quite a good thing for the Committee to co-opt to their number people with some slight knowledge of the actual activities in the provinces, rather than only at departmental headquarters.

That is all I wish to say, Sir, on this Vote.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I am speaking on this Head partly because I feel I am free to say one or two things that perhaps those who have the honour of belonging to the Administration are not free to say. I was very glad to hear my hon. friend the Member for Kiambu say what I consider to be well-deserved tribute to the Administration—(applause)—and I would like to say that, during the period I have been in Kenya—nearly six years—although I have had no direct connections with the Administration—I have had—parly—opposite—very great opportunities to see them at work.

Now, my own conclusion is that a very fine job of work is being done indeed, and in saying that I would make one observation which I think is relevant to the consideration that we are giving to this Head, on a number of occasions in this Council I have heard hon. Members refer to various crises that have occurred at different times in different parts of the country; and invariably, Mr. Chairman, there has been a demand for that is very relevant. Now, Sir, I think that is very relevant, on our consideration of this Head. It is relevant because I think it demonstrates, as nothing else can, that those who know this coun-

try well—and I am referring to hon. Members opposite as well as my own colleagues—that in an emergency they invariably demand extra services from the Administration. I myself have seen at various times the Administration in action in those difficult situations, and I have nothing but admiration for them, admiration that I am sure my hon. friend the Member for the Coast shares. (Laughter.)

MR. COOKE: Hear, hear.

THE MEMBER FOR COMMERCE AND INDUSTRY: I do not think it is a matter for levity, or a matter for scoring debating points upon, but I would say this—that in asking that Council consider the Head, I would say this, that we should be most unwise to tamper with what is the very basis of the British way of life in this Colony to which we all subscribe.

Now, the hon. Member for Kiambu may find that remark somewhat amusing.

MR. HAVELOCK: Very.

THE MEMBER FOR COMMERCE AND INDUSTRY: I would just ask him to think again, and ask him whether the traditions of the Administration in the British Empire—of which this Colony and Protectorate is part—are not amongst the finest that the British race has produced and I would ask the hon. Member—before he laughs again—to think about what I am saying when I assert that the Administration is the basis of the British way of life in this Colony. I was somewhat surprised—and I hope I am wrong—to find that possibly by implication there were suggestions that perhaps this was not the case. I hope I am wrong, indeed I believe that I am, but I would say again that, before we tamper with the Votes coming under this Head, we should think very carefully as to what such undertakings as Community Development and the Jeanes School are trying to do. I have noticed that various matters are coming up for criticism, and I would ask every Member opposite to examine his conscience as to whether he honestly believes that to whether it is in the best interests of this Colony and Protectorate that they should be deleted or reduced.

[The Member for Commerce and Industry]

Now, Sir, on that matter I feel very strongly indeed. I have rarely heard in this Council a more sincere—I would say a more moving—speech than that by my hon. friend the Chief Native Commissioner—(hear, hear)—and, in supporting the Motion that these Heads should be considered, I would again ask every hon. Member to examine his conscience as to what he really wants this Colony to become and if, as I am sure he wants this Colony to go forward developing towards the British way of life, I assert that the best guide—at any rate for the next generation—is the Administration of this Colony. (Applause.)

MR. MATHU: The hon. Member—the Member for Commerce and Industry—did direct a question to me—he did not mention my name, but he looked at me very sternly—(laughter)—and I think it is just the right time for me to take up the cudgels—if it is the British way of life—I suggest that it is the intention of the Administration to have all the communities in this country to adopt the British way of life. I would suggest that the African community, being the largest community in this country, are the proper people to show whether the British way of life is being adopted, and my suggestion, Sir, is that in our educational system in this country, or abroad, we are not encouraging Africans to come up to that standard to demonstrate to the African people that the British way of life is the proper one—that we are failing in our duty—and that is where I am suggesting, Sir, that the Administration and the Government generally are failing in encouraging the African people to adopt the British way of life by not giving him the responsibility to demonstrate to his own people that the British way of life is the only life worth living in this Colony—and I still stand by that premise.

MR. HAVELOCK: May I bring to the notice of the Committee, Sir, that it has been understood and agreed, I think, in this Committee, that hon. Members should not make two speeches on the Motion to consider a Head.

THE CHAIRMAN: Yes. I had overlooked the fact that the hon. Mr. Mathu had already spoken in the preceding part of this debate.

MR. BLUNDELL: Mr. Chairman, I thought that the hon. Member for African Affairs, when moving that the Head should be considered, did so with a certain amount of apprehension. I should like to assure him that there was no need for that, and I would only rise, Sir, to associate myself with the remarks made by the hon. Member for Kiambu.

I am certain that in so far as looking after the people whom they administer, and bringing them on, there is no better body than the Administration. I particularly welcome the remarks which the hon. Member has said, in regard to the officers who have learned vernacular than that method.

MR. COOKE: Mr. Chairman, this seems to have led to a lot of eloquence—that ten minutes' adournment we had! But there is one point I would like to make—I think I made it strongly this morning, because I think I have been slightly snubbed by my hon. friend the Chief Secretary. I tried to make a point, Sir, with reference to the increase in the Administration and the Welfare Officers, and this, that and the other thing. I read out an extract, Sir, from a report of 1948, in which I, and one or two others, requested that an inquiry should be made into the working of the Administration, and a promise was given then, as I noted this morning, Sir, that an inquiry would be made, but so far I know of no report of that inquiry being submitted to the Standing Finance Committee.

I will read it out again, Sir, without boring people. It is only three lines: "With regard to this submission, and to my submission, the Commission noted that an inquiry was being carried out departmentally, and recommended to the Members of the Efficiency Committee that they should be associated with this inquiry"; and I just want to strike a note of warning. If these promises about inquiries are not being kept—as apparently this promise was not—we will not be getting much forward in this debate. I hope that the result of that inquiry, made four years ago—even late as it may be—may, Sir, be submitted to the Standing Finance Committee.

Mr. SALTER: I do not wish to speak very long, Sir, but I would like to express my regret with the tributes that have been paid to the officers of the Administration of the provinces and districts. I would like to say this, and it has been voiced on many occasions in this Council and in this Committee, and that is the question of centralisation and decentralisation. I hope, Sir, that this Committee which the hon. Chief Secretary agreed this morning would be formed will also adopt—possibly, perhaps, is the proper word—people who will form all the committees to inquire into the personnel in districts, to ensure that there is no overlapping, that there is not a redundancy of people carrying out the good work in the country, or only those numbers to carry out the administrative work with those who are exercising them from the Central Administration in Nairobi. Sir, that is all I wish to say and I do hope that that will be done, because if it is not, it does mean that a Mission at one time or another will have to be convened to inquire into the numbers and duties of personnel in the provinces and districts, in order to ensure that there will be economy of labour, economy of time and economy of money.

Hon. CHAIRMAN: My Chairman, I have examined my conscience as the hon. Member instructed me to do, and I feel that I can support the tributes that have been paid to our Administration. I feel that they are, anyhow, a very strong contributory factor to the present British way of life in this country, but that will not, Sir, do me from hoping to avoid one feature of the British way of life—during this country into a welfare state. In spite of all the tributes paid to this Administration, I reserve the right absolutely to criticise such items as Welfare Officers when they arise. I wish to make my position quite clear because there have been a number of very well-earned bows cast at the Administrators but, at the same time, there are features of it which I do not particularly like. That, Sir, I think, is the point I wish to make and I wish to give notice of the fact that, I, anyhow, shall not be enthusiastic about Welfare Officers.

THE ACTING CHIEF SECRETARY: Mr. Chairman, on a point of explanation, I am not sure as to why the hon. Mem-

ber for the Coast should have accused me of administering a snub. I was completely silent. I do not think I ever looked things at him. It may be that somebody else made some sort of a remark, but one reason that I did not was that I am not at all certain what the report is to which he is referring. I will gladly look into it with him to see what it is all about, but in the matter of the snub, I am guiltyless.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, there are not very many points for me to reply to. First of all, on behalf of officers in the Administration, I would like to say thank you very much for the nice things hon. Members have said about the Administration in this country.

One or two points were raised. The first point—an item raised by my hon. friend Mr. Mathu who wished us to associate the African more closely with the African Administration and he referred to the position of African Assistant Administrative Officers—and he said there was very little in that name. I do not believe there is very little in that name—I believe there is quite a lot. But these officers are just what that name implies, they are African Assistant Administrative Officers, many of them are pretty good ones. I know that, last year, I mentioned in this Committee that we would go into the question of whether accelerated promotion could be given to any of these officers, and I had the pleasure of sitting with a couple of Provincial Commissioners and my hon. friend the Deputy Chief Secretary a few weeks ago only, when I interviewed a number of them, and I hope that two or three, at any rate, in the very near future and before the New Year, will at least get an increase in salary.

Now, Sir, I think that the time has come for me to deal in some fairly plain speaking on the future of the African Assistant Administrative Officers. First of all, that is his name and that is what I consider he is. I do not believe that, at the moment, we have got Africans here who are able to take charge of districts or to assume the complete responsibility of District Officers. That, I know, is an extremely unpalatable and an unhappy thing for me to say, but I think it is honest and therefore I have said it. Of

[The Chief Native Commissioner] course, one of the main difficulties of these African Administrative Assistant Officers is their tribal background. You are able, at least, to post a man who comes from even a remote part of the district of this Colony, without creating more of a riot than there was there before, but that we are not able, Sir, to do in the case, very often, of an African from one part of this country whom you want to post as an African Administrative Assistant to another entirely different part of the Colony. (Question.) Well, Sir, I can say I have been questioned on that—so far, we have only tried once and it has been a howling failure. I am sorry, Sir, but it has.

Now, the hon. Mr. Mathu also raised the question of the Community Development set-up. Now, he said he said that—that first of all he quoted, I think, from the report of the Community Development Commissioner for 1950—when I think he said that Community Development was only—was it an extension?—would you mind reading it?

MR. MATHU: No, I would not. It was merely "an intensification of administration".

THE CHIEF NATIVE COMMISSIONER: Thank you, Sir—an intensification of administration. I entirely agree. It is an intensification of administration, and therefore it features in this Head 2-3, Administration, and the man in charge of it is an ex-Administrative Officer—a point on which various odd Members made a great deal of play last year. It is, I know, the place in which we are trying to put across all the ideas that are going on in the districts, and those ideas are being put over equally in the districts by members of the District Administration. It is in fact, as you say, an intensification of administration, and if it is an intensification of administration, I cannot see why we should put it under the Education Department.

My hon. friend made the point again which now I have heard him make three times, with which I generally agree, and that is that we should try to divorce the executive from the judicial. I think he was having a go at the fact that Provincial African Courts Officers are also Administrative Officers. I think that was the point. Those, as he knows very well, are officers who have had an administra-

tive background for some years but are now posted to a job where they are dealing only with the courts, and, to that extent, I think we have carried out what the hon. Member wants us to do, to divorce executive from the judicial. In the districts too, the hon. Member is well aware that, in the bigger district, where the courts' work is particularly heavy, the Senior District Officer, who is also a magistrate, deals practically entirely with the court work in both the African courts and the subordinate courts in that district and does practically nothing else.

My hon. friend, the Member for Kiambu, raised the question of provincial teams about which he noted that I mentioned but two only, skated round, I thought rather admirably—but he said that there were officers on those provincial teams in the Administration—the only officer in the provincial teams in the Administration is the Provincial Commissioner as far as I know. He is the only one there. The other members of the provincial teams are officers—Agricultural, Veterinary or Medical—who were in the districts, before provincial teams, I think, were ever heard of and the very existence of those provincial teams does make for all the officers of all the departments in the provinces thinking on a provincial—if you like—agrarian is just one side of it—agrarian and public health—all the rest of it—point of view, instead of having them all cut up into departments and thinking in departmental terms.

The hon. Member for Nairobi South said that he hoped that this Efficiency Committee would get into the question of overlapping in the provinces—I have no doubt that it will.

The hon. and gracious lady, the Member for Ukamba, said that she did not like welfare officers. She also talked about the welfare state, I would just like to get this one in if I may, Sir. This is not a welfare state and I really cannot agree that the services that go on in a district—in Machakos if you like—a district which has a few dispensaries, about a couple of Medical Officers and a few African dispensers and so on, is a welfare state. It just bears no relation whatever to a welfare state.

Mr. Chairman, I beg to move.

The question was put and carried.

THE CHAIRMAN: The Committee will proceed with the detailed consideration of items under Head 2-2.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2-2 1, General Staff, item 1, sub-items (1) to (23) be approved.

MR. HOPKINS: Mr. Chairman, if nobody wishes to speak before No. 9 I would like to say something on (9)—District Officers (Community Development).

MR. NATHOO: I want to speak on item 8 if I may, Sir.

THE CHAIRMAN: Does any hon. Member wish to speak on any item prior to item 8?

MR. NATHOO: Mr. Chairman, I would like to inquire what are the functions of the Liaison Officer for Kenya's students, what does he do and is there any report about his activities and his functions.

MR. MADAN: Sir, to that I would like to add, if it is answered that Liaison Officer is a special office set up to look after students, and the reports that come to us are that students who go out from the Colony, most of them, are unable to get admissions to the universities. There would appear to be very little liaison between education and the money that is spent.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I feel that the title is somewhat explanatory—Liaison Officer for Kenya Students. His task is to do everything that is necessary to smooth the path of students, particularly African students, in England. He has to cover a vast field in England. Indeed I was talking to the newly appointed officer last week. Mr. Billington, and he said sometimes—he has only been in that job a few weeks—he felt like a universal aunt. There are many things which students going home to England do not know. Many of them are visiting for the first time a highly intensified and developed community and his task is to welcome them, to find them, very often, accommodation, to guide them to their universities or institutions and to see that they, very often, get work during their vacation, or that they are put into contact with good and decent families in England, rather than be left to spend their vacation under circumstances which they could very

often, from their sheer ignorance of conditions, get into very troublesome and mischievous hands. It must be made, however, very clear, Sir, that neither Mr. Billington nor the Education Department can find many places for students in English universities and educational institutions. That is a matter which rests in the hands of the councils of the universities and the educational institutions concerned, and at a time when they are under extremely heavy educational pressure themselves and very often have to refuse access to these educational institutions for British people, British taxpayers resident in the United Kingdom—it is an act of grace on their part that they take students from overseas at all, and I think, far from criticizing them in this respect, we should be grateful that they have gone to the lengths that they have gone in making educational facilities available.

I do not know, Sir, that there is very much left to be said about this item. As I said, I had a meeting with the Director of Colonial Scholars, Mr. Keith, various members of the Colonial Office and Mr. Billington last week. We went into the whole details of the position of many students—particularly African students there, and I can only say I personally came back very satisfied with the work that was being done and very satisfied and pleased indeed that we have been able to get a man of the high commercial business and moral integrity of Mr. Billington for £800 a year.

MR. MADAN: I think I must have been misunderstood by the hon. Member. There was no question or no intention on my part to say that we are not grateful to the English universities for taking our students in. I am aware, Sir, that pressure is very heavy indeed, I am aware of that fact, but, apart from that, Sir, I would like to ask the hon. Member who has just spoken, is it not true that there is a special department in the Colonial Office which deals with students from overseas and, if that be correct, is there any need really for this officer?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Yes, Sir, I thought I had made it quite clear in the speech that I have made that I met the Director of Colonial Scholars who is responsible from the point of view of the

[The Member for Health, Education and Local Government] Colonial Office in trying to place overseas scholars into educational institutions. He has, however, the whole of the Colonial Empire to cover and Mr. Billington's job is to help him in particular in referring to East African students. Now, there are other agencies also that help to place people in educational institutions.

MR. HAVELOCK: In East Africa or Kenya?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: In Kenya, Sir. There are other agencies I know that help to place people in educational institutions, but, again, the question of the care of the students, which I must stress is of vital importance when these, shall I say, people coming from a less advanced stage of civilization, hit all the difficulties of a highly developed civilization. I trust that, under those circumstances, the hon. Member will agree that an officer of this kind is extremely valuable.

MR. NATHOO: Mr. Chairman, accepting the information given by the hon. Member for Education, I think the officer we had in mind was not the Director of the Colonial Scholars. There is a Welfare Officer attached to the Colonial Office who looks after the welfare of the Colonial students.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Yes, Sir, but he has the whole of the Colonial Empire to deal with, and we feel ourselves that when we send students from here to London, Edinburgh, Cardiff and these places, it is highly important that they should have a friend who they can turn to, a man of knowledge, experience, tact and ability.

MR. MATHU: Mr. Chairman, while not, of course, suggesting that this officer is not necessary, may I say this: that while agreeing with what the hon. Member for Education says, that as far as the African students are concerned, I should hate to think that they should be so mothered by this officer in England that they will lose their independence of standing on their own feet.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Sir, the position of a "Universal Aunt" is to

protect and guide, it is not to compel, and nobody can compel any African student to accept more care than he is willing to accept.

MR. MADAN: Mr. Chairman, Sir, in referring to the hon. Mr. Mathu in what he has just said, have we not only to look at him to be able to believe what he says? (Laughter.)

MR. HOPKINS: Sir, item 9, District Officers (Community Development) £7,105.

Sir, ever since these posts first appeared in the Estimates some four Budgets ago, I and others on this side of the Committee have vigorously opposed them. We have opposed them on the grounds that welfare and community development work is one of the primary duties of the District Commissioner and his officers. We have also pointed out, that while we expect the innumerable departmental officers in the district also to concern themselves with community developments, we think it is the inalienable responsibility of the District Commissioners and the District Officers, and they should not delegate, or even appear to delegate, it to officers of lesser calibre, as are these District Officers (Community Development) whose salaries are very much smaller than those of the normal District Officer.

In last year's debate, Sir, the opinion was expressed that Government should transfer as many of these officers as were suitable over to the Administration. And I am surprised, and indeed disappointed to find that only one of them has been moved up to the ranks of District Officer. I, like many others, believe and have frequently stated that the District Officers are perhaps the one body in the Service who always seem to be under strength or down to the danger level and I am very disappointed to see that not more than one was moved up. The implication is presumably that the other nine were not suitable.

I beg to move the deletion of the whole of this item 9, District Officers (Community Development) £7,105. (Applause.)

MR. MATHU: Sir, I rise to support the Motion moved by my hon. friend the Member for Aberdare. It is not very often we see eye to eye with one another. (Laughter.) But this time certainly I

[Mr. Mathu] entirely agree with him, and I move that this item be deleted.

Sir, speaking in London recently, Mr. W. H. Chin, Adviser on Social Welfare to the Secretary of State is reported to have said that welfare in Kenya was rather confusing and untidy, and undoubtedly wasteful, both of effort and money.

With reference to the item under discussion, Sir, I think the hon. gentleman the Adviser to the Secretary of State, if the report is correct was very right—extremely correct.

As I have said in the debate that this Head be considered, I think, Sir, that these officers are unnecessary. What they are doing can very well be done by the various officers of Government in the district. You have an Agricultural Officer; he ought to do the work of disseminating agricultural information to the African people. We have in the districts Veterinary Officers, and they ought to do the work of disseminating information regarding veterinary work. We have Health Officers who ought to tell the communities what the health measures were and how to arrest the spread of any diseases. We have officers, the District Commissioner, his immediate assistant; he may have a third assistant in certain districts. It will be their duty to do this work. In saying that, I do not see what else these officers do, and why we should go and pay £7,000 odd to do a job that can be done by District Officers.

Just to give you an example, Sir, of what harm—what harm—some of these officers can do to the rural relations in this country, I want to read from the report of the 1950 Annual Report of the Community Development Organization at page 5, sub-paragraph (d) where there is talk about Young Farmers Clubs. It reads:—

"Before the arrival of the European, the Kikuyu *unale* (unale means young men) were an organized gang of healthy 'spivs' with their spears to lean on."

Well, you have such a damning phrase in an official document, Sir, I do not think that you can fail to see what is being done in this country, being spoilt by being thrown all over the countryside

and I deny that this is the whole story. He goes on to say that: "to-day we have circumcised boys of twelve thinking that they have entered the higher grades when they have not done so and as they grow up they have no occupation and no outlet for their spirits". Now, why have they no occupation and why have they no spirits with closer administration? I submit, Sir, that the approach, in my view, is not a right one. If these officers are indeed going to be called Community Development Officers, is one of the things that I have read out here an implication that they are really developing a community? I can give you heaps of examples, Sir, but I do not want to tire the Committee by reading this report; that I must say is an extreme case. There are some good reports here about various officers, but I say that that can be done by the staff, the other staff of the Administration can really do exactly what we want. In a previous debate, I think it was a debate last year, I did mention something about a welfare state. The hon. and gracious lady for Ukamba has mentioned this, and I say that the hon. Member for African Affairs says is correct, we are not a welfare state. But I think the money spent on these officers, £7,000-odd, could be better spent by some other service, but not keeping these officers in the field to do what they are doing. I do not think that they have done something that would warrant the expenditure the public is paying for. (Applause.)

LADY SHAW: Mr. Chairman, let me make myself quite clear. Both the hon. Member for African Affairs who has just spoken, and the hon. Chief Native Commissioner have completely mistaken what I have said. I said the one feature of the British way of life of which I most heartily disapproved was the welfare state. I never suggested, Sir, that this was a welfare state. God preserve us from ever having Kenya as a welfare state. I never suggested that I disapproved of the ordinary services such as the hon. Chief Native Commissioner mentioned, dispensaries and things of that kind. I said that I disapproved of the welfare part of the British way of life. I hope we will not see it in this country. I feel—if I must make myself completely clear—that a great number of the activities of the Community Development—and I do not mean the

[Lady Shaw] Jones School—tend to produce that atmosphere in this country.

That, Sir, is my point of view and I wish to make it entirely clear.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I have just one particular comment on the remarks made by the hon. Mr. Mathu, when he spoke about the Health Inspectors, that they should explain the measure of public health to the Africans. The only place for which I have immediately figures available is the Province of Nyanza, which has a population of one and three-quarter million people. I have, Sir, the large staff of five Health Inspectors, which includes the Health Inspector of Kisumu, to do the personal explanation to one and three-quarter million people. I trust the hon. Member will realise the absurdity of the suggestion.

MR. MATHU: Appoint African Officers to do most of the jobs.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I will point out, Sir, that African Officers are extremely few, as well.

MR. MATHU: Train more.

MR. BLUNDELL: Are we not concerned with the health of the people?

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, on the question of District Officers (Community Development) a lot has been said in the past about District Officers (Community Development) I should not be surprised if a good deal were said in the future. But first of all, Sir, I think I must try and say—answer a question which was asked, I think in the last debate on this subject, "What do these people do?" Well now, their job is to try and put over to the Africans and concentrate as much as possible in small areas in the districts in which they work and try and put over in those areas, the particular lessons which the Administration, the Health, Agriculture, Veterinary and all the various departments of Government are trying to get across in that district or in that particular area. That is one of their jobs, and the methods they use are *barazas*, just like any District Officer or any other officer of the

Government uses who is working in the African areas. They also show films, they can use and do use ordinary things that are called film-strip projectors; they are responsible for district newspapers. They do a good deal of that kind of work, which I do not just believe that every District Officer is either trained or necessarily suited to do. Most of us District Officers—including various of my hon. friends on the other side of the Committee who were District Officers—know that our medium was to go and talk to all the various *barazas*; nowadays we use a good many other methods as well, and these officers are trained in that. It is extremely easy to say that this staff and these methods are not necessary, but we are in the 20th century, and we have got to use the means that are used nowadays, and not used twenty or thirty years ago to get across what we want. These officers are trained in these particular methods and they do use them.

They also are responsible for such purely welfare activities—and I use the word "welfare" in perhaps the old sense of the term—they have such activities as the following up of boys on probation, of discharged convicts, and those sort of jobs, which are, of course, welfare in the narrow sense of the term. They have also to look after all the multifarious affairs that have to do with the soldiers who are, away from their districts, and here I would say, Sir, that we have, of course, a growing and almost immediate commitment in that respect in that we are just about to recruit people who go away from this country as pioneers. That has been in the Press, everybody knows it, and there is going to be a lot of additional work in two at least of the provinces, which will fall upon those men, and that is work which particularly falls into their office.

I have said that they run the African gazettes, the local gazettes, about which my hon. friend Mr. Mathu was speaking a few moments ago. That, I am perfectly convinced, is a most valuable and very important job. There again it is a job which requires a certain amount of experience and a certain amount of instructions, which they have had. They are, Sir, of course, members of a district team, about which, I believe, we are all

[The Chief Native Commissioner] in favour of the district team. I understand. They are members of it, and they are very often the mouthpiece to put over what the district team have decided to do in a particular area.

They also run district courses similar to the courses which are run at the Jeanes School. I do not think there is very much opposition in this Committee to the principle of Jeanes School and what goes on there. Now, we are trying to get that principle established also in the districts and to get the courses run there for individuals, and again, Sir, here I would say what I said before, we are in this way trying to get hold of the African individual. He is a most important person, and you cannot get hold of him nowadays merely by talking to a baruta of 300 people. You have got to go round to his house and see him, you have got to be able to talk to him and his women and children as well, to be able to go into schools and talk on a variety of subjects. I know it is quite possible that District Officers can do it, but there are not enough of them.

If we wash out this Vote that hon. gentlemen want to delete, we must add to the numbers of District Officers; we just cannot do without these people if we are going to administer this country in a twentieth century fashion properly.

There are other activities, Sir, of course. They run all district sports these days, and anybody who has been to the district and provincial sports within the last year or two will, I am sure, be amazed at the development and improvement that has taken place in African athletics.

Other points raised. My hon. friend the Member for Aberdare was upset, because we had only added one of these officers to the strata of District Officers and reduced the District Officers (Community Development) by one. At the same time, I gather from the hon. Member Mr. Mathu that Mr. Cheyne, who came out here, reports that we are wasteful of money. On the other hand, I gather that instead of paying these gentlemen what we do pay them now, we should in fact put them all on District Officers' cadre and pay them very much more. I cannot see the logic

Mr. HOPKINS: Sir, on a point of explanation, may I say I said nothing of the sort. The suggestion in the last Budget debate was that those who were suitable, of a sufficient standard to enter in the Administration, should be transferred to the Administration, and that the rest should be dismissed. (Hear, hear.)

THE CHIEF NATIVE COMMISSIONER: I was not quite certain what my hon. friend said, but I gather he did not—he wanted those members to be transferred who were suitable from one Vote to the other, and that was what he was anxious to do. We have, in fact, as I said, transferred one. I am quite prepared to consider the transfer of others, but I do not believe we are going to get very many because, quite frankly, I do not think that those officers are all of them up to the standard of the District Officers.

Now, hon. Members opposite will at once no doubt say, "that is what we want". Well if you want that, we have got to pay them very much more than we are paying at the moment, and I gather the object of this exercise(?) was to reduce expenditure.

My hon. friend, Mr. Mathu, referred to Young Farmers Clubs. I believe that these District Officers (Community Development), are doing a good job in the Young Farmers Clubs. I admit I do not like the particular reference that my hon. friend read out. I think it is a most unfortunate thing and I am sorry it was said, but on the other hand these District Officers of Community Development are getting hold of young men in the districts, who are 16 to 22 years of age, and they are getting organized to do, when they can a decent job of work. I was talking to one of these officers recently and he told me that within 20 miles of what he had got a club going of what he calls "spivs". We all know what "spivs" are, whether European or African. Within 20 miles of this place he has a club going for these young men who have started their own orchestra and have of their own efforts produced £100 which they were proposing should be spent on a club for themselves. That seems to me to be a very useful job of work. At the same time, Sir, I know of another officer who is doing the same thing and has got "spivs" from another district to go into

[The Chief Native Commissioner] the markets and clean them up. These officers are valuable officers, and I oppose any suggestion that they should be deleted.

MR. HOPKINS: I would just like to say that what the hon. Chief Native Commissioner has said strengthens my conviction that the duties which are now carried out by the Welfare Officers or Community Development Officers could and should be carried out by the District Commissioners or the District Officers and the very considerable number of departmental officers in the district teams working under them.

THE CHAIRMAN: If no other hon. Member wishes to speak I will put the question. The question is that item 9, under sub-head (1)—General Staff, District Officers, Community Development, £7,103, be omitted.

The question was put and on a division carried by 21 votes to 15 votes. (Ayes: Messrs. Blundell, Chemallan, Cooke, Lt. Col. Gherais, Messrs. Havelock, Hopkins, Jeremiah, Major Keyser, Messrs. Maconochie-Welwood, Madan, Mathu, Nathoo, Ohanga, Patel, Pritam, Sallim, Salter, Shatry, Lady Shaw, Mrs. Shaw, Mr. Usher, 21. Noes: Messrs. Carpenter, Davies, Hartwell, Hope-Jones, Hunter, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Rehan, Taylor, Thornley, Trim, Vasey, Whyatt, 15. Absent: Major Cavendish, Bentinck, Dr. Rama, 2. Total: 38.)

MR. MATHU: Sub-item 11, Sir. Mr. Chairman, I beg to move that sub-item 11, District Foremen, £5,425, be reduced by £2,713. (Hear, hear.) My point here, Sir, is that when these posts were created, they were then seven. I objected to this because I held the view that the work performed by these District Foremen could well be done by trained African craftsmen, artisans if you like, and achieve the same end with less cost to the public. I still hold that view, but I have been informed in certain districts use is being made of some of these District Foremen. I still think that Africans can fill these posts as they are liable to transfer anywhere in the country. Unless we give opportunities of employment for trained African technicians we are wasting public money in our trade schools at Kabete and Thika,

MR. COOKE: Mr. Chairman, I would like to associate myself with what has been said by my hon. friend Mr. Mathu. It is just four years ago now since I joined in protest against the promotion of European foremen when we felt African foremen would quite readily do that work, and surely it is a confession of failure, Sir, that after the expiry of four years that still Government says they have not got African foremen with which to do the work, in spite of Kabete, and in spite of training, and in spite of the money we have spent.

I cordially support my hon. friend.

MR. HOPKINS: Sir, I rise to support the Motion but for rather a different reason to that given by the hon. Mr. Mathu. I feel that Government's policy during the last few years having been to appoint special officers to deal with almost every variety of job, that there are no more odd jobs left for these odd-job officers to do.

THE CHIEF NATIVE COMMISSIONER: I am very surprised that my hon. friend, the Member for Aberdare, should consider that making roads, bridges, buildings and so on should be an odd job. I do not think it is. He was a very good builder himself and he has tried to teach me to do the same sort of job rather unsuccessfully.

The hon. Member for African Affairs, Mr. Mathu, has really raised the crux of this matter, and that is, are there or are there not Africans who are capable of doing this job, and I think my hon. friend, the Member for the Coast, made the same point, as probably the hon. Member for Aberdare came along really with that in his mind. These men are in charge of erecting buildings and they are trying to erect decent African housing, mainly housing, tribunal halls and so on, and they are trying to do it as cheaply as possible, and they are therefore men who have got to know a good deal about materials, and have to have had a good deal of experience of dealing with comparatively cheap methods of building. I do not think, Sir—it may be a confession of failure, it may not. I do not think it is, but we have not got Africans yet, many Africans, who are really capable of doing that sort of thing. They have not only got to be

[The Chief Native Commissioner] will be able to supervise building, be able to use local materials and so on for as cheap a type of building as they can; they have also got to be able to build bridges, got to know something about road making and they have got to be a "Jack of all trades", perhaps better than the District Commissioner used to be in the old days. They have got to know a good deal more and they have got to know more than I think many Africans know at the moment. I will be only too pleased to join with my hon. friend Mr. Mathu to put the Africans into these jobs when we can get them. There is another point, they have got to look after, they are responsible for the disbursement of quite a lot of money. For these buildings, roads and so on they have got to know something about accounts and they have got to be able to keep them. Only a few weeks ago a Provincial Commissioner was talking to me and saying what great difficulty they had over even work supervisors, Africans, who were in the employment of the African District Council, who were therefore responsible for quite a lot of money and they really did not know how to keep track of it, and finance has got into a mess. And also as I have said before, this may be a confession of failure, I do not think we have got the men, the African men, yet to fill all those posts. I think the posts are most vital. Their job is quite vital and must be done, and I do oppose the suggestion that we should reduce this Vote. (Hear, hear.)

MR. MATIU: Mr. Chairman, if my hon. friend seriously means that after 50 years of British administration he cannot produce four men and we are reducing the vote by 50 per cent—we cannot get four Africans to fill those posts then the sooner we pack up the better.

The question was put, and on a division carried by 21 votes to 15 votes. (Ayes: Messrs. Blundell, Chemallan, Cooke, Lt.-Col. Ghertel, Messrs. Havelock, Hopkins, Jeremiah, Major Keyser, Messrs. Macnochoie-Walwood, Madan, Mathu, Nathoo, Ohanga, Patel, Prithvi, Salim, Salter, Shatry, Lady Shaw, Mrs. Shaw, Mr. Usher, 21. Noes: Messrs. Carpenter, Davies, Hartwell, Hope-Jones, Hunter, Matthews, Sir Charles Mortimer,

Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 15. Absent: Major Cavendish-Bentline, Dr. Rana, 2. Total: 38.)

THE CHAIRMAN: It would be convenient if we could dispose of the items, the consideration of which has been moved—items 1 to 23. If no hon. Member has any point to raise on the remaining items I will put the question that items 1 to 23 under sub-head (1), General Staff, are reduced by the Committee by the sum of £9,818, be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move. That the Committee report progress and ask leave to sit again.

The question was put and carried. Council resumed.

ADJOURNMENT

Council rose at 8 p.m. and adjourned until 9.30 a.m. on Wednesday, 28th November, 1951.

Wednesday, 28th November, 1951

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 28th November, 1951.

Mr. Speaker took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

THE SPEAKER: Before proceeding with the normal business, the Hon. the Acting Chief Secretary has a statement to make to Council of more than ordinary interest, and I will call upon him.

VISIT OF T.R.H. THE PRINCESS ELIZABETH AND THE DUKE OF EDINBURGH

THE ACTING CHIEF SECRETARY: Mr. Speaker, I have some information about the visit of Their Royal Highnesses, the Princess Elizabeth and the Duke of Edinburgh.

They are expected to arrive on the morning of the 1st of February. The arrival will be private. That afternoon they will be present at a garden party at Government House at which it has been arranged for you, Mr. Speaker, to present to Her Royal Highness the key of the Forest Lodge—the Colony's wedding present to her and her husband. (Applause.)

On the next morning they will make a tour of Nairobi between 10 a.m. and 12.30 p.m. and will be entertained at a Civic luncheon by His Worship the Mayor and the City Council. During the tour they will make short stops to receive a welcome from a rally of school children, to visit the Princess Elizabeth Hospital and to open the new Headquarters of the Kenya Regiment.

After luncheon they will go to Forest Lodge and remain there until the morning of the 7th of February when they will visit Nanyuki, see a demonstration staged by the Nanyuki Military Garrison and lunch in an officers' mess.

After lunch they will fly to Port Reitz Airfield at Mombasa and drive through the town to the docks. After the Princess has inspected a Naval Guard of Honour, Their Royal Highnesses will embark in the S.S. *Gothic* which will sail for Colombo at 5.30 p.m. escorted by H.M.S. Kenya.

Her Royal Highness Princess Elizabeth and His Royal Highness the Duke of

Edinburgh are coming to the Colony in order to receive in person the Colony's wedding present to them and to enjoy a few days of peace and rest in Forest Lodge and its beautiful surroundings. The Governor has assured them that everyone in the Colony fully understands how much they must need and will enjoy the quiet and privacy of the Lodge and the surrounding forest and that they may be fully assured that their privacy will be respected. (Hear, hear.) (Applause.)

THE SPEAKER: Hon. Members, I think I ought to put on record to-day that I am deeply honoured and exceedingly fortunate that it has fallen to my lot to present symbolically on behalf of the Council and on behalf of the population of this Colony and Protectorate this wedding gift to Her Royal Highness, Princess Elizabeth.

We have looked forward to this visit for some time, and though we shall want to see it all we can of Their Royal Highnesses, we must realize that they do need a rest from the very strenuous times that they have passed through recently. (Hear, hear—applause.)

MINUTES

The minutes of the meeting of 27th November, 1951 (Evening Sitting), were confirmed.

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that the Committee of Supply considered the "remainder" of Head 2—1, Central Administration (Secretariat), and approved of the inclusive items 1 (19), to the end of Head 2—1, subject to the reduction of item 1 (31) by £117; the reduction of item 1 (42) by £128; and the total omission of sub-head (2), Press Officer, amounting to £4,403.

The Committee continued with the consideration of Head 2—2, Administration, and dealt with sub-head (1), General Staff, items 1—23. The inclusion of these items was approved, subject to the omission of item 9, £7,105, and the reduction of item 11 by £2,713.

THE SPEAKER: So you have reached the stage of dealing with item 1 under Head 2—2.

Council will now go into Committee of Supply.

COMMITTEE OF SUPPLY

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1952.

HEAD 2-2—ADMINISTRATION—(Contd.)

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2-2, Administration, items 2 to 7, be approved.

MR. HAVLOCK: Mr. Chairman, unless any other hon. Member wishes to comment, I wish to move a reduction to item 6, Other Charges.

THE CHAIRMAN: Nobody else is rising.

MR. HAVLOCK: I presume we are dealing, Sir, with items 2 to 7 on pages 46 and 47.

THE CHIEF NATIVE COMMISSIONER: Yes.

MR. HAVLOCK: Item 6 is the Colonial Administrative Service Course. I wish to move a reduction by £2,000.

Mr. Chairman, this matter has been discussed in a number of Committees of Supply over the years, and in these days of stringency—financial stringency—I suggest that the actual efficiency of Colonial Administrative Officers would not be greatly affected by this reduction. It was the intention of Unofficial Members on this side of the Committee to move the deletion of this Head altogether—of this item—but, after reconsideration, we consider that a short course for new cadets is of value to the Administration—of great value probably—and, indeed, refresher courses may also be of value for those who have already spent time in the Administration, and when they proceed overseas on leave.

However, we believe that at least £2,000 can be cut from this Vote, and thereby shortening the course which I believe now, for cadets, is at least a year, and we feel that it is very extravagant and unnecessary, and that the Administration would not suffer thereby.

I beg to move.

MR. USHER: Mr. Chairman, I rise to support my hon. friend the Member for Kiambu in his Motion for the reduction of this item, and I would recall that when I myself came into the Service there was a course which lasted three

months. Of course, it could do very little else than indicate the scope of the various subjects which would be necessary for an Administrative Officer in his work in the field.

The course covered a few of the following subjects: the Colonial system of accounts; law, including Mohammedan law; tropical hygiene; tropical agriculture; and, I think, there were one or two lectures on anthropology. This course was then considered adequate, and I feel, Sir, that we might come to regard it again as adequate.

I do not know whether it would be possible to set up such a course at home now, but if not, then I feel quite sure it could be done in this country. I must express doubt whether the course at present in force at Oxford and Cambridge is to the good of the cadets. I think it delves rather deeply into matters of constitutional history, and I know there is some feeling at least on this side of the Committee, that as soon as they are appointed on probation—and the sooner the better—cadets should get through work and get their experience in the field (Hear, hear).

MR. COOKE: Mr. Chairman, I regret that I have to oppose the Motion. My hon. friend who has just spoken had a distinguished career in the Colonial Service—indeed, very much more distinguished than my own—but it is possible to argue, Sir, it might have been even more distinguished still had he done a course of one year instead of three months!

I deny the premise of my hon. friend on my right, the hon. Member for Kiambu, in which he built up his argument on the allegation he said we were going through a time of financial stringency. I cannot for one moment agree with that, Sir. The Reports that were issued on the finances of this country two or three years ago—the Commissions or Committees, whatever they were called—found that this country was not taxed to its taxable capacity, nor can anyone in this Council say it is taxed to its taxable capacity when our expenditure is about 13 per cent of our national income, as pointed out by my hon. friend the other

[Mr. Cooke]

Now, Sir, my stand from beginning to end in this matter is: I am only prepared to cut out what I consider to be unnecessary and wasteful, I am not going to reduce expenditure just for the sake of reducing expenditure—just as a great many Members in this Council said the other day. They said that the Government was spending money just for the sake of spending money. We must not go to the opposite extreme and cut down expenditure just for the sake of cutting down expenditure. I feel very strongly that this country is in a very stable financial position, and to give any indication to the outside world that we are now, anyway, nervous of the position would, I feel, be doing a great disservice to the country. Whereas it will transpire that I will support my colleagues on many matters, I would only support them on those items where I think there is unnecessary or wasteful expenditure. (Applause.)

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I want to say a few words on this item because I have had a certain amount of experience with these young men on this type of course. Now it is a very short course. It is what the Americans call "an orientation course" to let them know something about the Colonies and Kenya. I suggest that for anybody who is going to undertake the responsibility that Administrative Officers have to undertake in a very good thing before they are plunged into their district that they should have an opportunity to find out some of the facts about this Colony and so have some opportunity to understand their implications. I have taken summaries with these young men. They are very keen. I am completely convinced we should provide them with funds and I am sure we in this country get a very good return indeed for the comparatively small sum involved.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I must oppose this reduction really on much the same grounds that I opposed the same sort of Motion last year. The difference we have heard this year in the arguments is that the course should be shorter, although I think it is now generally admitted that the principle is good in having the course. Now the subjects, Sir, that they teach

on these courses each year are Colonial and Local Government study to begin with. A great deal of water has passed under the bridge since either the hon. Member for Mombasa or I were at these courses and a good deal more is known, and a great deal more research has been done on Colonial and Local Government affairs. There is very much more to be learnt than there was 20 or 30 years ago. Those on the courses do also simple economics and agricultural economics. They do some geographical regional studies and I remember my hon. friend Mr. Mathu telling us last year how necessary some geographical knowledge was, as apparently some of the gentlemen he met last year or perhaps before that, thought that Kenya was in the north of Nigeria, so evidently some geographical study is necessary. Colonial history is studied and certainly study in constitutional development which I submit, Sir, is most important in view of the constitutional developments going on on every side. They also do languages on the course, and here I think the cadets who now come out to us have a tremendous advantage over ourselves who came out some years ago practically ignorant of Swahili. I hope I am right in saying that: possibly my hon. friend from the Coast knew a lot before he came out. I know how extremely good he is in languages. They also do law, including Muslim law, although the Muslim law is not very important I think to this Colony. (Question!)

I think really, Sir, generally speaking the majority of officers out here do not have very much to do with Muslim law. They have much to do with the land, and on field engineering, and they also do something on animal health and forestry. As well as that, Sir, they are attached nowadays to Local Government bodies, and I think all the Administration have been taught a good deal in this country by my hon. friend the Member for Health, Education and Local Government. In the last few months we in the Administration have been shown how little we know about Local Government, and now with our new African Local Government Bill we have got to set down and study Local Government really properly. The implications of that are really big and the advantages of these young men being attached to Local Government bodies in Britain is, I think,

[The Chief Native Commissioner] of the Committee were kind enough to go and talk to them and meet them and get their impressions of them and let them get their impressions of us. They saw a lot of useful things in this country which, as an Administrative Officer I myself did not have a chance of seeing for twelve years of my service. That is of course valuable, but that does not mean that before they come out they should not have this great advantage of an academic year which after all is only about ten months, at one of our great Universities. I do not think, Sir, this is wasted money in any way and I must oppose the Motion.

There is the argument I know, and there is something in this argument, that the course should not be as long as it is. The only thing about that is that a tremendous lot of hard work and investigation and advice has been made and given regarding the length of this course. All kinds of people, practical people with a knowledge of what is really required of these men, have advised and come to the conclusion that the course, which is three terms at one of the universities, is the right length of time. If you cut it down to two terms I think it is two terms in my case, it was a few months longer than was enjoyed by my hon. friend the Member for Mombasa if you cut it down you are going to find it extremely difficult to get the universities to take these men.

Now, Sir, in these days of compulsory military service a large number of our cadets come to us straight from that military service. Quite a number of them have never been to a University and I am quite convinced myself—and I am afraid I am not even open to argument on that particular point—I am quite convinced that a year at the Universities is an extremely good widening background for these men. I have no doubt about that whatever, and that is more I would like to see those men going to college and not necessarily being resident in a hostel by themselves. They want to get the whole widening effect of the University on their minds before they come here. They want to realize they are coming to a Service which is a Unified Service of the Colonial Empire of which they have reason to be proud, and of which we have every intention of continuing to be proud. We cannot possibly agree to the argument that these sort of courses can be arranged in Kenya. I myself have during the last few months organized a course for these men when they come out here—another fortnight or so at the Jeanes School to enable them to get acclimatized in every sense of the word, to get hold of their kit and so on, to get to know each other, for them to get to know us and for us to get to know them. Members on both sides

of the Committee were kind enough to go and talk to them and meet them and get their impressions of them and let them get their impressions of us. They saw a lot of useful things in this country which, as an Administrative Officer I myself did not have a chance of seeing for twelve years of my service. That is of course valuable, but that does not mean that before they come out they should not have this great advantage of an academic year which after all is only about ten months, at one of our great Universities. I do not think, Sir, this is wasted money in any way and I must oppose the Motion.

MR. HAVELOCK: Mr. Chairman, to comment on one or two of the remarks of the hon. Member, first of all the suggestion that they need a special course of geography because somebody did not know where Kenya was, I suggest is possibly a debatable point and a rather weak one. I also suggest the man concerned will soon find out where Kenya is.

The matter the hon. Member for the Coast brought up, he presumably considered there is no extravagance in this particular Head or item, that it is absolutely essential—the sum which is suggested. That opinion was backed by remarks made by the hon. Member for African Affairs and of course it is desirable. I will say that, of course it is desirable these officers should have a year at one of our older Universities. It may well be desirable they may have three years travelling over the world to broaden their minds, going to all the American Universities and German Universities, but I suggest it is not essential, and that is the approach which I make to this particular item as well as to any other item in these Estimates, and I believe the actual value that is gained by this course is not commensurate with the money spent, and that other means can be found and a shorter course would be quite sufficient. Of course, it is desirable, I stress that again, but we are not arguing about things that are desirable, we are now discussing matters which are essential and therefore, Sir, I cannot say that there is any argument against reducing this Vote.

I beg to move.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I would like to

[The Member for Agriculture and Natural Resources] the elementary mistakes on one's passage through the work. If hon. Members opposite have ever read the excellent report by Mr. Marshall, the City Treasurer of Coventry, on Local Government in the Sudan, he will realize from that report that one of the great breakdowns that has occurred in that area has been because District Commissioners and District Officers had no knowledge of Local Government work and Local Government foundation. Because of that there was too rapid development at the top and not sufficient solid development at the bottom, and the position is one which has caused—shall I say, at the least of it—great uneasiness. I suggest that it is impossible to give Local Government work to any great value out here because we have not sufficiently trained officers available. The Town Clerks are few. The City Engineers are few. The trained qualified Medical Officers of Health are few and they are all busily engaged in running their own towns and their own business, and it is only an act of grace on their part that I have been able to persuade them to spare time from their busy work to engage on a voluntary basis in the educational part of Local Government in this country. I suggest that if, as a result of the reduction proposed, there is a cutting down on the Local Government side, and in the Local Government experience which these officers are obtaining in England, that far from being an economy it may prove a very heavy charge upon the Colony and its political and constitutional development in years to come. I would ask hon. Members on this particular point to think extremely carefully before they take this particular step.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, in rising to support my hon. friend the Member for African Affairs, I would echo what the hon. Member for Agriculture has said, that a good course of study for these cadets to our Service is essential. I would like to deal with it, Sir, from the point of view of Local Government. I have no doubt that when my hon. friend the Member for Mombasa went to his course there was very little knowledge or experience, or indeed perhaps at that particular time intention, rapidly to develop Local Government. That is obvious from the fact that it was omitted from his course, but, Sir, Local Government is a specialized subject. It is not something which can be picked up by a man as a part-time thing whilst he is doing the arduous duties of a District Commissioner. In the past few months, with the consent of my hon. friend the Member for African Affairs, I have been round the country explaining to various groups of District Commissioners the rough outline of the African District Councils Bill and the responsibilities it has placed upon African District Councils, particularly at a time when unfortunately there is not adequate African-trained staff for Local Government work, but it would be idle to pretend, Sir, that I have been able to do more than give them a very rough outline and sketch. Local Government is a thing in which one serves for many years before one reaches a standard of knowledge and experience, but if one has started at the beginning with the basic principles, then at least one can avoid

the elementary mistakes on one's passage through the work. If hon. Members opposite have ever read the excellent report by Mr. Marshall, the City Treasurer of Coventry, on Local Government in the Sudan, he will realize from that report that one of the great breakdowns that has occurred in that area has been because District Commissioners and District Officers had no knowledge of Local Government work and Local Government foundation. Because of that there was too rapid development at the top and not sufficient solid development at the bottom, and the position is one which has caused—shall I say, at the least of it—great uneasiness. I suggest that it is impossible to give Local Government work to any great value out here because we have not sufficiently trained officers available. The Town Clerks are few. The City Engineers are few. The trained qualified Medical Officers of Health are few and they are all busily engaged in running their own towns and their own business, and it is only an act of grace on their part that I have been able to persuade them to spare time from their busy work to engage on a voluntary basis in the educational part of Local Government in this country. I suggest that if, as a result of the reduction proposed, there is a cutting down on the Local Government side, and in the Local Government experience which these officers are obtaining in England, that far from being an economy it may prove a very heavy charge upon the Colony and its political and constitutional development in years to come. I would ask hon. Members on this particular point to think extremely carefully before they take this particular step.

MR. HAVELOCK: Mr. Chairman, I put an entirely opposite point of view to the hon. Member for Local Government, that is that these officers should have the background of this country before they go to have any tuition in Local Government. Local Government in Britain is a very excellent and well tried institution for the conditions of Britain and we hope it will be adapted in every possible way to our own conditions here, but I suggest that our officers should get the knowledge of our conditions first and then they will be able to be instructed

(Mr. Havelock) properly in Britain in Local Government, and that will be covered by the sum which is left in this Vote.

MR. USHER: Mr. Chairman, I dislike having to intervene in this particular way, but I would remind the hon. Member for Education, Health and Local Government that although I did not myself have the advantage of a course in Local Government in England, I was selected to be the first Town Clerk of Mombasa—(applause)—and to organize that Municipality within the framework of the Feetham Report. (Applause.)

THE ACTING CHIEF SECRETARY: Mr. Chairman, there are only two points I think I should make. The first is that this course is arranged by the universities at the request of the Secretary of State for officers of the Unified Colonial Administrative Service and we must face the likelihood that if we do not vote funds for officers selected for Kenya, that officers of the Unified Service will not be posted to Kenya.

The second point which I must make is that we certainly have a contractual obligation in this matter towards those cadets who are at present on this course, and it is certainly the case that the funds required to meet those contractual obligations, from which there can be no escape now, will exceed the funds left in the Vote if this Motion is carried.

THE MEMBERS FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I am afraid I must disagree with the hon. Member for Kiambu and again ask him if he will read the considered report of a man like Dr. Marshall, who takes in the Sudan came from the Victoria Falls, before they went out in the great they had not learned the fundamental principles of Local Government. It is much easier, I can assure the hon. Member, to take the principles of Local Government and adapt them to local conditions than it is to make the mistakes first and then try and rectify them afterwards by being given the basic knowledge a little later in the day.

Now, Sir, I was interested to hear that my hon. friend the Member for Mombasa was the first Town Clerk of Mombasa and that he formed the Local Authority there. I would, Sir, with all

due respect, remind him that at that time, and even to-day, the Municipal Board of Mombasa has not got the autonomy, the almost complete control, that African District Councils have been given in the African District Councils Bill, and that when District Officers and District Commissioners are called upon to deal with African District Councils and they are called upon to be Presidents—and it is interesting to note that in the Gold Coast Constitution new Local Government Bill, District Commissioners are to be appointed as representatives of the Central Government for the Ministry of Local Government—that when they come to deal with their position as President—they will have a grave responsibility in keeping these African District Councils on the line of pure Local Government. And if those African District Councils are not kept on that line at this stage, they can become bodies which constitutionally, I am just talking about politically, but constitutionally, will have great conflict with the Central Government because the basic beginning has not been correct.

MR. BLUNDELL: I just want to ask one question of the hon. Member who has just spoken, Sir. How much of the time on this course is occupied in effect by Local Government?

THE CHIEF NATIVE COMMISSIONER: There are one or two points I would like to refer to. The first made by my hon. friend from the Rift Valley. He asked how much of this time is spent on Local Government courses—I cannot tell you how much of the time exactly, all I can say is they are attached to the Local Government bodies during the time they are at home and I regard that attachment, as I have already said, of the utmost value.

Now, Sir, there was a point raised by my hon. friend the Chief Secretary, who said that half of this Vote, that is £2,000, would not be sufficient to cover the commitments that we already have. That is perfectly correct, Sir. We have six or seven officer cadets on the course now. It started in October; it will be finished next June and the cost of each of those men is £235, which I think comes out at £1,950 for six men. I cannot tell you, I am afraid, whether there are six or seven, one or the other, but in addition to that we also have four or five officers, four I think, on the second Devonshire

(The Chief Native Commissioner) Course, which corresponds exactly with what my hon. friend, the Member for Kiambu, thought was such a good idea, that we should send these officers home to Britain after they had had some experience here. I believe there is no opposition whatever to the second Devonshire Course. I believe everybody thinks that is a good idea, and we have four officers there. I realize, Sir, that hon. Members on the other side of the Council are not in the least interested in these arguments, but we have four or five people there. (Applause.)

The question was put and on a division negatived, by 21 votes to 16 votes. (Ayes: Messrs. Blundell, Lt.-Col. Gherisa, Messrs. Havelock, Jeremiah, Major Keyser, Messrs. Maconochie-Welwood, Mathu, Nathoo, Ohanga, Patel, Pritam, Dr. Rana, Messrs. Salim, Saller, Shatry, Lady Shaw, 16. Noes: Messrs. Carpenter, Major Cavendish-Bentick, Messrs. Chemallan, Cooke, Davies, Hartwell, Hope-Jones, Hopkins, Hunter, Mathews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Mrs. Shaw, Messrs. Taylor, Thornley, Trim, Usher, Vasey, Whyatt, 21. Absent: Mr. Madan, 1. Total: 38.)

The question that item 2-2-7 be approved was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I am not quite sure, Sir, how far hon. Members would like me to go in the next group. I will start off with Provincial Administration (2), Nyanza Province, items 1 to 6 be approved.

MR. USHER: I am not quite sure where we are.

MR. HOPKINS: Sir, it would be a great help in the future if we were given the number of the page.

THE CHAIRMAN: Page 47 and 48.

MR. USHER: Mr. Chairman, if nobody else wants to mention any other item I want to start at item 1-8 and go on to 1-10.

THE FINANCIAL SECRETARY: I think it would help possibly if I gave a word of explanation here. The item numbers on the left-hand side represent an item number, but there are subdivisions on the right-hand side of the same column. On

page 47 against Nyanza Province, item 1 in the left-hand margin and on the right of the same column the sub-items are included. If you turn over the page to page 48, you will see the items themselves go from 1 to 6 in heavy type. So the hon. Member, as I understand it, wishes now to speak to item 1-8 and item 1-10. If they will refer to that in future, Sir, I think there will be no further confusion.

MR. USHER: I am obliged Mr. Chairman. As to 1-8 may I inquire—I see in 1950 there was a sum of £385 allowed for Temporary Clerks; in 1951 £395, and in the present Draft Estimates £430. May I inquire for what that money is used? Whether it is used regularly; whether it has in fact been found necessary, or whether it is, as it were, an insurance.

THE CHIEF NATIVE COMMISSIONER: Yes, Sir, I would be pleased to reply to that. The point is, Sir, that at the end, or towards the end of every year, the tax registers for every location have to be written up, as I think my hon. friend will remember himself. A new tax census is taken in these districts about September, October or so, and all that has got to be written up in the new books for tax collection to start as early in January as can be. That means, Sir, that not only the original books that are kept in the District Commissioner's office, but also the duplicate books that are kept at the location headquarters of each chiefdom have to be written up. For that purpose it has become necessary to take on a few tax clerks for those two or three months at the end of the year. Well now, for the last three or four years, perhaps more, I could not say, but for some time those men have been shown as those Temporary Clerks, which is exactly what they are.

MR. COOKE: Mr. Chairman, the hon. Member on the other side is able to look after himself, but I would suggest that the real reason is intensified tax collection—£35 to collect £4,000.

THE CHIEF NATIVE COMMISSIONER: No, Sir, the reason is exactly what I have given. The reason is if you are going to get your tax in early in the year, you have got to get your tax books ready by the 1st January and the tax collection has become earlier and earlier every year for the last five or six years. If you look at the tax receipts from the provinces,

[The Chief Native Commissioner]

you will find they have got earlier and earlier each year and it is because we have got those books ready instead of hanging about.

MR. COOKE: If the hon. gentleman does not want me to help, I will not help him again!

MR. USHER: Mr. Chairman, the explanation seems to me entirely satisfactory. I merely wanted to know what I had forgotten. May I pass to item number 1—107?

This question was raised last year when there was a large increase in the number of Chiefs Messengers for Nyanza Province. Now the increase in this item has seemed to me somewhat alarming. In 1948 it was £1,820; in 1949 £4,000; in 1950—£4,300 and then there was that big increase £6,600, and now we have got the same strength and presumably with increments. Now, Sir, in the memorandum notes on the Draft Estimates last year, it was explained that the big increase that I have mentioned was to facilitate the collection of tax. I am aware that my hon. friend the Member for African Affairs also mentioned that there were other duties for the Chiefs' Messengers; I am not unmindful of it.

Now, Sir, if we turn to page 21 of the Estimates and examine the position in regard to African poll tax under the item Nyanza Province, we see that although there has been an increase, or it is to be an increase, of Sh. 1 in the basic tax, the total increase in tax is very small, and certainly could not justify all these extra staff which we voted last year, and which we are asked to vote again this year. I am quite well aware from the footnotes that a small portion—I think it is £1,500—is lost to the province and goes under another item; nevertheless, Sir, according to my arithmetic, if you take the basic poll tax as Sh. 17 for this year and the proposal that it shall be Sh. 18 for next year, it is found that there are less taxpayers, and not more as one would expect after the intensive research which these messengers were, no doubt, expected to carry out. It seems to me, Sir, most unsatisfactory and therefore, I beg formally to move that the item be reduced to £4,300 which was the amount allowed in the 1950 Estimates. This, Sir,

would mean a reduction; I take it, of £2,635.

MR. MATHU: Mr. Chairman, I am afraid I must oppose this Motion, as I did last year. I gave three reasons last year when I was opposing and I want to repeat them.

First of all the question of postal services. District headquarters require certain information from time to time. The chiefs, and in the chiefs' locations there are very few, if any, where you have a post office, and so the chief gets more than one messenger. He delivers a message to the District Commissioner, and then something else happens at the same time. One messenger is on foot to the District Commissioner's headquarters, in some cases it may be more than ten miles so the chief has to send another runner out or keep the report, and then, in due course, rinderpest breaks out and the veterinary people want to know how many cattle have died; the other two messengers have not yet returned. It takes up to two or three days, so another runner has to go, and so it goes on. I do not think, unless we have very extensive postal facilities where a chief can send a telephone call to district headquarters, that we can very much reduce these messengers to the amount suggested by my hon. friend the Member for Mombasa.

The other reason I gave, Sir, for their necessity was the question of communications. Our communications are still very far behind the standard required to have speedy dispatch of business, and in these African areas, particularly where there happens to be a flood, a fellow has to swim through mud to get to the district headquarters. There are no buses, lorries do not exist, and in any case they would not go through in wet weather; bicycles sometimes are available, but there again you will have to put them up on your shoulders and cart them for a number of miles to district headquarters; so you see you want more manpower; so you see the work for the reason I have suggested. The third reason I forget now, Sir. Those two are sufficient, Sir, (Laughter.)

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, although there was a note in last year's Estimates, I know the note in the memorandum said that the increase of these clerks, these messengers, was to increase the tax collection.

MAJOR KEYSER: Sir, could the hon. Member speak up, I cannot hear.

THE CHIEF NATIVE COMMISSIONER: I beg your pardon, Sir, I will try and make my voice heard.

There was a note in the memorandum of the Estimates last year to say the increase in these messengers was to provide a means of increasing tax collection. That is quite true, Sir, and it was, but as my hon. friend the Member for Mombasa himself said—he said: "It appears that these messengers, of course, are used for other purposes than collection of taxes". Of course they are. I endeavoured to show that last year, and we all know they are, but they are also used for the collection of taxes. The collection of taxes this year in Nyanza is likely to be about £9,000 more than the Provincial Administration of Nyanza thought it was going to be. That is not up to the estimate that the hon. Member for Finance and myself thought they might get, for we raised their estimate too in the hope that they would get it; but they will collect actually an increase of some £9,000 over what they estimated they would get themselves. So these messengers have evidently spent part of their time at least in the collection of taxes and they have in fact effected a greater collection of taxes than has been done before.

Now, Sir, as far as a reduction in their number goes, we are anxious to get at least one messenger to 5,000 people, that is one messenger to 1,000 families, which, I think, was the point raised last year by the hon. Member for Rift Valley. One messenger—I gave that assurance last year, that 5,000 people represent 1,000 families. I do not think, Sir, anyone in this Council can imagine this is a very extravagant establishment.

MR. BLUNDELL: You did imply that there would be a messenger for 1,000 families. I think my question was whether 5,000 people represent 1,000 families.

THE CHIEF NATIVE COMMISSIONER: Your question was, did I mean 5,000 families or 5,000 people. I replied 5,000 people mean 1,000 families. We have then one messenger to 1,000 families. That, Sir, I feel cannot be called an extravagant establishment of Chiefs' Messengers. As I think hon. Members

know, there have been great difficulties in the Nyanza Province and any attempt at this moment to cut down what I consider is quite an essential staff for Chiefs to do their job, I cannot advise that that would be a responsible step. (Hear, hear.)

I beg to oppose.

MR. USHER: Mr. Chairman, I am informed that the collection of taxes in Nyanza in the present year has been most unsatisfactory, and has been the subject of complaints, particularly by area production committees there.

The second point, with reference to what my hon. friend Mr. Mathu said, many of the chiefs are, I am informed, actually on the telephone. Also the area is, as a whole, very well served by buses. So much for that.

I also appreciate the force of the arguments of the hon. Member for African Affairs, and if he could kindly undertake that this matter should be reviewed by the Committee which will be examining these matters, I shall be willing to withdraw my Motion.

THE CHIEF NATIVE COMMISSIONER: I shall be quite happy, Sir, I am perfectly convinced.

MR. USHER: With your permission, Sir, I wish to withdraw.

THE CHAIRMAN: No Member objects to the withdrawal?

MR. MATHU: Mr. Chairman, I do not object, but I would like to place on record that the information my hon. friend says he has that most of the chiefs are on the telephone is very incorrect.

MR. USHER: I said, "Many of the chiefs".

MR. MATHU: Many of the chiefs are not on the telephone.

THE CHAIRMAN: As there is no objection the Motion is withdrawn.

The question that items 1 to 6 be approved was put and carried.

MR. HOPKINS: I want to speak on 15 and 19 under I.

THE CHAIRMAN: All right.

MR. HOPKINS: Sir, in regard to item 1 (15), an increase from 71 to 92 Conservancy staff, Sir, I am a little puzzled as to the reason for this increase, and should like to pose a question: With the

[Mr. Hopkins] progressive increase in permanent housing and installed sanitation, it would seem reasonable to suppose that Conservancy staff would decrease. I would like to know, does this increase mean that the standard of cleanliness amongst Government servants has risen, so that they are now demanding more Conservancy staff to maintain the higher standard desired, or does it mean, Sir, that cleanliness in Government staff has deteriorated, and that more staff is needed to maintain a reasonable standard of cleanliness? It seems to me that arguments could be put forward in support of both theories, and I should like an answer.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, this is a very delicate subject. The extra staff, Sir, will be employed at Kakamega and at Lumumba in the townships. I do not know whether my hon. friend from the Aberdare has recently been to Lumumba township, but I am sure he would agree with me if he has been there that it does want a clean up. Extra sweepers will be at Lumumba and extra Conservancy staff and sweepers at Kakamega. It will be their task to clean up the streets, not the Government houses. I do not know if Government houses which need this—I think there is one at Lumumba—but it will be their job to clean up the townships and shops, and so on, and it is essential that we try to keep a reasonable standard of cleanliness in those places. The services will be paid for, and there is a revenue of Head Item 0-3-20 which is paid accordingly.

MR. COOKE: I do not wish, Sir, to stifle discussion, but would it not be better if Members confined their attention to bigger items and left the consideration of these smaller items to the Efficiency Committee?

THE CHAIRMAN: It is a matter entirely for the Committee. (Hear, hear.)

MR. HOPKINS: Item 19, Temporary Clerks (European). Before I make any comments on this, may I ask whether it is correct in presuming that this item represents the salaries of the lady secretaries that have recently started creeping into the offices of the District Commissioners? (Laughter.)

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I have not noticed any of the lady staffs creeping into the offices. As far as I know they come on their feet. They are confidential stenographers working for the District Commissioners. Their job, I am quite sure, is quite a vital one, and they should certainly be allowed to remain.

MR. HOPKINS: Sir, the Administration has always had the pick of the Asian staff. I think that any of us who have had to deal with District Clerks and Cashiers will agree with me that the standard of work and integrity amongst these people is extremely high. I am quite sure that they are well able to deal with all the work which is necessary in the way of correspondence and secretarial work in the offices of the District Commissioners. Sir, I have heard two arguments in support of these lady secretaries. One is that they are desirable in the case of confidential work. Now, Sir, cases in which work is so confidential that it cannot be carried out by the District Clerk are extremely rare, and I believe that when a matter is so secret that it is undesirable that it should be given over to a clerk to type, that then the practice should be reverted to under which the District Commissioners or Provincial Commissioners wrote their report or the letter out in long-hand in a duplicate carbon book which was kept in the safe. The other argument I have heard is that these secretaries are stenographers, and it therefore enables the District Commissioner to get rid of his correspondence quicker. Well, Sir, I think this is—merely laying emphasis on the importance of office work, and I believe the District Commissioners, above all others, should be looked upon as executive officers and field officers, and emphasis should not be laid on the importance of the clerical work. Sir, I can quite understand that these lady secretaries may be most desirable—(laughter)—but I do feel that we should not approve that the District Commissioners should continue to keep them.

Sir, I beg to move the deletion of the whole of this item, Temporary Clerks (European), £1,960.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, this appears to be another delicate subject.

[The Chief Native Commissioner]

Sir, as I explained, they are confidential stenographers, and they work in the District Commissioner's office. They are also dealing with Production and Manpower Committees and things of that sort. (Laughter.)

MR. HOPKINS: Sir, my worst suspicions are confirmed! (Laughter.)

THE CHIEF NATIVE COMMISSIONER:

The hon. Member for Aberdare has suggested that in the year 1951 or 1952, as it soon will be, we should take those old carbon books and write out things in long hand and put them in the safe and send them out on a filmy. Well, now, Sir, we are nearly in the year 1952, and we have got to use the methods of 1952. The hon. Member is also anxious that District Commissioners should get out of their office. I suggest that in the first place there are things which the District Commissioner nowadays has got to do which, in the days of my friend the hon. Member for Aberdare, they did not have to do. They have far more to do in the way of committees and minutes and estimates and things than they ever used to have to do, and that has got to keep them in their offices to some extent. I said it yesterday, and I will say it again now, Sir. We all want them to get out of their offices. Therefore, we want them to do those inescapable jobs they have to do in the offices as quickly as possible, therefore we try to give them efficient up-to-date stenographers to do it. That, Sir, is the reason they are called Temporary Clerks (European). Their job is not temporary, but they are not temporary terms. That is, they are not pensionable, and it may be that the nomenclature is wrong; they should be called Clerical Staff (European), with no asterisk. I am not arguing about that, Sir. But that is their function, and I again say it is a right and economical one.

MR. COOKE: As the ears of these particular ladies must be burning by this time, I suggest the matter be put to the vote.

THE CHAIRMAN: The matter has been, I think, sufficiently dealt with, so I give you leave to move. You have to have leave to move under 43 (8).

MR. COOKE: I move, Sir, that the question be now put.

The question that the question be now put was put and carried.

The question was put and on a division carried by 20 votes to 17 votes. (Ayes: Messrs. Blundell, Chemalan, Lt.-Col. Gherie, Messrs. Havlock, Hopkins, Jeremiah, Major Keyser, Messrs. Maconochie-Welwood, Mathu, Nathoo, Ohanga, Patel, Pritam, Dr. Rana, Messrs. Salim, Saller, Shatry, Lady Shaw, Mrs. Shaw, Mr. Usher, 20. Noes: Messrs. Carpenter, Major Cowardish-Bentick, Messrs. Cooke, Davies, Hartwell, Hope-Jones, Hunter, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Thynley, Trim, Vasey, Whyaft, 17. Absent: Mr. Madan, 1. Total: 38.)

The question that item 1 as reduced by £1,960 and items 2, 3, 4, 5 and 6 be approved was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2-2, Administration, Provincial Administration, Rift Valley Province, Items 1 to 11, on pages 49 and 50 be approved.

MR. MATHU: I have a point on item 1, Sir. Item 1, Sir, seems to be a token vote, in that last year, or rather this year, it has been in the Estimates in the hope of appointing an Assistant African Administrative Officer for the Rift Valley Province, and I would like to know from the hon. Member whether there has been an advertisement indicating such a vacancy in the Rift Valley Province, with a view to appointing a suitable person. Representations have been made to us by the Africans in this area, and we feel very strongly it is high time now we should have an African Assistant Administrative Officer, and I think it is not impossible to get a suitable man next year. I would like to know, Sir, whether that is the definite intention of the hon. Member to see that in 1952 this post is definitely filled.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, in reply to my hon. friend, Mr. Mathu, it is true that we have not filled that post this year, and we hope to be able to fill it next year. I hope that there will be candidates who will be up to the standard to come forward.

MR. HOPKINS: Sir, item 1 (2), Temporary Clerks, European, £1,290. I

[Mr. Hopkins] move the deletion of this item for the same reasons as given previously.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I did not speak last time when a similar item was raised, but I suppose hon. Members opposite do realize what they are voting the abolition of. It will mean that in the Provincial Commissioners' offices—as far as I can see—there will be no European clerks left at all, and I do submit that there are certain types of correspondence, and a certain type of assistance required by an officer in charge of a province, which does necessitate the use of a confidential secretary—put it that way, Hon. Members opposite know some of these provincial officers—Nakuru for instance. It means that every single European assistant in that office, and in the Provincial Commissioner's office upstairs would cease to exist. I do suggest that this is possibly not a very desirable development if only from the security aspect at the present stage of this country. (Hear, hear.)

MR. HOPKINS: Sir—

THE CHAIRMAN: Members must rise a little earlier, otherwise we are going to waste a lot of time. I have interrupted business several times for the hon. Member for Aberdare. This will be the last time.

MR. HOPKINS: Sir, I am very sorry, but I was going to say I would like to withdraw my Motion, provided it will be accepted that this item will go to the Economy Committee.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I feel, Sir, I must point out to the hon. gentleman opposite that they have already taken this decision with regard to Nyanza.

THE CHAIRMAN: Does any hon. Member object to the Motion being withdrawn? It is withdrawn.

MR. HOPKINS: I withdraw it on the condition that the undertaking was given, Sir.

THE CHIEF NATIVE COMMISSIONER: I am perfectly happy to give that undertaking.

THE CHAIRMAN: Any other amendment?

MR. HAVELOCK: I should like to raise a question on sub-item 12.

THE CHAIRMAN: We will start with 12.

MR. HAVELOCK: Sub-item 12, Conservancy Staff. The hon. Chief Native Commissioner told us when we were discussing this same type of item under a different Province, that they were reimbursable—the payments were being made for the services rendered by this Staff. I have tried to make a quick calculation. As far as I can see the cost of the Conservancy Staff in the whole of this Head is £9,245, and reimbursement is £3,500. May I ask if there is any reason why it should not be fully reimbursable?

THE CHIEF NATIVE COMMISSIONER: That, Sir, is what I call a "quick one". It breaks in a bit. The items that we were discussing before that, I said were reimbursable, were Conservancy Staff attached to Kakamega and Lumbwa townships, where township fees are imposed. Some of these Conservancy Staff are employed in townships and trading centres. In townships, township fees are imposed, but others are trading centres and other centres where there are yet no township accounts. That is the best I can do at the moment. The Member seems to be very puzzled. Perhaps he would like me to say that over again. In places where township fees are imposed—there you get your reimbursement. Conservancy has to be carried on in smaller places where township fees are not yet imposed.

MR. HAVELOCK: I was not puzzled at the explanation of the hon. Member. I was puzzled at the reason why fees cannot be imposed, even in trading centres. I presume the District Commissioner, or someone else, could collect fees. I cannot see why we should subsidize the trading centres any more than subsidizing townships, and I suggest this service should be reimbursable and that full fees should be paid to cover the cost; I think that this matter could come under the deliberation—the examination—of the Committee we have discussed before, although it is not quite the same as other items which we have referred to them, and I would ask for an assurance that this should be gone into by them.

THE CHIEF NATIVE COMMISSIONER: I shall be very willing, Sir, to give that assurance.

MR. CHEMALLAN: Sub-item 17, Sir, Frontier Allowances. I was saying, that last year I requested the hon. Chief Native Commissioner to consider paying these allowances to the highest paid African staff stationed in the Northern Frontier District or the Rift Valley Province in cash, and not in kind, and he undertook to do so. I would like to inquire what he has done about it. I understand that those areas the Europeans and Asian staff are paid Sh. 5,775 and Sh. 4 per day respectively, and I should like to know what is being done for these Africans.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, on the subject of Frontier Allowances, which appear both in this Vote and again, I think, under the Northern Province, the point is, Sir, that African staff get these allowances in the form of kind, and not in the form of cash. I did go into this matter, and I promised my hon. friend, Mr. Chemallan, I would go into it. They get these allowances in the form of foodstuffs, which bear not only the ordinary present high prices of food, but the tremendous cost of the transport of that food to wherever these people are. If you gave these African officers their Frontier Allowances in cash to start with, they would not be able to buy the food at anything like the price which Government has to pay for that food. The cost of the food in the local shops is infinitely higher than the allowances they would get. They, in fact, get food plus mileage, and transport to places like Wajir, and so on. They would come off very much the worse if they were just given a cash allowance, and were not able to start with—they would probably not be even able to get the food, and they must have decent food and preparations, and a balanced diet in these places. Moreover, the families of these officers are allowed to buy maize meal certainly, and I think, other rations—I know they are allowed to buy maize meal at railroad prices in these much more distant places, so they score, I think, on both sides.

There is one other point, and that is that they are paid Cost of Living Allow-

ance also at the full rates—although their food is subsidized. I think they are in a very happy position.

MR. CHEMALLAN: Might I inquire, Sir, from the hon. Member as to what types of foodstuffs are supplied to these Africans as rations?

THE CHIEF NATIVE COMMISSIONER: I am afraid, without notice of that question, I cannot go through the gamut of all the different kinds of foodstuffs that are supplied. I know maize meal, dates and salt are supplied, but I cannot give you at the short notice an accurate description of the complete diet that is fed to these people. (Hear, hear.)

MR. OMANO: Mr. Chairman, arising from that, would the hon. Member please inform me if it is the wish of the people to receive it in kind?

THE CHIEF NATIVE COMMISSIONER: It may or may not be the wish of the people that they receive it in kind. If it is the wish, I have tried to explain it is a very misguided wish, and it is a wish, if fulfilled, that would certainly not redound to their satisfaction. They would very soon find they had chosen the wrong side.

MR. BLUNDELL: Will the hon. Member give me an assurance he will be guided by what is best for the interests of the service concerned?

THE CHIEF NATIVE COMMISSIONER: Yes, Sir, certainly. I have gone into this matter very carefully and I am satisfied that the present method is the best way of doing it in the interests of those who receive it.

The question that Head 2—2 (3), items 1 to 11, be approved was put and carried.

Committee adjourned at 11 a.m. and resumed at 11.21 a.m.

In the absence of the Speaker, Sir Charles Mortimer took the Chair.

THE CHAIRMAN (Sir Charles Mortimer): The debate on items will be resumed.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2—2, Administration, Provincial Administration, for Central Province, items 1 to 12 inclusive on pages 50 and 51 be approved.

MAJOR KEYSER: Mr. Chairman, items 1—1, Four Temporary Clerks, Sir, I

[Major Keyser]

would like to explain that when the hon. Member for Aberdare, incurred the displeasure of the Chairman just before lunch, it was really my fault because I was asking him to withdraw for certain purposes so as to really retire my own fault. Sir, in this case, I should like to move that the item Four Temporary Clerks European, £11,700, be reduced to £538. That is by half. We do feel, Sir, that these Temporary European Clerks are on far too great a scale and there should be some reduction in them, and we think if it were reduced by half it would meet the case. I know that over the Nyanza Province we have reduced a whole lot but we have not reduced any in Rift Valley and I am quite sure, Sir, that the Treasury could effect a change round of the finance from Rift Valley to Nyanza in order to meet our wishes of a reduction by half. I wish to move that item 1—1 be reduced by £850.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I must invite the attention of hon. Members in regard to the discussion on the possibility of *viement* to the decision of Council on the Nyanza Province which was that there should be none of these officers in that Province. I think in the face of a resolution of that kind that my hon. friend the Member for Finance would certainly not feel that he was at liberty to exercise his powers of *viement*. (Hear, hear.)

MAJOR KEYSER: I am quite sure, Sir, he could find some means of doing so, if necessary, he could introduce a Motion into this Council to do it.

THE FINANCIAL SECRETARY: Sir, any method used in that way to my mind would be against the wishes of that Committee. (Hear, hear.)

MR. BRENDELL: In that case, Mr. Chairman, Nyanza Province will have to be without Temporary European Clerks.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: That is agreed, Sir, but the responsibility must rest on the other side. (Hear, hear.)

MR. HAYLEIGH: I would like to suggest that hon. Members opposite are digging their toes in and if necessary hon. Members on this side of the Committee by special Motion may be able to put the matter right.

THE CHIEF NATIVE COMMISSIONER: I am not trying to dig my toes in. I merely say these people are absolutely essential to do the twentieth century job properly. We are not living in the early part of this century. We are living in the second half, and we have got to have proper confidential stenographers in district offices. I notice hon. Members opposite do not want any district offices in Nyanza to have a confidential stenographer and in my opinion that is an absolutely vital post. Anybody who has worked in that sort of job will appreciate that it is a vital post, equally so in the Central Province, a most difficult Province, with questions coming up daily which are on matters which the Provincial Commissioners and District Commissioners have got to deal with on a confidential level. They have got to have a really responsible staff to deal with those kinds of questions, and I would suggest to try and reduce these foot in Central Province is false economy.

The question was put, and on a division carried by 21 votes to 16 votes. (Ayes: Messrs. Blundell, Chemallan, Lt.-Col. Ghermie, Messrs. Havelock, Hopkins, Jeremiah, Major Keyser, Messrs. Maconochie-Welwood, Madan, Mathu, Nathoo, Ohanga, Patel, Pritam, Dr. Rana, Messrs. Salim, Salter, Shary, Lady Shaw, Mrs. Shaw, Mr. Usher, 21. Noes: Messrs. Carpenter, Major Cavendish-Bentley, Davies, Hartwell, Hope-Jones, Hunter, Madan, Mr. Charles Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whynatt, 16. Absent: Cooke, 1. Total: 37.)

MR. MATHU: Just a very small point, Sir, on sub-item 4—

THE CHAIRMAN: Before you proceed, does any hon. Member wish to raise any question before item 4?

MR. MATHU: It is just a misprint, Sir, you have there showing pensionable posts. The first lot—five chiefs on Scale C—Special—there is no asterisk to show that they are pensionable.

THE CHIEF NATIVE COMMISSIONER: They are pensionable, Sir.

The question that Head 2—2 (4), items 1—12 as amended be approved, was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2—2, sub-head 5, Coast Province, items 1 to 11, on pages 52 and 53, be approved. The question was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that sub-head 6, Northern Province, items 1 to 9 be approved—on pages 53 and 54.

The question was put and carried.

THE CHIEF NATIVE COMMISSIONER: I beg to move that sub-head 7, Masai District, items 1 to 4, be approved.

The question was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2—2, sub-head 8, Tribal Police, on page 56, items 1 to 3, be approved.

MR. HOPKINS: Sir, in a previous debate, I pointed out that we had been given to understand that as the regular Police took over in the districts the Tribal Police would be decreased. Now, I am not one of those who believes that you can run a district without the aid of these Tribal Police, and I do not propose to move any reduction but I would like to know what factors have intervened (to alter that policy, or the expectation that—(hear, hear)—it would be possible to reduce the Tribal Police as the regular Police in districts are increased.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I think that the hon. Member for Aberdare is well aware of the conditions that exist in the African districts. They are large and the Police, when they come in, and as they come into these districts are at present only operating in comparatively small areas of those districts. They are not covering the whole district by a long chalk, if I may use that expression, and, indeed, the need for Tribal Police in modern conditions, I think is just as necessary as it was. If you get a tremendous increase in the Police so they can undertake all, or as many jobs as the Police with their tribal set-up and so on are able to in the districts, you will be able to effect some reduction, but I am firmly of the opinion that you will still require certainly a body of Tribal Police who are, as we all know who have served with them, a very fine body of men.

MR. COOKE: Mr. Chairman, I was under the impression that two or three

years ago we were given an assurance that if the regular Police went into reserves there would be a consequential reduction in the numbers of Tribal Police.

LADY SHAW: Is it not also true, Mr. Chairman, that the Tribal Police in the past used to be used very considerably as chiefs' messengers; now we have this very large number of chiefs' messengers, why cannot the Tribal Police in consequence be reduced?

MR. HOPKINS: Sir, if I might make myself clear, I was drawing attention to the fact that this undertaking referred to by the hon. Member for the Coast had been given. I was wanting to know what the factors were which had intervened since then to make it impossible to carry out this undertaking of reducing the Tribal Police.

THE CHIEF NATIVE COMMISSIONER: I had tried to explain that the Police are not policing the whole of the African areas. If you wanted to do that you would have to increase the Police very considerably, much more than you have already done if you are going to get that policing done in the narrower sense of the term, under perhaps the more proper sense of the word, right through the native areas. That, Sir, is the explanation. At the moment, as I say, they are only policing comparatively small areas of the districts, and you have still got a tremendous lot of work for these Tribal Policemen to do.

The hon. and gracious lady the Member for Ukamba, said we have got all these messengers so why do we need all these Tribal Police. I believe that the staff under the Administration, under these conditions that we are living in nowadays, is about as thin as it possibly can be. The amount of work and much closer development that is going on in these African areas must demand a larger staff to do it. I know that it is very unpalatable to Members, who are trying to cut expenditure, but if we are trying to develop these areas we must have too the staff to develop.

MR. COOKE: The point is, you have now withdrawn the agreement which you gave two or three years ago. That is fair enough if that is a withdrawal of that agreement.

THE CHIEF NATIVE COMMISSIONER: Sir, I will certainly endeavour to reduce Tribal Police as the policing of the districts becomes so efficient that the police functions proper, or the Tribal Police in the narrow sense of the term, are being carried out by the Kenya Police.

MR. MATHU: I appreciate the explanation given by the hon. Member for African Affairs, but the point is this, that as we have in quite a number of districts now small police stations, and the personnel in these police stations do police African areas, surely there is a case for some reduction of the Tribal Police, 115-2-114 the Police stationed in those districts? That is the whole point of this side of the Committee is making.

THE CHIEF NATIVE COMMISSIONER: I can only say at the moment I do not think we have reached that position. That is all I can say, Sir.

The question that Head 2-2 (8), items 1-3, Tribal Police, be approved was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that head 2-2 (9), Asian and African Housing (Nairobi) and Cleansing of Crown Land, items 3-5 be approved.

The question was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that sub-head (10), Control of Kibera and Neighbouring Villages (Nairobi District), be approved.

MR. BLUNDELL: Mr. Chairman, sub-item 1, I beg to move that item 1-1 (£775) be reduced by £75 to £700.

In speaking to the Motion, Mr. Chairman, I move this for the purpose of information. Will the hon. Member tell me now what is the position in regard to Kibera? I know that we set aside an area in the Highlands to compensate the Massai for an area which they had set aside for the benefit of the Sudanese who are moving from Kibera. I should like to know what is the position there; what is the position with regard to water supply and what is the position in regard to the movement of the Sudanese in that area.

MR. MATHU: I have a further question to ask the hon. Member. Some time ago when the Railway Realignment was being effected through Kibera, certain

houses of the Sudanese were demolished because the railway line was cutting through and a number of families were unhoused. An assessment for the payment of the demolition was made, and I believe the money voted for this purpose. Also, certain houses were put up so that the unhoused families could go and live there. My information is that the Sudanese have not received their cash for compensation, and secondly, they refuse to move into the houses that were put up for them, I think, by the Railway Administration. Now, what is the position in regard to that aspect of the problem, Sir?

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I will endeavour to answer those questions. In the first place, Sir, the position as outlined by my hon. friend Mr. Mathu is correct, that is, that a certain number were unhoused, if that is the correct term, when the Railway realignment went through Kibera. The owners of the houses were offered compensation which they refused to take, and houses were put up which they refused to go into. That is the situation, Sir, it is a very unsatisfactory situation, but that is what it is.

As far as the hon. Member for Rift Valley asked what is the position about Kibera generally, the position about Kibera is this, Sir, that we have put down two or three boreholes at Kibera and found water, so the water supply is, I think, all right. The actual situation about the movement from Kibera is a little first of all we have to fix up with the Nairobi District Council as far as the establishment of an African Settlement in the Nairobi District Council area outside the perimeter of Nairobi is concerned, we have to discuss that with them; we have to discuss again with the Highlands Board the same situation. We are at the moment going into all the possibilities of getting a housing scheme going there—not only a housing scheme provided by Government, but a housing scheme similar to the one that is in operation at Thika. We are anxious to see if we cannot get Africans to build their own houses there in the same sort of way that they are building them at Thika and under similar conditions. And as soon as we can get those two or three fences taken, then we can go on with the move. I think I have answered all the questions.

MR. BLUNDELL: Mr. Chairman, I moved my Motion for the purpose of debate only. I am quite happy to withdraw it if the hon. Member will give me an assurance that he will press on with this matter vigorously. It is quite three years since it was initiated and I believe there is some indecision in the policy of Government with regard to the policy there.

THE CHIEF NATIVE COMMISSIONER: Certainly, Sir, I will give that assurance.

MR. BLUNDELL: Then I will withdraw the Motion.

The question that Head 2-2 (10), Control of Kibera and Neighbouring Villages, items 1-3 be approved was put and carried.

THE CHAIRMAN: I take this opportunity of drawing attention to what appears to be a misprint at the top of page 57, in the heading where Asian and African housing appears in sub-item (9).

THE FINANCIAL SECRETARY: Yes, Sir, it should be sub-item (10), Control of Kibera, etc., and that change will be made in the approved Estimates.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that sub-head (11), African Housing (Mombasa) and Cleansing of Crown Land, items 1-3 be approved.

DR. RANA: Mr. Chairman, it was not my intention to move any cut, Motion or anything, but I would like to inform the hon. Member as far as my knowledge as a Member of the Municipal Board is concerned, that with the Government Grant given here, they do not do anything on the Crown Lands at all. All our Health Officers are of the opinion that the Crown Lands are the worst in this connection and even the Municipal Board's appeals are not being heard. Besides, Sir, whenever they want they can get the prisoners from Fort Jesus. I cannot understand this and frankly I would like to know—the hon. Member who has been in Mombasa probably knows also himself, I think—but I would like to know if this staff is being employed, what they are doing and whether they are justified or not.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I was not aware of the

situation in Mombasa. I will, of course, bring that pressure I can bear to see that this Crown Land is properly cleansed and I am sure that my hon. friend Dr. Rana will bring his weight to bear also. (Laughter.)

The question that item (11), African Housing (Mombasa) and Cleansing of Crown Land, items 1-6 be approved was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that sub-head (12), Community Development Organization Headquarters, items 1 to 6 on pages 57 and 58 be approved.

LADY SHAW: Mr. Chairman, sub-item 3, Administrative Officer/Accountant. Now, Sir, I know this gentleman has been in the Estimates of the previous year, but it will be no surprise to hon. Members on the other side of the Committee when I say I regard with great suspicion this build-up of headquarters for Community Development. I would like to move, Sir, that this Administrative Officer/Accountant, £1,050 is deleted. When one looks through the Community Development, including the James School—I am not criticizing the James School—one realizes there are many education instructors, accountants, every type of representative instructor as far as I can make out, and I cannot see, nor can anyone on this side of the Committee see, why it should have an Administrative Officer/Accountant included in the Headquarters staff of the Community Development.

THE ACTING CHIEF SECRETARY: Mr. Chairman, the Government would be prepared on this item, if the hon. Member would be agreeable, to follow the arrangement announced by my hon. friend the Member for Finance, under which the necessity for this post would be considered by a sub-committee of the Standing Finance Committee in accordance with his undertaking.

LADY SHAW: I am prepared to accept that, Sir, I should like to withdraw the motion on the assurance that I have just received from the opposite side of the Committee.

THE CHAIRMAN: With the consent of the Committee the Motion is withdrawn.

MR. MATHU: I have a point on sub-item 4, Sir. With that, if I may be per-

[Mr. Mathu] I would like to refer to two other items under the same Head, which are provided here. You have under sub-item 4, Rural Industries—Temporary Supervisory Staff, £3,000, and under item 6, Miscellaneous Expenses, Rural Industries, £1,200, in addition to sub-item 4 which I am referring to, £600. It seems to me that amounts to quite a colossal sum of money, and as I read from this report, Sir, they say the Rural Industries Office is responsible for the fostering of indigenous and other crafts among Africans. I wonder whether all that £600, £3,000 and £1,200 is really justifiable expenditure, particularly when I cannot trace any revenue accruing from the activities of these people. If I do not get a sufficient explanation I intend to move the deletion of sub-item 4.

THE CHIEF NATIVE COMMISSIONER: I will try to reply on sub-item 4, sub-item 5 and item 6, all dealing with rural industries. The Rural Industries Officers' work, Sir, is to try to foster and help to market indigenous industries and crafts of Africans all over the country, whether from Lamu to Machakos, or Kisii—all over the country—and that is quite definitely the rural industries proper, and I think possibly there is some mis-accident under these other items, under 1-3 and item 6, in calling these rural industries at all, because the expenditure under the other items, that is, Rural Industries—Temporary Supervisory Staff and Miscellaneous Expenses, Rural Industries—the first of those is to pay for the services of European and other ladies who are endeavouring to give instruction to African women throughout the country in women's industries and clubs and farms and centres generally, a work which has only begun recently and which I think is particularly active in Nyanza, and it is, I believe, a very good development, and a development which we all want to see. They give instruction in sewing, child welfare, hygiene, even in agriculture, and African women who train in Jeane's School go on to do the same sort of thing. In order to run these centres and to train these African women, a certain amount of expenditure is involved in purchasing the materials upon which to work, whether it is cooking materials, rooking implements and so on, or whether it is some-

thing to do with baby welfare—I cannot give you the details of the thing in regard to that—whether it is spinning, weaving, sewing or hygiene. All these activities require a certain amount of equipment in order to teach them. Tools are also provided in some instances for local handicraft work. I think, Sir, that is all I have to say.

MR. MATHU: Well, Sir, I think that apart from the welfare side of the story which we can deal with separately, the rural industries explanation—the hon. gentleman mentioned about the marketing of these wares from Lamu to Machakos to Kisii. We have not got any revenue accruing to public funds or any enhancement of income in the country because of this—or do we have these rural industries just for the sake of having them?

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, on the first point the hon. Member for African Affairs raised, I think I can give him a little information. I cannot give him the information on the welfare side. I will quote an example. A matter of a few months ago a big American buyer for such things as handicraft articles made in Lamu, various things made in Machakos, and various things made in the Nyanza Province, came to Kenya with the object of finding out what sort of supply of curios, for want of a better word, there was to meet a very large demand for such items in the United States. We were able to take him round to Machakos where purchasers were made on a sample basis. The idea is this large wholesale—if I mentioned his name it would be well known—is prepared, if he finds that the articles he has bought on a sample basis are readily saleable in the United States, to advance money to the people who make these on contract—in other words, to build up a regular market, and it would suggest the price would be very satisfactory. Another example of a similar nature came to my notice the other day, and that was a local firm here. They inquired whether it was possible to get such carvings and various other forms of craftsmen's work again on contract, again for sale in the United States. Now, Sir, I do not want to exaggerate the importance of these markets in America that I am referring to, but at least they are of value and I would suggest, Sir,

[The Member for Commerce and Industry] That it is worth giving this a trial, I think it is a little too soon to decide what the degree of success achieved is going to be. What I would say is, speaking apart from the welfare side, my hon. friend referred to that—at any rate it is worth going on spending this money to see if we get the return that I consider we will.

MR. USHER: Mr. Chairman, I am seeking information in regard to the Kericho Spinning and Weaving School. My information is that it has been closed down, and that it was in fact revenue carrying. I understand also that there is a welfare centre there which has succeeded this former institution and I should like to know whether that welfare centre—I do not know what it does—but I believe it darns socks and such like—whether that is bringing in revenue.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, the emphasis at Kericho for some time in the centre there was placed upon spinning and weaving, and it was very popular, certainly among the Europeans. It was a very popular activity and the results of the spinning and weaving were extremely good. The Government, Sir, however, has come to the conclusion that spinning and weaving generally throughout the country is not the main activity which we should try to inculcate amongst Africans. There are numbers of other much more useful occupations which they have to do, which we shall teach them how to do. The character, therefore, of the centre at Kericho has been changed. Spinning and weaving will take a far smaller part in the activities there and the other activities that I have already enumerated, which no doubt will include, and I hope certainly will include, the darning of socks, will be taught there. (Applause.)

MR. MATHU: Sir, I would like to move that item 1, sub-item 8, be reduced by £1,500. My reason for doing so, Sir, is that we have three provisions here, as I stated earlier on, in item 6 you have £1,200 and sub-item 4 £600. I think if we reduced sub-item 8 by half I cannot think very much harm would be done, nor I beg to move that sub-item 8 be reduced by half, by £1,500.

THE CHIEF NATIVE COMMISSIONER: I beg to oppose this Motion. In my intro-

ductory remarks to the whole of the head, Administration, I referred to the work of Community Development Organization and Jeane's School, and I said that more emphasis was being laid upon the training of African women. I have also explained this morning that these votes are largely taken up with this training of African women in the reserves, as far as this item 1-8 is concerned. I believe, Sir, that the advance of the African in this country has been retarded very much because we, as a Government, and all of us I think—members of this community in this country—have failed to appreciate that if the women in the home is not well educated and is not as well informed on ordinary domestic matters as her husband, then the country will not go forward as quickly as it should. (Hear, hear.) I should be very disappointed indeed, Sir, to think that the African members, particularly, of this Council, should ask that this vote, which is an important vote and one which is entirely devoted to advancing the knowledge and ability of African women in this country, should be cut. I think it would be a most retrogressive thing to do, and I do ask, before taking any vote if you do so on this matter, that that aspect of the situation should really be carefully and responsibly considered.

I beg to oppose.

MR. JEREMIAN: Mr. Chairman, before I decide which side to vote I would like to know where these officers are actually posted, because I have not been able to meet them. Besides, Sir, I would mention that these officers are supposed to improve indigenous crafts. Africans are the officers and, if they are not Africans I do not understand how they can improve indigenous crafts. Besides that, Sir, the hon. Member for Commerce and Industry said that some people are inquiring about the crafts of this country, and they would be exported to other countries for sale and that markets would be found, but I am afraid it is not actually indigenous crafts which will be exported.

Another point, Sir, about the women which has just been mentioned. Well, we have been told more about what has been going on, but I would like to hear more.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I would like to explain

[The Chief Native Commissioner]

that this vote which we are discussing, I—on page 58, dealing with indigenous crafts, or rural industries, is dealing essentially with the training of African women by women, whether African or European women, most of whom are at the moment in Nyanza, and I am sorry to say more of them are not at the Coast. That is no doubt my hon. friend Mr. Jeremiah has not yet met them. There is a tremendous growth of women's institutes, clubs and so on, and work of this nature on farms going on which I consider should be encouraged and developed, and that that what this money is for, it has nothing to do with the development or encouragement of indigenous crafts which we were discussing under another head.

MR. HAYLOCK: Mr. Chairman, I would like to ask a question of the hon. Member. Is the actual work that these temporary supervisors are doing the type of work that the East African Women's League is doing voluntarily in other centres, showing African women how to make clothes and look after their babies and so on? I am completely fogged as to the actual work performed under this Vote.

THE CHIEF NATIVE COMMISSIONER: It is that type of work, Sir, I could not tell you whether the women who are doing it are members of the East African Women's League or not, I am afraid. It is an increasingly onerous job, these women are paid. It means going round the African reserves, particularly in the Nyanza District, and it takes up a lot of time.

MR. MATHU: Mr. Chairman, I am going to press this Vote to be reduced by half, but in doing so I would like to assure the Committee that we are not suggesting that we do not want our women to be educated. It would be the best thing we would do, but you have here—

Rural Industries—Temporary Supervisory Staff. As far as my knowledge of English goes, it means Temporary Staff supervising Rural Industries. That is only plain and rural industries, in the report I have quoted from, are defined as being in charge of an officer called a Rural Industries Officer, who is responsible for the fostering of indigenous and other crafts for Africans. Beyond that I cannot see

another explanation. All I am suggesting is—the hon. Member for Kiambu has made the suggestion that those who are all very keen about it should do the work voluntarily—let us spend £1,500 on this and let the other £1,500 be given to a boarding school to teach them domestic science. The other work should be done voluntarily by those who are so keen to do it.

I move that the vote be reduced by £1,500.

MR. COOKE: I am more impressed by the African arguments than any others. If they do not want this particular item they are in the best position to know. Therefore, I support Mr. Mathu. We have offered it to them. They say they do not want it. That is that.

MR. OHANGA: Mr. Chairman, I come from the province that has been quoted several times as benefiting from this particular post. May I say I am satisfied that actual deletion of this particular item will not do much to retard the progress of women in Nyanza.

The question was put and on a division carried by 21 votes to 17 votes. Ayes: Messrs. Blundell, Chemallan, Cooke, Lt.-Col. Gherrie, Messrs. Haylock, Hopkins, Major Keyser, Messrs. Maconochie-Welwood, Mathu, Nathoo, Ohanga, Patel, Prithani, Dr. Rana, Messrs. Salim, Saller, Shetty, Lady Shaw, Mr. Shaw, Mr. Usher, 21. Noes: Mr. Carpenter, Major Cavendish-Bentlinck, Messrs. Davies, Hartwell, Hope-Jones, Hunter, Jeremiah, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 17. Total: 38.

The question that Head 2—2 (12), items 1—6, as amended be approved was put and carried.

THE CHIEF NATIVE COMMISSIONER: I beg to move that sub-head¹ (14), Regional Co-operative Training Centre, Kabete, items 1 to 5, be approved.

MR. MACNOCHIE-WELWOOD: Mr. Chairman, I do not want at this stage to move a deletion in this item, but I view with alarm and considerable personal concern, as a Member of Standing Finance Committee, that this entirely new, and, as it appears to me, luxurious item has been passed by them. I would like to ask the hon. Member to

[Mr. Maconochie-Welwood]

give some explanation to the Committee as to how this came about... (inaudible) if indeed I was sitting at the table.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I will endeavour to give the hon. Member the explanation. This suggestion that there should be a Regional Co-operative Training Centre at Kabete has been under discussion for some time. It came up before Standing Finance Committee—I think I am right in saying—in March. The main difficulty which has been encountered by directors of co-operative societies is the lack of African staff who are trained, who are either capable of accounting, or capable of auditing the accounts of the co-operative societies, capable of knowing the rules of the co-operative societies, and seeing that they are carried out. I think, Sir, that the co-operative movement is progressing well but that its main weakness, in that the instructors they have in the field are not trained so that they can in turn train secretaries of co-operative societies. The same difficulty was encountered in Uganda and Tanganyika, and it was first suggested that a Training School for this purpose should be instituted. At first it was thought it might be built in Tanganyika. Eventually both Tanganyika and Uganda agreed it should come to Kabete, where there was already a centre, where not only these specific subjects of accounting, auditing, and becoming familiar with the work and rules of the co-operative societies should be taught, but also a place where we could give these people the background in civics and so on that is available at Jeane School. For that reason, Sir, it was decided that the centre should be at Jeane School and Standing Finance Committee approved of the expenditure. Now the expenditure on this item will be recoverable to the extent of one-third from Uganda, and one-third from Tanganyika. We in Kenya are paying the last third. A house has been built from Colonial Development and Welfare Funds for the officer who is there now, starting to work. It is hoped that 18 instructors will be able to be put through a six months' course twice a year, so that we shall get 12 through this year and twelve through, I hope, next year. I hope that by that time the money which is made available by inspection fees

which are paid by the co-operative societies will enable them to take on further instructors to really get down to the activities of the co-operative societies in the field.

The instructor, Sir, who is there, who is the only man, I think, on the staff there, will also be available—and I personally consider this an important point—he will also be available to help in the Jeane School with their traders' courses. Now, I believe that there is great necessity in this country for trying to train African traders also in the more simple and elementary work of keeping a shop. I am quite sure there is a demand for that. I am constantly being asked for that kind of training, and that is gradually being made available at the Jeane School, and I hope to expand it. The Senior Education Instructor under this Vote, I hope, will be available to help in those courses.

I hope, Sir, I have given the hon. Members at all an explanation as they wish.

The question that sub-head (14), Regional Co-operative Training Centre, Kabete, items 1—5 be approved, was put and carried.

THE CHIEF NATIVE COMMISSIONER: I beg to move, Sir, that sub-head (15), Mobile Cinema Units, items 1 to 4, be approved.

MR. BLUNDELL: Mr. Chairman, I understand that recently an order has been given to these mobile cinema units by which they are now debared from giving performances at outlying European schools. Certainly in my area that is so. I would just like the hon. Member to give me an assurance that the old practice will continue.

THE CHIEF NATIVE COMMISSIONER: I was not aware of that ruling. I will go into the matter and see that it is put right.

The question that sub-head (15), items 1 to 4, be approved was put and carried.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I beg to move that Head 2—2, sub-head (50), Non-recurrent, items 1 to 13, be approved.

MAJOR KEYSER: Mr. Chairman, I beg to move that item 1, Famine Relief Subsidy, £10,000, be deleted.

Major Keyser:

So, the intention of this Motion is not to withhold famine relief from any part of the Colony that might require it. I have moved this, Sir, because we believe that an emergency such as might arise which will necessitate famine relief being given is an appropriate subject to come before Standing Finance Committee and to be financed by Supplementary Appropriation. Now, Sir, I know from what has happened on one or two occasions in this Committee that hon. Members opposite are immediately going to say that I am inconsistent and that, having attacked votes of money by Supplementary Appropriation, now I am advocating it. Of course, I never did that. I said that there was a correct way that certain items should be financed in that way, and that others should not. And I believe that an emergency such as a famine should be financed by Supplementary Appropriation, and not by a vote of £10,000 put into these Estimates. If the vote of £10,000 is agreed to it does not mean any deficiency in the total of these Death Estimates and therefore, Sir, I think it is entirely wrong that it should appear here and that it should be dealt with by Supplementary Appropriation.

MR. CHIEF NATIVE COMMISSIONER: Mr. Chairman, I would like to ask you regard to the Vote which was included in last year's Estimates, as to what is the position of that £10,000, I mean, the present year, 1951. How was any money been spent out of it?

MR. CHIEF NATIVE COMMISSIONER: With regard to this item, Sir, I see that expenditure in 1950 was £10,754. I should like to know, Sir, how far that amount was expended.

MR. CHIEF NATIVE COMMISSIONER: Mr. Chairman, I will endeavour to reply to those questions.

First of all, I should like to answer my hon. friend Mr. Nathoo, who asked how this was spent last year. To date, Sir, departmental warrants have been issued for £4,500 of Machakos, and £4,760 to the D.C. Lodwar. That was how it was spent this year. I regret, Sir, I am not able to give details about 1950, I am afraid I have not got them with me.

And, Sir, finally—although I may also be charged with inconsistency—I would like on Government's side we are perfectly happy that provided this money

can be made available if we go to Standing Finance Committee in the event of a famine, we are perfectly happy to leave it to that procedure and withdraw it from these Estimates. (Applause.)

THE ACTING CHIEF SECRETARY: Mr. Chairman, I would just like to say on this item that it would not be entirely correct if the Committee were to be under the impression that this item is only used in what one might describe as a national emergency. In fact, during past years it has invariably happened even after years of good harvests, that there has been a shortage here or there which has required action of the kind for which this provision is made to be taken. I only make this point, Sir, not in any way in contradiction of what my hon. friend has said, but in fact that this particular item appears in these Estimates in this form. (Applause.)

MR. OIHANGA: Mr. Chairman, I should like to support the view put forward by the hon. Chief Secretary to the effect that, since this vote has been spent every year up to now, I think it might be a little unwise to drop it at the moment. There has been incidence of famine every year and it might be wise to keep it in. I beg to oppose the decision.

THE ACTING CHIEF SECRETARY: Would it perhaps meet my hon. friend, the Member for Trans Nzoia, if this Vote were to be reduced to a token figure. It is then in the Estimates, which recognizes the normally recurrent nature, and I think that would perhaps meet my hon. friend Mr. Ohanga.

MAJOR KEYSER: What amount, £100?

THE ACTING CHIEF SECRETARY: I should think that would be all right.

THE FINANCIAL SECRETARY: Sir, I would like to say this to the Committee, that these occurrences do appear to come upon us every year, and it is a fact that over a number of years we have found it necessary to spend money. Now, in framing Estimates, the principle is to put into those Estimates the figures of what we might say foreseeable things based upon past experience. Now, here is something which, although it may not come in the same place every year, does come by and large to come up every year. I would suggest in those circumstances if it had finance, if you can see

[The Financial Secretary] a thing that is likely to be there, to count it out and go for supplementary expenditure. I merely put that to the Committee to make the position quite clear on the financial basis.

MR. COOKE: I agree with the hon. gentleman. I think this is pure camouflage. We are getting the country to think we are cutting down the expenditure by the £10,000, but in fact we are not cutting it down.

MAJOR KEYSER: I would agree to the figure being cut down to a token figure, but not to it being left as £10,000. I do believe myself, Sir, that an expenditure of this sort on famine relief—nobody is trying to withhold famine relief from any part of the Colony at all—but I do believe it should come before the Standing Finance Committee. If it is left in as a full amount, it will never come before a Standing Finance Committee, and I am perfectly certain, Sir, that the Standing Finance Committee will never withhold famine relief from any part of the country that needs it. But I believe myself this is a wrong way with which to deal with that particular emergency, because it must be an emergency—it may appear somewhere every year, but not in the same place every year and therefore it must be an emergency.

LT.-COL. GHERSIE: I would like to support the last speaker, Mr. Chairman. We realize that if we do have an emergency such as a famine, it will require a sum such as hundreds and thousands of pounds being spent. Therefore, the inclusion of the item of £10,000 as a token amount has no meaning. We were informed earlier in this debate by Government that the request for additional expenditure by the heads of departments in Government have been very drastically cut, and we accept that statement. The object of this exercise is to eliminate items which we think are not a fair charge against the year under review. There is no specific justification for the inclusion of that amount. We would like to see the item eliminated.

MR. BLUNDELL: May I move an amendment to the Motion, that the deletion of £10,000" be altered to "reduced by £9,900", leaving £100 as a token vote, Sir.

THE ACTING CHIEF SECRETARY: Since the position has been fully explained by

hon. Members on this side of Committee, and if that is the wish of hon. Members opposite, that will be acceptable to the Government. (Applause.)

THE CHAIRMAN: The Motion of the hon. Member for Trans Nzoia has been amended by the hon. Member for Rift Valley.

MAJOR KEYSER: Sir, I will accept that. I will withdraw my Motion in favour of the amendment, Sir, if I may.

The question that the Head 2-2 (50) be reduced by £9,900 was put and carried.

MR. BLUNDELL: Mr. Chairman, item 8, Movement of Somalis from Meru.

Mr. Chairman, I know that the Standing Finance Committee recommended in 1949 that the £10,000 should be provided for this movement. May I ask the hon. Member for Finance whether, in the accounts of that year or 1950, the sum appeared?

If I may go on, Mr. Chairman, so that he knows why I am asking. If, in effect, the sum appeared and the movement did not take place, then the sum must have lapsed into the end of the year and moved across into surplus balances. I would then say the proper method of providing the £3,000 was to draw on the surplus balances, in view of the fact that the sum was already voted. That would save us £3,000 in this Budget.

THE FINANCIAL SECRETARY: Mr. Chairman, the question whether in any particular year savings under particular items actually accrue to surplus balances and go to swell the revenue balance depends also upon the amount of supplementary expenditure in that year. That is to say, if there are savings of x, but supplementary expenditure of y, where y is greater than x, then obviously the amount going into the surplus balances is reduced and not increased.

MR. BLUNDELL: Mr. Chairman, may I answer the hon. Member. In effect, if what I suspect is correct, he has voted this money twice. Now I would like to hear him get up and deny that. He has made a double vote on the one item. For originally the £10,000, which, as I see it is transferred from the Estimates to surplus balances and then into the revenue expenditure. He is solemnly doing it again. If the Administration

(Mr. Blundell)

delays the removal of the Somalis again, we may have this 5, 6 or even 8 times more. In his own view, it is not a true presentation of the financial position before this country.

THE FINANCIAL SECRETARY: Is it the hon. Member's proposal that since we are proposing to spend £3,000 on this particular item in 1952, that we should not bring it before the Committee in the form of Estimates, but should surreptitiously take it from surplus balances and tell nobody about it? (Applause.)

MR. BLUNDELL: Mr. Chairman, I do not want to press the point. (Laughter.) Cannot the hon. Member see that he has already had the money voted? That is the point I am making. He is only voting it again. You can go on like this *ad lib*.

MR. HAYLOCK: Mr. Chairman, item 9. It is entirely a different matter. I merely wish to tie my remarks to this particular item, Sir. There are all through the Estimates numbers of purchases of new motor vehicles for different departments, and so on. I presume each one—or, at any rate most of them—are replacements. There may be one or two in addition to the present fleet, but may I ask this: is the hon. Financial Secretary absolutely sure that the revenue item for the disposal of the second-hand vehicles which are replaced by the new ones is true? With the advertisements that appear in the papers regularly of the second-hand vehicles for disposal, surely the revenue must be much larger than is shown?

THE FINANCIAL SECRETARY: Where is it?

MR. HAYLOCK: Do not ask me to tell you where it is! It is, presumably, on page 25, item 3.

MR. NATHOO: I would ask your leave, Sir, as I missed the item before the one on which the hon. Member for Rift Valley spoke. I want some information on sub-item 5, Sir.

THE FINANCIAL SECRETARY: Reduction of Stock held by Resident Labourers in Uasin Gishu?

MR. NATHOO: May I, Sir, ask for an explanation as to what this is and how the money is spent?

THE CHAIRMAN: Can any hon. Member answer the question whilst waiting for the reply to the other question?

MR. MATHU: Might I ask another question arising out of that? I had the impression that the Uasin Gishu farmers had changed their policy of reduction of resident labourers, because they could not get the labourers. They modified that?

THE CHIEF NATIVE COMMISSIONER: I will do my best to answer that one.

The reduction of stock in Uasin Gishu continues, and that requires the holding grounds, the organization of sales of stocks, herdsmen and so on and those are the things upon which this £2,800 are spent.

MR. MACDONALD-WELWOOD: Mr. Chairman, there is one question I should like to answer by the hon. Member Mr. Mathu. In fact, it is true that at the time this reduction was extended by the District Council it was not—as he suggested—purely because the local farmers could not get labour. One of the reasons was the ability of the Administration to absorb that stock. I want to make that point, I should dislike very much to have a misconception of the matter, that it was entirely the farmers who wished to extend that period. Some of the farmers certainly did, but there was a strong feeling, which I felt myself, that to unload that stock on the Nandi reserve suddenly would be very unfair to the Administration and to the chiefs in the reserve who were doing a very great deal of work and spending a great deal of money on grazing control.

MR. MATHU: The hon. Member would like to cross over the other side?

THE FINANCIAL SECRETARY: Mr. Chairman, with regard to the hon. Member for Kiambu's question, would he kindly indicate which of the revenue items he is looking at, because he might be under some slight misapprehension.

MR. HAYLOCK: I am sure I am very likely to be under a misapprehension, Sir, because the only possible item I can see in item 3 on page 25, Stores, under Sale of Government Property. I can see no other possible item it can come under. If all the motor vehicles and stores which are sold by the Government—part from the special item, Sale of Unallocated

(Mr. Havelock)

Stores—Public Works Department—can only bring in £15,000, it seems to me an incredibly low figure.

In order to save the time of the Committee, Sir, perhaps the hon. Member would like to reply at a later date.

THE FINANCIAL SECRETARY: I do not know whether I should now move Part C, War Expenditure—Civil. If it is the wish of the Committee, I will do so, Sir.

THE CHAIRMAN: Go ahead.

PART C—WAR EXPENDITURE—CIVIL

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Part C, War Expenditure—Civil, be now considered.

Sir, it is the procedure of this Committee when a Head is moved that the Member of Government in charge and moving that Head makes a speech on policy. Sir, this is a composite Head; not lending itself to that procedure. I therefore propose to make this motion a purely formal one, and when the item pertaining to the various Members under this composite Head come up, I have no doubt my colleagues will make such speeches and such explanations as they may deem necessary at that time.

MR. CHAIRMAN: I beg to move. (Applause.)

MR. BLUNDELL: Mr. Chairman, if no other hon. Member wishes to raise an item before item 8, I wish to move a motion on item 8.

MR. HAYLOCK: Mr. Chairman, I wish to understand this. Is this a policy debate on all the items?

THE FINANCIAL SECRETARY: Mr. Chairman, I propose if this motion is considered is passed, that then we should move the items one after the other under each of these sub-heads. That would give hon. Members the opportunity they seek.

THE CHAIRMAN: Do hon. Members wish to take part in a policy debate, or would they prefer to reserve anything they have to say until we get to consideration of individual items?

MR. BLUNDELL: I wish to speak, actually, on the policy of an individual item. I think it would be much better tied to the actual item.

MR. SALTER: I have a point which really covers 6, 7, 8 and 9. It is a very short policy point.

THE CHAIRMAN: If it will not take very long, we can take it now.

MR. SALTER: It is a very short one.

I would like to put forward for the consideration of the Member for Commerce and Industry the recommendation which emanates strongly from the Nairobi Chamber of Commerce. That is that all controls, so far as is practicable, should be situated under one roof, under a central authority responsible for them. It is suggested that such a system has one or two advantages, which I can state very shortly, and has in fact worked efficiently I believe, in the Territories of Uganda and Tanganyika. The advantages suggested, Sir, are these. First, that by putting them under one roof there would be a reduction in the expenditure on the rents of multiple offices. Secondly, it would facilitate greater co-ordination of policy; thirdly, it would effect economies through the pooling of clerical staffs, where perhaps one clerical staff could serve all the component controls under that roof. Now, Sir, I agree that there may be difficulty over the question of the Rent Control being under the same roof, but it may be that some modification of that could be considered, and I do put that forward, Sir, as a policy suggestion for consideration.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, the hon. Member was referring to items 6, 7, 8 and 9 only, which come under my purview?

MR. SALTER: That is so.

THE MEMBER FOR COMMERCE AND INDUSTRY: I am most grateful to the hon. Member for raising the point. I share the doubt which he expressed with regard to the Rent Control. I am perfectly happy to look into the matter. In fact, I have discussed it with Members of those who are most affected by the controls. I am perfectly happy to look into it, and I am grateful to the hon. Member for raising it.

MR. SALTER: I am much obliged to the hon. Member.

MR. NATHOO: Mr. Chairman, when these items come for discussion, can we

[Mr. Mathu] speak on each item which might combine policy with details?

THE CHAIRMAN: Yes, I think that would be the best way of dealing with this Head.

The question that Part C—War Expenditure—Civil be considered was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That items 1—3 under Accountant General be passed.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That the Committee do report progress and ask leave to sit again.

The question was put and carried.

Council resumed.

ADJOURNMENT

Council rose at 12.47 p.m. and adjourned until 9.30 a.m. on Thursday, 29th November, 1951.

Thursday, 29th November, 1951
Council assembled in the Memorial Hall, Nairobi, on Thursday, 29th November, 1951.

Mr. Speaker took the Chair at 9.33 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 28th November, 1951, were confirmed.

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that the Committee of Supply during the morning sitting of 28th November dealt with Head 2—2, the remaining items from (1) item 2 to the end of Head 2—2, and approved of the inclusion of all the items, subject to the deletion of Head 2—2 (1) item 19 of £1,900; a reduction of Head 2—2 (4) of item 19 by £850; a reduction of Head 2—2 (12) item 8 by £1,500; a reduction of Head 2—2 (50) item 1 by £9,900.

At the conclusion of business the Committee had entered upon the detailed consideration of Part C—War Expenditure Civil, and items 1, 2 and 3 have been approved without alteration—see page 221.

THE SPEAKER: Sir Charles Mortimer conveyed to me this morning certain explanations tendered later in the day yesterday by the hon. Member for Trans Nzoia and the hon. Member for Aberdare. I appreciate the difficulties that hon. Members experienced, and I also hope they will appreciate the difficulties that the Chair is sometimes in.

We will go into Committee.

COMMITTEE OF SUPPLY

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1952.

PART C—WAR EXPENDITURE—CIVIL (Contd.)

THE FINANCIAL SECRETARY: I beg to move that Part C—War Expenditure Civil, items 4 and 5, be approved. These represent Police Guards placed upon R.A.F. property such as airfields, and on the Naval Depot just outside Mombasa, and the cost is fully reimbursed in both cases by His Majesty's Government.

The question was put and carried.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move that Part C—War Expenditure Civil, items 6, 7, 8 and 9 be approved.

MR. NATHOO: Mr. Chairman, item 6. I should like to know from my hon. friend, the Member for Commerce and Industry, whether it is a fact that, arising out of some of the lifting of restrictions on the Import Licences, there was a possibility of a reduction in this Vote, but that a few days ago a new policy has been initiated by the Home Government and, consequently, it may be necessary to keep a check on the Import Licences, and that until such time as the policy is known what is going to happen to the Import Licences that are normally issued? There may not be a possibility of a reduction, but as soon as this policy is decided there is likelihood of a reduction in licences being established.

MR. BLUNDELL: I wish to speak for a few minutes on the policy of Rent Control.

Now, Sir, I am opposed to the policy of Rent Control at the present time. I do not believe that Government has moved as expeditiously as they might in the matter, in view of the changed circumstances.

Now, first of all, Sir, I wish to have commercial areas zoned, so that within the zoned areas Rent Control could be abolished. I am going to give an illustration of the hardship which it imposes on people who have been caught within its coils. If a business had a large shop area which was subdivided into various frontages in 1939, and rented them, and the business expanded enormously so that it could, in effect, use the whole of its own shop frontages, it can do nothing at the moment to evict the tenants who are actually occupying its own premises. I have in mind a particular business to which that has happened, where the turnover could be enormously increased, but they cannot expand because part of their shop frontage has been let to tenants. Although the tenants have been told to find alternative accommodation, that has not been possible.

I would suggest that, where a business expands within itself, it should be perfectly legitimate for it to use its own shop frontages. It should be entitled to do so,

In order to avoid hardship to those evicted, two steps will be necessary by Government. The first—first of all—the release of land for building in the commercial area, so that alternative accommodation can be built for these businesses and, secondly, a scrupulous examination of the leases of those plots already alienated, to see whether the building conditions are being carried out. At the present time there are many business plots which could be built upon, upon which building conditions have not been carried out.

Secondly, I would like to draw attention to the anomaly of an individual. A man I know bought a pre-1945 house which was assessed at £3,000, and the rental was £75 a year, and of that £75 a year, £46 go out in out-goings, so that, in effect, it is £29 a year coming to him. There is a tenant in a house which he purchased, and if he evicts the tenant, he can only find a house for £125 a rent of £25 to £35 a month; so one has this extraordinary anomaly of a man who owns a house. He can either not evict the tenant, in which case the tenant pays £75 a year, and thus live in a house on which he (the owner) pays a rent of £25 to £35; or he can evict the tenant and live in his own house which has been leased at £75 a year, and subsidize this tenant, by alternative accommodation to the tune of £25 to £35. That is an absolute anomaly. I do suggest that Rent Control, if I own no houses at all, I would like to strengthen. I do suggest Rent Control has moved to a stage when it is penalizing individual building owners, preventing proper development of building, and in addition, Sir, I think it is anomalous to take a pre-1945 price of a house. Hon. Members opposite have had their salaries adjusted over the course of the last year or two in terms of the declining purchasing value of the pound, and I think it is an anomaly to deny the same adjustments to those who are very often widows and poor people who invested their savings in homes built before 1945. Those are two specific points I would be grateful if the hon. Member would bear in mind in an attempt to do something about them.

LT.-COL. GUERRE: Mr. Chairman, as a member of the Commerce and Industry Sub-committee on Rent Control, I would like to remind the hon. Member for Rift Valley that a provision

(Lt.-Col. Gherrie) in the Ordinance whereby any landlord who wishes to reconstruct or extend his premises may apply for the tenant to be removed, always subject to the fact that adequate and similar premises are made available to the tenant. I think I probably know of the case in Nairobi as well as the hon. Member for Rift Valley, but I think we have also got to study the interests of the tenant. (Hear, hear.)

Mr. NATIHO: Mr. Chairman, I would also like to refer to the remarks of my friend the hon. Member for Nairobi South when he advocated the amalgamation of Imports and Supply Controls. In that respect, I would like also to say that the Government should examine the possibility of amalgamating Hotel and Rent Control offices as was done some time back. I think, Sir, that if these two departments are on the same premises there may be a section in the staff which will work for both Controls. Another point I would like to be recorded is my appreciation of the Supply Board where I know with the recent rise in the price of sugar a considerable amount of money was saved by the Government by prompt action by the Chairman of the Supply Board.

Mr. MACHOGUE-WELWOOD: Mr. Chairman, in support of my hon. friend the Member for Rift Valley I would like to put up a suggestion to the hon. Member for Commerce and Industry for consideration, that in cases of real hardship to the landlord of which many exist, greater powers for re-assessment of rent should be given to the Rent Control Board because what in effect we are doing at the present moment is using one type of person to subsidize another. Those who have the misfortune to have their fortunes in houses are subsidizing the tenants. If you are going to subsidize one class of the community the logical action should be to subsidize through general revenue. But this is a most unjust thing, the subsidization of one class by another class of person.

Mr. BLUNDELL: I want to take up the point which the hon. Member for Nairobi North made. The case I have in mind is not a case where reconstruction of the building is necessary. It is a case where a series of shops on a frontage

owned by a business were sub-let many years ago before the business expanded. It is therefore a simple business of wishing to use the additional shops. The hon. Member says he knows of the case as well as I do. I believe great hardship is being inflicted and although I agree we must look after the interests of the tenants, I am not in agreement that that must be done to the exclusion of everybody else's interests. (Hear, hear.)

Mr. COOKE: I do not think that the hon. Member for Rift Valley or the hon. Member for Uasin Gishu realizes how difficult the matter is. It is not by any means so easy as it looks. I, Sir, was a member of a Committee which studied the Rent Restriction Ordinance about two years ago and we went into every aspect of it, even the aspect suggested now by my hon. friends. It is an evil but it is the lesser of the two evils one has to choose. And you will find even in England today the same anomalies exist. It is beyond the powers of man to do justice to both parties, therefore, we do justice to the party which we think deserves justice more.

THE MEMBER FOR COMMERCE AND INDUSTRY: I rise to try and answer some of the questions that have been raised. I am sure that others will be asked, but my capacity to carry the various points particularly in view of the various opinions expressed is limited. I must ask the indulgence of the Committee for permission to make use of my notes. To deal with the point raised by the hon. Member for Central Area on Imports Control hon. Member mentioned, not very long ago we had hoped to relax the restrictions. At the present time, as I think is quite clear from the Press, we are faced with a complete reorientation of our import policy, not only in this part of the sterling area but in every part of the sterling area. As hon. Members will be aware, a meeting of the Finance Ministers is to be held early in the new year in London. Now, undoubtedly there will be an attempt to reach agreement on import policy as it affects the whole of the sterling area. Naturally we hope that the result of that meeting will be a simplification of control, I hardly think it can be a relaxation in view of the financial situation. If a simplification results, therefore, I hope

[The Member for Commerce and Industry] that those economies we were intending to make as a result of the relaxation made early this year will be possible. If on the other hand the balance of payment position between the sterling area and the rest of the world is such that complicated controls are necessary, then Sir, in the words of the hon. Member for Rift Valley a day or two ago, I think we would wish to play our part in meeting this crisis even at the cost of some additional expenditure. (Applause.)

Now, Sir, to deal with the policy points on Rent Control raised by the hon. Member for Rift Valley, I was very glad that he raised these points, if only because it provoked a most interesting and very useful debate first of all. I think I had better say straightaway that all the points raised by hon. Members, whether it be by the hon. Member for the Coast or the Member for Nairobi North or the Member for Uasin Gishu or the Member for Rift Valley, are at the present time being considered by a Committee. You may remember that I introduced a Bill which was passed in this Council some months ago removing certain anomalies in the Rent Control Ordinance and making certain revisions. At that time hon. Members may remember I stated that the Committee was going on working dealing *inter alia* with those much more difficult questions of principle that were raised by hon. Members to-day. Now, as I say it is within my knowledge that every point mentioned has been, or is being, considered by the Committee, but I would invite hon. Members to make their views known, with all the force they can on these points. It is very important that this should be done, not here trying to make debating points—this is a difficult subject. There are different opinions as became quite clear in five minutes' discussion. Now the point the hon. Member for Rift Valley made about commercial buildings is, I would say, a most pertinent argument. There is, however, a third condition which I think he would wish to include himself, which is, of course, that there must be due notice given. At the present time Rent Control is only extended from year to year. In this present day, even if the land were released, which we all want to see, and

the premises were being built, it takes longer than a year to build, and at a later stage I will be coming with proposals to this Council to make it possible to give reasonable notice. To make policy decisions on a year-to-year basis is not possible. On a two- to three-year basis it would be. That, I think, may be one of the recommendations of this Committee. The only answer to the shortage of houses and the shortage of office space is by building new houses and by building new offices and to take the point made by the hon. Member for Rift Valley and the way this can be done is by making investment worth while and by providing the land. I agree with the points made but I would add a rider that there must be fair notice given and plenty of time for people to find the alternative accommodation which, remember, still has to be built to a very large extent. I would also welcome the point made by the hon. Member for Nairobi North and the hon. Member for the Coast. It is also perfectly true, that there is an element of subsidy borne by a certain section of the community in the present situation. It would be foolish to deny it. We can, I hope, remedy it and the Committee have set their minds to that problem very effectively and I can say that the point made has been put even more forcibly than by the hon. Member for Rift Valley. It has been put very forcibly indeed. We must in these days at a time when supply and demand do not approximate, we must, I think, and I think every hon. Member would agree, protect what are, after all, the majority, namely those people who are not in the same economic position to protect themselves as perhaps some others are. I am sure every hon. Member would agree with me. (Applause.)

Now the other points raised by the hon. Member for the Central Area had to do with combining the Supply Board and Imports Control. First of all I would like to say how very much I appreciate, and I am sure the staff of the Supplies Control office appreciate, the tribute he paid to their work. I personally, think that under very difficult circumstances, they have done a very good job. I have already said when the point was raised by the hon. Member for Nairobi South yesterday, that I will look into it. I hope

[The Member for Commerce and Industry.]

It will be possible to do it. I think the difficulty is the one the hon. Member for Rift Valley referred to in general terms a moment ago, and that is purely one of accommodation. If we can find suitable accommodation the rest should be fairly easy, and I hope there will be economy. I take the point that economy in overheads should be a result. On the point of Rent Control and Hotel Control, as I think we agreed yesterday, the procedure of Rent Control is very similar to that of a Court, and certain special problems of accommodation arise. In regard to Hotel Control, I will look into that. I cannot say that I am aware myself, at first examination, of the economies that might result, from amalgamating, but I am willing to look into it and they may well result, and if they do result and if it is practicable, I will be only too happy to follow the suggestions of the hon. Member. I think I have dealt with all the points raised so far. If hon. Members have any further points I would be only too pleased to try and answer them.

MR. COOKE: Mr. Chairman, there is one point I wish to make. If the Government does decide to release Crown Land, will that land be rented to such people as tenants at the site value of the land, or will it be rented at sub-economic value, because if it is rented at sub-economic value, then we must, with our eyes open, realize that the revenue of this country is losing a certain amount of its legitimate demands. We cannot have it both ways. If these Crown Lands, which are now very valuable in a city like Nairobi are going to be rented, they would have to be rented, I imagine, at their site value and not at their sub-economic value. Would the hon. gentleman clear up that point?

MR. PATEL: Mr. Chairman, certain remarks made in regard to the Rent Control which lead one to believe that one class or one group of people are subsidizing the other and individual hardships should form the basis of consideration of this matter are, in my opinion, not valid. If we try to adopt these arguments as basis in controlled economy we will land ourselves, in my opinion, in trouble, because these arguments can be advanced by all people in a controlled

economy, namely primary producers, landlords, or those affected by Imports Controls or any other Control. These Controls can be advanced by each of them that one class of people is subsidizing the other. I think what should be considered is the good of the maximum number of people of the country. From that aspect only, the whole question of Rent Control can be examined and not on the question of individual hardships and anomalies. If we want to do justice, Sir, in that way what about a patriot who, say, invested his money in War Loans, which has now become in value 30 per cent while another person who invested his money in land which is today ten times more in value. You have then to tax such lands and pay to the persons who invested in War Loans. (Applause.)

To make it clear, if a person invested £1,000 in War Loans his money is worth £300 now while a person who invests £1,000 in land is worth £10,000, in townships, or otherwise.

I think it would be very wrong to consider the question of individual difficulty or subsidization as argued. What is to be considered in all matters of controlled economy is whether it is for the good of the maximum number of people in this country.

MR. MACDONOCHIE-WELWOOD: I would just like briefly to reply to one remark there. (Laughter.) He said: "The man who has money in War Loans has got a sinking asset and the man who has it in land has a good asset". I would point out that an asset is only valuable according to its availability. If a landlord owns a house which is rented, he is not in a position to sell; it is not there for a liquid asset. The other point that I would make is that my hon. friend Mr. Patel gave a very good panegyric on the advantages of expediency as against justice.

MR. SALTER: Mr. Chairman, I have one other point which I would like to raise for the consideration of the hon. Member, and it is, I think, at some very far distant date, consideration may be given to the whole of the working and composition of the Rent Control Boards as they are at present. Now, Sir, it was hoped when the new system came into being that the Boards would be able to

[Mr. Salter]

discharge expeditiously and with simplicity, the many cases brought before it, and so to relieve the congestion which had been placed upon the courts. Now, Sir, in saying what I am going to say, I would like to pay a tribute, if I may, to those who have given up a great deal of their time voluntarily to serve upon the boards, and I do not want it to be thought that anything I say is in the slightest degree a derogation from that. But it has been found, Sir, that the present system has in fact not led to any decrease in the number of cases which still find their way into the courts, especially the number of appeals which come from the decisions of the boards. And, Sir, there are some very technical and complicated points which have to be decided by the Courts arising very largely from the fact that there is little or no stated rules of procedure in the Rent Control Boards. I know, Sir, that it is felt in very high judicial quarters in this Colony that it may well be better to return to the old method and let these cases, after passing through the Rent Control for the purposes of sanctioning the filing of suits be heard in the courts who have their regular and recognized procedure.

MR. NATHOO: Mr. Chairman, arising out of the remarks of the last speaker, I would like to state quite definitely here, Sir, that from my personal experience of the Rent Control Board, I feel that a great amount of good has accrued to the general public and they have been able to have much quicker justice than they had in the past. It means, Sir, that a number of cases find themselves in the courts on a matter of technical points, but, Sir, taking into consideration the delays which used to occur in the courts, between 18 and 24 months before a case could be heard, I think it would be a great retrograde step to go back to the courts for Rent Control cases.

THE MEMBER FOR COMMERCE AND INDUSTRY: I notice again, Sir, that as the points were raised by hon. Members they were answered from other quarters. I think that demonstrates the difficulty of this matter. There was a very important point raised by the hon. Member for the Coast which I am afraid was directed to the wrong Member and I will only make one observation which is that

very large problems are involved in the question of the disposal of land. It is our basic asset and it is a matter of how to invest it. In my submission we should do it in the way that we wish will be most rapidly increased, and that not only narrow financial considerations would be involved, but also the consideration of the general development of this Colony.

Now, on the points raised by my hon. friend the Member for the Eastern Area. I think the hon. Member puts his finger on a profound economic truth when he said that in an economy where Controls necessarily survive—how far they should survive is, of course, a matter of opinion, but necessarily survive to a greater or lesser extent—there are bound to be distortions, and I agree with him that under those circumstances picking on particular groups is a dangerous pastime. On the other hand, I know the hon. Member will agree with me that there are cases where injustice arises from a Control, which we might well all agree is necessary, and that there it may well be wise and expedient, and indeed, only justice, to do what we can to ease the shoe where it pinches. But, of course, the hon. Member is absolutely right to state that with an economy where Controls necessarily operate then it is a difficult thing to start working on a group basis. Vested interests arise—I need not give details—as I think all hon. Members will agree with me.

Now, on the point raised by my hon. friend the Member for Nairobi South, which was answered immediately by the hon. friend sitting opposite. First of all I know hon. Members are sincere, when they pay their tribute to the members of the Rent Control Boards. It is an onerous task; it is an ungrateful task; a great many criticisms come their way, very few tributes, that was why we particularly wanted to hear the hon. Member for Nairobi South pay his tribute. It is very difficult, Mr. Chairman, to find people to take these jobs on, can you blame them? It is very difficult indeed, and they are very public spirited to take them on, and of the men and women who have served on this Board, every one of them to my knowledge has paid the greatest attention to the cases as they have come before them and have given their opinion without

(The Member for Commerce and Industry) fear or favour to the best of their knowledge and ability.

Now, Sir, the point the hon. Member raised about putting the cases back into the High Court; I was most interested to hear this. I have also heard contrary opinions expressed in judicial circles. I am sure that if the courts can handle the volume of work and furnish expedition and cheapness as is the case with the Rent Control Board, then, Sir, obviously the courts are the place. But this is a matter on which I feel, that as a Committee is sitting, the place to raise it in the first instance, if I may make a suggestion, is with them. I know that the point has already been raised, but, Sir, the views of the hon. Member for Nairobi South would naturally carry a very great deal of weight because not only could they be put with force, but with legal experience, in a way that I, as a layman, could not do.

If there are any further points I will do my best to reply to them.

DR. RAMA: Mr. Chairman, enough has been said about Rent Control—(hear, hear)—(laughter)—and it is not my intention to waste the time of Council by going into the good and bad aspects of this wonderful Control. I can say so much, Sir, that the Control is not effective in the sense of what it was when it originally started, and as the hon. Member for Commerce and Industry has given us an assurance that the Committee is going over the principles—and I hope that that principle will not be kept until the next Budget debate when it comes in—and something will be done, I will leave that subject.

There is a question under the Supplies Control Office. I really do not understand the meaning. I would like to ask the hon. Member what are the functions of the Supply Control Office. I thought this was started in the war with a view Army and Navy, but what I find in this Supply Control Office now is a sort of hindrance to the people to get their foodstuffs at all. I would like to go into the same thing. If this is something else with which I am not acquainted, I would like to know it.

THE MEMBER FOR COMMERCE AND INDUSTRY: Well, Sir, I will deal briefly with the points raised by my hon. friend.

MR. HAVELOCK: Briefly.

THE MEMBER FOR COMMERCE AND INDUSTRY: The Supplies Control Office deals with commodity distribution. It also deals with Motor Vehicle Control, which I may say consists of one clerk and an office boy. (Laughter.) It also deals with Export Licences, Now, Export Licensing to-day, Sir, as hon. Members know, is of the greatest importance. We produce strategic materials and we want to see that they get into the right hands. (Applause.) Then, Sir, we require supplies such as steel, which is the basis of most of our economic life here. Steel, in the United Kingdom, is allocated. In other words, we have to put in official claims to obtain our steel and the claims of people requiring steel in the Colony are passed through the Supplies Control Office. In passing those claims on we put up the most powerful arguments we possibly can to get hold of that steel. Now, Sir, that may sound a somewhat complicated procedure, but steel is the life-blood of development and is in short supply in the world to-day. Then again, Sir, there is the question of our dollar imports, there are of every certain essential dollar imports. Every year, we have fights in other quarters that compared with the friendly disputes we have in this Chamber, are very fierce indeed. We have to fight to get our dollar allocation. Without that, we would not get much of our farm machinery; we would not get certain drugs and many other things. That is the sort of function the Office performs. It is not the Office that performs those functions that the hon. Member does not like. I think this Office has a clean bill of health. I beg to move.

The question that Part C, items 6, 7, 8 and 9 be approved was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Part C—War Expenditure—Civil, items 10, 11 and 12 be approved.

MR. BLUNDELL: Mr. Chairman, I beg to move that item 10 be reduced by £4,865.

Mr. Chairman, some time ago we reduced the activities of Price Control, rightly, at the time, and then with the

[Mr. Blundell] rise of prices at the time of the Korean War and the difficulties in supply, we agreed to put the price control on to many items. Also I think, correctly, I would like the hon. Member to tell us whether he is able now to reduce the functions of this office and take many items out of Price Control. I have taken the trouble to get some figures which I can give the hon. Member, but being brief, grey cloth, which is a staple garment for Africans, artificial silk and rayon, ready-made goods of many sorts, textiles ready-made, have all suffered recently—or I should say we have enjoyed—a substantial reduction in price. The supply position is good and I think we could save money on this Vote by limiting the activities of the Control. Another point I would like to refer to—recently potatoes were controlled at Nakuru at Sh. 21 and some cents a bag. It was quite impossible to buy potatoes there at that time, though they could be obtained on the black market for Sh. 24. There are, in the course of the year, certain seasons when potatoes are not available, or they are only available against storage, very often at a loss to the grower who is storing them—usually an African. If we are going to price-control an article of that sort we need much greater flexibility or it would be better not to control them at all. When they are in plentiful supply, the price adjusts itself. When they are in short supply, they cannot be had anyway.

THE FINANCIAL SECRETARY: Mr. Chairman, I rise to oppose the Motion. This question of Price Control, admittedly, is a very vexed one. (Hear, hear.) The question of how far one should go with Price Control, is a question which to-day exercises the mind of every Government throughout a world suffering from the effects of price rises and general inflationary conditions. Now, we did at the end of last year, have a sudden worsening in the situation due to causes well known to hon. Members and because of that, we felt it necessary as a Government, to request a strengthening of the Price Control organization in order to make the Control more effective in the changed conditions. For that reason we placed a case before the Standing Finance Committee, and as the Estimates disclose, the Standing Finance Com-

mittee was convinced that the policy was right, and the extra staff was recommended. Now, it is the general principle of Price Control, as exercised in this country, that control shall not be imposed upon any article unless that article is essential, and is not in assured supply. That is the principle, in general. Over a range of obviously essential articles, that principle is easy to apply, but I would admit to the Committee that over a considerable range of what I might term "marginal" articles, the application of that principle is very difficult indeed. I know that the Control does cause irritation; it is sometimes alleged that it operates to keep prices up. But I would suggest to hon. Members that it is not so.

Let us take the case of the grey piece-goods to which the hon. Member for Rift Valley referred. Now, as a result of pressure and statements by those who ought to know, that is to say the Trade, and the relevant Chambers of Commerce, we were assured that grey piece-goods were in ample supply, and so for that reason Price Control was removed. Now, hardly had we removed the Price Control, before grey cotton piece-goods became nothing more, nor less than a speculative counter. Grey cotton piece-goods in the bales were sold backwards and forwards across the same street with out ever leaving the godown. Now, at each transaction, an additional price was added to that bale of grey cotton piece-goods, and the result was that when it ultimately reached the consumer, instead of reflecting the normal three intermediate profits the price, was grossly inflated by these speculative transactions. It did not matter to the people speculating what effect this had upon the cost of living of the consumer, in the African Reserve, or in the towns, and we were compelled to take steps immediately to freeze all these stocks to stop this deplorable process. Here then is an example of where, we were told that this commodity is in free supply, in assured supply, and yet immediately the control is removed the exploitation of the consumer set in. There then is the danger.

I would like to read to hon. Members, with your permission, Sir, a little report, or article, on the experience of Australia in this matter. The article is headed "Australia's Disenchantment" and it reads as follows:—

[The Financial Secretary]

"The Australian people did not learn these lessons until long after the inflationary gallop had begun. Tired of the price-control system which the Commonwealth had retained after it had abandoned wage-pegging, and urged on by irrefragable propaganda in the Press, they transferred control from the Commonwealth to the States by a referendum. There was great elation after this victory for the Right. Most people thought that the States, some of which had Right-Wing Governments, would strike down stifling bureaucracy and enable people to breathe again the air of free enterprise. One State Minister reflected the mood of the Day by calling himself Minister for De-Control. And he immediately liberated in concert with other States several thousand items that a clumsy bureaucracy had needlessly left on its books.

This clean sweep was refreshing. But it soon became clear that the broom had swept too well. Prices soared. People who had hoped to retire with dignity and independence on endowment policies and superannuation were glad to take the old age pension. Workers, although their adjusted wages kept pace with prices, found their savings too small to be acceptable as deposits on the few houses available." (Laughter.)

"These are the circumstances that have whittled Mr. Menzies round to the point where Mr. Chifley once stood."

That, Mr. Chairman, is the experience of Australia, and as I say, we have had a similar experience of course in a smaller way, which points exactly in the same direction.

Now, I do assure the hon. Member that we are not prepared to keep any Price Control organization bigger than is essential for the minimum degree of control. I can assure him that and I can also assure him this, that if the staff were cut by 3 per cent or 10 per cent, the effectiveness of this Control would not fall by 5 or 10 per cent but by 30 or 50 per cent. If you are going to do this thing at all, you have got to do it properly.

It might interest the hon. Member to hear the figures of prosecutions and con-

victions. It will be recalled that the Standing Finance Committee did agree to increase the staff this year, and I think the increased effectiveness of the Control is disclosed by the following figures. Now in Nairobi last year, the total persons convicted throughout the whole year was 80 and the fines were Sh. 11,710. So far this year, that is to say the end of October, the total persons convicted in Nairobi is 178. That is only ten months of the year. Hon. Members will appreciate how much more effective the Control has become with that small addition to the staff. I do therefore ask, Mr. Chairman, that hon. Members, before they consider cuts of this kind, keep in mind the effect that such a cut would have—we shall hear—and I do assure him that we shall not extend this Control over any range of articles which does not conform to the definition I have given, and, what is more, if any article or commodity fails to comply with that condition we will certainly take it off Control.

There is one thing I must ask hon. Members to keep in mind in this relation to Price Control. It may be that overall supply figures for a commodity may show that overall there is ample supply, but having regard to the inadequate transport system and so forth, it is a fact that there are constantly local areas where the supply is actually restricted in spite of overall ample supply. The fact is this then, that you do get areas of temporary shortage and it is in those areas of shortage that the consumer can be exploited.

The second thing is this, that we have in this country a multi-racial community where some races are not at the same level of education and understanding as others. Now, in times like these when we clearly cannot say that essentials are assured, as far as world supplies are concerned, and where prices are constantly fluctuating, when one does not know from one day to another what the price is going to be, those conditions do leave the door wide open for the exploitation of people on the lower levels by people on the higher levels. For these reasons alone then some measure of control is essential.

I do therefore wish these words, ask hon. Members to realize, in making a cut

[The Financial Secretary]

of this kind, the effect of what, in present-day conditions, they may do.

Mr. Speaker, I beg to oppose.

Mr. NATHOO: In the first place, I would like to congratulate the hon. Member for Finance for a very lucid explanation of the working of Price Control. There is one question I would like to ask him, however, that is, Sir, whether every time the Advisory Committee on Price Control tenders its advice to the Price Controller, whether it is, or is not taken.

The second thing, Sir, I would like to ask him—is whether the price of primary products are being controlled by the Price Controller, because there is a feeling in the country that rightly or wrongly, the prices of primary produce do not come under the purview of the Price Control Department.

Mr. HAVELOCK: I would like to ask the hon. Member for Finance whether there is not some fallacy in this basis which he has told us is the reason for controlling or decontrolling an article. He said that the articles are controlled when they are essential, and not in assured supply. I believe those were the words he used. Now, Sir, there are a number of articles, I suggest, which are essential, and are in assured supply, but are only handled by one or two or a very small quantity of importers. Now, Sir, surely the whole idea of not controlling an article which is in assured supply is to allow for the factor of competition, so that if it is in assured supply, competition will come into play, and normally the price would drop: I would put this to the hon. Member, that there is a number of very essential articles which are only handled now by one or two or a few importing firms. Therefore, I suggest in those cases that competition does not come into play, in those cases, I suggest that in spite of the fact that they are in assured supply, there may be cases when there should be also a Price Control.

Mr. BLUNDELL: Mr. Chairman, I thought the hon. Member might like to offer an assurance to the hon. Mr. Nathoo on the price of primary products before I spoke, as I hope to talk to the end of the Motion.

The Financial Secretary: Mr. Chairman, with regard to the first point

made by the hon. Mr. Nathoo, it should be—I think indeed it is—common knowledge that the price of primary produce is fixed by the Governor in Council, and not by the Price Controller. It is the function of the Price Controller, once those prices have been fixed, to fix the price of any derivative. For instance, in the case of wheat flour and bread, once the price of wheat has been fixed by the Governor in Council the function of the Price Controller is to determine the price of flour and bread.

The Chairman: In view of what you have just said, any discussion about the control of primary produce will not arise under the Price Control Office Vote we are now discussing, and I do not think you need to reply to that.

The Financial Secretary: Now, he also asked, Mr. Chairman, whether the Price Controller always accepted the advice of the Advisory Committee on Price Control. The answer to that, Sir, is this, that if the Price Controller does not propose to take the unanimous advice of that Committee, he must refer the matter to the Government, in the person of the Member for Finance.

Now, the hon. Member for Kiambu has put a rather difficult question. I would suggest to him that if a commodity is a monopoly one, that is to say, it is controlled by one single agent—

Mr. HAVELOCK: One or two.

The Financial Secretary: One or two; it is rather questionable—if we assume the normal conditions of monopoly—it is rather questionable whether this commodity is an assured supply because supplies can be held back. Talking purely academically, one might say that such a case would attract the definition, but I would not like to say so off-hand. I would suggest to the hon. Member that if he knows of any such case—that is to say, goods which are essential and in assured supply, but nevertheless are controlled by a few agents of that nature, who can do what they like about the price, I suggest he brings those matters to my notice, and I will certainly investigate them.

Mr. BLUNDELL: Mr. Chairman, in replying to the Motion, which I will withdraw, I moved a token Vote, that was why I referred to a round figure. I

[Mr. Blundell] wanted to satisfy myself that the hon. Member did approach the problems in balanced judgment and from a reasoned angle, and did not just shut his mind and was not completely sold—to use an Americanism—on price control as such.

Mr. Chairman, with the leave of the Committee, I should like to withdraw my Motion.

THE CHAIRMAN: If nobody objects, the Motion is withdrawn.

MR. HAVELOCK: Mr. Chairman, I wish to speak on item 11. I wish to move the deletion, or omission, of item 11.

Mr. Chairman, I am very puzzled as to what this money is supposed to be used for. In the 1951 Estimates, a sum of £140,000 appeared, and the Memorandum to those Estimates gave me one to understand that the money was required as a type of subsidy to reduce the price of foodstuffs. There is a small "a" against this item here; the definition of a "a". I understand, it is new designation or altered designation. It seems to me from what I hear, Sir, that it may well be that the actual use has been altered, although the name of the Vote has not. I understand that this money may be used or may be required to finance the operations, to some extent, of the E.A. Cereals Pool, but I am not sure about that, and certainly there is no explanation for it in the Estimates. So therefore, Sir, as the subsidy element in the price of maize has now been dispensed with, and the consumer bears it in the new price of *posho*, I can see no reason for it on the old explanation to this item, and I beg to move its omission.

THE FINANCIAL SECRETARY: Mr. Chairman, I oppose the Motion. I must first of all explain that the occurrence of the letter "a" against this item is a misprint, and I would ask the hon. Member to erase the "a" both from his book and from his mind.

Now, the position is that this item exists in order to pay what is known as first railrage and storage. If this item were not in the Estimates, then the cost of those items would have to be covered from the consumer, and to that extent there would be an increase in price. This item has existed for a very considerable time in these Estimates, and

while I would admit that at the time when it was first constituted, the sum of money representing first railrage and storage had a greater proportionate effect in the ultimate price to the consumer than to-day because the price of the commodity itself was then much lower than it is to-day.

The hon. Member for Kiambu who is moving this Motion is quite right in pointing to a difference in the reason for the £140,000 of last year and for the inclusion of the £100,000 this year. This money is paid into the Cereals Pool, which operates these cereals transactions, and it was expected that profits which accrue from the various transactions, e.g. disposal of produce to other territories and so forth would enable us to meet the cost of this first railrage and storage. Consequently, last year there was included only £140,000, and the reason for that inclusion was to meet the cost of subsidizing what we call the mechanized differential of Sh. 4 per bag between mechanized maize and non-mechanized maize. Mechanization was not the only consideration. There were of course other conditions, and any grower who satisfied those conditions received that extra Sh. 4 per bag. Now, that extra Sh. 4 per bag, I think, was paid over about 700,000 bags. Anyway hon. Members can work it out themselves. As hon. Members are aware, it was decided that this differential should no longer be continued, and the question of whether we could afford to maintain the Sh. 4 subsidy over the whole maize crop was a matter which then had to be considered. It was concluded that the financial implications of that were too severe for the Colony's finances, and for that reason the subsidy was dropped, and the full price is now paid by the consumer.

Now, as I was saying, Sir, last year it was supposed—and we had very good reason to suppose it—that there would be enough profit accumulated in the Cereals Pool to enable us to meet the cost of this first railrage and storage from those accumulations. In actual fact, our calculations, for various reasons, proved entirely wrong. But, because we supposed that sufficient funds would be there the only amount of money appearing under this Head, Reduction in Costs of Foodstuffs, was in relation to the Sh. 4

[The Financial Secretary]

subsidy, in respect of what I will for the sake of brevity refer to as mechanized maize. Therefore, there was no provision there in respect of first railrage and storage. The assumption proved to be false, and this year we found it necessary to include an item for £100,000 in order to put our account with the Cereals Pools in proper order. I hope, with that explanation, the hon. Member will appreciate the position, and withdraw his Motion.

MR. NATHOO: Arising out of the remarks by the hon. Member for Finance, would it be correct to assume that if there is a profit in the Cereals Pool due to export of commodities to other territories and overseas that that item which is included here will be a direct charge to the Cereals Pool against those profits?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: No, Sir, we can give no such assurance. When the profits are made one has to consider, in the producer, in justice to the consumer, in justice to the Inter-territorial Cereals Pool, of which we form a part—judge these various transactions on their merit. The hon. Member is well aware that last year certain exports were made at a profit, and it was considered that the money which had accrued, the profit which was made from those exports, should go back to the producer, and I think quite rightly that decision was taken. I am not prepared, on behalf of the Government, to make any categorical statement here and now over very complicated issues, which I suggest must be taken on their own merits as they arise.

MAJOR KEYSER: Mr. Chairman, referring to the remarks made by the Member for Finance, would he explain to us what first railrage is? I thought that first railrage was paid for by the consumer in the price of *posho*, because in the breakdown of the price of *posho* which was published by Government, there is an item of 1.87 for 300,000 bags, which was the old rate, and Sh. 2/30 per bag on 900,000 bags. The consumption of *posho* in the country is 1,200,000 bags, so that railrage is charged to the consumer of *posho* over 1,200,000 bags of *posho*. But the hon. Member for Agriculture shakes his head, but I have the break-down here, which states that that is so. Well, Sir,

is that first railrage, or is it not? Is it necessary to have a second railrage? Now, Sir, the first railrage is charged when this break-down price was published, the figure that was put into it I took to be an estimate, because it is based, I think, on a railrage of 320 miles. Now, the whole 1,200,000 bags carried 320 miles? It does seem to me that there is something very wrong in these calculations.

THE FINANCIAL SECRETARY: Mr. Chairman, I do not know whether the hon. Member's question is designed to elicit a confession from Government that we solemnly spend our time putting maize on to trains and running them backwards and forwards, backwards and forwards, until such time as the prices reach the level we desire.

MAJOR KEYSER: I would not be surprised! (Laughter.)

THE FINANCIAL SECRETARY: Mr. Chairman, that may be the impression that the hon. gentleman may get in his area, but when he comes down to the lower levels of Nairobi, I am quite sure he will be quite disillusioned, and sanity will prevail. Nothing is further from the truth. This is first railrage and storage, railrage from sender's station to the place where the Maize Control stores it on behalf of the Cereals Pool. After that, as anybody in their senses will know, to convert maize into *posho* the maize has to be taken from the place of storage to the mill, and after having been milled it has got to be filled to the consumer—I am not going to give way, Mr. Chairman.

MAJOR KEYSER: All right, go on.

THE FINANCIAL SECRETARY: The hon. Member will ask me, why do you not take it straight to the mill? The answer is, we cannot do so because there is not the milling capacity in the country to enable this to be done.

MAJOR KEYSER: Mr. Chairman, the hon. Member talks a lot about sanity. But may I tell the hon. Member that I have grown maize for 30 years. I was director of a company for many years which dealt with it, and I have been a director of a mill. I will tell him a little bit about maize, if he does not know it. I know first that the centres which produce maize. . . . Now, Sir, the first railrage—he says is that this is to cover first railrage. Now, in the price of

[Major Keyser]

posho there is an amount put in now of a new rate of Sh. 2/30 to cover the whole 1,200,000 bags which are consumed in this Colony. Now, a considerable amount of the maize that is consumed in the Colony is consumed at the centre of production. For instance, I do not suppose that the Maize Control—I do give them credit for having a little bit of sanity—I do not presume, Sir, that the *posho* which is consumed in Kisumu is first railed to Nairobi and then back to Kisumu. Nor, Sir, the *posho* which is consumed in Kitale, Eldoret, or Nakuru. I presume all that is consumed on the spot without any railage being incurred at all. The majority of it is consumed in Nairobi. Now, that is brought down and milled and these mills are in Nairobi and the majority of the *posho* is then delivered not by rail but by lorries and it is taken by the wholesaler from the mill, and he incurs the cost of delivering from the mill to his place of sale by lorry.

Now then, Sir, will the hon. Member please answer that one and withdraw his question of doubting my sanity on it.

MR. MATHU: It is all very interesting. Having not been satisfied that the reasons given by the hon. Member for Finance are very convincing, I am going to support this Motion, and say that the item should be omitted, particularly when a Government speaker answers that profits go to the producers, and that the consumer has to bear the whole cost of the final product. The consumer, Sir, is suffering a great deal in every direction and even—it would be possible that £100,000 would put a greater burden on him, I think it is very unfair and, for one, would vote that this item be done away with.

MR. NATHOO: Arising out of the remarks of the hon. Member for Agriculture and Natural Resources, may I say, Sir, last year, when the profits accrued in the Cereals Pool, they were distributed and the charges were afterwards brought to the notice of the Standing Finance Committee which had to be accepted.

MR. PATEL: If I feel convinced that the deletion of this item will mean an increase in the cost to the consumer for any part of the foodstuffs, however

slightly that increase may be reflected, I shall feel inclined to vote against the Motion, but if Government will be able to tell us that this whole amount of £100,000 is used for what is called "first railage", and that by its deletion the first railage will have to be borne by the consumer, and therefore there will be a slight increase—however slight—in the cost to the consumer, then one will be justified in opposing this Motion, but otherwise I am afraid I may have to support the Motion.

MR. HAVELOCK: The hon. Member for Trans Nzoia, Sir, has posed a question for which we are still awaiting an answer, and I would like to repeat it again, if I may, shortly.

There is a very large item for railage charges in the Maize Control costs, based on 320 miles average railage. The hon. Member for Trans Nzoia pointed out that that cost could not be based on 320 miles railage, if the first railage charges from producer to store was borne by another Vote—which is the one we are discussing—and I cannot see that this £100,000 is required for these first railage charges.

Now, Sir, I would like to bring up another point. I understand that the Cereals Pool held a large quantity of maize on 1st October this year, when the price of *posho* was raised. I understand that they only paid low prices for it, and they will be able to sell it at the high prices, and a considerable profit will accrue. I should like an answer from hon. Members as to whether that profit is legitimately a profit to be used to finance this particular function of first railage charges, or if it is not.

THE SECRETARY TO THE TREASURY: (Applause.) There is just one little point which I would like to refer to. It is this item of £100,000 for first railage and storage. It is an amount which goes to the accounts of the Cereals Pool. It is a Cereals Pool item—it is not Maize Control.

The hon. Member for Trans Nzoia was referring to the price structure of *posho*. I think that is the document he had. For that Maize Control has a railage pool—*posho* is sold at the same price in any place in the Colony, but the amount which he was referring to has nothing whatever to do with this particular item.

MAJOR KEYSER: Why?

THE SECRETARY TO THE TREASURY: Because Maize Control is a self-financing organization, and the accounts and estimates of Maize Control are not in any way reflected in the Estimates of the Colony.

In regard to the point raised by the hon. Member for Kiambu, it is, of course, true that on stocks of maize which happens to be held by the Pool—when the prices increased there may have been certain profits—(laughter)—well, the stocks were somewhere around 300,000 bags. I cannot do a rapid calculation, but I think the hon. Member can do it for me. That profit is Pool profit, and not entirely Kenya's, but I would say, Sir, other things being equal, if any portion of Kenya's profits can be used to offset the cost to the Government of first railage and storage charges, it would have the effect of reducing this item. There is no doubt about it—by what amount I do not know. The item of £100,000—I was about to say it is a token figure. It is not, of course, token. It is, however, a round figure. (Laughter.) We do not exactly know what is going to be required. I can, however, give the hon. Member an assurance that if any of the profits do accrue when the account finally closes, it will have the effect of their being used in reduction of this item.

MAJOR KEYSER: The answer of the hon. Member is most unsatisfactory. He has tried to tie me up by talking about various accounts—words of self-accounting services, or something of the sort.

We are dealing with a known quantity of bags of *posho*. We know where it comes from. We know where it goes to. In the price structure of *posho* there is on 1,200,000 bags which is consumed in the country—there is a railage charge at the rate of Sh. 2/30. Will the hon. Member tell me, Sir, whether there is any further railage on that, and whether there is any balance out of that account of Sh. 2/30, multiplied by 1,200,000 in the Maize Control accounts?

Now, Sir, the figure of £100,000, divided between 1,200,000 bags of *posho*, works out at 1/66 cents. Is the hon. Member telling us, Sir, that every bag of *posho* consumed in the country incurs a cost of Sh. 3/86 per bag in railage.

Because I find it extremely difficult to believe. I think the hon. Member is getting a little bit tied up himself by all these accounts he talks about, because it is impossible for those 1,200,000 bags to incur Sh. 3/86, unless the hon. Member for Finance was right, and the maize went up and down the line half a dozen times. (Laughter.)

MR. BRUNDELL: Mr. Chairman, I have here the report of a Committee on the Cereals Pool, and I would like to quote from it two items.

The first is this: "The Pool buys maize and, when necessary, other locally produced cereals, at controlled prices plus controlled cost of bag, plus cost of transport to Pool stores".

The second item, Sir, is this: "The Pool invoices all cereals to participants at a provisional price ex store or f.o.r. sender's station; plus a contribution on account of, but not in final settlement of, the charges detailed in (f) below. The final prices are adjusted when the final cost for the year has been computed". (f) below: is: "(i) Rail freights and road transport to Pool stores".

Here is a document of a Committee which sat upon this very complicated organism—the East African Cereals Pool—which clearly shows that the Pool buys produce into the Pool after paying railage, and sells back to participants, debiting the railage so incurred to the participants.

Now, what is this item?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: It is a score-over a five-year period, when the pool was set up. Every year there has been £100,000 except last year. I would suggest, Sir, that we shall get no further forward in this sort of argument, that is, trying to elucidate a very complicated system of accounting. (Laughter.) You may laugh, but it is so. It is very easy to laugh, but the fact remains I am only too anxious to be of assistance. We are going into a very complicated system of territorial accounts, designed to comply with the interterritorial arrangements of the Cereals Pool over a five-year period. I suggest, if hon. Members would care to do so, I suggest we might consider this matter can be in suspense until we can get a reasoned statement out which may

[The Member for Agriculture and Natural Resources] satisfy hon. Members opposite. I think we will get no further forward by arguing on figures we do not understand, and which are very difficult to argue in an assembly of this nature.

MR. BLUNDELL: May I ask one question of the hon. Member? If this item is included in the East African Cereals Pool, why does not a similar item appear in the Budgets of Tanganyika and Uganda?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I think you will find it does.

MAJOR KEYSER: Would the hon. Member for Agriculture and Natural Resources explain—he says it appeared, and that it appeared last year.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Except last year. The reason it did not appear last year was because, as my hon. friend the Financial Secretary informed this Council, it was anticipated there would be considerable export profits which would go to . . . (inaudible) and would be used for this purpose. Export profits, as everyone in this Committee is fully aware, were not used for this purpose; they were given back to the producer. In that case they had to make up the deficit for that particular item, which is £140,000. Hon. Members will find in previous years, as in this year, the figure of £100,000 appeared, which was finally accounted for at the end of each financial period. It was a contribution from all three Territories.

Committee adjourned at 11 a.m. and resumed at 11.22 a.m.

In the absence of the Speaker, Sir Charles Mortimer took the Chair.

THE CHAIRMAN (Sir Charles Mortimer): I understand, hon. Members, that debate is proceeding on item 11 of Part C—War Expenditure—Civil. That there has been a Motion proposed to reduce the amount of £100,000 by—

MAJOR KEYSER: Sir, I would like to move an amendment that the amount of £100,000 be reduced by £25,000, providing, Sir, that you would agree that the balance of £75,000—the debate on it should be adjourned until we can get

a reasoned statement from hon. Members opposite.

THE CHAIRMAN: Would it not be preferable to defer consideration of the whole item and withdraw the Motion for the time being and put it forward later?

MR. HAVELOCK: Mr. Chairman, the Motion I moved is still before the Committee, I understand. I feel, Sir, from the information that has been given by hon. Members opposite that it is certainly a matter that we should consider as regards the total amount, but in spite of that I believe at least £25,000 could be saved immediately and it is not necessary, and I would like to withdraw my Motion in favour of the Motion proposed by the hon. Member for Trans Nzoia, that the amount should be reduced by £25,000.

MR. COOKE: The hon. Member for Trans Nzoia suggested £25,000 should be put into Suspense, I understand.

MAJOR KEYSER: No, that the Vote should be reduced by £25,000 and that the balance should be put into Suspense.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I think it is most important that in so far as it is possible we should give Members of this Committee the most precise information about this £100,000. This matter has been raised before in Committee, it has been raised many times outside this Committee, and we have always been able to satisfy a small body of people going into it very carefully as to what is being done with this Vote. It so happens, Sir, that this year there was a change in the price of maize in the middle of the year, as hon. Members are aware, and that we were not able in the case of Maize Control to take full advantage of the stocks held at the older price in order to ease down the higher price to the consumer, as regards the higher price, when it came into operation, due to the fact that we had a statutory obligation in connexion with minimum wages—I think hon. Members are all aware of how that circumstance arose, therefore we not only used up all our stocks at the lower price, but we had to sell for a few weeks higher priced Kenya, but that did not affect the Cereals Pool who were able, as was pointed out by my hon. friend the Member for

[The Member for Agriculture and Natural Resources] Kiambu, to take advantage of this particular change in price which it so happens was cut down at the time. In view of the fact it is probable certain profits will accrue to the Cereals Pool, not the Maize Control, the Cereals Pool with which this particular sum is concerned—that being the case, Sir, and on the clear understanding if, when the accounting period is finished, we find that we are faced with a deficit that it is understood that we should be the Council agree for money, a contingency which I do not think is likely, the Government is quite prepared to accept the suggestion that this item should appear as £75,000. In other words, on the understanding I have clearly stipulated, we agree this as an item of £75,000 instead of £100,000, and in addition I would undertake to make a statement to the Committee, or my hon. friend the Financial Secretary will do so, clearly explaining, more clearly than we have to-day, the necessity for the provision of £75,000. I would add, Sir, possibly as I knew this was coming up, I owe an apology to the Committee not to have had a statement ready in explanation of this item, but the truth of the matter is I just have not had the time. We have been debating very complicated matters which it is not an easy thing to explain in an assembly of this size.

MAJOR KEYSER: Mr. Chairman, I should like to thank the hon. Member for his statement and for meeting our request, and we will accept the terms that he laid down, that if the money is not sufficient later on it can come back to this Committee and we will support it.

LT.-COL. GHERSIE: I only want to just speak briefly in order to help clarify this position really. I think we have been rather confused in regard to Maize Control and Cereals Pool. I only want to be helpful at the moment. (Laughter.) I do believe there is a lot of substance in what the hon. Member for Trans Nzoia said in regard to the price structure in regard to railrage, but as far as this particular item is concerned—it has got nothing whatsoever to do with the Maize Control. It is an item in this Budget and the essence of the thing is this. Contributions are made by the various Governments

to the Cereals Pool for financing their organization in two instances, in particular, railrage and storage, as they do not possess storage. The Cereals Pool then has to allocate maize to Tanganyika, the railway, the military, and the various territories concerned and they must have finance with which to do that, and where they are not in a position to obtain contributions from the three territories they must, in fact, put up the price of cereals to the consumers to obtain those prices. I am only trying to clarify the position but as it has been agreed that this item has been suspended for the present I thought I would try and help clarify matters.

MR. USHER: Mr. Chairman, I merely want to ask whether it would be possible for the hon. Member for Agriculture who has kindly undertaken to enlighten us about this if he could, Sir, circulate to hon. Members beforehand the statement or précis of the statement which he proposes to make so that it could be examined, and we shall not be in the difficult position in which we were all placed to-day of debating complicated accounts across the floor of this Committee.

MR. HAVELOCK: Mr. Chairman, in spite of the helpful attitude of the hon. Member for Nairobi North, I do wish to say here there is some connexion to my mind of the hon. Member for Trans Nzoia. The connexion is this. The sum we are debating to-day is supposed to pay the railrage charges from the producer to the Cereals Pool, is that correct?

THE SECRETARY TO THE TREASURY: And storage.

MR. HAVELOCK: The point we are making is that in view of this explanation we have now received this is what the money is to be used for—it may appear that the railrage charges appearing in the *posho* price for maize control are too high because it was thought we have to cover that particular first railrage. To put the matter right now, as we have received the assurance of the hon. Member for Agriculture and Natural Resources, may I withdraw my original Motion? I understand the hon. Member for Trans Nzoia has moved another one. Is that correct, Sir?

THE CHAIRMAN: Yes.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I have given an undertaking to give a full explanation of this item. Therefore, I cannot help deploring that hon. Members should give their interpretation of it before I have had an opportunity of placing before this Council a carefully thought out statement, because such interpretations are apt to get into the Press and are apt sometimes, unnecessarily, to give false impressions. I have undertaken to give a full statement and I will do so, and in answer to the hon. Member for Mombasa, I will be only too pleased to meet any of the communities opposite, or the whole Unofficial Members Organization, if they so wish to try and explain the subject as well, before they hear the statement in this Committee.

MR. PATEL: Mr. Chairman, the more I hear about this matter, the more I get confused, particularly when one observes the wording put about item No. 11, "Reduction in Cost of Foodstuffs". By reading that, one would gather that the item is used for the purpose of reducing the cost of foodstuffs used by the consumers. But that does not appear to be very clear from the debate. Mr. Chairman, I would like to request the hon. Member for Agriculture, when he makes his statement, to inform the Committee if, by the reduction of £25,000, the Government will have to pass on those £25,000 to the consumers.

MAJOR KEYSER: No.

MR. PATEL: That is what I would like to know when he makes a statement.

THE CHAIRMAN: Hon. Members, before any other hon. Member rises to speak, I think we must get the position clear. If no other hon. Member objects to the Motion proposed by the hon. Member for Kijumu, it is withdrawn, and the Motion proposed by the hon. Member for Trans Nzoia, that the item be reduced by £25,000, is now before the Committee.

THE ACTING CHIEF SECRETARY: Mr. Chairman, in view of the promise made by my hon. friend of a statement, I believe that I would be voicing the views of all hon. Members if I asked for leave to move that the question now be put. (Hear, hear—applause.)

MR. COOKE: I want a definite assurance from the other side that this

arrangement, and nothing arising from this arrangement, will put up the cost of living to the consumer.

MR. HAVELOCK: You have had it.

MR. COOKE: I want to hear it now.

THE FINANCIAL SECRETARY: Mr. Chairman, that assurance can definitely be given. The answer is this, that if the £75,000 is not sufficient for this purpose, we have had an undertaking from the hon. Members opposite that the extra money will be made available to meet that deficit.

THE CHAIRMAN: I now accept the Motion of the hon. Chief Secretary that the question be put. It has been proposed that the question now be put.

The question that the question be now put was put and carried.

The question that Part C, item No. 11, £100,000 be reduced by £25,000 was put and carried.

THE CHAIRMAN: Have there been any reductions other than £25,000?

The question that Part C, item 10—12, as reduced by £25,000, be approved, was put and carried.

HEAD 4—4—MISCELLANEOUS SERVICES

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Head 4—4, Miscellaneous Services—

(OPPOSITION CRIES OF HEAD 4—21)

Mr. Chairman, I am in the hands of the Committee. I understood the item being discussed now was item 4—4.

MR. HAVELOCK: At the Unofficial Members' request, Head 4—2 has been withdrawn. Head 4—4 is the next one.

THE FINANCIAL SECRETARY: Therefore, Sir, I take it I have the consent of you, Sir, and of the Committee to move that Head 4—4, Miscellaneous Services, be now considered.

Sir, this is another of those composite Heads which falls to the lot of the Member for Finance to move. It does not lend itself to any statement on policy, but if any items are raised in the course of the debate, when the items themselves are moved or being passed, I have no doubt my hon. colleagues on this side, to whose portfolios these items pertain, will make the necessary statements.

Mr. Chairman, I beg to move.

[The Financial Secretary]

The question that Head 4—4, Miscellaneous Services, be considered, was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Head 4—4, Miscellaneous Services, items 1—23 be approved.

MR. HAVELOCK: I have a Motion on item 7, Sir. I do not know whether any Member has anything before that.

MR. MATHU: I have a point on item 4, Sir.

Just a question, Sir, regarding the membership of the Committee which is presided over by the Accountant General to administer this Vote of £10,000 for the Relief of Destitute Persons. What is the constitution of the Committee?

THE FINANCIAL SECRETARY: Mr. Chairman, I must confess that I have not got the membership in front of me, but I will certainly let the hon. Member know what it is by means of a letter. I can assure him that the constitution of the Committee, however, is such that the interests of all races are very carefully considered in relation to the giving of relief to destitute persons.

MR. HAVELOCK: Mr. Chairman, I beg to move a reduction of item 7 by £20,000.

Mr. Chairman, I move this Motion in order to support the considerations and the ideas which were put forward in the Main Policy debate as regards the cost of passages to this country. Hon. Members on this side of the Council consider that it is high time that the whole matter of passages and leave conditions for civil servants of this country should be thoroughly investigated, and I would like to ask if Government would agree to setting up a Committee to inquire into this matter. It is not just a vain request without any backing to it, but we are sure, and I am certainly very sure that a number of civil servants would welcome such an inquiry. I know that under the present conditions, civil servants are allowed to waive their overseas leave if they are given permission by medical people and Government in general, but I suggest that that is not sufficient. I believe, Sir, as I have said in the Policy debate, that this country cannot look for the future to pay both

passages and leave for civil servants on the conditions that reign to-day, and I am quite certain that alternative, optional conditions might well be desirable, for which a number of civil servants would optionally take. It is a great burden on a number of civil servants these days to have to take overseas leave, or rather to find it difficult to refuse to take overseas leave every three or four years, according to the length of their service. I would like especially to mention the Education Department in this respect.

I believe, Sir, that there is a great element of expenditure in the Education Department, as with any other, in the matter of replacements, and this is an idea which I hope that the Committee, if it is set up, if Government would agree to it, would consider that the summer holidays or shall we say, the August holidays, might be lengthened, and during those August holidays the staff of the schools could take short leave overseas, say once every two years, instead of once every four, and thus to a great extent would do away with the necessity for replacement staff. It is not egotically tied to this particular Vote, Sir, but it is all one matter, and it is very difficult to distinguish between leave pay and passages in considering this aspect.

I know that hon. Members on this side of the Council have a number of ideas of how leave conditions might be varied, and they, I am sure, would be only too pleased to put those ideas to a committee should it be formed. I would ask therefore, Sir, on this Motion that Government would consider this matter and if they would give an assurance that a committee would be set up to inquire into the whole aspect and see how we can cheapen our leave terms and conditions, and also how we can cheapen our passages as regards air passages instead of sea and so on. If Government would agree to set up such a committee, Sir, I would be prepared to withdraw this Motion. It is a vital matter and I feel it is one that should be inquired into immediately for the best interests of the country and for the economy of the Civil Service.

MR. HOPKINS: Sir, in rising to support the proposal that a Committee should be set up to inquire into the whole question of passages and leave, I should like

[Mr. Hopkins]

the support of hon. Members for the proposal that this Committee should be asked specifically to look into the possibility of reducing the calls upon the Passages Vote by actively encouraging Government servants to spend some of their leave in the Colony. I think this end could be achieved, Sir, if they were permitted to draw, in cash, say, half or some such proportion of their passage money if they agreed to spend their leave in this Colony.

It would, of course, be essential that such an arrangement should be on a voluntary basis because we cannot cut across contractual obligations, and if it were not voluntary moreover it would also be cutting across Colonial Regulations which apply to the other Territories. Government would, of course, have to retain the right to require a man to go on leave for medical grounds, or for other reasons which seem to the Government to be sufficient, but I do believe that a scheme like this would result in a very great saving of passage money, more especially in respect of officers with wives and children who would like to avoid the family upheaval which is entailed in going on leave overseas. It would amount to mere savings in respect of officers who are becoming senior, so many of whom today have Colony or other interests in this Colony. Sir, if officers were given the alternative, which I suggest, every time they became entitled to leave, I believe that the Kenya Service would be even more popular than it is at present, and that the Colony would benefit, not only by the actual saving in expenditure, but by the fact that Government servants would spend a larger proportion of their savings in this country rather than in travelling and the purchase of articles overseas. Another point is that in regard to boats, which are entitled to travel overseas by boat, and who wish to do so, there would be a great saving in the amount of time which they are absent from duty. Sir, I am, of course, aware that it is now possible for a Government servant to get permission to spend his leave in the Colony, and to get free transport to any spot in the Colony at which he wishes to spend that leave, but, Sir, this small concession of a free rail warrant, or something of the sort is, of course, nothing like sufficient to set off the big sacrifice entailed in

giving up the passage-privilege which a Government servant has earned and is entitled to under the terms of his service, and the result is that many of them who only want a little more encouragement to spend their leaves in this country, who now go overseas. That is all I have to say except that I have an uncomfortable feeling in my mind that my proposals are so logical and so simple that no Government will wish to accept them.

MR. USHER: Mr. Chairman, I merely wish to rise to support this Motion. Of course, upon the understanding that there shall be no erosion of the right of civil servants at present in the Service without their own consent. (Hear, hear). There is one thing arising from the remarks of the hon. Member for Aberdare, to which I would like to refer and that is this, that I would like to know whether insistence can be had that an officer proceeding on leave should travel by air. If so, we get here a clear saving of six weeks, or something of the sort, and that would have its reflection upon the number of personnel in the Service.

I beg to support, Sir.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, I have been authorized to say at once that the Government will agree to the examination of these proposals by the Standing Finance Committee, which we think is the most suitable body for the purpose—(UNOFFICIALS—No!)—which the Government thinks is most suitable for the purpose. Now, Sir, in view of the fact that we agree an examination should take place it seems unnecessary to comment in detail on the suggestions which have been made, but there are one or two things I ought to say. First of all, the hon. Member for Mombasa has made it quite plain it is not contemplated there should be any interference with the rights of people already in service; their present leave and passage conditions are part of their conditions of service—of course they cannot be disturbed. The hon. Member for Aberdare, I think, was under the impression that if an officer elects to spend his vacation leave in Africa, the most he can get is a railway warrant. I think he is mistaken. I believe the circular says he may spend on his own and his family's travel by rail or by motor car an amount not exceeding what he would have spent

[The Acting Deputy Chief Secretary] on passages to whatever place he is entitled to go to. We have had cases of people, for example, who have gone to Rhodesia or South Africa by car, instead of going home on leave. With regard to the question asked by the hon. Member for Mombasa about people being compelled to fly, the answer is, I think—I am speaking from recollection—that people appointed after a certain date can be compelled to fly on duty, but that was not a condition of service of people appointed before that date. What date it was I cannot remember. I know I cannot be compelled to fly—but I have never heard of anybody who has declined to do it if he has been asked to.

There is another point about the saving of staff; it is suggested that fewer replacements would be required if leave was shorter. Well, I think that in some cases it may be that shorter leaves would make it possible to do without replacements, but I do not believe that very much saving would be effected in that way. As the hon. Member for Finance explained, I think, the other day—I am not sure if it was in Legislative Council—if you have, for example, a cadre of nine magistrates, and each of those magistrates is going to take six weeks per year,—nine sixes are fifty-four, and the net result is you have only eight effective bodies. If you have nine posts to fill you cannot do it with nine people, so you have still got to have a leave reserve in many cases. There is a further point that you will not know in advance what people are going to elect to do; whether people, if they have the power of election, will take their long leave or not do so, and that will make it very difficult to calculate what leave reserve is in fact necessary. As I have already stated, Government is willing to have this examined by the Standing Finance Committee, and I suggest all further matters of detail can be dealt with then.

MR. HAVELOCK: Mr. Chairman, I thank Government for giving the assurance that this matter should be examined, but I must admit I am not happy about it being examined by the Standing Finance Committee, because I think whoever does examine this problem should take evidence to some extent, and the members of the Standing Finance Committee are very busy

men. Not speaking for myself anyway, I believe that a small committee of—even a sub-committee—of Standing Finance Committee—but even a sub-committee of Standing Finance Committee must still consist of busy men, and I feel the matter should be more seriously considered by people who have not got so much to do on their minds. I would ask the Government if they would agree to a small ad hoc committee of, say, three or four people, naturally with unofficial representation on it, rather than the Standing Finance Committee. I am not pressing the point very strongly, but just for convenience, as I believe the Standing Finance Committee will have a rather difficult task.

THE ACTING CHIEF SECRETARY: Mr. Chairman, the only real objection that I can see to the suggestion of an ad hoc committee is that I am not at all sure we are not likely to finish this examination in Committee of Supply with so many committees round our necks that we may possibly sink—that seems to me the only possible objection I can raise. It is perhaps not a very serious objection, and if that should be the wish of hon. Members opposite, then I will undertake that a small committee of that kind shall be set up to deal with the matter. It would be necessary certainly, for that committee to take evidence from quite a number of people, and particularly, I think, from representatives of the Civil Service Associations. (Hear, hear). I feel also that there in Kenya it is extremely difficult to find ladies and gentlemen to form these committees who are not in fact all busy men—and busy women; and I would have preferred—I will call it a personal preference—that this issue should be handled by a sub-committee of the Finance Committee. They are busy, admittedly, people, but in the course of their work on the Standing Finance Committee a great many of the factors which will come up for consideration in this matter are matters which come up in the current course of the business of that Committee, and to that extent I believe that a small sub-committee of the Standing Finance Committee would be best. But let me say again, I will not press that objection if the hon. Member for Kiambu prefers his own.

MR. HAVELOCK: Mr. Chairman, as it is the hon. Acting Chief Secretary's personal preference I bow to him and would accept a sub-committee of the Standing Finance Committee. Sir, in view of what has been said, with thanks to Government, I beg to withdraw the Motion.

THE CHAIRMAN: Unless any hon. Member has any objection the Motion is withdrawn.

MR. NATHOO: Item 9, Mr. Chairman. I would like to inquire from the hon. Members opposite as to why there is such a big rise in the vote of item 9 as compared with last year.

THE FINANCIAL SECRETARY: The answer to that question, Mr. Chairman, is this—that this item is a very difficult item to estimate. Naturally as the revenue rises, as the amount collected increases, so, generally speaking, the amount of refunds also grows. There is no doubt that last year the item was under-estimated, as the hon. Member will see if he looks at the column of expenditure in 1950.

MR. USHIR: A small question on item 12, Compensation payable under the Workmen's Compensation Ordinance, £2,000. I feel, Sir, the same answer will apply in this case, but I wish to inquire whether it is not a fact that recent legislation under the Factories Legislation will not tend very much to reduce the compensation payable.

THE LABOUR COMMISSIONER: I do not think the Factories Legislation will make any appreciable difference in the sum involved, and if there is any further information I can give the hon. Member opposite I will do so.

MR. BLUNDELL: Mr. Chairman, I beg to move that Item 15, Postal Services be reduced by 16,500. Speaking to the Motion, hon. Members on this side of the Council view with alarm the increase in this item. A proportion of that increase is undoubtedly due to the payment of higher charges for these services, but we consider that a large element of that must be set off by savings and economy in the use of these Votes. I wish to make no charges, but hon. Members on this side do suggest that certainly in telegrams there could be a measure of compactness in wording rather than the length that sometimes appears in them.

THE SECRETARY TO THE TREASURY: Mr. Chairman, perhaps it would help— I must say I rise to oppose the Motion—perhaps it would help if I explain how these charges are levied. First of all, with regard to postal charges, the postal charges last year were £39,500. There has been no increase in the Vote. If the hon. Member will add together Inland Postages, £35,500, and Miscellaneous Postal Services, £4,000, the amount is £39,500, which was the amount last year. The increase is due to the addition under this Head of the item for telegrams. The provision for telegrams in this year's Estimates was made under various departmental Heads of expenditure throughout the Estimates. It is more convenient administratively to deal with the Vote here, and for that reason we have decided in fact to do that this year, and the provision this year for telegrams scattered throughout the Estimates was some £5,950. There has been, as hon. Members opposite know, an increase in rates, and for that reason we estimated that £25,000 is a reasonable amount. I can assure hon. Members, of course, that as far as these telegrams are concerned, that if telegrams are not sent, then of course, the money will not be spent. That is as reasonable an estimate as we can possibly make at this time of the year.

MR. COOKE: I support the Motion of the hon. Member for Rift Valley, but I would point out what might appear to be obvious, I think it is right that members of the public should know that a lot of these Votes are merely token Votes and by cutting them down now there is no assurance we are reducing expenditure, because a great many will have to be voted. If necessary, by Standing Finance Committee. This may appear to be cutting down expenditure, but in reality these are contingent liabilities and it is not really cutting down expenditure but a postponement, possibly, of expenditure.

MR. HAVELOCK: Mr. Chairman, I wish to support this Motion. Referring to the remarks just made by the hon. Member for the Coast, I would say that as a Member of the Standing Finance Committee I would not, if this Vote is cut down, agree to a supplementary estimate. I believe the idea of the hon. Member for Rift Valley, quite rightly, is to ensure that there is a cutting down on the

[Mr. Havelock]
expenditure of money in this way. We realize there is no actual increase, as pointed by the hon. Secretary to the Treasury, and also that there has been an increase in the charge for telegrams. That is all the more reason that there should be economy in the use of telegrams, and it is for that reason I support most strongly the Motion by the hon. Member for Rift Valley, and would say here and now if we are here successful in cutting this Vote, and a supplementary estimate comes before the Standing Finance Committee, I would not agree to that supplementary estimate, because the economy I demand now would not have been fulfilled.

MR. COOKE: Suppose a contingency like a great war started up, would the hon. gentleman then not agree to a supplementary estimate? I could not ever agree with such a stubborn attitude as that!

THE FINANCIAL SECRETARY: Mr. Chairman, the position is this, that there exist inside the departments of Government the most stringent instructions as to economy in the use of telegrams. Now if we are faced with a position whereby this Vote is cut below what we—who work the thing every day—what we consider the very minimum necessary and we are faced with an attitude that even if it is demonstrated 100 per cent in about October next year that we have no money left to send telegrams or letters, nevertheless supplementary will not be granted, what is the Government's position? What is going to happen? Surely that is an attitude which is eminently unreasonable. If this is cut all I can say is that letters and telegrams may not be answered. If the hon. Member is prepared to face that then we understand where we are. We have the most stringent instructions as to economy and those instructions are insisted upon notwithstanding that we consider that this figure is the minimum necessary for the Government machine to work. If hon. Members are prepared to insist that they cut this Vote and in no circumstances will they agree to any extra even though it may be demonstrated there is not a brass farthing left in the Vote within two months of the year to go, then hon. Members must accept the responsibility for it.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I would like to put three questions to the hon. Member for Kiambu, because I think they illustrate the point. It so happens that numbers of his constituents, numbers of the constituents of many other hon. Members, write to the Department of Commerce and Industry, as they do to other departments. Very often, Sir, in the same letter three or four points will be raised. It may well be that we can reply to one of those points straight away, and the other within a day or two, and the other may be so complicated that it might take ten days or a couple of weeks. Now Sir, there are under present practice three postal charges involved. Would the hon. Member for Kiambu prefer that his constituents wait for two weeks for the answer to a letter? Is there another secondary practical consideration that I will put to him, and to other hon. Members. Very often, as he knows, and we all know, letters come into departments raising complicated subjects. Now to the people who sent those letters those subjects are often very vital indeed, and we send an acknowledgment—and I am not referring to a letter—and a printed form—I am referring to a letter—and not a form letter—saying we have received their letter, that a certain number of the points raised are difficult ones, and we hope to be able to state a full reply in a few days in the future. I ask the hon. Member this question. Would he sooner see a person writing in like that get no acknowledgment at all? That would abolish a postal charge. Would he sooner see, in the absence of a full acknowledgment, a printed business reply card? That would beaving, but I suggest, it would irritate the person receiving it. Or would the correspondent sooner receive either a full answer or if impossible immediately a reasoned acknowledgment why we cannot give a full reply straightaway, and giving a date when we hoped to give it? Furthermore, the hon. Member well knows, speaking for my own Department, we are very prompt indeed in replying to correspondence. (Laughter and applause.) I do suggest, Mr. Chairman, that it would be a mistake to reduce the Postal Vote—I am not talking at this stage of telegrams but of postal correspondence.

MR. BLUNDELL: Mr. Chairman, I am going to press this Motion for these reasons. What we are asking for is further

[Mr. Blundell] economy in the use of these services. I believe they can be improved. I have constantly, during the time I have been a Member of this Council, received telegrams addressed to me by a person called "Administer". That person often sends me a telegram when if he had only written a few days earlier that selfsame fellow called "Administer" could have achieved his object at 20 cents instead of Sh. 1/60. The hon. Member for Finance said that stringent instructions were issued. We do not deny it. The implication of that is that all hon. Members on the opposite side and within their portfolios are angels. Now we know, Sir, because we have some of them on this side when they have retired from their service, that they are really devils, and therefore I consider that that is not an argument. (OFFICIALS: Withdraw that!)

THE CHAIRMAN: I am not sure that is a parliamentary expression. It depends what you meant.

MR. COOKE: We know what the hon. gentleman means, Sir!

MR. BLUNDELL: It is a pleasure to have them on our side! I will not withdraw, but I will say this, Mr. Chairman, there is another reason for pressing this. Hon. Members may not realize some of the calamities that are going to fall upon them. Quite a number of posts are going to be cut out. The absence of all those posts means less fingers to write letters, and less fingers to transcribe telegrams. I press the Motion.

MR. COOKE: In the words of Shakespeare, the hon. Member when standing on his feet is often "full of sound and fury signifying nothing". I want to tie him down to this. Does he agree with the hon. Member for Kibumbu that he will under no circumstances—he is a member of the Standing Finance Committee—he will under no circumstances either agree to a supplementary vote later on?

MR. BLUNDELL: Mr. Chairman, I must make it obvious I understand the anxiety the hon. Member for Kibumbu has in this matter, but if an emergency arose where there was obviously great pressure it would have to be met. I would say that, but I do not want hon. Members to think because we cut this Vote they can go on spending at lib, and come cap in hand to the Standing

Finance Committee with a plausible tale at the end of the year.

The question was put and on a division carried by 20 votes to 15 votes. (Ayes: Messrs. Blundell, Chemallan, Cooke, Lt.-Col. Gheris, Messrs. Havelock, Hopkins, Jeremiah, Macochie, Welwood, Mathu, Natho, Ohanga, Patel, Prity, Dr. Rana, Messrs. Salim, Sater, Shiram, Lady Shaw, Mrs. Shaw, Mr. Usher, 20. Noes: Mr. Carpenter, Major. Cavendish-Bentinck, Messrs. Davies, Hartwell, Hope-Jones, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 15. Paired: Mr. Hunter and Major Keyser, 2. Absent: Mr. Madan, 1. Total 38).

MR. USHER: Item 22. If nobody has anything before that, Sir.

I am very well aware, Sir, of the reasons for the inclusion of this item and of the manner in which these calculations are made, but I believe that outside there is a good deal of doubt and uncertainty, and in some cases even dissatisfaction which I believe to be entirely unjustified. I wonder whether the Government would give an authoritative explanation—for the information of people who know less about this than I do myself—and who could explain it very much better.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I understand thoroughly what the hon. Member means, and I agree with him that most of their doubts are unjustified. I would suggest, however, that rather than take up the time of the Committee now by the long and detailed statement, if the hon. Member will agree, I will discuss the matter with the Member for Finance and we will see that a statement is given.

MR. USHER: Thank you, Sir.

The question that Head 4—4 (1) items 1—23 as amended be approved was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Head 4—4, Miscellaneous Services sub-head (50), Non-Recurrent, items 1 to 10 be passed.

MR. HAVELOCK: Mr. Chairman, I beg to move that item 1, Contributions to Development and Reconstruction Fund, £400,000, be reduced by £50,000.

[Mr. Havelock]

Mr. Chairman, within that £400,000 as I understand it, there is the usual annual £300,000 contribution, and there is also an element of £100,000 for the Public Works Department Non-Recurrent which is going to be undertaken by the Development and Reconstruction Authority, in the Development and Reconstruction Authority Estimates on page 28, I see that the way the £100,000 is to be spent is shown.

Sir, in the Colony's Estimates there is still, as the memorandum points out, an item of Public Works, Non-Recurrent. Last year, in the 1951 Estimates the total Public Works, Non-Recurrent came to £217,768. The 1952 Estimates, Sir, in the Colony's Budget are £163,222 is shown in Public Works Non-Recurrent, and there is also this £100,000 which is to be handled by the Development and Reconstruction Authority; but it is the same Vote for the same work. Therefore, Sir, in 1951 it was estimated to spend £217,768 and in 1952 it is estimated to spend £263,000 altogether. I can see no reason, Sir, and no explanation, why this particular Head should be increased by £50,000 over the 1951 Estimates, and therefore I beg to move the reduction by that amount.

THE ACTING CHIEF SECRETARY: Mr. Chairman, generally, the explanation as to why the regular recurrent sum of £300,000 has been increased by £100,000 which has been given by the hon. Member is correct, and I would like to make it clear to the Committee that what is left in the Colony's Estimates under what used to be Public Works Extraordinary is the provision for works which this year have been made the subject of re-votes, works which were in last year's Estimates but which were not completed at the end of that year.

There are also left under that Head of the Colony's Estimates certain items which might be described as small recurrent capital items which run on year by year and which it is thought more appropriate should remain part of the Colony's Estimates than part of the Development and Reconstruction Authority Estimates. But hon. Members will understand that the items in the Colony's Estimates, with the exception of those few recurrent items, will be reduced year by year and I have no doubt that in, say, two years' time, there will be left no

further re-votes and no further small capital projects in the Colony's Estimates. Provision for them all will be made under the Development and Reconstruction Vote, Head 15—12.

I think, as the point has been raised, Mr. Chairman, subject to your ruling, that it is sufficiently relevant to explain that if this £50,000 cut should be made, then it would be quite inevitable that the Vote Head 15—12 on page 28 of the Development and Reconstruction Authority Estimates would have to be reduced by a similar sum. The reason will be obvious. There is no provision in either the Development Committee Report or in the report of the Planning Committee for any of the comparatively-small items of capital development included on that page of the Estimates, page 28, of the Development and Reconstruction Authority Estimates.

I would also like to inform hon. Members that when, as Acting Chairman of the Development and Reconstruction Authority, I informed Members of the Government of the availability of this £100,000 in lieu of the old Public Works Extraordinary item, the limitation on their requirements which I had to impose was very considerable indeed.

I think that if, after the explanation I have given, and if hon. Members will look at the items on page 28—half of which would have to come out if this Motion is adopted—they will agree with me that work of an important kind, which is very necessary should just have to go without provision in 1952.

MR. COOKE: We would like to ask the hon. Member whether he is prepared to pruned down this £100,000 to £50,000. It is taking a great responsibility, just on a snap vote, to say you are going to cut down these Development and Reconstruction Authority Estimates, without going into them, by £50,000. I mean, that is consequential on the passing of this Motion of his. Is that not so?

THE ACTING CHIEF SECRETARY: Yes, absolutely.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I would like to know whether you agree, Sir, that in considering this vote, of course, make reference to Head 15—12. May we have your ruling on that? Are we allowed to do so?

THE CHAIRMAN: I think it is inevitable that reference be made to Head

[The Chairman] 15-12, as that indicates the manner in which the proposed allocation is to be spent.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: With that agreement, Sir, I would like to ask hon. Members to look at the position that would be created under Educational Buildings. If, Sir, the cut was to be imposed on all the departments on a 50 per cent basis, then my Educational Buildings under 15-12, 2 items (1) to (5), would have to be reduced by 50 per cent. Now, Sir, what do those works represent in fact? They represent the Government Road School, Nairobi, waterborne sanitation, something which is tremendously and urgently, I can assure hon. Members, needed from a hygienic point of view. There is £1,900 for African Teachers' Housing. There is £2,625 for Asphalted Roads and Playgrounds in Government Schools. I can assure hon. Members opposite that the number of requests I have received from Asian schools that roads should be put in—I need a road very badly at the Asian Girls High School—that European and Asian schools in Nairobi need these very badly, particularly during the dusty season, and I am continually receiving complaints from such bodies as the European Parents Association that I am not doing enough work on this particular ground. The staff room at Nakuru. I admit it, Sir, that you can of course cut it out and leave the staff in conditions of the most desperate discomfort as they are at the moment, but I suggest that I have had from various Elected Members and from bodies of influential people and from the Committee of the Girls High School suggesting that this is a most urgent necessity must be known to the hon. Elected Members of Nairobi.

MR. COOKE: Hear, hear.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I suggest, Sir, if you cut on my particular section, or if you cut this Vote by 50 per cent, you must indicate in detail hon. Members what items you are prepared to see go. If, of course, it is the wish of hon.

Members that this work should not be done, then I have nothing further to say.

MR. MATUJI: Mr. Chairman, I do not think that I would like to support this Motion, Sir, and I think the Unofficial Members on this side do know that the African Members, in the various discussions that we have had, indicated that we would be chary in holding the axe at the root of development programmes. Now, my particular one, 15-12, Sir, is a very difficult one. They are all very small, and once you have reduced it by 50 per cent you just cannot get on with the works. If it is a huge programme—like the Mombasa Water Supply—that is another matter. But these are very small items, Sir, and I would plead with my Unofficial Members on this side; if they must have a cut, have such a very small token cut, 20 per cent, so that it would have no effect in disrupting the buildings programmes as put down in Head 15-12.

I regret, Sir, I would vote against the reduction.

MR. SALTER: Mr. Chairman, the hon. Member for Education, Health and Local Government, with his usualadroitness, has seized this opportunity for advocacy of every item appearing under the Vote 15-12, Educational Buildings, sub-items 1 to 5. He has, in my submission, assumed with no apparent reason at the moment that there would be an equal reduction of 50 per cent falling upon every single heading and, unless that assumption is made, the whole of his argument in my submission must fall to the ground.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I only want to refer to one sub-heading, and that is aerodromes. This morning an hon. Member came to me and inquired about the position in regard to expenditure on a particular aerodrome. Well, Sir, as I said, when he raised that matter, I shall be giving him my reply. But I must remind him that if Votes are to be cut are in regard to such things as aerodromes, well, then, my reply may be somewhat different from the one I hoped that I should be able to make. I do think the point I make does illustrate the difficulties that hon. Members may find themselves in if this Motion is adopted. (Applause.)

MR. NATHOO: Mr. Chairman, I would like also on the part of the Asian Members to say that in principle we are not supporting any cut in the Development and Reconstruction Authority Vote. But, Sir, at the same time, I would like to know from the hon. Chief Secretary and Member in charge of Development as to what minor works there are amounting to £21,000 in 15-12, Public Works. Non-recurrent, last item, Miscellaneous.

THE ACTING CHIEF SECRETARY: Mr. Chairman, that particular item is there, for very small works, the need for which suddenly becomes apparent during the year. If, for instance, some essential building were to be struck by lightning on the 1st of April, any year, we would have to do something to get it back into commission again. It is simply an emergency provision for requirements that we cannot foresee.

MR. MADAN: May I, Sir, ask the hon. Member for Education if provision is made to provide a decent road of access to the Asian Girls' School under sub-item (3), Educational Buildings? Is provision included in that?

THE CHAIRMAN: I do not think it is as all appropriate that hon. Members should discuss the individual items under 15-12. I have permitted reference to the broad picture of 15-12, but do please reserve your discussion of individual items until the whole Head comes up for review.

MR. MADAN: Of course, I respectfully bow to your ruling, Sir, but may I suggest that the information that I have asked for would help me to make up my mind whether there is necessity for that provision.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Sir, I bow to your ruling on this matter, and will convey the information to my hon. friend at the earliest possible moment.

Sir, the hon. Member for Nairobi South, with equal adroitness, has tried to render the situation into one in which, presumably, one cannot deal with a cut in any particular group, since, of course, every group will be regarded as of particular priority. Now, Sir, I did suggest at the time that hon. Members should indicate where the axe should fall in these particular groups. If, of course, the

decision was to be left to Government, I think it is fairly obvious, Sir, that the Members concerned could only look forward to receiving about 50 per cent of the ceiling already allocated to them, since these priorities have already been thrashed out extremely carefully. There is little doubt in my mind, Sir, that there are some of the other items, such things as Police Buildings and Prison Buildings, to which I personally would have to yield priority, because I know of their urgency.

Therefore, Sir, if I am quite sure in my own mind that I am sure that I will do so to some extent upon the Education and Building Vote. If an axe is to fall, it must be distributed equally over the Members responsible for the carrying out of the project.

MR. PATEL: Mr. Chairman, after hearing both sides, I feel inclined to move an amendment to the Motion, and that is to substitute the figure of £10,000 in place of £50,000. I have reasons. Mr. Chairman, for moving that amendment. On page 28 of the Development and Reconstruction Authority Head 15-12, the amount provided for Minor Works is £21,000. In respect of other schemes, there are definite schemes indicated, and I feel inclined to say that it will not be right to cut expenditure of those definite schemes. Now, it was argued by the hon. Acting Chief Secretary that these Minor Works may be necessary. But I would like to draw the attention of the Committee to page 84 of the Colony's Draft Estimates. The first item is Maintenance and Minor Improvement of Public Buildings, £175,000; and then again, on page 86, item 3, Arrangements of Maintenance of Government Buildings, £20,000. So I think with these £195,000 I do not think if we reduced the amount of £10,000 from the Development and Reconstruction Authority Estimates, page 28, out of Minor Works, any harm could be done. As a matter of fact, the Public Works Department will then still have a very big sum of £205,000 for carrying on maintenance, minor improvements and arrears of maintenance of Government buildings and Minor Works.

THE CHAIRMAN: The substantive proposal before the Committee is that item 1 be reduced by £50,000. The hon. Member Mr. Patel has proposed an amendment that the £50,000 be substituted

[The Chairman] by £10,000. Debate will proceed on the amendment.

MAJOR KEYSER: Sir, in opposing the amendment and giving support to the Motion, I should like to ask the hon. Member for Development whether there is not a Vote in the Development Fund for each of these items, an Education Fund, and Aerodrome Fund and various Funds in the Development Fund. Parts of the Development Fund. And why, Sir, those amounts were not drawn out of that Fund. Is the implication that all those funds have now been expended? For instance, Sir, the question of aerodromes. Is there not a balance in the Aerodrome Fund? Is there not a balance in the Educational Fund? Now, Sir, I feel that this is really a means of increasing the contributions from General Revenue to the Development and Reconstruction Authority, and that really all these particular amounts could have been provided by withdrawals from the particular funds which already exist for these purposes. Now, Sir, I am a member of the Development and Reconstruction Authority, and when I saw this item, I did not realize quite what the implication was because I had not seen the Draft Estimates of the Colony. In addition to which, Sir, we received our Development and Reconstruction Authority Estimates only about one day, I think I received mine, before I was expected to give agreement to them, on the Development and Reconstruction Authority, and I do think, Sir, there should have been a very special explanation of what was happening in the Colony's Estimates when that was put forward. If there was, Sir, well, then, I missed it in the hurry.

MR. URSER: Mr. Chairman, I hope the hon. Member for Rift Valley will not consider that I am giving any evidence of my "diabolic character" when I oppose very strongly any cut in Minor Works. I have been very long associated with the Government in this country, and I know that this Vote is always most carefully scrutinized and that it includes matters which are of the very greatest urgency. I cannot possibly support such an amendment.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, as I have had a certain amount to do with the allocation of these

moneys under 7, under Buildings, I think I should like to say something on this matter. The demands, of course, every year on things of this nature are tremendous, and every year three or four of us get down and try to cut those demands down and allocate the most essential things. Now, I do not know, Sir, whether you will allow me to speak on any of the actual items here, but I will if I may take the first five together.

THE CHAIRMAN: I would prefer that your remarks were kept to general considerations, without going into the detail, as if you go into detail it will draw speeches on detail from other hon. Members.

THE CHIEF NATIVE COMMISSIONER: I will put myself, Sir, under your direction. I will merely say that the first five of these items, the whole lot, were cut out this year, and as I said in my opening remarks about Administration generally, and the development of this country, the development of the Administration in the Chiefdoms requires local centres. All I can say is that provision for them was cut out this year, and this is here again to try and get some development going in this matter.

Under Minor Works, Sir, I could not agree more with my hon. friend the Member for Mombasa. It is expenditure which is devoted to small buildings which come under £400 each. That is why they are lumped together, and those buildings and small works are always quite urgent and vital things, and I would ask that provision be allowed for them.

THE ACTING CHIEF SECRETARY: Mr. Chairman, in reply to the hon. Member for Trans Nzoia, it is correct that he did only have a very short time—for which, I think, I did apologize to him—for the consideration of these Estimates. But in explanation, which he asked of me, I would explain that this procedure under which the old Public Works Department Vote in respect of new works of this kind should be transferred to the Development and Reconstruction Authority Estimates, was considered by the Planning Committee, which felt that there must always be, in the period to which the Planning Committee relates items such as these, which, although small—and no item will be included under this Head of more than £5,000 in

[The Acting Chief Secretary] future, as is the case this year—some provision must be made for such items, and that the proper place, because they are capital works, was the Development and Reconstruction Authority Budget. It simply means, if we had not inserted this new Head under the Development and Reconstruction Authority Estimates, that there would have been a bigger Public Works Department item under the Colony's Estimates. I would also explain that, of course, it would be possible to let us, say, take the Educational Buildings and, if this Committee wished it, to have all these works charged up to the block Educational Vote. But that block Vote would be correspondingly reduced by the amount provided here for Educational Buildings, and this in turn would mean that there would be that amount less for the major projects, which the Planning Committee have recommended should be done in their Report. I hope I have satisfactorily cleared up the points that the hon. Member has raised.

MR. BLUNDELL: Mr. Chairman, if we have a few minutes left, may I just take up the point of principle which the hon. Member for Trans Nzoia has put forward. I think it is a very important one. In effect, we have to decide in our minds what should fall within the allocations of the block allocations of the Planning Committee, and what we should carry in this Vote. There is obviously, with all due respect to hon. Members opposite, there is obviously the possibility of a certain amount of abuse of the principle—I do not use the word "abuse" in any abusive way. Could I just give an instance of that. In the Planning Committee report this item, Improvements to Existing Aerodromes, including Eastleigh and Port Bell, £15,000, a definite allotment for that purpose. Now, if you look at item (5) of 15—12 on page 28 of the Development and Reconstruction Authority Estimates, you will see a great deal of those items—the sub-items (1) to (6) can in effect be carried against that allocation, which was made in the Planning Committee Report. I do suggest to the hon. Members, with all temerity, that these items have crept in, and are not really correct, and were, indeed, provided for by the Planning Committee under the item for £37,000. I

see the hon. Member slightly nods his head. If he agrees, which he must, it does bear out the principle which the hon. Member for Trans Nzoia raised, that this is in effect an insidious means, difficult to escape from, by which we can increase the amounts available to the Development and Reconstruction Authority, over and above the amounts which the Planning Committee recommended in its report.

THE ACTING CHIEF SECRETARY: If this means what it has been suggested to mean, which I do not admit, it is precisely the same position as existed in the old Public Works Department Head. Last year these same items would have appeared in the Colony's Estimates, under the Public Works Department Vote. If there is going to be any creeping or crawling round the corner, it is a matter of either creeping and crawling into the Development and Reconstruction Authority Estimates, or creeping and crawling into the Colony's Estimates.

MR. BLUNDELL: Our whole object was to prevent the creeping and crawling. Now, all we have done is to prevent the creeping and crawling under another avenue, that is all.

The question of the amendment was put and negatived.

The question that Head 4—4 (50) item 1 be reduced by £50,000 was put and on a division negatived by 27 votes to 9 votes. (Ayes: Messrs. Blundell, Lt.-Col. Gherrie, Messrs. Havelock, Hopkins, Macochie, Welwood, Salter, Lady Shaw, Mr. Shaw, Mr. Usher, 9. Noes: Mr. Carpenter, Major Cavendish-Bencliff, Messrs. Chemsalon, Cooke, Davies, Hartwell, Hope-Jones, Jeremiah, Madan, Matthews, Mathu, Sir Charles Mortimer, Messrs. Natio, Ohanga, Padley, Patel, Pike, Priltam, Dr. Rana, Messrs. Roddan, Salim, Shatry, Taylor, Athmorey, Trim, Vasey, Whyatt, 27. Paired: Mr. Hunter and Major Keyser, 2. Total: 38.)

THE FINANCIAL SECRETARY moved: That the Committee do report progress and ask leave to sit again.

The question was put and carried.

ADJOURNMENT

THE CHAIRMAN: The Committee will now adjourn and Council will reassemble at 5 o'clock this evening.

Committee rose at 12.47 p.m.

Thursday, 29th November, 1951
(Evening Sitting)

Council assembled in the Memorial Hall, Nairobi, on Thursday, 29th November, 1951.

Mr. Speaker took the Chair at 5.05 p.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 29th November, 1951 (Morning Sitting), were confirmed.

ORAL ANSWERS TO QUESTIONS

Question No. 9

MR. HAVELOCK:

Especially in view of the general desire to encourage the expansion of industry in the Colony, will Government agree to the appointment of a Committee with the following terms of reference:—

- To examine the need for economic assistance particularly protective customs tariffs, for primary and secondary industries in the Colony?
- To make recommendations in this regard keeping in view the necessity for economic co-operation between the Territories of East Africa?

THE FINANCIAL SECRETARY: Yes, Sir. Interterritorial discussions on this matter have been held and will continue. The Government considers however that a Committee on the lines proposed by the hon. Member would serve a useful purpose and the answer to both parts of the question is in the affirmative. It is, however, considered that the Committee should also be enjoined to have regard to the level of the Colony's revenue and to the balance of the long-term advantage against any immediate sacrifice by the present generation of consumers.

REPORTS

SIR CHARLES MURPHY: Mr. Chairman, on behalf of the Committee of Supply, I beg to leave to report progress and ask leave to sit again. During this morning's sitting, Part C—War Expenditure Civil, the whole of the items were passed subject to

the reduction of item No. 11, by £25,000. The Committee then proceeded to consider Head 4—4, sub-section (1), Miscellaneous Services Recurrent. Items 1—23 were passed subject to reduction of item 15 by £6,500. Detailed consideration of Head 4—4 (50) Non-recurrent then followed, items Nos. 1 to 10 were under consideration and the proposed reduction of item No. 1 had been defeated when the Committee adjourned.

THE SPEAKER: The Motion before the Committee when you reported is that items 1 to 10 under Head 4—4 (50) be approved. We will continue in Committee now.

COMMITTEE OF SUPPLY

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1952.

HEAD 4—4—MISCELLANEOUS SERVICES—(Contd.)

MR. BLUNDELL: Mr. Chairman, I beg to move that item 10—Special Contribution £600,000, be omitted. Mr. Chairman, in moving this Motion, I do so because this item is unnecessary. We can, as we clearly pointed out in the policy debate, finance this amount from savings which we are now achieving under the Expenditure Head, and from the judicious use of the surplus balances. Now, the suggestion which was put forward was that the surplus balances should be used to £2,000,000 or £2,500,000. I make that quite clear because the hon. Member for Finance made a great play when replying to the policy debate on the varying interpretations which had been used in the matter of the surplus balances. The hon. Member for the Coast and in many respects correctly, would like to use them further and there are indeed arguments which can be adduced to this point of view, but nevertheless on this side of the Committee generally agreement exists as to their use up to £2,000,000 at any rate. If that is agreed, then in effect this item is not necessary. Now, Sir, in moving that this should be deleted and that we should find the money from the surplus balances, there is just one point which I would like to refer. The hon. Member for Finance mentioned that he must have a cushion for operations. I would like to suggest that these surplus balances which might be well used instead of this item are in effect being

[Mr. Blundell] raised for purposes which might well be without their proper use. For instance, I suspect as I have not been able to find it in the Budget, that the £350,000 of Loans to Civil Servants is really found by a raid upon the surplus balances. I may be wrong because I have not been able to find it in the Budget, but more proper use for these surplus balances is in relation to this item here. Secondly, Sir, one further point the hon. Member for Finance pointed out that he must have a large surplus balance, and further pointed out to us the horrors which would fall upon us if our Budget grows to £50,000,000 and he had no such cushion. Now I do suggest, Sir, and I know the hon. Member for the Coast who is a distinguished economist, agrees with me—(laughter)—if our Budget grows to £50,000,000 I do suggest then, Sir, that our economy would be sufficiently large to avoid having any surplus at all, just as it occurs to-day in the United Kingdom and in the United States of America.

MR. MATHU: Mr. Chairman, I regret that I have to oppose this Motion on the grounds of principle. On speaking to the main Motion to go into the Committee of Supply—

THE CHAIRMAN: Reference to past debates are to be deprecated. I have said so several times before. When we are in Committee we are dealing definitely with details and with items and remarks should be directed to that.

MR. MATHU: Sir, I stand to oppose the omission of item 10, head 4—4, as proposed by my hon. friend, the Member for Rift Valley. The £600,000, Sir, which appear on Head 4—4, item 10, has a balancing item in the Revenue Estimates which will be discussed in due course during this sitting, and if this item is omitted, those who support the principle of export taxes will have a very weak case when the Committee for Ways and Means is sitting. And as I am strongly of the opinion that the proceeds of export taxes should go to the Development and Reconstruction Authority Funds, I feel that I should from the outset oppose this Motion and say that the item stands as it is provided for in the Estimates.

MR. COOKE: Mr. Chairman, would the hon. Member for Rift Valley make it clear—does he propose that this £600,000

should be used for recurrent expenditure instead of being put into the Development and Reconstruction Authority? In that case, it seems to me that the export taxes would be even more bitterly resented by those who are called upon to pay them. An argument might be put up that export taxes should be used for developmental purposes, but to say that an export tax should be used to cover recurrent expenditure of this country is one, I feel, that very few people might be inclined to agree with. He has raised a very big issue and I would like him to explain if that is what the position is.

MR. BLUNDELL: Mr. Chairman, my submission in moving this deletion is that the sum of money is not necessary. I suggest the sum can be made from the savings from recurrent expenditure and surplus balances. If that position occurs and this amount is removed, I do agree that export taxes should not be used for recurrent expenditure. I agree with the hon. Member for the Coast. A consequential result will be that export taxes, or taxes generally to meet this amount, I say taxes generally because the taxes on wines and spirits, if they provide a surplus, move into surplus balances which will eventually be used for development. A consequential result of this will be a reduction in taxation.

I am not like the Member for African Affairs who appears to believe in 'taxation for taxation's sake.' I rather gathered that he had a masochistic belief in it, because if this amount is deleted and financed by savings and surplus balances, then export taxation will not be necessary in any case.

THE FINANCIAL SECRETARY: Mr. Chairman, the Government opposes the Motion.

Sir, the hon. Member of this Motion suggested that we could meet this deficit, the gap between essential minimum development and foreseeable funds, partly by the use of surplus balances (up to £2,000,000 was his figure) and by the cuts which are proposed by hon. Members opposite in the Colony's Budget for 1952. Now, talking first of the cuts, may I remind hon. Members that we are dealing with a deficit, a gap, of an estimated £4,500,000 and it is possible with rising prices that that gap may now be more like £5,000,000. Now, anybody

[The Financial Secretary]

who has listened to the debate in this Committee and has noted the kind of cuts that have been made, will recall that, in some cases anyway, those cuts might have to be offset by the provision of supplementary expenditure during the year. This Committee has agreed only this morning—there was a cut in relation to the Vote for reducing the cost of foodstuffs by £25,000. The other side of the Committee agreed that that cut might be too heavy, and if the Government came back to the Standing Finance Committee during the year and said this is too little, they agreed that they would provide the deficit. Similarly, there was a cut, I think, yesterday on the Vote for Famine Relief, and here again it was agreed that to reduce that Vote from £10,000 to £100 was a chancy business, and that in the course of the year we might have to find that money. Are these real savings, are these money that are available for things like a capital contribution? We are considering, Sir, not a gap of a few thousands or even a few hundred thousands; we are considering a gap of between £4,500,000 and £5,000,000. We have got to plan to cover that gap not live on a hand-to-mouth basis hoping that every year we may be able to make a cut here and a cut there of a few thousand pounds to put towards a gap of £5,000,000. Surely, we have got to have a long-term plan for this business, if we are going to be able to go on with a plan which is described in these terms by the Planning Committee, not only by the Planning Committee, but by this Council which accepted the Planning Committee's report. It says this, Mr. Chairman, paragraph 15 on page 5 of the report which was debated by this Council and accepted:—

"15. As we proceeded with our examination of plans it was soon evident that even the provisional allocations, the special contributions and additions and reallocated moneys would be quite inadequate to allow of realistic programmes, and indeed in some cases to meet commitments already accepted by the Legislature. Rather than present a plan which we knew could not meet the minimum needs of the situation we have, whilst eliminating projects which may be

desirable but not essential, presented what we consider is a properly balanced and reasonably realistic programme for the necessary development of the country during the next five years. The programme will, on present assessment, result in a deficit.

16. In our view it is not possible significantly to reduce the scope of the plan or to omit many of its various component schemes without seriously retarding the co-ordinated development of the Colony."

Sir, could any words be plainer? Is this the kind of problem we are going to try and solve by means of a few cuts here and there which may or may not be possible in the recurrent Budget in the following years? Is this the kind of problem that we are going to deal with that way? I call it tinkering, and I call it dangerous tinkering, with something so vital—tinkering with the development of this country. The plan that Government has put before this Council is one which has the objective of solving the problems as a whole, and it is not a hand-to-mouth proposal such as the hon. Member is suggesting. (Applause.)

Sir, I submit that this matter is so vital to the development of this country, that it is not a thing that we should gamble on. We have got to lay our plans now and be quite sure where we are going and I ask this Committee to reject the premise put forward by the hon. Member.

Now, Sir, I would like to make it clear, since this point has been raised, that there is no intention whatsoever by this Government ever to use the proceeds of Export Taxes to meet recurrent expenditure. It is solely for capital development and will be used for no other purpose whatsoever. I hope, Sir, that is absolutely clear to the Committee, and having made that clear, Sir, I beg to oppose.

Mr. MATHU: Mr. Chairman, I just rise to correct the hon. Member, my hon. friend the Member for Rift Valley, because he alleged that I support taxation for the sake of taxation. I just want to place on record that I do not. This is a particular type of taxation which will be for the development of the country. I do not support it for the sake of taxation but

[Mr. Mathu] because I understand it is aiming at the objective we all want to see, a future strong Kenya, and that is why I support it. (Applause.)

Mr. HAVELOCK: Mr. Chairman, I suggest that this debate is rather prejudging the debate in the Committee of Ways and Means and I would like to ask the hon. Financial Secretary, is there sufficient money available now to finance the 1952 Development and Reconstruction Authority programme? That, to my mind, is all that we have to consider at this moment. Is there sufficient money to finance the 1952 Development and Reconstruction Authority programme? I submit it is quite unnecessary to make this special non-recurrent contribution at this moment, and I support the Motion before the Council.

Mr. COOKE: Mr. Chairman, a gentleman on the other side of the Council was accused to-day of being adroit but this, Sir, I conceive is about the most adroit measure that I have ever heard suggested in this Council. It has obviously been very skilfully worked out. The hon. Financial Secretary said in much clearer terms what I attempted to say this morning. Now, a lot of these cuts we have been making are not cuts, not cuts at all in expenditure; they are only cuts on paper. They will remain contingent liabilities and the public should know that they are not cuts in expenditure for they still remain contingent liabilities.

Mr. BLUNDELL: Mr. Chairman, on the question of whether these cuts remain contingent liabilities or not, I would suggest in the case of the Post and Telegraphs they should remain cuts. If hon. Members opposite in their hearts have no intention of accepting the decision of the Council in regard to that cut, they will, of course, only remain contingent liabilities.

The hon. Member for the Coast made some remarks about adrolines. Sir, I will not challenge him because at least I imagine that is ground upon which he is well qualified to speak!

Now, the hon. Member for Finance will not understand the point about savings. He has quoted from the Planning Committee Report. Now I signed that report and I would like also to give him a quotation that it is this:—

"For this reason"—that is the beginning—"it is not possible at this stage to determine the exact extent to which it can be financed, we recommend that the provisions proposed should be regarded not as firm allocations, which indeed for obvious reasons they cannot be, but as targets at which the Colony should aim, and that the progress that can be made towards these targets should be determined at frequent intervals in the light of the finances available at the time and with regard to the financial and economic outlook for the future."

Now, I am merely suggesting if we remove this amount we are moving in the light of the finances available at the time, which we can see. The hon. Member will insist on planning as far as I can see for finances which may or may not be available.

THE FINANCIAL SECRETARY: What does that mean?

Mr. BLUNDELL: You can ask afterwards.

Mr. Chairman, the hon. Member consistently disregards my argument which is that savings in expenditure are savings towards the development programme. Now, we have had over the last five years, a long rise in recurrent revenue. Out of that, we have built the surplus balances. In the time I have been in this Council they have risen from £3,000,000 to £7,000,000. That is very nearly a rise of £4,000,000 a year. If the revenue continues to rise, and this is the point I wish the hon. Member to note, if the revenue continues to rise, we already have evidence that we can finance the plan from those savings between revenue and expenditure. If the revenue does not continue to rise because there is a check in our economy or a disinflation in the world, then I do say very strongly to the hon. Member, we will not be able to attempt the plan at all. That is an argument which the hon. Member always ignores. He talks about "tinkering" but in effect there has been, or else he could not have built up in the surplus balances, over the course of each year, a large gap between revenue and expenditure. It is that gap which in my submission, from the evidence we have had in the past, is available to finance this.

THE ACTING CHIEF SECRETARY: Mr. Chairman, there are just two points

[The Acting Chief Secretary]

which, at this stage, I should like to make. The first refers to the hon. Member's remarks about the intentions of Government in the matter of limiting their expenditure, so far as possible—within a reduced Vote passed by this Committee. Sir, let me make it plain that the sums of money appearing under all these items in these Estimates are the sums which, on the best information available to it, the Government thinks it will require for the purpose for which the item is in the Estimates. Always if, in the event it becomes possible to do with less than the total sum in that item, then it is a recognized duty on the part of Government to spend less. We always try to keep expenditure down to the minimum. We never set out for the sake of spending money to spend up to the maximum of the Vote. The amount in the item is what we think we will need. If we can get away with less we are only too glad to do so, and we always make every effort to do so.

On the question of the funds foreseeable in order to make possible the execution of the revised development plan in the Planning Committee's Report, I should have thought it would have been self-evident—certainly to any business man—that it would be thoroughly unwise to set out on a programme of development without first of all seeing that the funds were going to be available which would be required to complete that plan. I would have thought that to do otherwise would be just as unbusinesslike, and I would go so far as to say improper, as it would be improper for an individual to purchase a motor-car on the hire purchase system without first of all satisfying himself that he would have funds available to pay the instalments when they became due. It is that reason, Sir, that we believe—and we believe this because of our confidence in the future of this Colony—that we should set out now to provide funds so that we can see that we shall have them over the next four years, during which we shall hope to complete this plan.

I could not help noting in the remarks just made by my hon. friend the Member for Rift Valley far more "ifs" than any other word used in the course of that speech. "If this and that

happens", "if this and that and the other does not happen". Well, Sir, as Acting Member of the Development and Reconstruction Authority, let me say that I would not wish to have anything to do with the execution of a plan which was based on a whole lot of "ifs", and which, once it had been begun, might, if those "ifs" turned out wrong, not be able to be completed. We should look remarkably foolish if we were to attempt to plan and execute those plans on that sort of uncertain basis, and that is why, Sir, on this side of the Committee we are strongly opposing this Motion.

THE FINANCIAL SECRETARY: Mr. Chairman, I rise to answer a point made by the hon. Member for Kiambu. The hon. Member suggests that, provided we can say we have enough cash in the till to take us through next year, why worry about the rest? Does the hon. Member really realize that, in order to execute a plan of this magnitude, a most elaborate organization is necessary—a most expensive organization is necessary? That organization has to be got together. It has to be geared. Is it supposed that we should be financially foolish as to get together an organization of that magnitude because we happen to have the cash for one year? Surely, Sir, that would be the height—or shall we say the very depth—of foolishness.

Now, turning back again to the hon. Member for Rift Valley, I take it his suggestion is that we should finance this deficit out of the *forfeiture*—and I repeat the word "*forfeiture*"—surpluses of revenue over expenditure which may occur in certain circumstances which may exist. That, as I say, is the essence of his suggestion. Let us live from hand to mouth in effect—exactly as I said when I was on my feet before. Let us hope there will be surpluses, and still go on with this expensive organization. If that is going to be the suggestion—and this Committee accepts that suggestion—I must warn the Committee now—I must warn the Government—to take back this plan and revise it. (Hear, hear.) I can tell the Committee that can only be done by doing harm to this country and I repeat "harm". (Applause.)

Mr. Chairman, I repeat I oppose the Motion.

MR. SALTER: Mr. Chairman, I find myself in a genuine difficulty. (Laughter.)

THE CHAIRMAN: Order!

MR. SALTER: The difficulty being—I simply do not understand why this item appears under the heading of "Non-Recurrent". I have no doubt that there is a very simple explanation which will not trouble the hon. Member for Finance: in the least, but I know very little about finance as, no doubt, hon. Members have already appreciated, but this is stated to be a special contribution to the Development and Reconstruction Fund. It is stated to be an item as it appears under the heading "Non-Recurrent". Presumably it will not recur again. That is what it appears to my simple sort of mind.

MR. HAVLOCK: The in and out system.

MR. SALTER: I understood that the object of this £600,000 was, in fact, that it should be an annual contribution for a period of probably four years. If, of course, the necessary taxes—export or otherwise—were voted annually in order that that contribution should be made. Well, Sir, I know there is probably a simple explanation, but it does puzzle me why it should be non-recurrent when it is obviously intended that it should recur every year for the next four years.

MR. COOKE: Mr. Chairman, I rise merely to deal with one point which the hon. Member for Rift Valley has made several times, and he accuses other people of being so illogical as not to be able to see it. I am so illogical, I cannot see his point! He has said more than once—and quite rightly said—that the Development Plan may have to be cut down. That is quite right, but he does not seem to see the difference, Sir, between cutting down and interfering with the Development Plan through an Act of God and the King's enemies—and indeed something like that might happen—and this Committee wantonly and wickedly cutting down that plan. There is all the difference in the world between those two alternatives.

MAJOR KEYSER: Mr. Chairman, the Planning Committee themselves visualize the possibility of the money not being available to fill this gap, and I should like to quote, Sir, from the report of the Planning Committee—Section 23: "As we have said, the plans which we recommend should be regarded as targets and if it proves financially sound and

physically possible to reach the targets during the next five then no doubt appropriate ways of finding the additional finance will be examined and the most economical methods adopted having regard to the nature of the projects and the financial position of the Colony. Should it be found impossible or undesirable to produce during the next five years sufficient funds to bridge the deficit it does not necessarily mean that the programme must be abandoned. It may merely have the result of spreading the spending proposed over a longer period of years."

That is what the Planning Committee thought, and the hon. Member for Finance, Sir, must not for one moment quote parts of the Planning Committee Report and ask us to accept it without any argument, and not be prepared to accept other portions of that same report. Obviously, the Planning Committee did not visualize money being immediately available. They saw there would be difficulties in finding it, and therefore they made provision in that section for it. The hon. Member for Finance talks as though this money is required immediately. It is not required immediately. It would not be required for another four years, and anything might happen in those four years. Quite, Sir, but I do suggest also, Sir, it is most unorthodox finance to start taxing for a development plan which is to take place four years hence.

Therefore, Sir, I support the Motion.

LADY SHAW: Mr. Chairman, I also support the Motion.

I have been listening to the apostles of the gospel according to the Planning Committee, and I am really thankful that I was the one Member in this Committee who voted against the Report. The thing that impressed me so very much, Sir, is that when we have this £600,000 before us, we are asked to vote it into the Budget of this country.

MR. HAVLOCK: Out of it!

LADY SHAW: To include it in the Estimates is what I mean. The gentlemen on the other side of the Committee are warning us of what frightful things which may happen in the next four years, which may mean that our general hopes of maintaining our present progress are not likely to be fulfilled. The

(Lady Shaw) moment we put that argument forward, because we wish them to reduce their expenditure, from this side of the Committee, they accuse us of having no faith in the country—no faith in the future—and of being shortsighted in every possible way. What, Sir, is sauce for the goose is also sauce for the gander. In one case it are the geese, and in this case—if I may say so—the other side of the Committee is the goose! (Laughter.)

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, as I listened to the hon. and gracious Member for Ukamba I thought how wonderful it was she had adopted the very argument which was going to use, because having listened for some considerable time to the hon. Members opposite telling us to view the dangerous financial position of the country, the Government must cut its expenditure, I was amazed, at this particular time, when the Member for Rift Valley said we were going through a period of great prosperity, and could rely on rising revenues—it seems to me the argument of the geese and the gander can be applied to both sides of the Committee.

The hon. Member for Trans Nzoia took trouble to quote at great length a paragraph of the Planning Committee Report. He quoted from the beginning of a sentence: "As we have said." I think we might go to the beginning sentence of that particular paragraph, which the hon. Member, I think, omitted. We have considered whether we ought to make recommendations as to how the deficit should be met, but, after consulting the Member for Finance have come to the conclusion that this is not a function of the Planning Committee. What we are now considering, Sir, are the Government proposals as to how the deficit should be met.

Mr. BLUNDELL: Mr. Chairman, this debate on my Motion has gone on some considerable time, but I claim your leave just for a few more words. The hon. Member for Finance bases his desire to have this item on the fact that he is not prepared to have a plan on a fortuitous basis. Let me tell him, Sir, that the biggest "if" of all is export taxes. It is the biggest "if" of all, and he has recognized it, Sir, by saying they will be examined

each year in the light of the capacity of each industry to pay them. If that is not a big "if" with a capital "I" and "F" and an enormous full stop, what is?

The hon. Member for the Coast intervened. I am always a little doubtful whether he is on my side, or, by some hallucination, he is here—but actually over on the opposite side. He said, to reduce the Planning Committee's Report introduction in this Committee would be wanton and wicked. Now, Sir, I do suggest, because he is a man who shows a very great appreciation of words—an appreciation which he has often called my attention to—I do suggest such an action would not be wanton and, Sir, it would not be wicked.

Mr. COOKE: It is a matter of opinion.

The question was put and on a division negotiated by 28 votes to 10 votes. (Ayes: Mr. Blundell, Lt.-Col. Gherrie, Messrs. Hyslop, Hopkins, Major Keyser, Messrs. Maconochie-Welwood, Salter, Lady Shaw, Mrs. Shaw, Mr. Usher, 10; Noes: Mr. Carpenter, Major Cave, Ash-Bentick, Messrs. Chemallan, Cooke, Davies, Hartwell, Hope-Jones, Hunter, Jeremiah, Maulan, Matthews, Mathu, Sir Charles Mortimer, Messrs. Nathoo, Ohanga, Padley, Patel, Pike, Prizam, Dr. Rana, Messrs. Roldan, Salim, Shatry, Taylor, Thomson, Trim, Vasey, Whyatt, 28. Total: 38.)

The question that Head 4—4 (50) items 1—10 be approved was put and carried.

HEAD 3—4—POLICE

THE ATTORNEY GENERAL: Mr. Chairman, I beg to move that Head 3, sub-head 4, be now considered.

Mr. Chairman, I am, of course, very conscious that the amount required for the service of the Kenya Police in 1952, being no less than £1,051,551, is a very formidable figure, and I recognize, Mr. Chairman, that it is right and proper that I should, as the Member responsible under the Constitution for the conduct under the efficiency of the Force, give to this Committee an account of their stewardship during the present year and an assurance that they will continue to perform their duties efficiently and economically during the year which lies ahead and to which this particular Head relates. This task devolves upon me, Mr. Chairman, by virtue of my office as

(The Attorney General) Member for Law and Order; and I accept that task readily and, may I say, willingly, and may I add, out of regard for the hon. Member for the Coast, loyally. For I recognize, Mr. Chairman, that in asking for supply of this magnitude, it is necessary that I should satisfy not only this Committee, but those persons whom the Members of this Committee represent and the public at large, that if this supply is granted they will, during the year 1952, get what might be called in colloquial terms, value for money; and I am confident, Mr. Chairman, that, in the course of this debate, I shall be able to satisfy this Committee that will be so.

As a first step, I will ask the Committee to bear with me while I do a few arithmetical calculations—what the hon. Member for Education, Health and Local Government called pure mathematics—quite unlike the mathematics that we were concerned with this morning in connexion with the Cereals Pool. But, Mr. Speaker, the calculations that I propose to make now are, the simplest additions and subtractions and, as far as I can foresee, it will not be necessary for me to resort to the use of a blackboard, but, of course, in that matter I might have to seek guidance from the hon. Member for Kiambu.

Mr. HAVELOCK: Yes.

THE ATTORNEY GENERAL: The first figure to which I would direct attention is the figure of £187,000 which appears at the end of this sub-head as being the net increase in the Vote for 1952 over the Vote for 1951. That is a figure which has been calculated by those who understand the art and mystery of accounting, but, like my hon. and learned friend, the Member for Nairobi South, I am no master of accounting; but it does occur to me that if one is going to make a calculation of that kind, one must be quite sure one is comparing like with like, and by that I mean, the one is comparing expenditure for 1951 with the proposed expenditure for 1952. It is apparent that the 1951 Estimates, as they appear here, is too little by £99,000, that being the amount of Cost of Living Allowance which has been added to the 1951 Estimates since they were calculated twice

months ago. Therefore, to make a true comparison, you must deduct the 1951 Estimates plus the £99,000 for Cost of Living Allowance from the 1952 Estimates of recurrent expenditure, with the result that you get a net increase of only some £88,000. But the matter does not rest there, because in order to get a complete comparison between 1951 and 1952, one must look, not only at recurrent but at non-recurrent expenditure. There, one will find, to one's delight and jubilation that there is a decrease of some £76,000. Therefore, the net increase calculated over the total expenditure, both recurrent and non-recurrent, is no more than a matter of £10,000 to £12,000. That is a true comparison; comparing like with like. But the matter does not rest even there, Mr. Chairman, because we all know that there are some inescapable increases in the 1952 Estimates owing to the contractual commitments in 1952. I refer to such things as annual increments which I have had extracted and calculated. They amount of something like £17,000. Therefore, the net increase of £10,000, when it is set against the inescapable increases of £17,000, brings one to a figure of something like minus £7,000. But the increases, owing to annual increments, are, not the only increases, which are inescapable. Equally inescapable, for the Police, is increased expenditure due to additional cost of ration, and uniforms, and petrol and tyres and the general cost of running vehicles, which must amount to thousands, indeed, tens of thousands of pounds. So that the minus figure should be £7,000, but several tens of thousands of pounds and, indeed, if it were calculated in detail, it might approach to that magical and mystical figure of minus 6 per cent which the hon. Members opposite were so intrigued with in the early stages of this debate. And to emphasize that the apparent increases in these Estimates do not reflect any extravagance or any new services or new commitments of an unavoidable nature, I would mention this fact at the outset of this review of the Police Vote. Although the Force is something like 5,500 strong, yet the increase in personnel next year is limited to three Assistant Inspectors who are required for a new police station at Kileleshwa, one at Nyali and one at Limbwa, and some 60 African other ranks who are required, as to two-thirds, to replace the guards, who were formerly

[The Attorney General] supplied by the Royal Air Force at the airports, and as to one-third to replace the Baringo Levy Force. Hon. Members, I am sure, will agree with me that there is no evidence whatsoever of any extravagance or, indeed, of any additional commitments which could, by any stretch of imagination, be said to be avoidable in 1952. Having said all that I do not wish it to be thought, for one moment, that I am not very much concerned at the seriousness and the gravity of the heavy financial commitments which are involved in servicing the Kenya Police Force for 1952, but I hope to assure hon. Members that, in the course of the coming year, the Police Force will use this money economically and efficiently.

Now, first of all, may I ask hon. Members to bear with me a moment whilst I turn to a review of the crime figures during the past year and, in particular, I would refer to the crime records of Nairobi, or greater Nairobi, in which the hon. Member for Nairobi North and the hon. Member for Nairobi South are particularly interested—I will take the Nairobi figures first, because speaking broadly, greater Nairobi accounts for something like three-fifths of the total crime in this Colony. Comparing the crime figures for the first nine months of this year which, of course, is all that I can collect for this debate, with the crime figures for the corresponding period last year, the figures for burglary are down some 28 per cent, for breaking and entering kitchens and outhouses, down by something like 68 per cent and pole-fishing, which was last year something like a national sport, is now reduced by 24 per cent, since the Police started putting out their nets. As for robberies, there again there is a very substantial reduction of 28 per cent as compared with the figures for last year. I am speaking now only of Nairobi and greater Nairobi. That reduction is particularly significant in view of the outbreak of robbery which occurred between July and September when what became known as the "sledgehammer" gang committed a number of robberies week after week until they were eventually caught by the Police in October. And then subsequently, as the hon. Member Trans Nzola is aware, he has brought this matter to my atten-

tion on more than one occasion—the leader of the gang, the "sledgehammer" ipissimus, escaped from Police custody, by a very ingenious method; and may I add, since the hon. Member for the Trans Nzola has inquired on several occasions what has happened to him, that I am glad to be able to tell him that the Police, with an exquisite sense of timing, rearrested the "sledgehammer" 24 hours before I was due to make this speech: (Laughter—applause.) There is only one respect in which the crime record of Nairobi is worse this year than it was last year; it is a matter which will be of special interest to the hon. Members for Mombasa and the Central Area, because it concerns shop-breaking and store-breaking where the victims are usually members of his community. I regret that it should be so, and I hope that, by improved methods during the coming months, that in this respect also the Police will be able to show an improvement as compared with the figures for last year.

Hon. Members may be interested to know how it has come about that there has been this substantial reduction in the series of crimes in greater Nairobi during the past year. If I can explain it in one word it would be the word specialization or specialization, that is to say, in the police methods employed in an urban area. It is well recognized in all police forces in all parts of the world that it is essential that the police should become closely acquainted with the topography of the area which they have to operate. They must get to know the alleys and the by-ways and the side streets and the back streets and the haunts and the habits of the "spivs" and the "drones" because without such knowledge it is impossible for the Police to anticipate or prevent and still less to apprehend criminals in an urban area. This principle of specialized policing applies to Nairobi City no less than it applies to other great cities of the world, and it is for this reason that the Commissioner of the Force and the senior Police officers of the Force have during the past year instructed the men here in Nairobi in specialized methods of policing Nairobi with the results which I have already outlined to you. These have been improved methods of patrolling the beats, greater use of dog patrols and greater

[The Attorney General] supervision by N.C.O.'s and the cumulative effect of all this has been to produce a very marked reduction in crime in Nairobi as compared with last year.

I would not have hon. Members think that this has engendered any complacency in the Police; far from it. On the contrary, as a result of the success accruing from this specialization, senior officers of the Police Force have decided to draw up a comprehensive and detailed scheme of specialized policy in Nairobi which I hope will be brought into force early next year. The basic principle of the scheme—it would be inappropriate to deal with it in detail—is that both officers and men of the Force should be stationed in Nairobi for long periods of service, in some instances perhaps for the whole of their service. In order that they might acquire that specialized and detailed and intimate knowledge of the topography of the City and of the criminal classes which I have already indicated is essential for policing urban areas. The scheme is now under negotiation; it requires the assent and the co-operation of other authorities, but I am confident the negotiations will be successfully concluded and that, perhaps, in a few months' time we will have this highly specialized and highly developed system of policing in operation in Nairobi. But outside Nairobi the crime statistics are, if anything, even more encouraging. I speak now of crime in the settled areas and in the urban areas outside Nairobi; which, as I say, account for about two-fifths of the total crime in the Colony. Shop theft is down by 18 per cent; cattle theft is down by 27 per cent; housebreaking is down by 15 per cent; breaking into kitchens and outhouses is down by 31 per cent; robbery is down by 30 per cent; burglary is down by 11 per cent. Again I regret to say that the only increase is in the particular crime of shop-breaking and store-breaking and the increase is more substantial even than it is in Nairobi; it is an increase of 30 per cent. I repeat the assurance I have already given in regard to Nairobi, that special efforts will be made to reduce this form of crime which bears particularly hardly upon the Asian community* which my hon. Friends opposite represent.

Mr. Chairman, I think I may fairly claim that the Police Force, if they have not started a downward trend in the crime record of this Colony, can at least claim to have checked it and perhaps halted it. And if that can be maintained, and I can assure hon. Members that every effort will be made to maintain it during the forthcoming year, then I think I may say that hon. Members need not be very gravely concerned about the position of crime in this Colony. In fact they may take some consolation from the fact that in other countries in East and Central Africa the position is a good deal worse than it is here. If one were to take the index of crime in Kenya as being 100 five years ago, it has risen to an index figure of 129 during the last five years, but in two other Colonies in East and Central Africa it has risen in one instance to 165 and in another instance to 203. And in no single case has the rise been as little as it has been in Nairobi, which as I say is a rise from 100 to 129 in the last five years, and again say if it can be halted at this figure, still better, if a downward trend can be discerned during next year, then I think that it will be an achievement for which the Kenya Police Force could take due credit. (Hear, hear.)

I have been dealing with statistics of crime, Mr. Chairman, but there are other aspects of crime which are not revealed by statistics. I have spoken of the improved methods of policing which have resulted in a reduction of crime in this Colony, but there are other causes beyond and outside the control of the Police which are very potent in maintaining the pressure on the Police, and if they did not exist, would certainly have made it possible for the Police to show even better results during the past year. I refer, as hon. Members may have guessed, to the economic causes of crime. This matter was first borne in upon me in my discussions with a senior Police Officer who said that petty crime, by that I mean the petty pilfering that goes on, was steadily increasing, not among the criminal classes but among Africans who normally would not be tempted to commit crime, simply because these Africans were now too poor owing to the rise in the cost of living, and the rise in the cost of commodities generally, to purchase the things which now they are tempted to steal. There has been a great

[The Attorney General]

increase in petty crime; pilfering of such things as a pair of khaki shorts, a shirt, a blanket, things of ordinary everyday use which are not easily identifiable by the Police after a theft is committed and therefore make it a very difficult crime to detect. That has happened and is happening on a steadily increasing scale. In the opinion of this senior Police officer who is an officer of wide experience; he was expressing a sober judgment that increase in petty crime was directly attributable to the economic causes which are pressing so heavily on the workers of the Colony at the present time. As a result of that discussion I made certain investigations, with the assistance of the Police Force, to try and see if I could ascertain or get some sort of figure which could corroborate the opinion expressed by this senior Police officer. It is difficult to get figures but certain figures as I was able to obtain do tend to support this view. A year ago, according to these statistics, here in Nairobi an African worker spent Sh. 39/60 per month on his food. He must be spending more now. The statistics also showed that the average wage was Sh. 54 a month. The minimum wage is a good deal less, but those figures, assuming that the particular individual was a bachelor and had no dependants, clearly demonstrate that even if he were receiving an average of Sh. 54 a month he was in a fairly difficult economic position after spending Sh. 39 to Sh. 40 on food, but if he was receiving only the minimum wage, of course the position would be quite impossible. It is not surprising in those circumstances that there is an increase in petty crime and petty pilfering of articles of clothing and other articles of common use, and the statistics form of crime show there has been an increase of 45 per cent.—it may be higher—of that form of crime in recent years. It is a very difficult crime to detect. It is a very difficult crime to stop, because if my appreciation of the position is right, the fundamental cause is economic, and is not the cause which usually operates among the criminal classes. When hon. Members are pondering, as I am sure they do, what should be done to reduce the incidence of crime in this Colony, then they might do well to consider how far the position could be improved if the low wage structure of this Colony were improved.

Mr. Chairman, that is the review of the crime position, both serious crime and petty crime, in this Colony. But there is also, unfortunately, another kind of crime with which the Police have to deal, crime of a subversive nature. It is crime which causes ill-feeling, indeed it is intended to stir up ill-feeling and discord and even, I regret to say, hatred between various communities in this Colony. I refer to two forms of subversive crime, which are well known to all hon. Members opposite, the *Mau Mau* crime and *Dini ya Mambwa*. The *Mau Mau* crime is a crime which is particularly difficult to detect because its followers carry on the movement in great secrecy under cover of darkness and in remote places. As hon. Members know, the main practice of that movement is that its followers take illegal and secret oaths, and the whole aim and object of the movement is to stir up dissension, discord and, as I say, even hatred as between various communities in the Colony. But because of the nature of its activities it is difficult to detect and it is difficult to assess the extent and the scope on which it operates, but as far as I have been able to get intelligence on which to base an appreciation, I would say that forcible oath-taking, as distinct from the voluntary oath-taking, which was very prevalent some time ago, is now on the decrease; in other words, there is not now so much pressure brought to bear upon people to take on oath forcibly. As for voluntary oath-taking, as far as one can make out, the initial impetus of the movement has to some extent spent itself, but although there is at the present time a lull in the activities of the *Mau Mau*, nevertheless the movement could gain momentum again, if real or imaginary grievances developed for which there was no outlet, or no adequate outlet, through proper and lawful and constitutional channels.

The other subversive movement is the *Dini ya Mambwa*, and there the continuous harrying tactics of the Police have been extremely successful in dispersing and breaking up that movement as a large-scale movement. At the present time there are, it is true, meetings still taking place in certain parts of the country, but there is no longer, as far as one can ascertain, a regular system of holding large-scale meetings

[The Attorney General]

or of spreading propaganda on a wide scale. Small meetings, as I say, are still taking place, and there is a certain amount of traffic over the border between Kenya and Uganda, which is being carried on by fanatical adherents of the sect. But the whole movement now has much more the appearance of the remnants of a defeated army than that of a highly organized movement which it had not very long ago. No new leaders have arisen to take the place of those who gave us so much trouble—Elijah Masindi and Lucas Kilech—and this is borne out by the fact that there are nowadays frequent changes in the regalia, that is to say in the vestments and the ceremonial articles which they use, which shows that there is now a multiplicity of small leaders rather than one dominating leader, small leaders who have neither the personality nor the initiative to organize the movement as a whole. Therefore, the *Dini ya Mambwa* is no longer a cause for serious concern as it used to be, but I would add this, that if a new leader should arise then, of course, the whole picture might change and change very quickly; and in those circumstances the new situation would be a matter calling for the strongest action and the greatest vigilance and alertness on the part of the Police.

Having reviewed the crime, both ordinary crime and subversive crime, I would like if hon. Members would bear with me to say a few words about the Force itself. I believe, Mr. Chairman, that amongst the great majority of the inhabitants of this Colony, the prestige of the Kenya Police Force stands high at the present time. (Applause.)

And if any proof of that were needed, Mr. Chairman, it is evidenced by the fact that for every vacancy that occurs in the Kenya Police Force, there are now no less than 40 applicants. That is a very fortunate thing from the point of view of those whose responsibility it is to select recruits for the Force. They are in the happy position of being able to make a selection from a very wide field—

MR. HAVELOCK: All faces?

THE ATTORNEY-GENERAL: I was speaking of the African recruits; for

every vacancy there are 40 applicants for it.

MR. MATHIU: Other communities, do not they want to come to the Police Force?

MR. MADAN: Not enough pay.

MR. MATHIU: Would the hon. Member indicate what the position is with regard to other races?

THE ATTORNEY-GENERAL: I have not actually got those figures, but of the 5,500 members of the Force, Africans are in the vast majority and that is why I took those statistics to illustrate the popularity of the Police as a career to members of the African community. Not only is the material that is being selected for the Police, at the present time, as good and indeed, better, than ever before, but the training which they are being given at the Nyeri Training School is better than ever before. Only three years ago, that training school was nothing more than a defunct, derelict and dilapidated internment camp, but to-day it is one of the finest Police training schools in this part of the world, and, as far as I know—and I have been in many parts of the world—in any other part of the world. (Applause.) It is doing a wonderful work, although, as I say, it has only been established barely three years, turning out—not all raw recruits, of course—but turning out, either after initial recruitment or after promotional training, or after refresher courses, no less than 1,000 policemen a year. (Applause.) And, I regard that work of the Police Training School as of the greatest, indeed of fundamental, importance because if the quota of recruits that is turned out each year is of poor quality, then all that we may do and all the supply that hon. Members may grant will not be used to good purpose; but if the type of recruit that is turned out is of good quality, then the Force can almost be left to take care of itself, because the annual intake will be of recruits of the highest standard and calibre that it is possible to obtain here. Hon. Members associated with me on the Committee of Law and Order who visited the Police Training School recently, will, I am sure, bear me out when I say that the Police Training School at the present time is performing its functions admirably and producing a very fine type of recruit under the

[The Attorney General] guidance of his enthusiastic and competent Commandant.

One result of the highly specialized and highly developed system of training at Nyeri is that throughout the Force, there is spreading a spirit of modernization and up-to-dateness in the methods employed for the detection and the prevention of crime. That is exemplified in the very rapid growth during the past year of the system of wireless communication which the Police now operate throughout this Colony. There are no less than 76 wireless stations, established at police stations and Provincial and Central Headquarters in this Colony, and it is now possible for practically any police station in any part of the Colony. That is a most valuable aid to a Police Force in a country which has not got first-class road communications, and where the posts are very scattered and sometimes established in very isolated places. The wireless system has not been installed for very long, and it still to some extent in an experimental stage, but to give hon. Members opposite an idea of the usefulness of it, I may mention that something like 200,000 messages have been transmitted during the present year, and I am confident that as the Police develop the system more, it will prove extremely valuable in establishing what I might describe as fingerprint control by Central Headquarters over this very large Police Force scattered, as it is, throughout many hundreds of square miles of territory.

Another respect in which the Force has been modernized, but not modernized without some disadvantages is in the matter of transport. In recent years the Force has been equipped with a very considerable number of motor vehicles, and although it would be wrong to say the Force is highly mechanized, it would be correct to say that they are provided with a very liberal supply of mechanical equipment. But one result of this, an inevitable result, has been a very steeply rising curve of costs for travelling and motor transport in the Estimates. It is now the largest single item in the Police Budget other than, of course, personal emoluments. The tendency for the costs to increase under this item has been a

matter which has given me some concern. It was first brought to my notice in the course of informal conversations with people who are not immediately concerned with the running of the Police Force, and as a result an investigation was begun, and figures were obtained which appeared to show that there was a tendency for the police to use motor transport when alternative forms of transport which were cheaper, would suffice, and in some instances where no motor transport at all was really required. That investigation resulted in action being taken about a month ago by the Commissioner of Police who issued an instruction to all police stations throughout the Colony that they must the following month impose a cut of 30 per cent on the mileage which was allotted to their particular station, subject to certain adjustments which I will mention in a moment. The result of that instruction was not only remarkable, it was quite dramatic. In the first three months of this year, the average mileage per month for the whole of the Kenya Police Force was 265,000 miles. That is a very large figure. During last month, October, which has just been concluded, it was 185,000 miles—a reduction of 31 per cent.

Now, hon. Members may ask, and rightly, whether a reduction of that kind can be imposed without impairing the efficiency of the Force, and my reply to that is that I am perfectly satisfied that it can for two reasons. First, because the system of cuts that has been imposed provides that if an emergency arises or some unforeseen circumstances arise, which make it necessary for an individual police station or divisional headquarters or whatever it might be, to exceed its allotment, then it could apply to its superior headquarters (whether it be divisional, provincial or central), for an additional allotment to cover the emergency. The application would go to the superior headquarters, and there would be no case where the necessary allocation of mileage would not be made. By that system it is considered that at all times the mileage used by the Police Force will be constantly under review, and the result will be remarkable savings of the kind to which I have just referred. The second reason why I suggest there can be no danger to the efficiency of the Force is that there

[The Attorney General] is a scheme being drawn up which will be developed next year, to use, make increasing use, of bicycle transport as opposed to motor transport. If these steps had not been taken, hon. Members should know that the item of travelling in this Budget would have been up by tens of thousands of pounds. Inevitably so, because tyres cost 50 per cent more, spare parts cost 20 per cent more, batteries cost 20 per cent more, petrol 8 per cent more, and at the very minimum, the addition to the overall running costs of a motor vehicle such as the Police use is now 20 per cent. Therefore, if these stringent steps had not been taken, then inevitably there would have been a very great increase under this Head.

The Police have made a good beginning, and I hope hon. Members opposite, who, as I have heard them so often in the course of this Budget debate deplore the fact that whenever they ask for reductions of expenditure, they never seem to find a responding chord on this side of the Council, will recognize in this particular case that the Police have most loyally co-operated in cutting expenditure under this Head to the very minimum possible.

While I am on the subject of motor transport I should like, if I may, to pass to a slightly different aspect, which I know is of particular interest to hon. Members opposite, and particularly, I think, to the hon. Member for Ukamba, namely, traffic control.

LADY SHAW: Speeding lorries.

THE ATTORNEY GENERAL: Whereas a month ago I was emphasizing the efforts made by this Department to cut out wasteful expenditure which is the principle contended for, and rightly so, by the hon. Member for the Coast, now I come to an example which again supports the principle contended for by the hon. Member for the Coast, namely, that where you have an expanding Colony, you must inevitably have expanding services and expenditure. In other words, if you have an expanding motor transport system throughout the Colony, must you not have some expansion in the Traffic Police whose duty it is to look after traffic and prevent chaos on the roads? Is not one an essential and

logical corollary to the other? This instance of traffic illustrates precisely the point that I desire to make regarding expanding services. If hon. Members were asked to make a guess at the number of vehicles that there were on the road a year ago and how far they have increased this year, I doubt if one in ten could come anywhere near the correct figure. A year ago, there were something like 30,000 vehicles on the road in this Colony; now there are 34,000. That is an increase of something like 13 per cent in one year.

The Traffic Police are not asking for any increase in strength or any increase in expenditure, despite the increase in motor traffic on the roads, but if the motor traffic should continue to increase, as it might well do, and indeed it seems inevitable that it should do, with the expanding economy of this Colony, so that there eventually were 25 per cent more vehicles on the road, then would not hon. Members recognize the necessity for engaging more Traffic Police, and indeed, recognize now as a principle that if you have an expanding economy in the Colony, you must also have, of necessity, expanding Government services, and must be prepared to pay for them.

Now, as regards the figures of traffic offences. Last year, the number of convictions for dangerous driving increased from 750 to 1,100, an increase of 50 per cent; convictions for being drunk in the street increased from 63 to 125; again, an increase of approximately 50 per cent. Now for the special benefit of the Member for Ukamba, convictions for speeding increased from 270 to over 400—(applause)—an increase approaching something like 50 per cent. And those results, I would remind hon. Members, were achieved without any increase of staff, and are therefore indicative that that section of the Police Force had been carrying out its work most energetically and efficiently in the interest of the people of this Colony. (Applause.)

Finally, Mr. Chairman, may I say a word about the Kenya Police Reserve because no review of the Kenya Police Force would be complete without a reference to the Kenya Police Reserve. The Reserve is now 3,000 strong. Its strength has increased substantially during the past year and the greatest increase of all has been in the African section of the Kenya Police

[The Attorney General]

Reserve which, during the past year, rose from 440 to 640, an increase of over 55 per cent. (Applause.) I feel sure that the hon. Mr. Mathu and his colleagues, and indeed, every Member of this Council—(hear, hear)—will agree with me that that is a most creditable and encouraging achievement. (Hear, hear—applause.) It is encouraging, Mr. Chairman, because it shows the high esteem and regard in which the Kenya Police Reserve is held by the African community, and it is encouraging too, Mr. Chairman, because it means that more and more Africans are learning in an admirable school, the duties and the responsibilities of citizenship that cannot but be for the benefit of the African community and of the people as a whole in Kenya.

But, in paying a tribute to the African section of the Kenya Police Reserve, I would also pay tribute to the European and Asian section of the Kenya Police Reserve. These men, as hon. Members know, give up a good deal of time, frequently at great inconvenience to themselves, in order to learn and train for Police duties. They give up many hours each month in order to learn Police methods, to listen to instruction, sometimes to undertake exercises and on other occasions, perhaps to undertake the active duties of the regular Police Force on patrol, either to relieve them if they are particularly hard pressed or to supplement them. If additional Forces are required: sometimes even after a hard day's work they go out on a Police patrol during the night to assist the regular Forces. That, Sir, is the kind of work which the Kenya Police Reserve are doing at the present time, and I am sure hon. Members will agree with me when I say that the Government and the people of this Colony owe those men who work together in this multi-racial organization with complete harmony and complete co-operation. I am sure hon. Members will agree that we owe to them a debt of gratitude for their unselfish and unstinting service in the public interest. (Applause.)

Finally, Mr. Chairman, may I say that above all and beyond all, the public of this Colony owe a debt of gratitude to the regular Police Force of this Colony. (Applause.) For their responsibility never ceases, their task never ends, their vigi-

lance never varies. To them is entrusted a duty which is the most essential duty that could be imposed upon any department of Government in the interests of the State, the duty to ensure security of life and security of property. And I am confident as I have been confident the coming year the regular Police of this Colony will maintain the high standard of duty which they have shown in the past, and will uphold and maintain the cause of law and order throughout this land in which they serve. (Applause.)

Committee adjourned at 6.40 p.m. and resumed at 6.55 p.m.

In the absence of the Speaker, Sir Charles Mortimer took the Chair.

THE CHAIRMAN (Sir Charles Mortimer): The proposal that the Police Vote, Head No. 3—A, be considered, has been approved. Matters of principle under the Police Vote are now open for debate.

MRS. SHAW: (Applause.) Mr. Chairman, may I, with your permission, claim as much as half an hour?

Mr. Chairman, I rise to speak for the first time in this Committee, very conscious of my inadequacy. So, if I unwittingly commit any breach of Standing Rules and Orders, may I claim your kind indulgence?

It is very difficult to follow so able and learned a speaker as my hon. friend, the Member for Law and Order, for, not only is he a man well versed in his subject, who can draw on a vast amount of legal experience, but he also comes of a race famed for their aptitude of phrase and their wit, although seemingly sometimes for their irrational behaviour. (Laughter.) However, even though I cannot claim to be of the same race, I find myself in agreement with so much of what my hon. friend has just said. For, if I may say so, he has shown a most realistic appreciation of the situation. Hon. Members may consider that I have been very rash in choosing so important a subject for my maiden speech, but it is for that very reason that I feel a strong Police Force is of vital importance to the people living in this Colony, that I have done so. (Hear, hear.)

For, Sir, I am sure hon. Members of this Committee will agree with me when I say that security must be the corner-

[Mrs. Shaw] stone of our development for, without security—and good security—the whole edifice will topple to the ground. We may talk of increased settlement, of expanding services; we may indulge in Development and Reconstruction Authority day-dreams, but those day-dreams will never become the reality we hope unless the safety of the life and property of the people who are living in this Colony can be assured.

Now, Sir, in speaking of the police, I shall attempt to point out some of the difficulties—not to say dangers—which confront the Police in their day-to-day work. For, Mr. Chairman, there is a great deal of truth in the phrase coined by that wizard of words, W. S. Gilbert, when he said: "The policeman's lot is not a happy one", for the very nature of their duties—stern and often unpleasant—make it impossible for them to mingle with their fellow-men on a completely equal footing. Moreover, I can conceive of occasions—I hope not infrequent occasions—where a conversation may come to an abrupt end in a club or a bar, or even the local trading centre, on the appearance of a member of the Force but, though I am sure hon. Members are above such things, still I wonder how many ordinary mortals have not some time in their career indulged in some innocent form of law-breaking. (Laughter.) Therefore, the policeman's integrity must be very high. You may agree, Mr. Chairman, that the same standard applies to the Army, and this I will conceive, but I will not agree that the Army are subject to the same temptations, for the Army lives its routine life within closed walls, and also it is true that in their moments of relaxation, in common with policemen, and, if I may say so, hon. Members of this Council, they must beware of saying what they think—beware of talking when they drink!" Still, there are in a sense a protected body, as they do not in the course of their duties mix with their fellow-men to the same extent as the Police, and therefore are not subject to the same temptations.

Now, Sir, it is for this very reason that we must see to it that the conditions under which our Police Force work and live are the best that we can afford to provide—(hear, hear)—and I say afford

admittedly, in case I should be accused of the same financial irresponsibility, that has been laid at the door of my hon. friend, the Member for Finance, during this debate. For some time past, it has been well known that members of the Forces of all ranks were not satisfied with their terms of service, and this dissatisfaction grew to such proportions in 1946 that Government appointed a Committee to examine in detail the terms of service, etc. This Committee did its work thoroughly and well, and issued a most excellent report—I refer, of course, to the Pilling Report—although its members were hampered in their recommendations as, indeed, in their financial considerations.

In stressing my point, however, that the Police would be regarded as a Force apart, I should like to quote from a minority report of the Pilling Report made by my hon. friend, the Member for Local Government, where he says:—

"Throughout the deliberation of the Committee, comparisons were made between the terms and service and the conditions of the Police and those of officers serving in other departments of Government. In the Memorandum submitted by the Commissioner of Police there occurs the following paragraph:—

"In Great Britain the Police terms of service are completely divorced from the terms of service applicable to the Civil Service in general. The Police Officer lives a more strenuous life and this is recognized. The Home Forces have much greater experience of Police requirements than any other Force; and it is not unreasonable to look to them for guidance in regard to conditions of service. Some of our older Colonies already follow the Home system, with the result that they have efficient and contented Forces."

In a Memorandum submitted by the Officer in Charge, Nairobi District, the following sentence occurs:—

"It is impossible to achieve a contented Force whilst the conditions of service are the same as those of other civil servants, whose duties, hours of duty, conditions and responsibilities bear no relation whatever to those pertaining in the Police Force."

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In paragraph 14 of the Majority Report the following statement also appears:—

"It must, however, be admitted that the hours at which the Police have to be on duty are, in large measure, dictated by the criminals who provide the work, and it is impossible that they should be confined to a routine timetable."

That admission, I submit, underlines the difference between the Police and other departments of Government. The Commissioner refers to the position in Great Britain, and a study of the Police Regulations for England and Wales made under Section IV of the Police Act in 1919 shows how correct the Commissioner's statement is. In Great Britain, for instance, the Police are forbidden the right of belonging to a trade union on the grounds that they are a disciplined Force, and it is held that policemen must not strike. The Police Regulations, as compensation, contain therefore many concessions not ordinarily extended to other Government servants."

That, Sir, puts the matter far more cogently than I can, and it is on those grounds that I shall make my plea for as favourable terms of conditions of service for our Police Force as present circumstances will permit. The long waiting list referred to by my hon. friend did not, I think, refer to Europeans, in this Colony I do not believe the terms of service—certainly for the European Inspector—are as favourable as, say, those of the Army or even as other branches of the Civil Service, and I shall tell the following story to illustrate my point. A recent General Officer Commanding suggested to the Colony Commissioner of Police that it would be a very good idea if the officers of the Army and the Police Officers were to get together socially—although he added a warning that the Army considered themselves the "New Poor". On broaching the subject to the members of the Force, the general reaction was that, although it might be a good idea, it would not work, because the Police Officers could not afford the same social standards as those of the Army, and again, the Police Officer is often forced to live where his work lies, a

condition, I submit, Sir, which should carry with it free housing: but the Force paid 10 per cent of their housing costs—where in similar services Welfare Officers are granted housing free.

Now, Sir, since the Pilling Report was issued, I am glad to be able to tell you that the conditions of service have substantially improved, and except for irritation caused by the 10 per cent housing, now, for the most part for all ranks is of a good standard. Also the present salary scales—although they still necessitate very careful family budgeting—have been improved by the introduction of the Cost of Living Allowances, and are as follows:—

Salary scales for Inspectors rise from £400 a year basic salary, to—after 17 years' service—£840. Of course, added to that, you have Cost of Living Allowance, and it is worked out here that the salary of an Assistant Inspector in his fifth year of service:		£
Salary		510
Cost of Living Fund		116
Uniform Allowance		10
	Total	£636

that is a man with a family, and I submit that that would require very careful family budgeting. You certainly could not belong to many clubs or lead a very extravagant life on that salary. If you had a family and a schooling to provide, £10 a year Uniform Allowance—and when you consider what even one pair of boots costs these days—it could not allow for more than one pair of boots—and I submit the Police Force—especially if it is to have its car mileage cut—require more than one pair of boots a year!

Those salaries of the Asian and African ranks have increased also in ratio. The result has been much more content in the Force generally, and this has resulted in greater efficiency. Although, Sir, I would not like to suggest that you can buy loyalty—still, it is not a quality that you can expect from a man who is not satisfied with his conditions of service. (Hear, hear.)

I should like to turn to the position as regards crime in this Colony. It is

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well known that crime waves follow as a result of a major war; the exigencies of war produce lawlessness. Young men trained in Commando tactics or having an exciting life of fighter pilots, cannot settle down to the duller forms of civilian life. Children grow up without their parents, as the parents are in the armed forces, and without the stabilizing influence of home life, and so on. Then, too, that bogey of the cost of living always rears its ugly head to add to our other troubles. This, then, was the position in 1945, and I will quote again from the Pilling Report:—

"There are already abundant signs that these difficulties have begun to appear and are likely to increase. Some figures quoted in the Legislative Council on the 9th January, 1945, Hansard Vol. XX Col. 625 by the hon. Member for Mombasa were sufficiently alarming, but we understand that since then the position has deteriorated rather than improved, especially in respect of crimes against persons and property. As to the latter, the present scarcity of goods available for lawful acquisition is doubtless a contributing factor, in respect of which it is permissible to hope for a fairly early improvement but habits of lawlessness, once introduced, die hard; the boldness and the efficiency of the criminals is increasing, and the position is undeniably serious. The effect of this state of affairs on the task of the Police is too obvious to need statement. It seems to us to be beyond question that the next ten years or so must necessarily be an extremely critical period, when it will be absolutely vital to have a strong, happy and contented Police Force."

Now, Sir, to quote some more recent figures which do not altogether tally with those just quoted by my hon. friend, although oddly enough I received them from his Department—(Shame!)—the total of cognizable offences in settled and urban areas rose from 15,369 in 1949 to 17,130 in 1950, and this year so far has shown two per cent increase. This two per cent increase, I am glad to say, largely represents petty crime and I am glad to say that there has been a small decrease in serious and alarming crime, though the horrible and brutal murder

committed on Sunday night has shocked the whole community. (Hear, hear.) Mr. Chairman, I do not wish to weary this Committee with a mass of figures, but I should like to stress that the all-over increase of crime since 1943, that is offences under the Penal Code, have shown a 74 per cent rise. Now, Sir, in my opinion, this is a very alarming figure when you consider the high potential for crime in a colony such as Kenya, where a great mass of the people are still illiterate, such a figure, I contend, must give rise to the gravest concern. I have already dealt with the all-over increase since 1949 which was envisaged by the Pilling Report, and with your permission, I should like to quote some figures showing the intake of staff of Police officers of all races since 1948, which are as follows:—European, 1948, the figure was 244; 1949, 269; 1950, 279; 1951, 299; an increase of 16 per cent of European Inspectors since 1948. Asian, 63, 62 and 91—an increase of 43 per cent. African, 5,042, 5,657, 5,688, 5,667—an increase of 12 per cent. I think hon. Members will agree that the intake covering the last four years is not very large and will realize that the increase in the Police Vote for 1948 of just over £700,000 to the Estimate for 1952 of just over £1,000,000, is largely due to Cost of Living Allowances, improved housing, equipment and better conditions of service for existing staff, rather than a large expansion in numbers such as we find on the Administrative side of Government; (Cries of shame, shame—applause.)

Now, Sir, with your permission, I shall digress for a moment and examine one of the most serious obstacles which face our Kenya Police in obtaining a conviction, that is the Indian Evidence Act. Although I believe our courts now use a British system of justice, this Act is an outworn survival of the days when we were under the Indian Penal Code and, in my humble opinion, the sooner it goes the better. This Act is designed to prevent the extortion of confession under torture, threat or bribery, and rules that no confession made to a Police officer may be taken as evidence against any person accused of any crime, and thus places our Kenya Police officers often in the absurd position of having to beg the criminal not to confess because he cannot use such a confession as evidence and

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he would rather have a complete denial of guilt which he can set about disproving. A truly Gilbertian situation! That this hampers our Police in securing convictions is obvious. With all due deference to our hon. friend opposite, the hon. Member for Law and Order, I should like to submit that this Act be replaced by British law where, in similar circumstances, a confession made to a Police officer is admissible, provided it is not obtained under inducement, threat or promise. (Applause.) Not that I consider British law entirely suited to a country where the majority of the inhabitants are still in such a primitive state and where tribal law is far better understood than the complicated preponderance of British justice. However, fortunately for us, the interpretation seems to be fairly wide and British justice shorn of some of its legal trappings, as applied by some of our up-country magistrates, seems to act reasonably well. (Laughter—applause.)

I should like to pay a tribute to these men—hear, hear—who, possibly through lack of knowledge, do not get bogged down in a mass of legal detail but, rather, judging a case on its merits and by meting out speedy justice, enormously assist in the task of the Police in the settled areas in maintaining law and order, for there is no doubt, Mr. Chairman, their task can be made much easier by the simplification and speeding up of justice, stiffer sentences and better methods of detection and so far as petty crime is concerned, stiffer sentences for the receivers of stolen goods—hear, hear—because, Sir, there can be no real deterrent for crime in this Colony until being caught will be the certain result of committing a crime. In this connection, I should like to say that the establishment of a good criminal records department has been of the utmost value, while flying squads, wireless vans all make for greater efficiency and the new wireless link-up is, from the security angle one of our greatest safeguards. I understand, however, that the Criminal Investigation Department are still short of much essential equipment, but I have been assured that the provision of that equipment would result in so many more convictions that it would indeed pay for itself and be a self-reimbursing service. Another thing that I have been told has

helped the Police enormously in their work and that is the fact that the native reserves have now come within their jurisdiction. This view is supported, I know, by the Administration and by my own experience in Nyanza where, a criminal, be he an African, cannot now escape arrest by nipping into the bosom of his family in the Reserve. So here, hon. Members must realize there cannot be a very substantial reduction in tribal police because they still police large areas such as the whole of Masai, the Suk district, all the area lying behind Limuru and, in these areas, Local Native Council Tribunals take the place of magistrates courts and all offences, except murder, come within their jurisdiction.

Now, Mr. Chairman, although in danger from a warning from your red light, I must touch on one of the greatest problems that faces the Kenya Police to-day, that is the habitual criminal, and, in this connexion I should like to quote some figures given to me by the Criminal Investigation Department, in fact the figures of recidivists, which are as follows. In 1950, there were 22,410 convictions and of these 15,508 were first offenders, 3,198 were convicted for the second time, 1,583 for the third time, 554 for the fourth time, 371 for the fifth time and 94 had twenty or more previous convictions, or, in other words, belonged to the habitual class. Many of these had as many as 40 previous convictions! Not only do these old lags who have to be caught, re-caught and re-convicted every few months, more than double the work of our Police Force, but they are such a pernicious influence in our prisons where often, owing to lack of accommodation, they cannot be isolated and have to mix with all types of other criminals—I believe even first offenders. Until these habitual criminals are safely put away under preventative detention, Sir, I submit that our society, especially in our towns, cannot be properly safeguarded and I hope my hon. friend, the Member for Law and Order, will be able to introduce, as it has already been introduced in Uganda, the English law of preventative detention. By these means, I believe I am right in saying, that a judge, taking into account a man's previous convictions, can impose a long sentence of preventative detention on the top of a sentence, possibly of only two

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or three months, which may be the maximum for his particular offence.

Mr. Chairman, I hope the introduction of such a law would not increase the financial burden of this Colony—(laughter)—although I have no doubt hon. Members will fear the housing of these habitual criminals may well do so. However, it is my contention, Mr. Chairman, that these people can be made to serve our community were they placed in camps and, as well as being used in the traditional manner for stone breaking and quarrying, could be used for bush clearing in set-aside areas. Now I believe such an experiment has been made in a camp in the Trans Mara area and I hope, if this experiment is successful, similar camps will be set up. There would, of course, be occasional escapes, but surely the danger from such occasional escapes would be far less than the constant danger to which our community is now subjected by the numbers of these habitual criminals who are periodically released to take up, once again, their dishonest trade or business of crime to the constant danger of the life and property of the citizens amongst whom they live and operate.

In conclusion, Mr. Chairman, I would like to pay a tribute to the officers of the Force of all races and ranks who are carrying out their difficult task cheerfully and well, although often handicapped by lack of communications and proper equipment and to assure them that we—in this Committee—do fully realize the magnitude of their duties and in dealing with the miscreants of our multi-racial community shall do all we can, within our financial limitations, to help them in their task of proving that crime does not pay. (Prolonged applause.)

THE CHAIRMAN: I am sure that hon. Members will excuse my breaking away from precedents of the Chair in expressing, on behalf of all Members, what I am sure all Members feel on both side of Council, cordial congratulations to our new Member on her very excellent, comprehensive and ably delivered maiden speech. (Prolonged applause.)

MR. MADAN: Mr. Chairman, I should also like to say that I feel particularly privileged to speak on this occasion because I consider that I can discharge the

task of offering double congratulations personally. If I may take the speakers in the order in which they held the floor, I should first like to deal with the hon. Member for Law and Order. Sitting here listening to him, I felt that my parents and I made no mistake in choosing the legal profession for myself—in spite of what people say.

MR. HAVELOCK: So much crime? (Laughter.)

MR. MADAN: Sir, the hon. Member for Kiambu taunts me. (Laughter.) I assure him we are not responsible for the crimes.

What we try to see is that justice is properly administered, and the second speaker, Sir, was the hon. lady who has just delivered her maiden speech. I should personally like to congratulate her, and incorporate the very words that you have used, Sir, on an occasion like this. If I may say so, with due respect, even Solomon could not have spoken more wisely in using the words you did about her speech. I thought it was all the more deserving of our congratulation, because she has spoken after an interval in an evening session. It is so easy to be put off after an interval, Sir, I agree with the hon. Member for Law and Order that the whole Force of this Colony is held in high esteem by the people. There are always two ways of holding the people of a Colony, to command their respect. One is due to the respect and regard for the people who discharge their duties, the second is out of fear, and I, Sir, am glad to say that in so far as the Kenya Police Force is concerned people do not show a regard for them out of fear but out of respect and friendship which they feel for this particular branch of our Administration. But I feel at the same time, Sir, it cannot do any harm to remind the Police Force and the personnel that they occupy a peculiar position in our Civil Service. That is why they must exercise all the powers that the law confers upon them, within the restraint of the law. The people are also entitled to respect and regard to their rights and I would submit Sir, that all citizens are entitled to be treated with respect, no matter what their race is, and on that score I am also glad to say, that speaking generally, is the attitude of the Police towards the citizens of this Colony—(applause)—I speak, Sir, from personal experience. I come into contact with the Police quite a lot.

[Mr. Madan] (Shame.) Not being an up-country resident, Sir, quite innocently, I assure you. (Laughter.)

As I was saying, Sir, I speak from experience and I deal with people who also come into contact with the Police Force. It is not my job to judge, Sir, and my impression is—impression is almost tantamount to conviction—that people have real regard, real honest sincere regard, for the Police Force of this Colony. Now, Sir, in my humble opinion the hon. lady who spoke made a great point when she said that the living conditions of the personnel of the Police Force must be such as to place them beyond—I hope I am quoting her correctly—beyond temptation, and introduce a feeling of satisfaction with their lot. I do not think, Sir, anybody would challenge that, and it is when speaking about these matters inevitable that the members of the various groups on this side of the Committee should speak about the people they represent.

I therefore, Sir, speak of the conditions of Asian Police Officers and I would like to mention two points in regard to their conditions of service. One is it is my submission that the salaries paid to them are not enough. We have only to look at the salaries for constables to realize that for people who are placed in that position of responsibility and from whom the highest standard of integrity is expected, they are not being paid adequately for the post in which they are placed. Speaking about constables, Sir, it is still beyond our comprehension why it has been found necessary to introduce that post at all. There was a time until about two years ago when there were no Asian constables at all. They started off as Asian Assistant Inspectors. We fail to understand, Sir, why they have been put back and reduced to the starting point of constables. The second point that I would like to raise, Sir, is the question of promotion. I am quite aware of the fact, Sir, that the hon. Member for Law and Order answered a question only on the 27th of this month, two days ago, when he said, from the inquiries he had made, he did not find that there was any serious dissatisfaction among the members of the Asian Police Force because they are not promoted to the ranks of

Superintendents and Assistant Superintendents. With all the respect that I hold for my hon. and learned friend I would submit that that cannot possibly be right. I would ask him, Sir, in all sincerity, is there a civil servant living who does not want to be promoted, who does not want to receive a better salary and a better station in life?

THE LABOUR COMMISSIONER: Yes.

MR. MADAN: I thought I heard the Chief Native Commissioner say, yes.

THE CHIEF NATIVE COMMISSIONER: No.

MR. MADAN: Or the Labour Commissioner. Well of course some hon. Members realize that they cannot be promoted at all any more. I would therefore, Sir, ask my hon. and learned friend to go into the matter again, and where there are deserving cases to give to these people what is their due, and maybe, Sir, what they will be getting is something that is overdue for so many years now. At the moment, the position is that after about 25 years' service, they have reached a stage where they are completely, if I may use the word, stumped, and all they can do is to perform their duties to the Police Force which they do efficiently and loyally and expand their middle-aged pouch. Nothing else. That is all they can do. With those submissions, Sir, I would make a final point, that I cannot accept, with evidence Act as expounded by the hon. lady, I have nearly finished, Sir, if I may have a minute more. At the best of times, even advocates find it difficult to understand it, and the Indian Evidence Act is not really the stumbling block in the administration of justice in this Colony; it is the economic conditions, it is lack of education, it is a small degree, a very small degree, I assure you, hon. gentlemen, such as my learned friend.

MR. MATIU: Mr. Chairman, I should like to congratulate the hon. Mover on a very able speech, such as the one that we expect from one who has seen the walls of Balliol College, and also to congratulate the hon. and gracious lady the Member for Nyanza for a very excellent maiden speech as you, Sir, have already done that on our behalf. (Applause.) I have a few points Sir, to make, but they are points which I consider very important for the Police

[Mr. Mathu]

Force. My hon. and learned friend did say that the majority of the personnel in the Force are Africans, and he went on to say that when recruiting the Force, they find no difficulty in getting their recruits because the Force has become so popular among Africans that applicants are in larger numbers than the vacancies existing in the Force. Well, that may be so, and I think it is a very cheering sign, but now I want to come to the other side of the picture, when the African becomes so co-operative and willing to assist in one of the most fundamental services of a Colony such as this, the maintenance of law and order, what rewards does the Force give the African personnel? If I only touch on the ordinary general administrative staff out of the total number, that is excluding the traffic, the signals, the band, the airfield guards, the railway, the port, and even the reserve—you have the rest—and, excluding recruits, there are nearly four thousand Africans in that particular section of the Force. Out of them for next year, we are going to have two Chief Inspectors, African. We have nine Senior African Inspectors. We are going to have 24 African Inspectors, we are going to have 76 Assistant African Inspectors, we are going to have 657 sergeants and corporals, finally, we are going to have nearly 3,000 constables. Well, you can see the pyramid; the base of the pyramid as far as the position in the Force is concerned, is too broad and the peak too narrow—with too few fellows at the top and 3,000 at the base. The base is too broad, Sir, and, in fact, the fellows at the top cannot interfere anyway. The bottom is too small for the fellows at the top and there are more fellows sitting on them at the top of the pyramid. That is a point I have made in this Council for the last six years and I want to make this point again: that as the African has shown, as the hon. Mover has said, such a first-class co-operation must surely as human beings have some incentives, they want to see their men right on the top, and I am going to suggest that, in due course, consideration should be given for the appointment of African Assistant Superintendents, because that is the next move. It is easy now, Sir, but with the

progress of education—and I would like my hon. friend the Member for Education to listen to this one, Sir—with the spread of education, you will find that the young man coming forward for recruiting as a member of the Police Force, would question certain things. He would like to know his future, not only in the Force but when he retires. When all these questions come up, that popularity, I am sure, will go down unless we provide new attractive positions. I am not talking about salaries now—that is a separate thing. I am talking about responsibility. An African seeing another African in charge of a Police Station—creates confidence straightaway; and I am suggesting that the base of the pyramid in the set-up in the Force as far as the African community is concerned, is too broad. The base is too broad, and I am suggesting, Sir—I know I am now suggesting we should incur further expenditure, but, as my hon. friend has been so economical in expenditure, I say you can recruit and put more fellows at the top.

Now one more word, Sir. In the Force, the African like other members of the Force—I do not want to be discriminatory in this matter, but I happen to know my men better than the other communities and they are the people I see more often in the streets, in the dark corners everywhere at night, and during the day, and everywhere doing a good day's work—they are the people I see. What happens to them when they leave the Force, be it a constable, an inspector, the chief inspector or what? Is there any system of following up former members of the Force? I am sure the red light is not very far off—but that is a very pertinent question, because I am not satisfied that when they leave the Force they continue the standard of life they were keeping in the Force and I suspect there must be something wrong somewhere, either in the training or the discipline they are getting. When they go back to the reserves, it is a sorry sight, Sir, to see some of them and I want to know whether it is the superannuation benefits that are not sufficient, whether it is something about discipline or what? Something is wrong somewhere.

The housing question—I have never been really satisfied with the housing of the Police, particularly in the out-

[Mr. Mathu] stations, in mud and wattle huts. They are not very comfortable in wet weather sometimes they are fellows who come to be up on their toes in case some call comes through. I would like to suggest some consideration of the improvements of the housing of these African policemen in up-country districts—that it should be improved. It is a very important point because it reflects on the *esprit de corps* and I think it is a point that is worth looking into.

The Training School at Nyeri—I am sure that what my hon. friend has said is quite true—that it is really a toping school. There is one thing more I want to hammer—that is courtesy. It must be drilled into them, they must be courteous to the citizens of this country whether they are educated or uneducated. It is, I think, one of the landmarks in the ladder of a policeman throughout the world, and I think we can train our Africans to do the same. The primitiveness, bullying must be removed. (Hear, hear.)

Crim. Sir, I was very glad to hear my hon. and learned friend say that, as far as the petty crimes are concerned, the causes are economic. I have said this in Council more than once and I am glad to say it is the first time I have heard that point being stressed from the other side of this Council and I entirely agree with them. Unless we improve our wages structure, our economic structure for the very poor, we must, as he admitted, expect to find it very difficult indeed to control these petty and pilfering crimes and I suggest, on another vote, we will have to discuss that and see what views exist.

Now the question of subversive crime. Sir, I agree with the hon. Member about the *Mau Mau* and the *Dini ya Astarabwa* and all the rest of it but I would like to suggest that, to describe the situation as it is, is not sufficient. What are the causes of the springing of these undesirable, religious sects? On one cause, I suggest, is frustration. The African, like any other person, has a self-assertive instinct, and if he does not get room for the expression of his emotions in the organization we have in this country, what else can you expect? Underground movements. I have said so in this Council and I will say so now.

THE ATTORNEY GENERAL: Mr. Chairman, I would like to preface my reply

with your permission by joining with you, Mr. Chairman, in paying a very sincere compliment to the hon. Member for Nyanza on the occasion of her maiden speech. (Applause.) It was a speech which, if I may say so, was distinguished for its form as much as for its matter, a speech to which evidently a great deal of thought and preparation had been given. It commenced with almost a classic exordium and finished with most appealing peroration. It is indeed pleasing to sit here and listen to a speech which gives as much attention to the artistic form of a speech as it does to the matter. The matter, indeed, embraced a wide sweep of subjects, indeed, in some respects, it anticipated points which I thought would be raised, and which I intended to deal with, on other Votes, such as Prisons and the Judicial, but so far as they are relevant to the Police Vote, I will, of course, attempt to give fit hon. lady the answers which she sought.

With regard to the terms of service which were mentioned by the hon. lady and were also mentioned by the hon. Member for Central Area and the hon. Mr. Mathu, I listened with great interest to what they said, and I am glad to think that it will be put on permanent record, so that if at any time it should be necessary to propose from this side of the Committee additional expenditure on Police commitments, I can be sure that those hon. Members on the other side of the Committee will cordially express my approval. But I would also express such approval to all the speakers on the other side of the Committee for the complimentary things that they have said about the Police Force. In fact, at one time I felt almost like one of the Generals kept bowing to you, you may remember, so that they never started the conflict at all! In the speeches that have been made on the other side of the Committee, there are very few points to which I would take exception, though there are some points to which I think further consideration would have to be given before I could give what I always like to give, a clear cut and categorical reply.

On the question of the amendment to the Indian Penal Code to allow confessions made to Police officers to be deemed admissible in evidence, I would

[The Attorney General] say that I have myself investigated this matter and discussed it with members of the judiciary, because it is to me a novel provision in the law, because I have not been accustomed to practise under the Indian Penal Code. At first glance, it does appear to be a strange provision in the law, that the clearest and unqualified confession by an accused person, where there is no suggestion there has been inducement or any improper pressure brought to bear upon him, should nevertheless be excluded. But, having discussed it, as I have, with people who have spent very many years practising under the Indian Penal Code, I can appreciate there are arguments, and very cogent arguments, for holding a contrary view. The most cogent argument of all is that there is a great danger, if confessions of this kind are admitted as evidence, that the trial would develop into a trial within a trial, the inner trial being an attempt to determine whether or not a confession made to a Police officer, an officer in authority, an officer in complete charge and command of the situation, when the confession was made, was in fact made voluntarily. I am told by those who have had experience of the working of a code where this provision does not apply, that the greater part of the trial very often is taken up in determining what is really a side issue to the main issue that has to be determined.

At all events, for the time being I am afraid I cannot give any undertaking to amend the code in that way, because naturally, as the hon. lady will appreciate, it would be quite wrong of me to propose such an amendment unless I am fully carry with me the views of the judiciary, particularly those members of the judiciary who have had experience of trying cases under both systems of the law of evidence.

The hon. lady referred also to the inadequacy of the sentences that were imposed in some Courts, and particularly sentences imposed on receivers of stolen goods. Speaking generally on that subject, and also with particular reference to that type of crime, I would agree with the hon. lady that many of the sentences are not adequate to deter the criminal, and are not adequate to protect the community. But where the

inadequacy of the sentences becomes known to a Judge of the Supreme Court, I can assure the hon. lady that it is the practice of the judiciary to draw the attention of the Magistrate to what the learned Judge considers to be an inadequate sentence. On the other final point of dealing with habitual criminals, I would refer to the hon. lady that an amendment was made to the law last August, at my instigation, which would enable a Magistrate, if he found that a particular criminal, although the crime of which he had convicted him was not in itself serious, had, nevertheless, many previous convictions, and, therefore, should have a sentence in excess of that which the Magistrate himself could give, to send such a prisoner to the Supreme Court, whose jurisdiction would be untrammelled by the restrictions which applied to the Magistrate. That amendment of the law has only been in operation a few weeks and I believe it will help considerably to solve the problem to which the hon. lady called attention, and which I agree does exist.

The hon. Member for the Central Area (referred to the position of the Asian inspectors, and made the complaint that many of them, after long years of service, have not received the promotion which they deserved. He referred to the expression which he used in putting a question to me the other day, namely, that they felt serious dissatisfaction with their present terms of service and the manner in which the higher authorities failed to appreciate their service. It is not, I think, logical to argue, as the hon. Member did argue, that every person in the Service is dissatisfied merely because he does not get promotion. There is all the difference in the world between a person being ambitious and striving to get promotion and one who is seriously dissatisfied with his treatment. The latter expression denotes to my mind a real and genuine grievance, and I take it that the hon. Member's complaint is that there are some Asian inspectors who have a genuine grievance inasmuch as their long and faithful service is not properly rewarded as it should be, by promotion. I gave my answer the other day. I answered that on the information that I had obtained there was not such serious dissatisfaction, or at all events widespread in the Service. The hon. Member,

[The Attorney General]

I know, challenged the accuracy of that statement. I am prepared to inquire into it further from my own point of view to ascertain what the facts are, because, before one can decide what should be done or what should not be done, what policy should be or what it should not be, one must first ascertain the facts, and I have the undertaking that I will go further into the matter.

Finally, may I refer to the speech of Mr. Mathu, Minister for African Interests. It was a vigorous speech in which, while endorsing what I have said about the loyalty and enthusiasm of the African members of the Force, he put forward the view that the base of the pyramid, as he put it, was much too broad, since for the four thousand African other ranks there was at the present time only provision for two Chief Inspectors. He spoke of the "two little posts" at the top of his broad-based pyramid, and it occurred to me as he spoke that a much more appropriate metaphor than the pyramid would have been as Cleopatra's Needle. (Laughter.)

I did hope that the hon. Member would show some appreciation that after four, five, six years of his speeches on the same theme, as he has made to-day, this year there is for the first time provision in the Estimates for two African Chief Inspectors. The hon. Member did not refer to the fact that that is the first time such a post has been shown in the Estimates, but at least it should be some satisfaction, I think, to him to know that after so often repeating his arguments there is at last some tangible evidence that they have been heard, and, to some extent, have been met.

When he refers to the need of the Force to show courtesy to all people, whether rich or poor, of whatever race, and of whatever station in life, I know that he has the most whole-hearted agreement of the Commissioner and of every senior officer in the Police Force. And, taking it by and large, I think my claim that the Kenya Police Force does show courtesy to all races and all peoples in every walk of life, but if there should be any isolated cases where that is not so, I am quite certain they will be looked into by the Commissioner of Police and appropriate action taken against any transgressor.

I think that covers most of the points that were raised by hon. Members in their speeches, except perhaps one further point. The hon. Mr. Mathu inquired what happened to the African police constables and non-commissioned officers when they left the Force, since it appeared that they frequently lost something of the high standards which they had acquired whilst they were in the Force. He inquired quite pertinently whether anything was done for those men after they had served the Force and the country for so many years. My reply to that, I am afraid, must be somewhat inadequate. I believe—at least so I am informed—that there is some association which endeavours to place them in jobs if they require them, either in the urban areas, or in the country areas. It does not operate on a large scale, and it may well be that something should be done to improve it. And even more perhaps something could be done to create an Old Comrades Association, which would maintain that *esprit de corps* which is so valuable when they are actively serving in the Force.

MR. COOKE: Something like the British Legion?

THE ATTORNEY GENERAL: Yes. Something like that, an Old Comrades Association. I am obliged to the hon. Member for the Coast for his suggestion. I have actually initiated some discussion on those lines, but I would not like the hon. Member to think that I could give any definite undertaking as to when concrete results could be achieved.

Mr. Chairman, I beg to move.

MRS. SHAW: Mr. Chairman, I rise on a point of explanation. May I just, with all due deference to my hon. friend the Member for Law and Order, point out that I said I would like to provide as good conditions for our Police Force as we could afford within our financial implications (Hear, hear—applause).

The question that Head 3—4, Police, be considered was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Committee do report progress and ask leave to sit again.

The question was put and carried.

Council resumed.

ADJOURNMENT

The Committee rose at 8 p.m. and adjourned until 9.30 a.m. on Friday, 30th November, 1951.

Friday, 30th November, 1951

Council assembled in the Memorial Hall, Nairobi, on Friday, 30th November, 1951.

Mr. Speaker took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 29th November, 1951 (Evening Sitting), were confirmed.

REPORTS

SIR CHARLES MORTIMER: I beg leave to report that at last evening's sitting of the Committee of Supply approval was accorded to all the items in Head 4—4 (50).

The Police Vote, Head No. 3—4, was proposed for consideration and was approved by the Committee. The stage has now been reached when the Committee will consider the details of Head 3—4.

THE SPEAKER: Council will now resume Committee of Supply.

COMMITTEE OF SUPPLY

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1952.

HEAD 3—4—POLICE—(Contd.)

THE ATTORNEY GENERAL: Mr. Chairman, I beg to move that Head 3—4 (1) items 1—30, be approved: that is, taking those items which appear on page 94 and the top of page 95, as the first group for consideration.

The question that Head 3—4 (1), items 1—30, Personal Emoluments, be approved was put and carried.

THE ATTORNEY GENERAL: Mr. Chairman, I beg to move that items 31—53, appearing on page 95, group headed Clerical Staff and Followers, be now approved.

MR. HAVELOCK: I have a question, Sir, on item 43—that is, Motor Mechanics.

MR. JEREMIAH: I should like to raise a question on item 40. The question, Sir, that out of all that 167 Asian clerks, I see not a single African clerk in the Police Department, and would like to

know, Sir, why the Africans are not employed as clerks in the Police Department.

MR. MADAN: Mr. Chairman, Sir, may I ask the hon. Member who just spoke how he expects to see African clerks out of Asian clerks?

THE ATTORNEY GENERAL: Mr. Chairman, the only reply I can give to the hon. Member is that there is no objection in principle to employing African clerks, but up to the present there has been no demand for African clerks for service in the Police Force.

MR. MATHU: Mr. Chairman, that is a very unsatisfactory reply. This is a hardy annual. We ask this question almost every year, and we have never had that reply. It is very funny the reply we had last year was that we wanted so highly matriculated Africans—matriculation standard—for the Police Force that we did not have Africans of that standard. On the question of demand we cannot agree, because if you advertised you would get definitely Africans to come to the Police Force; but our suspicion is that it is the policy of the Police Department not to employ African clerks.

THE ATTORNEY GENERAL: Mr. Chairman, I must apologize to the hon. Mr. Mathu for not being aware of this background, but I can assure him it is certainly not the policy that no African clerks should be employed. If African clerks of the required standard offered themselves, then certainly there would be no objection to accepting them for employment as clerical staff in the Police Force.

MR. MATHU: May I ask the hon. Member whether there can be advertisement? Advertise the clerical post in the Police Force for Africans, because the Africans may know that they can apply. The impression for Africans is that they are not wanted as clerks in the Police Force, when over 5,000 of the Force is composed of Africans. It does not make any sense.

THE CHAIRMAN: We are in Committee of Supply, and we have a number of items before us—alterations on the previous year—and if the African Members are objecting to Asians being employed in the Police Department then they ought to move an amendment in order

[The Chairman] to raise the debate; that is to say, to delete all Asians and the Police, of course, absolutely disorganized, and things like that; but merely to ask questions at this time is out of order. I said so last year. There is a question time, and questions can be put down on matters of fact at question time every day, and Members should take advantage of the rules—the Standing Rules and Orders—relating to questions if they are seeking information. If we are going to have our Committee of Supply turned into questions and answers, then it is a great waste of our own time, because, after all, you have agreed to the time limit.

MR. MATIU: Mr. Chairman, I apologise.

THE CHAIRMAN: No apology is necessary. It is only a matter of misunderstanding.

MR. MATIU: Yes, Sir. We do not want to pursue that matter for the present.

THE CHAIRMAN: I think it is quite right not to.

The question that the remaining Items under Clerical Staff and Followers, Items 31 to 53, be approved was put and carried.

THE ATTORNEY GENERAL: I beg to move, Mr. Chairman, that items 54—65 be approved.

LT.-COL. GHERSIE: Mr. Chairman, I would like to raise a brief general observation on these particular items on the Traffic Branch. Sir, I do believe that there would be justification for strengthening the Traffic Branch of the Police and, in advocating this policy, I do not wish it to be construed that I am suggesting any additional cost to the Colony as a result. The 1950 existing establishment was very drastically cut and to-day, Sir, there are five European Police officers actively engaged in traffic duty in Nairobi at a cost of something in the nature of £5,000 per annum in the Colony.

Now, Sir, the fines received alone more than cover this amount during a period of six months, and that is quite apart from the amount received in General Revenue—that is, by the Inland Revenue Department, paid by defaulters by way of licence fees.

Now, Sir, nobody wishes to regard the Police as a revenue-producing service but, quite apart from the additional efficiency and the removal of un-serviceable vehicles from the roads, thereby reducing the incidence of accident, and naturally the protecting of life, I suggest, Sir, that any reasonable additional expenditure on this Branch would be repaid over and over again.

I made a rough calculation the other day, and I came to the conclusion that if an efficient vehicle-examining section was set up in that Branch, there would be a net return—and I repeat net return—in that Branch of £8,000 per annum. If a committee of inquiry is to be set up, I do hope they will examine that Branch of the Service from this particular angle.

MR. COOKE: I do particularly want to raise a general question on the Traffic Branch. When, Sir, one passes the Traffic Headquarters in Athi Road, one sees an assembly of vehicles. One would almost think another Battle of Alamein is going to be fought; but one never sees these vehicles on the road, except in Nairobi. I happened to be on the Nakuru-Nairobi road during the Nakuru Show. I saw literally hundreds and hundreds of cars passing to and fro, but I never saw a Police vehicle the whole time. I think that is the same experience of most Members on this side of the Committee.

Surely those Police patrol cars should patrol the "public roads" as well as the streets of Nairobi, because there are all sorts of regulations being broken, to which my hon. lady the Member for Ukamba has many times drawn attention. I would like it if my hon. friend could tell me if anything could be done in that direction.

MR. MACONOCHE-WELWOOD: Mr. Chairman, in view of what the hon. Member for Law and Order has already said about cutting the allowance to the Police, I cannot agree with the hon. Member for the Coast when he suggests at this stage that special branches of the Traffic Police should patrol the main roads of the Colony any more than they do. In point of fact, the ordinary Police Force can and does go about the roads to a very great extent, and are just as capable of carrying out the work of

[Mr. Maconochie-Welwood] looking after the traffic as an increase in the patrolling of the Traffic Department throughout the country would be. I think it would be a very bad idea at this stage to suggest an increase of that side of the Police at a time when there is a great deal of crime.

MR. COOKE: I am not suggesting any increase, Sir. I said that the vehicles were so many that another Battle of Alamein might be fought, so I do not think there is any need for any more vehicles, Sir, or any extra expense.

MR. MACONOCHE-WELWOOD: If the hon. Member for Nairobi North's idea is listened to as well as that of the Member for the Coast, an increase is inevitable and I think that is most undesirable at the present time. The travelling of the ordinary Police has been cut, and rightly cut, but further cuts might be disastrous and I would like to take this opportunity of saying that I trust that in rural areas this cut in the mileage of the Police is very carefully administered and that there is no question of the Police saying, as has been said in certain areas, that they cannot leave their houses to go to any Police job in any week of the month because their mileage is exhausted.

LT.-COL. GHERSIE: I feel I must reply to the hon. Member for Usuh Gishu.

THE ACTING CHIEF SECRETARY: Mr. Chairman, on a point of order, at the moment, Sir, the matter of policy, the debate on which was concluded yesterday.

THE CHAIRMAN: I did not hear the conclusion of the debate yesterday, but as I have said before, it is very difficult to distinguish between policy and detail under the system which you have invented and if on this Traffic Branch an hon. Member wishes to bring forward a grievance about the Traffic Branch before we agree to vote the money, I think he is entitled to do so. It must be something in the nature of a grievance that he wants redressed; he must not go so far as advocating legislation or anything of that kind. It is more a question of administrative matters than anything else that can be brought up at this stage.

LT.-COL. GHERSIE: I would like to rise on a point of explanation in reply to the hon. Member for Usuh Gishu.

THE CHAIRMAN: I was replying to the hon. Member's point of order.

LT.-COL. GHERSIE: Yes, Sir. One might have dealt with this yesterday evening, but I thought everyone was getting tired, and this service was restricted to one Head and no sub-head. I am not advocating additional expenditure. I am trying to emphasize that. The few officers I am referring to undertaking traffic duties in Nairobi are averaging something over 24 hours a day; there is no question of advocating additional expenditure other than which will be repaid over and over again.

I would like to make just one further point. All hon. Members are aware that a few months ago hundreds and hundreds of cases were thrown from the court because of the congestion of the courts, and it is therefore not a question of increased expenditure, the suggestion would bring in revenue to the Colony if the true facts were only understood.

MR. HAVELOCK: May I speak on the point of order?

THE CHAIRMAN: I have ruled it already.

MR. HAVELOCK: May I say with great respect, your ruling surely should have applied to the Head—Clerical Staff, where the hon. Member, African Members were raising a question.

THE CHAIRMAN: I must disagree entirely. There is no connexion between the matters at all. What was raised by Mr. Thornley was whether Members were discussing policy now instead of detail.

The question was put and carried.

THE ATTORNEY GENERAL: I beg to move Mr. Chairman that items 66—73, be approved.

MR. BUNDELL: Mr. Chairman, I wish to ask the hon. Member whether he can give consideration to the idea that possibly some of the more important telegrams for which the provision has been deleted by this Committee might pass on this wireless network, which would have the advantage of keeping the operators' fingers in practice.

THE ATTORNEY GENERAL: I entirely agree, in fact I have given instructions to the effect, that the Police, as far as possible, should use the wireless system instead of the Posts and Telegraphs system. I myself have used it, when I wanted to send messages to Mombasa. I do not know how far they could cope

[The Attorney General] with requests from other departments. The Police should use it more and more instead of the Posts and Telegraphs. I am obliged to the hon. Member for his suggestion.

The question was put and carried.

THE ATTORNEY GENERAL: I beg to move, Mr. Chairman, that Items 1—24 to 1—29 be approved.

MR. COOKE: Mr. Chairman, perhaps I was a bit distraught for the moment but I cannot recollect my hon. friend having replied to our points.

THE ATTORNEY GENERAL: The Chairman put the question before I replied. That was why I did not reply; the Chairman anticipated me by putting the question.

I beg to move Mr. Chairman, items 2 to 24, under the heading Other Charges now be approved.

The question was put and carried.

THE ATTORNEY GENERAL: I beg to move that items 1—19 under the heading E.A. Railways Police be approved.

The question was put and carried.

THE ATTORNEY GENERAL: I beg to move that items 2—8, Other Charges, under the heading East African Railways Police be approved.

The question was put and carried.

THE ATTORNEY GENERAL: I beg to move, Mr. Chairman, that items 1—7 under Headquarters Police be approved.

The question was put and carried.

THE ATTORNEY GENERAL: I beg to move that items 1 to 8 under Kenya Police Reserve be approved.

The question was put and carried.

THE ATTORNEY GENERAL: I beg to move, Mr. Chairman, that items 1 to 3, Non-recurrent be approved.

The question was put and carried.

DEVELOPMENT AND RECONSTRUCTION AUTHORITY

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that the Draft Estimates of Expenditure of the Development and Reconstruction Authority for the year 1952 be now considered.

In moving this Motion, Sir, as I have mentioned to the Chairman of the Unofficial Members Organization, it would

be a convenience to my hon. friend, the Member for Agriculture and Natural Resources, if general policy considerations in detail consideration of Heads 15—3, 15—6, 15—7, 15—9 and 15—10 can be deferred until my hon. friend is dealing with these subjects with which he is directly responsible later on during the work of this Committee. I think, Sir, that that arrangement would also prove more convenient to hon. Members opposite.

MR. HAVELOCK: We have no objection, Mr. Chairman.

THE ACTING CHIEF SECRETARY: Since, Sir, the Estimates for 1951 were considered and approved by this Committee there have been two important developments which affect the progress and implementation of our Development Plan to which I wish to refer. The first of those developments has been the raising on the London and local markets of the first Development Loan during the present year. The second important milestone has been the acceptance by this Council last August of the recommendations contained in the Report of the Planning Committee. The success, Sir, which attended the raising of the 1951 Development Loan shows, I suggest, the very marked confidence which exists in London and in this Colony in the future of Kenya—(hear, hear)—an attitude of mind in the investing public, both abroad and here at home which, I hope, be more than justified by the attitude which is going to be adopted by the Committee when considering in detail in a few minutes these Estimates which are before us. The successful launching of the Loan has enabled the Development and Reconstruction Authority to get on during this year with the instalment of the Ten-year Plan for which funds were provided a year ago. It has also made possible the repayment to the Colony of the bulk of the advances which were made to the Authority in order to enable work to proceed pending the raising of that Loan. I hope, Sir, and confidently believe and I am sure that I am voicing the hopes of all of us, that the same success will attend the launching of the 1952 Loan. (Hear, hear.)

There is no need, Sir, for me this morning to discuss the revised Development Plan brought up to date by the Planning Committee, because we did

[The Acting Chief Secretary]

in some detail over a period of three days last August. There is no need either, I think, for me to discuss the £4,500,000 gap between the funds immediately foreseeable when the Planning Committee was reporting and the cost of implementing plans which they have recommended because that matter was dealt with very fully last week by my hon. friend, the Member for Finance. And in any case it is, I might say for my own part, fortunately, not my particular business to provide the funds for the Development and Reconstruction Authority to do its work. Though, having said that, let me hastily add that it very much is my business as Acting Chairman of that Authority to make quite sure before my colleagues and I start spending money on the plan that in fact the money is there to spend—(hear, hear)—and indeed, that the money is there to cover the expenditure necessary on the plan over the whole period—(hear, hear)—because, if it is not, Sir, then most certainly we shall have to scale down the 1952 instalment to what would be proper, having regard to the whole sum available over the whole period. Once the funds are there for the Authority to see, then, Sir, it is immediately our business to get on with the allocation of priorities and generally to get on with the job.

I would like also just to make a few brief remarks on the revised total of the foreseeable capital funds and the size of the present Budget. Now, Sir, I am not sure, but I think that some hon. Members opposite have been a little alarmed at the size of the instalment of the plan proposed for 1952. We do plan, as hon. Members will see, to spend a sum of £6,500,000 in 1952 as compared with the total figure of £4,750,000 during the current year. I am going to suggest, Sir, to hon. Members of this Committee that these proposals are neither unreasonable nor excessive, having regard to the plans set out in the Planning Committee's Report to spend this amount during 1952. I am prepared to agree that that total figure may perhaps seem high in relation to the figures quoted in the main financial tables in that report. I would, however, invite the attention of hon. Members to what is written in paragraph 19 of the report, where the Planning Committee make it quite clear that their recommendations did not

cover all development schemes; and this year in order that the full plan over the whole period of ten years can be clearly seen, we have included on pages 4 and 5 of these Estimates two general tables which show the funds available over the whole period and the totals of the expenditure proposed during the same period. From an examination of these tables it will immediately be seen that in addition to the schemes for which the Planning Committee made provision, there are in the complete plan a number of other approved schemes totalling approximately £6,000,000. These schemes include self-reimbursing loans, special Colonial Development and Welfare schemes and other self-financing or fully reimbursing schemes. These, Sir, appear, as hon. Members will see, on both those pages—on the expenditure side and on the revenue side. Hon. Members will also see on page 6 under the balance available for expenditure during 1952—53 that a sum of £19,708,154 remains to be spent. That, Sir, is exclusive of the amount of the deficit as noted at the foot of page 3. If, then, we add to that figure of £19,708,154, the amount of the deficit, we reach a total sum of money which will be necessary to complete the plan over the whole period remaining of £23,000,000. Now, Sir, I suggest to hon. Members that having regard to that figure of £23,000,000 to complete the plan by the end of 1955, it is not unreasonable or excessive to suggest that we should aim at completing in 1952 a £6,500,000 instalment. That is very near to a quarter of the total.

Before leaving this general introduction to these Estimates I would like to invite the attention of hon. Members to Head 15—8 on page 18 of the Draft Estimates, where it will be seen that no provision is to be made during 1952 under the heading "Unallocated". We have done this, Sir, in response to a suggestion made in the last report of the Public Accounts Committee. The Public Accounts Committee was critical of the arrangement under which a large sum of money was put in the Estimates without being earmarked for any specific work and did not think it satisfactory, and we have accepted their view on that point. During the present year and in past years the arrangement has been that on the need for some *virement* becoming

[The Acting Chief Secretary]—apparent or if a case was made out for some new work not foreseen at the time of the preparation of the Estimates to be undertaken to transfer from this Unallocated Head the sum necessary to get on with that work. I propose, in respect of 1957, very shortly to explain to the Standing Finance Committee certain proposals which I have in mind for alternative arrangements to deal with vicereits and such new and urgent matters which come up for consideration during the year and to seek the approval of that Committee to my proposals. In brief, they will follow very closely the arrangements which are followed in the case of the Colony's Budget and will, I think, meet with the approval of hon. Members because the control which they will then exercise over the Development and Reconstruction Authority Estimates will be closer than has been the case in the past.

I would also like to refer for a moment to Head 15—1 on page 11, "Administrative and General". Hon. Members have been good enough this time to give me notice of what they propose to do when we come to consider the details of these items. I will deal with those questions of detail when the time comes, but I think that possibly there has been a misunderstanding over one of their proposals, under which they propose to delete item 3, Assistant Secretary for Development and Reconstruction. Well, Sir, I would like to explain that although looking at these Estimates only it might appear that that was a new post, that is not in fact so. In the current year's Estimates, and in the previous year's, provision was made for this post under the Secretariat Head of the Estimates under the provision for 7 Assistant Secretaries. This year it would still seem from the Colony's Budget, because the figure of 7 still remains under those Estimates, that the number of Assistant Secretaries for which finance has been provided in the Colony's Estimates remains the same. In fact, the funds voted in the Colony's Estimate are for only 6, and the only reason that the seventh post—now transferred for the purpose of providing the funds to the Development and Reconstruction Authority—is still there in the Colony's Estimate is so that it shall remain on the permanent and pensionable staff. That is merely a device

and arrangement so that the pensionable officer does not lose his pensionable status. This particular officer, in working the schedule of work for which he is responsible, does, in fact, spend some 90 per cent of his time on the work of the Development and Reconstruction Authority and the Road Authority. I thought that that being the position, it was more proper that the salary should be met from Development and Reconstruction funds, and I hope that having given that explanation hon. Members will perhaps reconsider their suggestion that the post should be abolished. It really would be absolutely impossible for the Chairman of the Authority, entrusted with the spending in one year of £6,500,000, to carry on without that assistance. If he has to do it alone and devil all his own papers, then I believe that the only result would be a frightful middle, which would certainly cost the country something to put right. When that situation has developed then everybody would realize that it would have to be put right.

I had intended, Sir, in the course of these remarks to say something about Head 15—12, the new non-recurrent item, but I think in view of the explanations given yesterday on one of the items in the Colony Budget it is unnecessary for me to deal with that particular Head in a general way in the course of this speech. I should, perhaps, also just refer briefly in these general remarks to the increase of £180,000 under Head 15—2, General Works Staff. That, Sir, must seem a very large increase in one year, and I will be prepared later when we come to the detail to give in full the reasons for that increase. I will only say now that it is practically entirely made up by the provision of staff for the maintenance of military buildings for which we have undertaken responsibility as from the end of this year, and the inevitable Cost of Living Allowances. I don't think, Sir, it would be the wish of hon. Members that I should go on to discuss the details of the provision made for 1952, as there will be opportunity for this when we are considering the detailed items in a few minutes. With these remarks, I beg to move that these Estimates be now considered. (Applause.)

MR. HAVELOCK: One or two very short remarks on this matter of policy.

[Mr. Havelock]—Sir, I am still worried as I was last year, and expressed myself as worried last year, at the type of expenditure—the proportion of the types of expenditure that the Development and Reconstruction Authority is going in for. I have tried, Sir, to calculate how much of the money that is available to the Development and Reconstruction Authority is loan money and how much is other money, either from the Colonial Development and Welfare Fund, or revenue, or from back surplus balances and other funds. It seems to me, Sir, that for actual developmental purposes, for investment in projects which are going to create wealth and going to be of great benefit to the future, that those projects should be financed by loan money which I think is the policy which we have accepted. But it is right that expansion which is necessitated by the present conditions, not by future conditions, expansion of office accommodation, school accommodation, hospital accommodation, etc., is it right that that development should be paid for out of loan money? Surely that is the responsibility of the present generation of taxpayers. It is not the responsibility of the future, it is the responsibility of the present. There is every justification for the taxpayers of the future to pay for developmental schemes which will be of great benefit, but is there any justification for the future taxpayer to pay for what is really the backlog of present requirements? If one accepts that theory, is it right then, is our proportion right now as to the expenditure between these two different types of capital expenditure? As I say, I have made a rough calculation and it seems to me that we are devoting at least some of the loan moneys which we have, or expect to have, to projects which are really the responsibility of the present inhabitants and taxpayers of the country. That leads me again, Sir, to suggest that in that case there is even a stronger reason for the Development and Reconstruction Authority programme to be financed from surplus balances, which, after all, is the money paid by the taxpayer in the past and the taxpayer in the present. It is nothing to do with the taxpayer of the future. I believe, therefore, the balance must be made up and the only way we

can do it, and the right and proper way we should do it, is to increase the contributions from surplus balances, that is, the contribution of the present taxpayer.

With that, Sir, I would like the hon. Member, if he would care to do so, to comment on that particular aspect.

I would make one other point which I have made year after year, that is again we must watch, I am sure we must watch as closely to-day as we did before, the matter of the standards of the buildings which we are erect. I am still not satisfied, although I admit there has been a great improvement of late, I am still not satisfied that all the standards are in conformity with what we can afford.

One other point, Sir, should we not look with great distrust, or shall we say, examine very closely the money which we are spending in capital development for things other than wealth-producing projects. Is not, Sir, one of the greatest factors in the local inflation, the fact that we are planning now and doing now, spending millions of pounds on projects which will not bring any great wealth from the actual expenditure in the near future, and therefore, will not bring more revenue, and we are therefore creating and putting another kick into the spiral of inflation locally. Surely, if we are serious about the matter of the cost of living, we must study and examine this particular aspect extremely carefully from the cost of living aspect. I am sure it will be admitted by the great economists we have in this Council and outside, that the expenditure on these sort of things, not wealth-producing, not productive capital projects, must affect the cost of living of this country, and maybe, in order to reduce the cost of living generally, it may well be we should accept various sacrifices by not investing money in these sort of things in order to help the present generation, the man in the street. That aspect, I believe, has not been sufficiently seriously considered, and I do suggest to Government that they keep that very much in mind when they consider this great problem of the cost of living.

MR. NATHOO: Mr. Chairman, the hon. Acting Chief Secretary in moving his address stated we are spending a sum considerably in excess of last year in the

[Mr. Mathu]

Development and Reconstruction Programme. I want to ask him, has he taken into consideration the factor that the cost of building now and in 1952 will be of a much higher degree, and that taking that into consideration, how does the spending of money compare as with 1951?

Also, Sir, has he taken adequate measures to see that with the rising prices of building materials, all the requirements we want for 1952 have been adequately catered for so that we do not have to pay all the rising prices?

MR. USHER: Mr. Chairman, I just want to refer to one aspect of the Development and Reconstruction Authority programme for the coming year, and that is tourism. For which I see, I am very thankful to see some provision has been made. I should like to point out that according to my information and to the best of my belief, the amount of money allocated to the East African Tourist Travel Association from the three Governments and the Railway Administration in 1950, was about £4,975. That is a very meagre contribution when it is considered that the tourists who come to this country in that year are reckoned to have spent about Sh. 12 per head of our population. I hope that if possible, even this year, it may be possible to find by reallocation, a rather more generous contribution to tourism. From the figures that I have given it will be seen that another £5,000 would enable the Association, to which I have referred, to double its advertisements abroad and to advertise the attractions of our country to our own very great benefit.

MR. COOKE: Mr. Chairman, as my hon. friend for Kiambu appealed to the so-called economist in this Council as I was hailed yesterday as one of the prominent economists, perhaps wrongly so, I rise to deal with one of the points he raised, and that is the question of inflation being caused by the spending of money in our development programme. Sir, I do not accept that point of view, because I think the injection of a few million pounds, even if it were a few million pounds, into a Colony whose national income is well over £80,000,000, would have little effect and would have all the more little effect, if I may put it

that way, from the fact that a great deal of this money is spent in England buying capital goods and in fact it is taking away, from the pockets of the people, a lot of spending power and therefore cancelling out what my hon. friend quite naturally fears.

There is just one other point with which I want to deal and that is the impact of the Planning Committee Report on these Estimates. I am one of those who find it very difficult to understand the Planning Committee Report. It always seems to me as if alternative paragraphs had been written by the Chief Secretary and by the hon. Member for Rift Valley. Because they seem, in careful studies of the report to cancel out one-another. It is very difficult for plain people like myself to know what the Planning Committee Report really means, but I will be getting out of order for talking too much about the Planning Committee Report. All I say now, is I approve Government's plans as submitted in these Draft Estimates. I think they show great confidence in this country, a confidence which I myself, Sir, beg leave to share.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I only want to deal very briefly with the points raised by my hon. friend the Member for Mombasa. He made, I thought, some very pertinent observations on the value of tourism in this country. It is great economic value to this country; it is, in fact, our greatest invariable export. He then, however, made a plea for an increased subvention to the Tourist Association. Now, Sir, I have the greatest admiration for the work done by that body, and I would confine my remarks to the single point raised. He said, I think that, any increased subvention should be as a result of reallocation of funds. But, Sir, the hon. Member, with other hon. Members, is telling us how to cut the funds that are made available for country during the next year. I suggest that the hon. Member should now tell us how we are to reallocate funds, because, Sir, I think the hon. Member will agree with me that only this Committee can in fact make such reallocation, and the Budget is voted. Vote by Vote, specified in relation to certain services, and I think the hon. Member, in view of his very pertinent remarks about tourism, should

[The Member for Commerce and Industry].
go a little further and tell us how to do it. (Applause.)

THE CHAIRMAN: Would the hon. Member for Commerce and Industry be good enough to assist me by directing me to what part of these Estimates has any reference to tourism?

THE ACTING CHIEF SECRETARY: In 15—4, Sir, on page 15.

THE CHAIRMAN: Thank you. I wanted to find where it was, I had been looking for it for a long time.

MR. USHER: If I might be allowed to reply, Sir, I should do it by reallocating in this way, by the allocation of a rather larger sum this year to be deducted from some other item preferably under the same Head, that is, Miscellaneous.

THE FINANCIAL SECRETARY: Mr. Chairman, I rise to reply to some comments made by the hon. Member for Kiambu. He put forward the proposition that our loan moneys, loan funds, should in general be directed towards solely productive projects, and that what he called normal expansion—I presume he means development with a small "d"—should be financed from current revenue funds. Now, Sir, in general—not as a financial principle so much as a tactic to make our Loan Schedule look attractive to prospective subscribers—we do attempt to tie our loans to direct producers. But it is not a point of finance so much as a point of market tactics. For instance, I will read out the Loan Schedule to our 1952 Loan Ordinance. It reads somewhat as follows—I have not got the Schedule in front of me, Sir, but this is more or less what it says:—

Education,	£1,750,000;	Roads,	£1,480,000;
Agricultural Development,	£1,000,000;	Loans to Local Authorities,	£1,000,000;
Water Supplies,	£500,000.		

Now, Sir, the hon. Member will say, no doubt, that Education, £1,750,000 does not conform to this principle. But does the hon. Member suggest, Sir, that the present generation should pay wholly for schools being erected now, when these schools will still be occupied by children two and three generations hence? Is that the proposition, because

if so I myself cannot subscribe to it. (Hear, hear.)

He suggests that there should be an increased contribution, either directly from ordinary revenue or from surplus balances. Well, Sir, I do not think that any hon. Member in this Committee can complain of the contributions made by direct revenue during my own term of office. Last year there were additional contributions of no less than £500,000 over and above the normal contribution of £500,000. I have in these Estimates this year suggested an additional contribution from revenue of £600,000. When, however, that proposition was made to the hon. Member he seemed to take great objection to it.

MR. HAVELOCK: Hear, hear.

THE FINANCIAL SECRETARY: I cannot therefore quite follow the logic of the hon. Member's argument. He suggests higher contributions from revenue and yet when I propose a special contribution of £600,000 from that source, he opposes!

He further suggests we should make further contributions from surplus balances.

MR. HAVELOCK: Which is revenue.

THE FINANCIAL SECRETARY: Of course it is revenue, I agree with the hon. Member.

MR. HAVELOCK: Now I need not reply.

THE FINANCIAL SECRETARY: But this proposition is not being raised for the first time by him. If the hon. gentleman will cast his mind back to the 31st of October, exactly 30 days ago, in my Budget speech I stated that we shall attempt to close part of this gap by voting a total of £1,000,000 from the surplus balances. Another part of the gap, as everybody knows, we propose to fill by the proceeds from export taxes. Now, even with these measures, as I made quite clear, even on the present estimates of the proceeds from export taxes and from the £1,000,000 surplus balances, there is still a residual gap of something like £1,000,000. And I went on to say that it may be possible a little later, when we see more how we stand, and after we have overcome this locust threat, it might be possible to make a further contribution from surplus balances. Now, Sir, in these circumstances I hardly think

[The Financial Secretary]

the hon. Member can claim originality for the idea he has just put across the Council floor, when, as I say, 30 days ago these suggestions represented one of the major features of the Budget speech.

Sir, he further suggested that expenditure, capital/expenditure to-day on what he called non-productive—I think that was the term he used—non-productive development, is inflationary, or at least aggravated the condition of inflation in which we find ourselves. Now, Sir, I am not going to enter into any discussion as to whether in fact Kenya is suffering from inflation. If we define inflation as too much money chasing too few goods and services, I would say that the conditions in Kenya do not conform to that definition. However, as I say, I do not wish to enter into any discussion on that highly controversial subject. But when it comes to this question of spending money on non-productive—I am not quite sure what the hon. Member meant by non-productive. I presume he is referring to so-called social services, education and medical services, and possibly police. But I would contend, Sir, that they are in fact in the long term productive. (Hear, hear.)

MR. HAVELOCK: In the long term, yes.

THE FINANCIAL SECRETARY: And I also say this, that if we have a manpower, a manpower which is unhealthy or which is wholly uneducated or has not even the elements of education, that manpower cannot be efficient. (Hear, hear.)

Sir, we have heard a lot about our economists, but I am going to venture a personal economic opinion. My opinion is this: that the true wealth of any State is a function of two things. It is a function of the natural resources of that country; that is to say, the mineral resources beneath the soil, and the fertility of the surface of its lands. That is the first factor. The second factor is the efficiency of its manpower. (Hear, hear.) It is no use having all the natural resources in the world unless there is an efficient manpower to exploit it.

Now, Sir, the question of what our country has, we have of course, fertile lands which are reproducing valuable crops, lands which are reproducing valuable crops. Our mineral wealth is still undetermined. There is a possibility that we shall find

oil in the Northern Frontier District. But I do not think that anybody would argue that the efficiency of the overall manpower is at a high level. On the contrary, I would make the suggestion that the efficiency of the manpower of this country is at a very low level indeed. Consequently, Sir, I will contend that any development plan that omits provision to rectify that fundamental defect in the economy of this country is wholly unbalanced and cannot lead to that prosperity which we hope that this plan and its successors will produce for this country. (Applause.)

MR. HAVELOCK: The hon. Member, Sir, is a little bit touchy, seemingly, on this subject, and takes the opportunity to make a long speech.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: On a point of order, Sir, are we debating policy?

THE CHAIRMAN: We are debating policy.

MR. PATEL: The hon. Member has already spoken. There is no second speech.

THE CHAIRMAN: Quite right, there is no second speech.

THE DIRECTOR OF PUBLIC WORKS: (Applause.) Sir, this is not a maiden speech, it is just a very short comment on one point concerning my Department, which was brought up by Mr. Nathoo. He asked about whether allowance had been made for rising costs of buildings in these Estimates. Well, they have been made. There is an allowance of 10 per cent, actually, which I gather, on the amount of rise that has taken place during the last year or two, should be sufficient. He also asked as to how we were stocked for the necessary materials for next year's programme. Well, the position, Sir, is a little mixed, it varies. On the whole, I think we are fairly well stocked. We certainly, as regards value, are fully up to the amount we are most doubtful article is, of course, cement. We have, a standing order of 1,500 tons a month for cement, and although stocks are low at the moment, there are between three and four thousand tons in sight, they are either on the water or actually at Mombasa, possibly some of it is on the Railway.

[The Director of Public Works]

Another difficult material is steel. Steel reinforcing parts we are short of at the moment, but there also we have nearly 4,000 tons in sight. Unfortunately, we have had to order some from Japan. I beg your pardon, when I said 4,000 tons I made a mistake, it is 1,100 tons. We do not use that much reinforcing steel. Manufactured steel is a very difficult question indeed, and the shortage will, I am afraid, be acute. But design is so being done so as to avoid hold-ups as far as possible, and make the maximum use of reinforced steel. The position as regards another very important material, water piping, is fairly good, there is plenty coming in at the moment and the price will be about £75,000. As for the rest of the material, we are fairly well stocked. I think that is as much as I can give at the moment to Mr. Nathoo. (Applause.)

MAJOR KEYSER: Mr. Chairman, both the hon. Member for the Coast and the hon. Member for Finance have mentioned the point that they did not think that the Development Programme was inflationary. That, Sir, to my mind is a most astounding statement, because the expenditure in a country like this, where we have not got sufficient artisans where there is a shortage of materials of various kinds—surely the expenditure of 16,000,000 a year must be inflationary. I do not say it is the main cause of inflation. Surely it must be inflationary?

The hon. Director of Public Works has just told us that steel bars and cement are difficult to get. Surely the more steel bars and cement we buy in the world puts up the price of cement and iron bars in the world—it inflates the price of cement and iron bars overseas. It does help to do so, but I cannot agree, Sir, that the expenditure of 16,000,000 a year contributes nothing towards inflation that is taking place in the Colony to-day.

MR. MACDONOCHIE-WELWOOD: Mr. Chairman, I only want briefly to mention one matter in the speech of the hon. Member for Finance: that is, when he referred, amidst great applause, to the increasing production which is produced by education. I think it is very important for the people to realize that that means a certain type of education which can be usefully applied. (Hear,

hear.) There is far too great a tendency for people to believe that, given the power to read and write—the fact, a primary school education—that they are automatically more productive. Whereas I agree that those things are essential, it does seem to me very important that this Committee should point out that, in fact, it is the technical education that follows that primary education that matters, and that is the education on which, so far, we have spent the least money in this country, and we have no hope, I submit, of advance until that vital fact is realized—that it is technical education alone for the broad masses of the people that can produce wealth for the future.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I, of course, agree to a very great extent to what my hon. friend the Member for Usin Gishu has said. The part of the Estimates we are now considering contains a re-direction of education to technical channels. Nevertheless, Sir, as he himself admits in his speech, unless you have the primary education—unless a man can read and write—he can make no advance in technical education whatever.

So it would be merely window-dressing to have a technical institute without a population which was being fitted, basically, to produce people who could make use of that technical institute.

Now, Sir, I think the hon. Member for Trans Nzoia rather picked up my friend the hon. Member for Finance in the wrong light. What the hon. Member for Finance said was a description of inflation, and he gave a description of inflation—too much money chasing too few goods. He said that that was not a position which could be described as applicable in Kenya at the present moment, where—if I may presume to elaborate on this description—with the great majority of our country, it is too little money chasing too many needs.

THE ACTING CHIEF SECRETARY: Mr. Chairman, after the speeches of my colleagues on this side, there is very little that I need say in reply.

Firstly, I agree, of course, with the hon. Member for Kiambu when he advises that we must watch very carefully our building standards. It was a

[The Acting Chief Secretary] point made some days ago by the hon. Member for the Eastern Area, Mr. Patel also. I agree and, in fact, the Development and Reconstruction Authority does inspect building plans, and does have very much in mind the need to keep standards at a reasonable level. The Authority does not however wish—and I do not believe hon. Members here would wish—that in seeking austerity in standards of building we should go too far in the other direction. We certainly do not want, in the course of the next few years, to cover the country with a lot of architectural monstrosities!

It may also be of interest to hon. Members to know that, when he was in England recently—a month or two ago—the Superintendent Engineer (Buildings) in the Public Works Department went to some trouble to compare the building standards for the so-called economy schools in the United Kingdom with those set for our own schools, in this country; and if hon. Members would allow me to refer to some notes, they may be interested to know that, whereas in the United Kingdom in 1949, grants to Local Government Authorities for building schools were calculated at the rate of £195 per place for primary schools, and £320 per place for secondary schools, the comparable figures here in Kenya are £93 per place in primary schools, and £180 per place in secondary schools.

Again, another comparison which is of interest: at Home the Ministry of Education insists on having an assembly hall for every school. They regard the assembly hall at the centre of public life in the school and as something without which almost a school is not a school. Here in Kenya we do try to carry on without an assembly hall, so long as there is somewhere where the children can congregate together. At home, in addition to their assembly halls they also practically always have separate dining room accommodation for the pupils. I make these points, because they do, I think, illustrate the care that we are giving here to see that standards do not rise higher than we can afford.

As regards the so-called non-productive buildings—I am not sure whether the hon. Member for Kiambu was particularly referring to buildings—I

rather believe he was—if Members will look at the Estimates they will see that a large proportion of the Estimates under the Buildings Head are for schools, and I would remind them that the Development and Reconstruction Authority, in preparing these Estimates, must be guided by the instructions we have received from this Committee, and these are the instructions which we have in the matter of building schools taken from paragraph 151 of the Planning Committee's Report, where it is stated:—

“There is not the slightest doubt that the demand for adequate educational facilities for Europeans and Asians, as well as for Africans, is overwhelming, and that nothing in the nature of retrograde steps of this kind”—that is an abandonment of accepted policy—“should be tolerated by public opinion.”

That, Sir, is the mandate which I and my colleagues on the Development and Reconstruction Authority had before us when preparing these Estimates. I believe it is productive expenditure, but it is, of course, productive over a long term.

I think, Sir, that there are no other points requiring a reply, and I will not detain Members further.

THE CHAIRMAN: The question is that, subject to Heads 15, 3, 6, 9 and 10 be passed over for consideration for another day, that the Draft Estimates for Expenditure for Development and Reconstruction Authority be now considered.

The question was put and carried.

Committee adjourned at 10.57 a.m. and resumed at 11.17 a.m.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15—1, Administrative and General, items 1—6 and 2—4 be approved.

MR. MACONOCHE-WELWOOD: Mr. Chairman, item 1—2, I beg to move that this item be reduced by £200. I do so, Sir, in order to emphasize a principle which we on this side of the Committee feel very strongly, that a post should not be automatically increased in salary because certain holders of those posts in certain departments carry a very heavy weight of responsibility. I do not believe that it adds to the efficiency of any service to have throughout this uniformity

[Mr. Maconochie-Welwood] regardless of the responsibility borne by the individual. For that reason I will move this reduction.

MR. COOKE: Sir, I am also supporting the reduction but from a slightly different angle. I have laid down two criteria here, since the debate started and one was wasteful expenditure and one was unnecessary expenditure. I think in this case, it is unnecessary expenditure, and I am going to take the same line with regard to the whole five proposals for increasing the salaries of the Secretaries. I think we are not justified in doing so. I have not heard any arguments from the other side as to why we should. If you take a comparison with some other departments you will find, I think, Sir, that in the Education Department for instance the Deputy Director of Education would be receiving something like £100 a year less than these Secretaries and I think that is putting all salaries completely out of proportion, and would indeed be a source of irritation, to put it lightly in the Civil Service. In fact, the Civil Service Board, of which I am acting Chairman at the moment, recorded a protest the other day against the raising of these particular salaries.

I think if someone is deserving for any particular reason the rise should be given him. It should not be attached to the post and should be personal to himself. Therefore, I am supporting the Motion put forward by my hon. friend the Member for Uasin Gishu.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I rise to oppose this Motion. The figure of £1,635 has been included in these Estimates because having regard to the work and the responsibilities attaching to this post and the others to which the hon. Member referred, the Government thinks that this is the proper remuneration. It is felt, in general, as I tried to make clear last week, that the work and the responsibilities attaching to these posts since they were established in 1946 has very considerably increased with the increasing need for Members to apply themselves more and more to the political side of their duties. It is a fact, and I state it with emphasis, that the work and the responsibilities attaching to these posts have both increased, and it is the practice of Govern-

ment, as I have no doubt it is the practice of business men and industrialists, to adjust the salaries carried by posts when fundamental changes take place in the amount of work and the responsibilities which the occupiers of those posts are required to undertake, and that is why this proposal is made in these Estimates. If, for a start, hon. Members will compare page 11 of these Draft Estimates, with page 15 of the 1951 approved Estimates, they will find that this year provision is made for one post of Secretary for Development and Reconstruction and Financial Adviser, at a cost to the Development and Reconstruction Authority, if this proposal is approved, of £1,635, whereas last year hon. Members approved the following: Item 1—2, Secretary to the Development and Reconstruction Authority—£1,435; and, in the next item—Secretary to the Planning Committee and Financial Adviser—£1,435. Those two posts, quite apart from anything else, have this year been rolled into one at a saving of £1,200. As hon. Members know, the Planning Committee is remaining in being as a Standing Committee, and though the work required of this single officer during 1952 in regard to Planning Committee work will not, of course, be as great as it was when the Report of the Planning Committee was being born; and going through the gestation period, nevertheless there will not be a great deal of difference in the amount of the work which was this year being done by two men and which is next year going to be done by one man. Quite apart from that, Sir, it is the intention of Government that whereas in the past the officers holding these posts have been concerned solely with Development and Reconstruction Authority work, the Secretary for Development next year in addition to his responsibilities to the Development and Reconstruction Authority will also be in the fullest sense of the word, Secretary for the Chief Secretary and Member for Development just as other Members have senior civil servants to assist and guide them. So that in 1952 one man, in so far as the Development and Reconstruction Authority is concerned, is going to do the work of the two for whom this Council made provision in 1951, and that one man is going to take on in addition the work which comes through to the Chief Secretary in his

[Mr. Blundell.]

Mr. Chairman, I do wish to reinforce what the hon. Member for the Coast said. I believe that inevitably under the Membership system, some Secretaries will have to assume wider responsibilities, heavier burdens than others. That is inevitable because of the movement of the portfolios under the Membership system. In the time that I have been in this Council certain Members' responsibilities have swollen up, and others, for various reasons, have been reduced. Now, I believe the proper way to meet that, and I believe it was the origin of this rise, is to pay, if necessary, for burdensome responsibilities over a long period, a personal allowance to the officer concerned. (Hear, hear.) What I cannot agree is—I understand—I am deterred from using the phrase "Tom, Dick and Harry", I have to use the phrase "Jack, Jake and Jasper."—I cannot see why they all have to go up the ladder, everyone all at the same time, altogether left foot forward followed by the right; I cannot accept that. I do urge Members on this side of the Council to support this Motion. It is utterly wrong because the responsibilities are not level for every Secretary.

THE ACTING CHIEF SECRETARY: Mr. Chairman, of course the work and the responsibilities—what I would say the work, not the responsibilities at the moment—cannot possibly be measured, and are not precisely equal in this office with what goes on in the other offices, nor, of course, can the work as between, let us say, my hon. friend the Member for Finance and the hon. Member for Agriculture be measured up as being precisely equal. The amount of work varies from time to time in the different portfolios, and so, of course, does the amount of work which the Secretary to the Member in charge of those portfolios has to do. I hope that I have satisfactorily replied to my hon. friend the Member for Uasin Gishu on this point.

On the question of responsibility, I would say that the responsibilities which the Secretary takes on his shoulders must, of course, always depend upon the measure of authority delegated to him by his Member. But, as regards my particular portfolio, my belief is, as I have tried to explain to hon. Members, that whether he wants to or not, the Chief Secretary and Member for Development will simply not have the time available next year to deal

with as much of the work in that office as the Chief Secretary has been able to do during this last year; and the political and constitutional development which is now going on in this country is after all a policy which the hon. Members opposite have strongly supported, and I imagine that they will go on supporting the devolution of the responsibilities of Government on to Members holding portfolios.

I imagine that the time may not be very far hence when another hon. Member from the non-Government ranks may come over to take charge of another portfolio on this side.

MR. BLUNDELL: You need strengthening.

THE ACTING CHIEF SECRETARY: The hon. Member for the Rift Valley looks at me smiling. Let him look as cheerful as he will, but when that time comes it might be him.

MR. BLUNDELL: God forbid. Mr. Chairman, he must withdraw. (Laughter.)

THE ACTING CHIEF SECRETARY: I wonder whether he would like to accept the responsibilities carried by my hon. friend the Acting Deputy Chief Secretary who is going to have to function next year without any senior civil service assistance. I put it to him, that he would have more dream of accepting that responsibility than fly over the moon to my own concern. And, coming back to my colleague, if hon. Members could only appreciate what the responsibilities of the Chief Secretary are going to be, I am perfectly certain that I can say with every honesty—

THE CHAIRMAN: We are only discussing a reduction, not the abolition.

THE ACTING CHIEF SECRETARY: I am directing my mind to the reduction in this particular case, and am referring to the question of responsibility—I believe that the Secretary to the Chief Secretary and Member for Development next year will have every bit as much responsibility, which he will have to carry on his own shoulders, as the Secretary to any other Member on this side of the Council. Of course, I take the point of the hon. Member for the Coast: I am indeed submitting this matter to the judgment of the Committee; I do not

[The Acting Chief Secretary.]

Let me judge the matter myself, but I do believe that on the facts, and that is what I would emphasize, on the facts, I do know the facts of this matter; I do not see how hon. Members on the other side, without spending some days sitting in my room in the Law Courts building, can know the facts, and I stand very strongly by the facts which I have given as justifying this salary in this particular case. Other Members will, no doubt, if the matter is raised when their own offices come up for consideration, seek to justify similar provision for their own Secretaries, on their merits of the case, which is what I am seeking to do on this item.

Of course, Sir, civil servants are always prepared to accept increased responsibilities, but when the fundamental character of a post changes, as the character of these posts has changed over the last few years, then a new situation is created which requires new consideration to be given to it, and that, Sir, is what has happened in the particular case of this post. I can assure hon. Members that in regard to extra hours, the extra three hours a week is unlikely to make any difference whatsoever to the officer occupying this particular post.

The hon. Member for the Rift Valley said, why do they all go up the ladder together. Well, Sir, the hon. Member will no doubt hear, as these posts are discussed by my colleagues why in each case the Member concerned considers that the increase is justified. I do not want to go outside this particular Head of the Estimates now, but I justify this increase on what the occupant of the post will be required to do, and the responsibilities which he will be required to carry; and I believe that the salary opposite this post in these Estimates is the right one in the circumstances.

MR. SALTER: Mr. Chairman, we have spent 33 minutes over this question and I move that the question be put. (Hear, hear.)

THE CHAIRMAN: Well, I do not want to unnecessarily close the debate. I want to give leave for that Motion. You may move the closure.

LADY SHAW: As the hon. gentleman got up to move the closure, I was

trying to get on my feet, but I gave way to him—because I thought he was going to continue the debate.

The question that the question be now put was put and carried.

The question that item 1 (2) be reduced by £200 was put and on a division negatived by 18 votes to 14 votes. (Ayes: Messrs. Blundell, Cooke, Havelock, Hopkins, Macnochie-Welwood, Nathoo, Patel, Dr. Rana, Messrs. Salm, Salter, Shary, Lady Shaw, Mrs. Shaw, Mr. Ushah, 14. Noes: Major Chavandhi, Bentick, Messrs. Davies, Hartwell, Hope-Jones, Hunter, Jeremiah, Matthews, Sir Charles Mortimer, Messrs. Ohanga, Padley, Pike, Pritam, Rossan, Taylor, Thornley, Trim, Vasey, Whyatt, 18. Paired: Mr. Carpenter, Lt.-Col. Gherrie, 2. Absent: Mr. Chemallan, Major Keyser, Messrs. Madan, Mathu, 4. Total: 38.)

MR. BLUNDELL: Mr. Chairman, sub-item (3). I want to ask the hon. Member for Development—I understand that this post has been moved over from the other volume—will this be the officer who is marked "Assistant Secretary of Development and Reconstruction"? Has the hon. Member got it in mind that this officer will undertake also the work of the Secretary to the Planning Committee?

THE ACTING CHIEF SECRETARY: No, Sir. Provision was made for this officer's salary on the establishment of the Colony's Estimates for the current year as a Section Officer. As, however, some 90 per cent of his work is on the Development and Reconstruction Authority work and Road Authority work I thought it proper that the post should be provided for out of Development and Reconstruction Authority funds. It is the intention that the Secretary for the Development and Reconstruction Authority will be the Secretary for the Planning Committee when it stands again next year.

The question was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15-2, General Works Staff, be approved. I am not sure, Sir, how hon. Members would like to deal with this matter—whether perhaps they would like me to take them through Appendix A' which contains the details that go to make up the totals of these Estimates—

Mr. HAVELOCK: Mr. Chairman, I think if the hon. Member will take the whole Head, items 1 to 10—we do not want to raise any details under this Head.

THE ACTING CHIEF SECRETARY: I beg to move that Head 15—2, General Works Staff, items 1 to 10 be approved. The question was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15—4, Miscellaneous, items 1—10 be approved.

Mr. HOPKINS: Sir, item No. 1. During last year's Budget debate on this item, the hon. Chief Secretary gave me an assurance that it was hoped that it would be possible out of the provision made to construct a serviceable runway, for the aerodrome at Nyeri. Unfortunately, through no fault of his, urgent repairs at Nairobi West Aerodrome and Port Reitz became necessary and the money which was earmarked for Nyeri had to be diverted to this other urgent work. The aerodrome at Nyeri serves a large and growing population.

THE CHAIRMAN: Order, order. There are certain interruptions going on.

Mr. HOPKINS: It serves a large and growing population in the Nyeri district. It serves the Police Training School which we heard about yesterday, the Mount Kenya Hospital and the European Primary School there. In spite of strenuous efforts on the part of the Chairman of the Road Authority it was impossible this year, as it has been in previous years, to keep the road from Nyeri to Nairobi open. The railway line was also for a period completely broken down so that Nyeri was cut off from the outside world. This seems to emphasize the importance, Sir, of having a serviceable aerodrome. The area in which this aerodrome is situated is very subject to local storms and the surrounding country and the runway itself are of black cotton soil that it is very difficult to see from the air whether it is safe to land on the runway. Now the following incident will give you an idea of what is happening all the time. A couple of months ago, a doctor, a specialist, was called up to Nyeri for an urgent case at the hospital. Before leaving Nairobi, he rang up to find out whether he could land at the aerodrome. There being no telephone

there, and its being situated five or six miles away from Nyeri he was unable to get any information and when his aeroplane got over the landing ground, the pilot decided there would undoubtedly be quite a lot of rain and went on to Nanyuki and landed there. It took the doctor several hours which it was not really possible for him to spare if it could be avoided before he was advised to come by car. Now, Sir, incidents of that kind are frequently occurring. I understand the Director of Civil Aviation has inspected this aerodrome and recommended that the smallest runway which is practicable, which could be built, is one of some 4,000 feet long. I would also like to stress the importance of telephonic communications and I hope I will be able to get some assurance that this work will get highest priority from this Vote which is here provided. If, Sir, the Public Works Department, are not able to undertake the work in the near future, then, Sir, I would suggest that the District Council or some private contractor be approached, as the need for this aerodrome is really urgent.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I was most interested to hear the observations of the hon. Member for the Aberdeens. The total sum in the Estimates is £28,750 which has not so far been voted. The cost of making the improvements requested at Nyeri, for very good reasons indeed, will be a considerable percentage of that sum. Using the words of the hon. Member for Kilambu, we have to consider these things in the light, not of what is desirable, but what it is possible to provide out of the limited funds available. I am not making this observation as a debating point in any sense of the word—I am merely making an observation that must be considered. I would also, before answering the hon. Member, like to point out that there are very strong claims indeed for aerodrome facilities, for instance, in the Soik-Kericho area—very strong indeed—which can hardly cost less than £6,000 or £7,000. There are also strong claims for new landing strips—I repeat, landing strips—at such places as Amboseli, Embu, Machakos, Kitui, Garsen and Kipini. Now, Sir, it is quite clear that the sum of money that we ask hon. Members to vote will not be sufficient

[The Member for Commerce and Industry] to meet all those competing claims, quite clearly and what I would say to the hon. Member is this; that because our resources are limited, because the demand for facilities in regard to aerodromes is naturally so great, and because the sum of money involved in respect of the construction or improvement of each one of them—is at a time of high prices very great in relation to the sum provided—I have, Sir, sought permission in another place to set up a Committee to advise me on those priorities. There is not enough money to meet all these very good claims. I cannot promise the hon. Member that top priority will be given to the Nyeri aerodrome, any more than I can promise other hon. Members who require aerodrome facilities in their constituencies that top priority should be given, for instance, to the Soik-Kericho scheme, or even the Machakos scheme.

LADY SHAW: I thought that was at the bottom.

THE MEMBER FOR COMMERCE AND INDUSTRY: I was merely pointing out that I cannot promise priority. What I can promise is that the merits, in relation to the money available, of each one of these schemes will be put to the Advisory Committee, and again, Sir, I must add one word of warning. The hon. Member referred to the repairs of an urgent nature that had to be carried out at Nairobi West and at Mombasa. Well, Sir, again it was a question of priority. A great many planes every day, responsible for the safety of a great many passengers, use Nairobi West, as the headquarters of the East African Airways. Mombasa is the second city, the second urban—I was going to say conglomeration, but that would not do—second urban centre of Eastern Africa, and Sir, it was essential that the aerodrome be repaired and indeed the demands from hon. Members who represented that fair city were so strong that they could not easily be denied.

Now, Sir, I think I have made the point very clearly. I apologize for being somewhat longer-winded than usual but I did think that the hon. Member deserved a full reply. No undertakings can be given as regards priorities until the case has gone to the Advisory Committee. I can assure him the very

fairest consideration will be given. (Applause.)

Mr. HOPKINS: Sir, may I just make a few short remarks. The hon. Member has taken a very long time to tell me a very little. The point I wanted to establish was that I was given to understand on the highest authority that last year the requirements of the Nyeri aerodrome were fully appreciated and were going to take the highest priority had these emergency works not intervened, and, Sir, I submit that in those circumstances it is very unlikely that the claim of any other aerodrome should supersede them this year.

THE MEMBER FOR COMMERCE AND INDUSTRY: Sir, I apologize to hon. Members for taking rather a long time. I explained that I had taken rather a long time so that the hon. Member for Aberdeens would appreciate the point. He has perhaps failed to do so, otherwise he would not have spoken again. The point I made was this, that emergencies arose last year which affected the safety of passengers using certain aerodromes, not once a week, but many times a day, and I know perfectly well that neither the hon. Member nor his constituents would wish that that money, that is quite rightly required for the Nyeri aerodrome, should not be spent to protect the lives of a great many people. In other words, that priority gave way to a greater priority which was the protection of life. I promise the hon. Member and I ask him to listen—I promise the hon. Member that we will give the highest priority possible to the Nyeri aerodrome in the coming year, and that is what the promise was a year ago. The word "possible" was included.

Mr. USHAK: Item 7. I referred to this in a Policy debate on this Head. I should like to give a specific reply now to the point raised by the hon. Member for Commerce and Industry—that is to say, how extra provision could be made to help the East African Tourist Travel Association. I have ascertained in the interval that the powers of *virement* under these Heads, these Development and Reconstruction Authority Heads, are not clearly laid down, but I think there would be no doubt that if the hon. Member responsible for this item could agree with some hon. Member responsible for another item to

[Mr. Usher] to him, as it were, a proportion of the money for that other item—(laughter)—on the strict understanding it will be repaid—(laughter)—or alternatively, if the hon. Member would use his powers within the items under his control, that would be a very satisfactory way—

THE MEMBER FOR COMMERCE AND INDUSTRY: From aerodromes?

MR. USHER: Not necessarily. The point really is, Sir, the money I am suggesting should be given as a subvention to the East African Tourist Travel Association would be much better used early in the year than spread equally over a number of years.

THE MEMBER FOR COMMERCE AND INDUSTRY: From the money that you, as a Member of the Board of Commerce and Industry, voted for industrial development, or from aerodromes? Those are the only two I have.

MR. USHER: Sir, I see two items here—Tourism is one and National Parks is another. I think possibly both are under his control? No, well, Sir, I do not know how this is to be done, but I do hope it will be found possible to help the Association which I have mentioned earlier because it does bring in such handsome dividends.

MR. NATHOO: Mr. Chairman, I have the opportunity of addressing this Council before on the subject of Tourism and pointed out that tourists coming from non-European countries do not receive the facilities in this country in spite of the fact that they are prepared to pay the charges, so I want an assurance from the hon. Member for Commerce and Industry that when this money is being spent on the provisions for tourists, that all tourists, irrespective of colour, should receive the facilities from the East African Tourist Travel Association when they do come.

THE MEMBER FOR COMMERCE AND INDUSTRY: The East African Tourist Travel Association is not a Kenya Government body. It is financed by contributions from such bodies as the Railways, private individuals and the three Governments. Now, Sir, I do not control, nor does this Government control, the East African Tourist Travel Association. I say that, Sir, not because I do not believe that they do not do their utmost

to extend the treatment to all asked for by the hon. Member, and that all of us would not wish to do the same, but I do just make the point that it is an independent body. I would add, having said that, that I agree with the sentiments expressed by the hon. Member.

MR. NATHOO: Arising out of the remarks of the hon. Member, may I draw his attention to the fact that in (inaudible) they have taken measures in that country to see that tourists do receive first class treatment in all hotels and in all organizations.

THE ACTING CHIEF SECRETARY: Mr. Chairman, it is encouraging to hear this demand coming from hon. Members opposite for further expenditure. It is a change; but I must comment on my hon. friend's suggestion that any hon. Member on this side might perhaps be prepared to come along and say to one of his colleagues: "Here are some of my funds—will you please take them and spend them as you will during 1952". Mr. Chairman, we are all very good friends on this side, but believe me, we have been given by my hon. friend the Member for Finance one single bone to split between us in 1952, and anybody who has had the experience of acting as Chairman of this Authority, which I have had, would know the amount of friendly wrangling which goes on before that bone is divided up, and it would not be a popular move for any Chairman of the Development and Reconstruction Authority to go back now before the year has started to those hon. Members and say: "Now I wonder if I might not start a redistribution of the limited funds available for expenditure in 1952". No, Sir, no hon. Member on this side has got provision in these Estimates for anything like all that he wanted.

The question that Head 15—4 be approved was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15—3 "Loans to Local Authorities", item 1, be approved.

The question was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I think that as Head 15—8 is only reproduced because expenditure was provided under it last year, I can pass by and move on to Head 15—11, Buildings, the intervening items coming later on. I

[The Acting Chief Secretary] beg to move that Head 15—11 (1), Staff Quarters, items 1—6, be approved.

The question was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15—11 (2), Agricultural Buildings, item 1, be approved.

The question was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15—11 (3), Educational Buildings, European, items 1—10, be approved.

MR. HAVELOCK: Would the hon. Member like to move sub-heads (3), (4), (5) and (6) together?

THE CHAIRMAN: Certainly, it is agreeable to everybody.

THE ACTING CHIEF SECRETARY: I beg to move that Head 15—11 (3), (4), (5) and (6), School Buildings, with all the items included under these sub-heads, be approved.

The question was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15—11 (7), Government Offices, items 5 and 6, be approved.

MR. HAVELOCK: Mr. Chairman, item 5. I wish to move that item 5 be deleted. It seems to me, Sir, that this is an example of unnecessary, although it may be desirable, expenditure, and such remarks that I make now would be merely a repetition of the remarks I have made before, especially on the policy debate, and in view of the fact that the Labour Department at the moment in Nairobi is, as I understand, established in temporary buildings, I would like an explanation as to where this money is to be spent. Are they to be permanent buildings built on the same site as to-day? Without any other information it seems to me the amount is unnecessary. I move to delete.

THE LABOUR COMMISSIONER: Mr. Chairman, these buildings do not refer to replacing the Labour Department buildings which the hon. Member for Kiambu has referred to as temporary. They are, in fact, Sir, an extension to the Registration Offices in Nairi's building. Nairi's building houses both Registration and also the Employment Section of the Record Department, and it is in the latter part of the office that tremendous congestion has been taking place and has been in-

creasing over the past year. It is the intention, Sir, that we build a single-storey building alongside Nairi's building to house some of the clerks which at the present moment are working under conditions which I am quite certain the hon. Member, if he cares to go and see, would very much depreciate. In point of fact, Sir, the Department made application to Government that a new building altogether be provided because the present building was not altogether suitable for the work which was being carried on in it. That building would cost something like £70,000, and we were told that as long as we could make use of the present building (which is a hired one) we would do so, and that this minimum estimate which we put up as an alternative would take care of the situation in the meantime—this estimate put up by the Public Works Department, Sir, was £10,000. I think, Sir, that if the hon. Member will come to this office at any time we will show him that this particular building is very much overcrowded.

MR. HAVELOCK: Mr. Chairman, I still feel I am afraid that this building should not yet have the priority which is given to it. I feel that there are others, if money is to be spent—and I do not say it should be—there are other things very much more important. I do not like the idea of adding on to this present Registration building. Another thing is that the Committee has not yet dealt with it under the Head of the hon. Labour Commissioner, and maybe when it does there will be no need for further accommodation!

MR. COOKE: As I understand the position, Mr. Chairman, these matters have all been gone into by the Planning Committee?

THE CHIEF SECRETARY: They are Planning Committee recommendations but the priorities and allocations included in these Estimates are those recommended by the Development and Reconstruction Authority.

MR. COOKE: They obviously had all the facts and figures. I would not like to defeat it by a map vote until I knew more about it.

MR. BLUNDELL: Is this the building in which the records of registration will be kept?

THE LABOUR COMMISSIONER: It is the building where the records of employment will be kept.

THE ACTING CHIEF SECRETARY: If, Sir, hon. Members would prefer it, I would be quite prepared, particularly as we have not yet dealt with the Labour Department's Estimates, to apply the formula under which this particular item can be considered by the Standing Finance Committee, if supply can be voted now.

MR. HAVLOCK: I am prepared to agree with that, Sir, and withdraw my Motion.

The question that, sub-head (7), Government Offices, items 1 to 3, be approved was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15—11 (8), Judicial Buildings, item 1 be approved.

MR. BLINDLELL: Mr. Chairman, I beg to move that the item be reduced by £10,000.

MR. CHAIRMAN, speaking to the Motion, I must make it clear that I raised this matter in the Planning Committee. I do not know the exact accommodation that is going to be provided at Kisumu and, with such a galaxy of legal talent on this side of the Committee, it would be impossible for me to get sympathy for the complete elimination of the Court House. The Court House is necessary at Kisumu, but I would ask the hon. Member to accept my Motion, I find it very hard to believe that a Court House—even giving the Judges ample robing rooms, good accommodation for the people, the public—that the Court House itself can cost this scheme value of £36,000. Now, if I may put that into correct proportion, it is £6,000 more, as far as I know, than a floor in Barclays Bank new building in Nairobi, or considerably more than the cost of one floor in Mansion House, Now, building in Kisumu cannot be as expensive as all that. I inquired in the Planning Committee and I was assured that the plans would be examined. The hon. Member knows our anxiety on the question of the scope and size of the building. I would ask him to accept my Motion, and that he feel he cannot do it on £36,000, to the Standing Finance Committee.

LADY SHAW: Mr. Chairman, I should like to support, my hon. friend the Member for Rift Valley in this, because I am perfectly certain—I live in a brand new block of flats in Nairobi now which only cost £23,000. They cover an enormous space of ground. I am sure the Court House could be accommodated on the same footage; I should think from the Estimates it is Public Works Department's Estimate, it looks very like it, because they are notoriously extravagant. And I feel sure that if the work were put out to contract in Kisumu it could be done a great deal more cheaply. That would be my suggestion.

I therefore back the hon. Member.

MR. BLINDLELL: I believe, if he examines his records, the hon. Member will find that the Provincial Headquarters in Nakuru cost £27,000. That houses the whole Provincial staff, including the notorious provincial team. (Laughter.) I cannot believe, Mr. Chairman, that the Court House in Kisumu can absorb this money.

THE ACTING CHIEF SECRETARY: Mr. Chairman, in reply to the points made by both hon. Members, this provision, although it is noted as one Court House, is in fact intended to provide for one Court for a Resident Judge and two subordinate courts in the same building. In short it is to provide adequate accommodation for three judicial officers.

I would also explain, Sir, I think I am correct in this, that the £36,000 scheme value is the total sum available on the recommendations of the Planning Committee for Judicial Buildings over the whole of the development period. It is not the scheme value related to this particular project. It means that there will be £6,000 more for spending on other works.

But I would suggest to the hon. Member that the question of the plans for the building really is a matter for the Development and Reconstruction Authority of which his leader is a Member. Plans have been prepared and estimates of cost drawn up on those plans. I do, therefore, hope that subject to an undertaking which I now give that those plans will again be examined by the Authority, who will have before them the hon. Member's remarks, he will let the figure remain as it is in the

[The Acting Chief Secretary] Estimates. I will see that this further examination takes place before the work is put in hand.

MR. BLINDLELL: Mr. Chairman, I will accept the hon. Member's assurance and withdraw my motion. But may I urge him to examine the plans with—to use a word of my own, Sir, a—eye.

The question that (8) Judicial Buildings, item 1, be approved was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I am afraid I have misled hon. Members. I have just been informed that the figure of £36,000 is the scheme value for this building. I apologize to hon. Members for unintentionally misleading them on this.

THE CHAIRMAN: Well, you have put it on record.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15—11 (9), Medical Buildings, items 1 to 10, be approved.

DR. RANA: Mr. Chairman, before I say anything, I would like to ask for a clear and sincere answer as to what is the intention of the Government and the policy of hon. Members opposite regarding the new hospital at Mombasa.

Sir, if you look at item 4, it is provision for New Hospital, Mombasa, for £138,000, when this scheme was started. Up to now they have spent £200, and for the next year they have provided £10,000. That means that all this money is going to be finished up in 1955 and 1956, so this is only fooling the people in Mombasa, the people who live there, that any group hospital will be built. The Government is fully aware of that. I remember well that every year it has been admitted on the other side that Mombasa hospital is in the most disgraceful condition. They are appalled, when so many Asian scammers of all nationalities come, the population agrees and every doctor has condemned it, and still—I do not know what to think. I do not know what is the intention of the hon. Member who is in charge. If it is purely to keep it on this book, then I move that this item be cut and utilized for some other purpose so that we may know that Government has no intention of building £10,000 in 1951, £10,000 in 1952—it will never end in my lifetime!

THE CHAIRMAN: I understand the hon. Member has moved that the item be omitted?

DR. RANA: No, Sir, only if the Government thinks there is no intention of building. If they tell me it is their intention to complete the scheme within the next two or three years, then it is something but a token figure—up to now, during the past five years, they have spent £200 on it. I mean, that shows they have no intention to do it. As the hon. Member for Commerce and Industry says that the second best city in East Africa is Mombasa—that is the position,

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Sir, I appreciate the expressions of sentiment by the hon. Dr. Rana. I may say, Sir, that I am greatly disappointed that it will be impossible to complete the Mombasa hospital in 1952. I can, however, assure him that it is the intention of the Department to make a start in 1952 in the hope of completion in 1953. More money would have been spent on the hospital, Sir, had we not been faced with the fact that inside the ceiling allowed to us by the Authority—and, of course, hon. Members—opposite do know that every Member has to operate within a very strict and confined ceiling of money available for his particular Department—we had to decide on the priorities that could be allotted to the various projects. A number of highly important projects such as the Mathari Mental Hospital have had, of course, to be put on one side completely. We were faced with tremendous pressure to proceed quickly with the new Infectious Diseases Hospital in Nairobi. Quite apart from the conditions that exist in that hospital in Nairobi, there is the fact that its very presence in its present situation is inflicting a hindering effect on commercial and industrial and railway development. So that, irrespective of the medical side, and the need for an Infectious Diseases Hospital, in order not to hamper commercial and industrial development I had to give it a higher priority, and that takes, as you will see, the large amount of £40,000 out of the money allotted to me for this year. I regret therefore that it is impossible to place more money to the Mombasa New Hospital at item 4.

I must ask the hon. Dr. Rana to accept my assurance that this means the begin-

(The Member for Education, Health and Local Government) ning, and that it will be, I trust, completed during 1953 or early 1954 at the latest. I regret that within the amount of money allotted to me I can promise no more than that.

DR. RANG: Mr. Chairman, I am very grateful to the hon. Member for giving me at least some indication when the hospital will be completed, and I am glad that by his own mouth he has admitted that the Mental Hospital at Mathari—(inaudible)—than the people who are quite healthy at—(inaudible)—Hospital. It is a peculiar thing, but anyway I do not want to go over the whole issue, and I am quite satisfied and I trust that whoever is dealing with it will see that the hospital is completed, either in 1953 or 1954 because I feel that it is not only very urgent but that it is a disgrace, not only to the Mombasa people, but to the whole country.

The question that sub-head (9), Medical Buildings, be approved was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15—11 (10), Survey Buildings, item 1 be approved.

MR. HAVELOCK: Mr. Chairman, could the hon. Member—who has had notice that a query was going to be raised on this, I think—give information as to approximately how many people this Survey Headquarters will house? It is a suspicion I have that it may be rather on the same lines as the Court House, and rather an extravagant size of building.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, this Survey Field Headquarters is designed ultimately to provide accommodation for all the Field Staff of the Survey Department. Now, when the staff is up to strength, that will consist of 18 Staff Surveyors, 12 Assistant Surveyors and 22 Survey Cadets who are now undergoing training. In addition to that, there will be the African subordinate staff. It has been agreed for a long time that the present accommodation for the Survey Department on Government Road is entirely inadequate, and it will be still more inadequate when the Department is up

to strength, and the 22 cadets have completed their training. The intention is to provide accommodation for the Field Staff, a drawing office and other office accommodation, and ultimately housing accommodation, outside Nairobi at a site in the Karura Forest, about four or five miles along the Thika Road. There will also be accommodation for the vehicles belonging to the Department, and for the African staff.

MR. HAVELOCK: Thank you.

MR. BLUNDELL: Is that the headquarters for which the hon. Member is referring now on the Thika Road?

THE ACTING DEPUTY CHIEF SECRETARY: Yes.

MR. BLUNDELL: May I draw the attention of the hon. Member for Development to the value we are getting for £50,000 here, and the value we are getting at Kisumu for three Court Houses.

THE ACTING DEPUTY CHIEF SECRETARY: I should make it plain that the whole of that which I mentioned will not be provided from this £50,000. Some of the accommodation is for a later phase.

THE ACTING CHIEF SECRETARY: The hon. Member's remarks about Kisumu have been burnt in on my mind, Sir.

The question that Head 15—11 (10), Survey Buildings, be approved was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15—11 (11), Other Buildings, items 1 and 2, be approved.

MR. HAVELOCK: Would the hon. Member like to take the rest, Sir, (12), (13)?

THE ACTING CHIEF SECRETARY: Yes. I beg to move, Sir, that the remaining items (11), (12) and (13), stopping at (13), be approved.

In so doing, I must apologize to hon. Members for a printers' error under 15—11 (12) 3. "Police Station Type D and Staff Housing, Kisumu" should read "Police Station Type D, and Staff Housing, Kisumu", which is north of Mombasa.

The question that sub-heads (11), (12) and (13) be approved was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15—11 (14), Public Works Department, items 1 to 2, be approved.

MR. HAVELOCK: Sir, would the hon. Member tell me where the £40,000 for the new Public Works Department Workshops and Yards will be spent in 1952? I understand that a lot of money is to be spent all over the country. I would like to know what areas are being given precedence.

THE DIRECTOR OF PUBLIC WORKS: There is every intention and hope that this money will be spent. Part of it is already for a work which is in hand. That is at Kitale for the yard office there.

The other ones which are going to be done are at Mombasa, Nakuru, Eldoret and Kisumu. There is some delay in getting those started because they are all involved in local town planning schemes. The one at Eldoret, I think the site has been given to us, and that should start as soon as the plans have been finalized, which are going to be taken in hand almost immediately. It may be that we can get Mombasa going fairly soon, but I can assure hon. Members opposite that there is going to be every effort made to get those works done, because, to be quite candid, I have seldom seen anything more disgraceful than the Public Works Department's offices in the divisions here in Kenya, and I am specially referring to that one in Nakuru.

MR. BLUNDELL: In view of the admission by the hon. Member that delays in town planning, etc., may prevent the work, would he be prepared to accept a reduction in this vote?

THE ACTING CHIEF SECRETARY: Sir, I think it is important to remember that the real value of these workshops and yards will be felt during the period of the greatest pressure of building. It would be poor policy to defer extending these works until the bulk of the building programme has been finished. The need for them is to assist the Public Works Department in carrying out the building programme.

MR. HAVELOCK: Mr. Chairman, may I ask one question. I understand that the sites of some of these yards are going to be new yards. That is, the old yard is going to disappear and this money will be devoted to building new yards. I be-

lieve that that is the case, for instance, in Mombasa and possibly Kisumu. May I ask, Sir—presumably the present yards are on Crown Land, and that Crown Land, presumably, again, will be of great value and will be sold by the Crown, being very nicely situated in the centre of the industrial area, and, therefore, when it is sold, will swell our surplus balances, which will again allow for the financing of further projects.

I therefore ask that the spending of this money will be given priority to those areas where the present sale yards can be disposed of as quickly as possible and thus provide finance for other development.

THE ACTING CHIEF SECRETARY: I note the hon. Member's remarks, Sir, and they will not be overlooked.

The question that Head 15—11, (14), Public Works Department be approved was put and carried.

THE CHAIRMAN: Do we want to go any further to-day?

THE ACTING CHIEF SECRETARY: May I take the other Heads, Sir?

MR. CHAIRMAN: I beg to move that Head 15—11, (20) to (24), be approved.

MR. HAVELOCK: Would the hon. Member like to complete the list—all those Heads under 15—11?

THE ACTING CHIEF SECRETARY: Yes, Sir, I will do so—and, Sir, that sub-heads (30) and (31) be approved.

MR. BLUNDELL: Mr. Chairman, I wish to ask the hon. Member one question under (31)—it is this—

Mrs. SHAW: I would like to say something about (21). Mr. Chairman, under Head (21), Educational Buildings, Education of Women and Girls Centres, on which £15,000 is to be spent. I would like to ask the hon. Member if that is tied up with the Head 2—2 (14), which we deleted yesterday, Regional Co-operative Training Centres, which I think the personnel for that was deleted yesterday. If it is, I cannot see the point of spending £15,000 on buildings. I thought that was the Educational Centres throughout the Province.

THE ACTING CHIEF SECRETARY: No, it is not tied up.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: This, Mr.

[The Member for Education, Health and Local Government]

Chairman is for the specific purpose which is laid down, which is for educational purposes.

MS. SHAW: I understood yesterday it was the Education of Women and Girls—we deleted a certain Head—I may have got the wrong Head.

THE CHIEF NATIVE COMMISSIONER: It has no connexion.

MR. BLUNDELL: Mr. Chairman, sub-head (31) Military Buildings, Non-recurrent. Will the hon. Member tell me how much of the scheme value is going to fall to this Colony's revenue, and how much is being reimbursed?

THE SECRETARY TO THE TREASURY: Mr. Chairman, I think if the hon. Member will turn to page 5 of these Estimates, he will see the position set out for the whole of the five-year period. Item 9, total expenditure envisaged, £1,950,000, of which Kenya's share is estimated at £400,000.

MR. BLUNDELL: Thank you.

The question that Head 15—11, sub-heads (20), (21), (22), (23), (24) and (30), be approved was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15—12, Public Works Non-recurrent, be approved. We did, Sir, have some discussion about this particular Head the other day, and unless any other hon. Members have any other points of detail which they wish to raise, perhaps they might be prepared to approve this now.

MR. HOPKINS: Sir, I should like to put a question on item 15. Sir, while strongly supporting the building of proper housing and officers in Nanyuki District for the Game Department, which is being very helpful, as we have, since these Estimates were framed, made provision for the reduction of one or two Welfare Officers, I am wondering whether Government has considered the possibility of allocating the housing which has been occupied by Welfare Officers to the Game Department, whether, in the circumstances, it is necessary to build new offices?

THE ACTING CHIEF SECRETARY: Sir, there, clearly, as the hon. Member will

appreciate, has not been time, as yet, to consider all the various repercussions which will follow from some of the things that have been done since we got into Committee of Supply. I will note his remarks and if, of course, any such arrangement were possible in order to save further expenditure, we will most certainly look into it.

The question that Head 15—12, Public Works Non-recurrent, be approved was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 15—13, Roads, Items 1 and 2, be approved.

MR. HAVELOCK: Mr. Chairman, I do not want to hold the Committee back, but I must make a remark on item 2.

That is the Nyal Bridge. Sir, I know the Development Committee recommended that £500,000 should be spent on improving communications between Mombasa Island and the North Coast, and this matter was discussed at great length when Government referred to the Roads Authority for their advice as to whether a survey should be started. I would like to place on record, Sir, my opposition to this £10,000 being voted to the Nyal Bridge Survey, because I believe that it accepts the principle that a bridge at Nyal should be built, and I cannot at this stage, with the money we have available, accept that principle.

THE ACTING CHIEF SECRETARY: Dealing with that point, Sir, the hon. Member will agree with me that I have had consultations with the Road Authority, and that the majority view of the Road Authority was in favour of this item going into the Estimates. I have explained that the expenditure of this sum does not necessarily mean that a new bridge will be built in the immediate future, but the advice which I have received from the Road Authority is that provision should be made now for this preliminary investigation to be undertaken.

MR. BLUNDELL: I do not know whether you are considering adjourning, Sir, but I want to ask one question. At what point in the Budget is it correct for hon. Members to raise Road Policy under this Head?

THE CHAIRMAN: You had the opportunity of raising everything under the policy debate when these Estimates were to be considered.

MR. BLUNDELL: Details of roads, Sir, a detailed road. There must be some point, Sir, if we are voting money to roads at which an hon. Member can present a particular point of view on a road. That is what I wish to ask.

THE ACTING CHIEF SECRETARY: I think the answer to the hon. Member is that I shall in the course of the next day or so as required by the law be laying the Road Authority Estimates on the table of Council, when it will be open to any hon. Member who wishes to put down the motion for consideration.

MR. BLUNDELL: Mr. Chairman, that is what I wanted to do.

The question that Head 15-13, Roads be approved was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Committee do report progress and ask leave to sit again.

The question was put and carried.

Council resumed.

ADJOURNMENT

Council rose at 12.50 p.m. and adjourned until Tuesday, 4th December, at 10 a.m.

Tuesday, 4th December, 1951
Council assembled in the Memorial Hall, Nairobi, on Tuesday, 4th December, 1951.

Mr. Speaker took the Chair at 10.01 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 30th November, 1951, were confirmed.

NOTICE OF MOTION

MR. USHER: Mr. Speaker, I beg to give notice of the following Motion:—

That this Council requests Government to consider and make early proposals for the amelioration of the housing and transport situation, particularly in respect of non-Africans, in urban and suburban areas.

REPORTS

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to report that the Committee of Supply completed its deliberations on Head 3—4 and passed the Head without amendments.

It then proceeded to consider the Development and Reconstruction Authority Head 15—2, which was passed. Thereafter, Head 15—4 was passed, Head 15—11 was passed, Head 15—12 was passed and Head 15—13 was passed without amendment.

COMMITTEE OF SUPPLY

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1952.

PART B—CONTRIBUTIONS TO COST OF HIGH COMMISSION SERVICES

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Part B; Contributions to the Cost of High Commission Services, be now considered.

Now, Sir, although this is a composite Head and not susceptible to a normal policy debate, I think perhaps a word or two would not be out of place. The contribution—the estimated contribution—for 1952 is £285,000 above the contribution for 1951. Now, hon. Members will be aware that the main reason for that increase is the increase in the contribution in respect of Locust Control. The

(The Financial Secretary) increase needed from this Territory for 1952 in respect of that Control is £218,000. The balance of the increase is made up by Cost of Living Allowances, and there are certain increases under the Customs Department and the Income Tax Department.

With regard to the major increase, that is to say, the £218,000 in respect of Locust Control, I informed the Council the reason for that in moving the Motion to go into Committee of Supply. The main reason is the withdrawal of further grants from the Colonial Development and Welfare Fund, which has meant that East Africa as a whole has had to meet the shortfall occasioned by that withdrawal to the extent of £331,000.

Now, Sir, there are two other matters to which I should like to refer in this Motion. Hitherto we have been dealing in the Budget with matters which are wholly the concern of the Government of Kenya. We are now about to discuss a Head relating to matters which are not the sole concern of this Government. There are, indeed, a number of Governments involved in the matters to which these figures relate. Many of these schemes referred to here are financed to a very substantial extent indeed by entirely free grants from the Colonial Development and Welfare Fund. Now, Sir, I am got aware of what the present attitude of hon. Members opposite may be, but I think it will be agreed that any apparent diffidence on the part of this Territory in meeting its fair share of the cost of these partnership schemes, any apparent reluctance in this behalf is not likely to pass unnoticed by the overburdened British taxpayer, from whose pocket the moneys for the Colonial Development and Welfare Fund have been derived. Sir, the High Commission Estimates this year disclose no new services whatever, and the services here are those which have been endorsed by the Kenya Legislative Council year after year. The attitude of this Committee in relation to what is regarded as this country's fair contribution to these joint services is a matter not only for us but for other members of this partnership. Now, Sir, as I say, I do not know what the present attitude of hon. Members opposite may

be, but, having regard to the remarks I have made, I advise them to be cautious.

The second point is this. It must be remembered that the Estimates of the High Commission from which these figures derive have been examined and debated in the forum properly constituted for that purpose—I refer to the Central Legislative Assembly. Now, in those discussions and debates both in the Assembly and in the Estimates Committee—in those discussions and debates this Territory was fully represented. It was represented in the case of the Africans by the hon. Mr. Paul Mboyo and, as far as this Council is concerned, by Sir Alfred Vincent, who, I believe, was nominated by all the hon. Members opposite sitting together. It was represented by the hon. Mr. A. B. Patel on behalf of the Asians. It was represented by Mr. Bouwer for the Europeans and, last as well as least, by myself. (Applause.)

MAJOR KEYSER: Oh, no!

THE FINANCIAL SECRETARY: Would the hon. Member like me to correct my statement?

Now, Sir, those were the representatives of Kenya in those debates. Those representatives had every opportunity of examining the Estimates, of debating them, of asking questions, and in the upshot those representatives voted in the Central Legislative Assembly for these Estimates. Now, Sir, I will not draw any further conclusions from that statement. I will leave it to hon. Members to consider the matter, but I do ask hon. Members, in dealing with this Head, that they do not overlook the factors that I have mentioned.

Mr. Chairman, I beg to move. (Applause.)

MR. HAVELOCK: May we get this clear, Sir. Will this be a policy debate over all the Heads?

THE CHAIRMAN: This, as far as I understand it, is a policy debate and therefore no amendments are moved to the Motion, but people discuss policy and try to extend assurances and that kind of thing, and the hon. Member who moved will eventually wind up. That has been the practice hitherto.

MR. HAVELOCK: I was trying to avoid overlapping, having a policy debate now

[Mr. Havelock] and another debate under each Head. I was wondering if we could agree to policy now and only details under each Head.

THE CHAIRMAN: That would be moving only under the appendices that there should be no amendments moved on this page.

MR. HAVELOCK: Amendments, Sir, but not a matter of policy.

THE CHAIRMAN: There are so many different things lumped together under this one Head that it makes the rule very difficult to apply. That is all I can say.

THE FINANCIAL SECRETARY: Mr. Chairman, I think I said, when I moved this Motion, that this was not a Head that is susceptible to a debate on policy because the items under the Head are various in character, and I suggest, we avoid a policy debate at this stage because we could not cover policy on all these various items without very prolonged and very complicated debate, and I suggest, Sir, we treat this opening Motion as formal, and any policy question on, for instance, medical or agricultural items should be debated at the time we get to them under the Head. If hon. Members opposite will accept that I think it will avoid complication.

THE CHAIRMAN: This is making a rule as we go along. However I am quite agreeable if you are.

MR. BLUNDELL: Mr. Chairman, I only want to raise one point arising out of this. If the hon. Mover wishes to adopt what he has just put forward, then in my view he should have merely risen and moved the Part B and sat down. As it is, he made certain statements which I feel must be challenged because they may, if we do not challenge them, move us off the principle on which the High Commission was set up.

THE FINANCIAL SECRETARY: I think it will be agreed by hon. Members opposite, that the only statements I made were absolute statements of fact.

MR. HAVELOCK: Mr. Chairman, I would suggest that we comment on the Mover's speech and then after move into detailed policy on the different Heads.

THE CHAIRMAN: In that case we will go on ordinarily as if they were items, and then later on there will have to be

an understanding that the policy under each particular item can be missed on the Motion to approve. Is that understood?

MR. HAVELOCK: Yes, Sir.

THE CHAIRMAN: Will the hon. Members on that side indicate their assent?

THE ACTING CHIEF SECRETARY: That will be acceptable, Sir.

THE CHAIRMAN: The Motion is that these items now be considered.

MR. BLUNDELL: Mr. Chairman, I wish to take up certain main points which arise out of the speech of the hon. Member for Finance opposite. The first, Sir, is that we are grateful for the free grants which come from the Colonial Development and Welfare Fund, but at some time this Council will have to decide whether it is going to carry on the policy which arises out of those grants when the grants themselves end. So that is an important point, that this Council should understand that very often when accepting a grant under the Colonial Development and Welfare Fund, it presupposes a consequential expenditure.

The second point, Sir, I wish to stress arising out of the hon. Member's speech is that although these Estimates may have been considered in the Central Assembly by all the representatives to which he made reference, nevertheless, we must be quite clear in our minds that the final right to vote the money rests with this Council, and that right, Sir, must depend on three things in my view: the capacity of the territories concerned to support the organization which we have built up; the efficiency which the High Commission shows in carrying out the policies it laid down; and the economy that it uses in putting forward its services. I must stress those points, Sir, because when I listened to the hon. Member moving the Head I felt inclined to wonder why, if one accepts what he said, why we should debate it at all, and I think those points I have brought out are important.

MR. HAVELOCK: Mr. Chairman, I do not want to spend much time on this, I merely want to add one comment to those made by the hon. Member for Rift Valley. That is, as the hon. Mover knows well enough, there has been certain consternation on this side of the Council at the development, to some extent expan-

[Mr. Havelock] sion, not in the 1952 Estimates, but the expansion up to now of the High Commission services and the cost of them, and indeed this Council showed its worry about this problem by agreeing to appoint a Select Committee of this Council to go into the whole matter, and that Select Committee is now sitting. I would also like to emphasize the fact, and I would like the hon. Member to confirm, I understand that the Kenya representatives to the Central Legislative Assembly made it quite clear to the Central Legislative Assembly that Kenya had appointed this Committee and that the remarks and support of the Kenya representatives in the Central Legislative Assembly were subject to the recommendations of the Select Committee, and the recommendations of this Council to which the Select Committee would report. Therefore, I suggest, Sir, that there is every right for us in this debate to review the benefits, or otherwise, that can be obtained from these High Commission services, and to make our points absolutely clear, and indeed to move reductions and deletions if we so wish, always keeping in mind, and I agree there entirely with the hon. Member, always keeping in mind these are common services and it is up to us to co-operate, as far as possible, with the other territories in East Africa.

MR. NATHOO: Mr. Chairman, it seems to me that whilst the Central Assembly has already passed the Estimates of the expenditure of the moneys that come from us, we on our part have not yet sanctioned the money. I suggest, Sir, that the Kenya representatives should bring to the notice of the Central Assembly that it should be so arranged that their Budget is debated after the territorial Budgets have been passed by the various territories, which would save all this confusion.

THE ACTING CHIEF SECRETARY: Mr. Chairman, perhaps I might just refer to the last point raised by the hon. Member for Central Area. I think the answer simply is that we have to consider the practicability of the matter. As hon. Members know, this Council, as hon. Members in the consideration of the Colony's Estimates until only a few days before Christmas, and of course it is essential, just as it is essential that supply

should be voted before the end of the year for territorial expenditure, that the Central Assembly shall vote supply for the High Commission Services also before the end of the year, and I would say without having had notice of this particular point that it would in fact be impracticable to adopt the procedure which he has suggested.

MR. PATEL: Mr. Chairman, I am one of those who voted against the constitution of the Central Assembly and the bringing into existence of the whole structure of the High Commission. I think my colleagues voted with me at the time. The rest of the Council voted in favour of the constitution of the High Commission and Central Assembly. Now when this Council voted for it by a majority, we knew we were entering into a partnership with the adjoining territories and we had to pool our views with them, and we at the time implicitly agreed that we would have to sacrifice some part of our independence in consideration of these common services. That much, Mr. Chairman, I think should be conceded.

Now, Sir, in the constitution of the Central Assembly, Kenya had the right to send six Members, and not five as the hon. Member for Finance stated. We sent Sir Alfred Vincent on behalf of the Unofficial Members of this Council by election, and we 22 Members on this side are constituents of Sir Alfred Vincent, and then the European Elected Members elected the hon. Mr. Bowyer. The Asian Members elected me, and the Government nominated one African Member and one Arab Member, Sheikh Mbarak Ali Hinawy. These six Members were present in the Central Assembly meeting on behalf of Kenya, and four of them on behalf of the Unofficial Members. Whether we carried out our duties properly or not, the fact remains that the Unofficial Members certainly could have asked us to take a certain line of action in the Central Assembly before the Estimates were presented there. The 22 Members were entitled to call Sir Alfred Vincent before them and say, "Now you are elected by us and you will have to take a certain line of action in the Central Assembly". In the same way, the European Elected Members could have asked Mr. Bowyer to be present at a meeting and say he should

[Mr. Patel] take a certain line of action. Similarly the Asian Members could have asked me to be present at a meeting and take instructions from them. If any of the Elected Members on this side of the Council were not asked by their constituents to be present at a meeting held in regard to matters to be discussed in the Legislative Council and there the constituents decided something without giving an opportunity to the Elected Member concerned to be present and to explain his point of view, I do not think it would be correct procedure. Sir, I do not think that the Unofficial Members have ever officially called on their Elected Member, Sir Alfred Vincent, to be present and to explain the position in this matter. In the same way I do not think the European Elected Members have taken the step officially to meet Mr. Bowyer.

MAJOR KHYSER: Yes.

MR. PATEL: The Asian Members have not asked me to explain to them. (Shame.) The Unofficial Members' Organization has not called Sir Alfred Vincent to be present to explain the position. Now, Sir, the six Members from Kenya considered in the Central Assembly at some length, and they accepted the position. At the same time they knew that the Select Committee of the Kenya Legislative Council was going to inquire into these matters, and if that Select Committee reported that the expenditure incurred by the High Commission was not proper and should be reduced, and if this Council accepted it, all the six Members, in my opinion, representing Kenya are bound to carry out those instructions, and they will, I am sure, then exert their influence to see that the opinion of this Territory is felt by the whole Central Assembly. But, Sir, if we were to take independent action in this Council at this stage, we would be giving a great shock to the spirit of the partnership between the three Territories, and from that point of view I think the whole approach should be made to this Vote. I dare say that there are strong reasons on the behalf of the Unofficial Members of this Council to criticize strongly the rising expenditure of the High Commission. The Government of this Territory had given an understanding at the time when

the debate was made in this Council about Paper 210 that the expenditure would not rise, and therefore the Members will certainly be entitled to express great concern and anxiety about the rise in the cost. But I think it will be a wrong action to take any step now to reduce the expenditure at this stage when the representatives of Kenya have accepted, after a great deal of care, the expenditure as shown in this Vote. (Hear, hear—applause.)

MAJOR KHYSER: Mr. Chairman, I think this debate is ranging much further than, anyhow, I considered it would. The question of constitution of the Central Assembly was never raised by any European Elected Member. But I cannot agree with the hon. Mr. Patel that it would be an unwise step for this Council to suggest any reduction in any of the items of the Heads we are now debating. Sir, it was made perfectly clear in the debate on Paper 210 that this Council reserved its right to question the expenditure of the Central Assembly, and, if necessary, if they thought so fit, to recommend reductions or, if they even thought so fit, to withhold supply. Now, that was made perfectly clear. It was one of the conditions in which we went into this agreement with the Central Assembly. Now, why, Sir, that right should now be questioned I cannot think. I for one will never agree to going back on that right, which was given to us; I think it would be fatal for this Colony to do so.

The hon. Mr. Patel has talked a lot about the partnership. We all agree we are in a partnership with the High Commission and Central Assembly. It does not mean that because you are in a partnership you must never question the actions of the partnership. I think the essence of partnership is that each partner has the right to express his view and the right to ask for a reduction if he thinks a reduction is essential in any part of the activities of that partnership. That is all, Sir, I suppose, is going to be done here to-day. I think the hon. Member, Sir, has rather anticipated what hon. Members on this side of the Council were going to do. (Laughter.) Nobody has told him anything. Had he not anticipated it, the whole of this debate would not have taken the course it has. But I on my own part reserve the right to question any expenditure of the Central Assembly, and

(Major Keyser)

If necessary, to move a reduction. I think it would be extremely dangerous for this Council not to insist on that right which it acquired when it agreed to the Central Legislative Assembly being set up.

LT.-COL. GIERKIE: Just one brief reply to the hon. Acting Chief Secretary. Mr. Chairman, is it not illogical, really, for the High Commission to pass its Estimates and then submit them to us for approval, or is it to be understood that the matter is, in fact, *fait accompli* and this debate quite useless? He made a statement that it is quite impracticable to do otherwise. I submit that what could be done is that the Draft Estimates could be submitted to this Council prior to our Budget debate, as in the case of this Colony's Draft Estimates, and then they go back to the High Commission with our recommendations.

THE ACTING CHIEF SECRETARY: Sir, that would probably involve starting a debate on Estimates as early as August, and I should certainly have to think about that before saying whether I thought it was a good arrangement.

MR. COOK: Mr. Chairman, I do not think anyone will dispute what my hon. friend for Transvaal has said, about the right to criticize the Estimates of the High Commission. But it is unreasonable and unreasoning criticism which I think may do a lot of harm. If for one, Sir, accepted the set-up of the High Commission with, I think, both my eyes fully open. I know that difficulties would arise, but I think they are in an early stage now and it is not expedient for us to criticize and to crab their efforts, as I think we have been doing so much in the past. Therefore, Sir, I range myself, in this particular matter, on the side of my friend the hon. Mr. Patel, because I think it is time that the High Commission was allowed to do its work without undue and capricious criticism.

SIR CHARLES MORTIMER: Mr. Chairman, as Chairman of the Select Committee that has been appointed by this Council to inquire into the High Commission Services, I think perhaps a few words by way of explanation of the present position might not be inappropriate.

The Select Committee, I believe I am right in saying, was never expected to re-

port in time for this Budget Session. The task that was entrusted to the Committee was a very large one. The Committee has gone on with its work as expeditiously as possible. It has examined in a fairly detailed manner a large number of the High Commission Services, and many members of the Committee have formed tentative conclusions, which are still open to further consideration and revision if necessary. There have been various criticisms voiced in the Committee of certain of the High Commission Services. Those criticisms may or may not find a place ultimately in the report presented to this Council. I do not think that any hon. Member would question the right of hon. Members of this Council to exercise to the full any criticisms they may feel about any of the High Commission Services. But I do suggest, Sir, that in these matters we are in a partnership, a three-party partnership, and whilst it may be strictly legal for any member of the partnership to withdraw from any activities of the partnership at any time, surely it is in line with commercial morality to require that a certain length of notice should be given before such withdrawal. (Hear, hear.) What I do suggest, Sir, is that the appropriate action for hon. Members is to voice such criticisms as they may feel, but before proceeding to any final stage in reducing supply, to await the submission of a report of the Select Committee, which should be submitted fairly early in the year. This will give time for full debate, for full collaboration with the other Territories and for the embodiment of final conclusions in the High Commission Estimates for next year. (Applause.)

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, surely what my hon. friend Sir Charles Mortimer was saying, was that if we waited until the Select Committee report and the Select Committee recommended economies, and this Council adopted those economy measures, that would be due notice to the High Commission that those economies would be called for and expected by this Council in the debate on the 1953 Estimates. But that due notice would have been given, and it would not be a case, as might occur at the present moment, of one party to an agreement, without due notice, cutting its contribution to a ser-

[The Member for Education, Health and Local Government] vice which it had been assumed had been agreed upon.

MR. MATU: Mr. Chairman, I find myself in great difficulty, Sir, over this matter. But on balance I think the view expressed by the hon. Sir Charles Mortimer is, I think, perhaps the better of the two courses, that is a committee constituted by the authority of this Council is sitting; it is definitely going to make certain recommendations, and these recommendations would, I think in all probability, bring about certain economies in the High Commission set-up, and I am inclined Sir, to suggest that we do not wait till the 1953 Estimates. The High Commission then will have known that they are going to receive less supplies from us for their 1953 Estimates.

There is another point, Sir, too—the constitution of the Central Assembly has been touched upon. I, like the hon. Member for Eastern Area, Mr. Patel, voted against Paper 210 and finally, of course, had to act on the decision of the majority who were supporting the set-up. But to do this action, Sir, without such a committee reporting, I think it would amount to a vote of no confidence on the part of the representatives of this Colony who are on the Central Assembly. I think, personally, it would be a better course to wait until the report of the Select Committee is given to this Council.

LADY SHAW: Mr. Chairman, I, and hon. Members of this side of the Committee see the force of the hon. Sir Charles Mortimer's arguments, but there are certain difficulties which we are facing, and one of them, I would like to point out to hon. Members on the other side of the Committee, is in the case of certain services which are at present backed by the Colonial Development and Welfare Organization, which will come to an end in the course of the year, such as the Fisheries Vote. That is a thing that has got to be decided in 1952; it cannot wait until 1953. It is also suggested, Sir, that in view of the fact that the Select Committee is sitting it might be possible, in the case of money which is called in question here—that the supply might be held in some sort of suspense account. That would give the other territories six months' notice anyway, and

they would be able to decide finally in their next Estimates, but it would at the same time produce a saving in 1952. We do not wish to wait for another year before we can effect any savings as recommended by the Select Committee, therefore we suggest to Government that in the case of certain items on this list the money should be held in suspense until the report of the Select Committee has been received. (Hear, hear.)

THE CHAIRMAN: I will ask the hon. Member to reply.

THE FINANCIAL SECRETARY: Mr. Chairman, many of the points raised by hon. Members opposite have been cancelled out by other speakers on their side, but I will try to underline certain points which I think need further emphasis. I think the hon. Member for Rift Valley who spoke first expressed apprehension that these Colonial Development and Welfare Grants involve a commitment and said that we have got to make up our minds what we are going to do when these grants disappear. Of course, I agree, that is the position. We shall certainly have to make up our minds in this matter and it is for that reason that—in dealing with the establishment, staff and so forth pertaining to these Colonial Development and Welfare Schemes that we have been very careful to avoid permanent status, pensionable status to staff which we feel could not be absorbed elsewhere should these schemes come to an end, on the disappearance of the Colonial Development and Welfare Grants. I can assure the hon. Member that nothing has been done which would commit this Council in regard to any such policy decision concerning the continuance or otherwise of these schemes after Colonial Development and Welfare aid ends. This Council is an absolutely free agent and will be able to decide for itself in due course. Now, Sir, hon. Members opposite, or at least some of them, have interposed my opening remarks as suggesting that this Council, the Kenya Legislative Council, has not got an absolute right to debate these Estimates and, if necessary, to withhold supply. Of course, it has! No hon. Member opposite could point to one single word that I uttered in moving this motion which gave any other impression. All I suggested was that there was a certain background, a certain

[The Financial Secretary]

background against which this debate ought to be held. And, I advised hon. Members in deciding what action they wish to take to keep that background very much in mind. Hence, of course, my advice to hon. Members to be *cautious* in the matter.

I think I will not refer to the question of the Select Committee: that matter has already been dealt with fully by my hon. friend Sir Charles Mortimer, by the hon. Mr. Mathu, and I think the advice given by both these Members is very sound indeed. Mention of the report, however, does raise this question of holding back certain sums under what hon. Members opposite are pleased to call "in suspense". I presume what is meant is that the funds should be held back under the procedure known as "requisition to incur expenditure". Now, Sir, used properly that procedure is a very sound one. I wonder, however, whether the use of it on this scale and for this purpose would be regarded as financially or otherwise very sound. It must not be forgotten that we are a partnership and Territory A makes its contribution to the Common Service on the understanding, sometimes explicit, sometimes implicit, that Territories B and C do likewise. Now, therefore, if this territory holds back six months' supply under requisition, what is going to happen? Take, for instance, the Fisheries Research Service. Under that particular scheme His Majesty's Government has offered to meet half the cost of that scheme from Colonial Development and Welfare funds provided the territories put up the rest of the money. What is going to be the position if such agreement having been reached nevertheless no one knows what is going to happen six months from now? Can you expect Uganda and Tanganyika to put down six months' money and His Majesty's Government to put down six months' money when there is the possibility that at the end of six months on the instigation of Kenya the whole thing will be wound up and their payments become just so much money down the drain as far as they are concerned? I ask hon. Members to have some regard to the reactions of our other partners in these schemes.

Now, Sir, as I say, I think all the other points have actually been met by speakers from this side, and as I am quite sure the Committee is anxious to get on to the details of this Head, I will not enlarge further, but accordingly beg to move.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that item 1—East Africa High Commission—Office of the Administrator, Legal Secretary, Central Assembly, be approved.

MR. HAVELOCK: It is the intention, as the hon. Financial Secretary knows, of hon. Members on this side of the Committee to move that certain items, certain portions of expenditure on these items should be put to Suspense, pending the Report of the Select Committee. Now, Sir, naturally, if the actual working departments of the High Commission are ultimately reduced to some extent according to the recommendations of the Select Committee of this Council, then also I presume there would be a case for the office of the Administrator, the Centralized Secretariat also to be reduced and it is on those lines, Sir, for those reasons, that I suggest that the amount of £4,000 which is just under the increase that Kenya suffers this year, should be moved into Suspense and I would like to know if the hon. Member for Finance considers that this might be a proper method with which to deal with this particular item. From the speech he made before, I could not gather whether he favoured or, did not favour this method.

THE FINANCIAL SECRETARY: Sir, again I must ask the hon. Member to have regard to the correct nomenclature. The procedure is, "holding under requisition to incur expenditure". That procedure involves the Committee voting the full supply specified, but the portion which is to be so held cannot be expended without a warrant signed by the Financial Secretary. Now, of course, the Financial Secretary would not sign that warrant unless he secured the formal approval of that constitutional authority on whose instruction it was placed, but it should be noted that the actual nomenclature is "holding under requisition to incur".

MR. HAVELOCK: Accepted.

THE FINANCIAL SECRETARY: Now, Sir, whether or not that procedure should be adopted here under this item seems to me rather to depend on what is going to happen to the rest of the Head. Obviously, if it is decided to reduce those items, then I cannot possibly say it is going to happen. I do not think whether in those circumstances holding back part of the supply for that office would be the correct procedure. And I thought the words of wisdom of my hon. friend, Sir Charles Mortimer, concerning the holding back under requisition of any other items under this Head, pending the Select Committee Report had prevailed. So, in those circumstances I must regard this question as highly hypothetical and one which cannot be answered until we have completed the consideration of the whole of this Head.

THE CHAIRMAN: Might I ask the hon. Financial Secretary whether any particular Motion is necessary in order to carry out this procedure of holding expenditure under requisition.

THE FINANCIAL SECRETARY: Mr. Chairman, there is no Motion to my knowledge which would enable somebody formally to move that something be held under requisition. The procedure as I envisage it, is that a cut might be moved from the other side, but that Motion would be withdrawn on the undertaking by the Government to hold back that amount under requisition to incur.

MR. HAVELOCK: In view of the remarks of the hon. Financial Secretary, would you, Sir, and the Committee allow this item to be taken last?

THE CHAIRMAN: The item can be passed over.

THE FINANCIAL SECRETARY: Inasmuch as item 1 has been deferred, Sir, I beg to move that item 2 be approved.

MR. HAVELOCK: Mr. Chairman, I beg to move that item 2 be reduced by £4,000. Sir, I do not want to speak at length on this. The Select Committee has only cursorily examined the East African Agriculture and Forestry—Research Organization and there is a lot more to be done and much closer examination

to be made. But it seems to me that there is every possibility that a saving could be made on recommendations that may be made by the Select Committee. I realize that there are rather a lot of "ifs" and so on which has been referred to before in this Committee.

THE CHAIRMAN: I think there is a rule about anticipating reports of Select Committees and what goes on in Select Committees. I do not think we are allowed to refer to it until I do not think we want into the debate into a discussion of problematical answers that the Select Committee may be making at some later date to these items.

MR. HAVELOCK: Sir, surely I can say in view of the investigation of this department that is going on at the moment that I suggest at least £4,000 be deducted, so that time may be given for further investigation. I would, of course, be prepared to withdraw this Motion if the hon. Member for Finance would agree to hold £4,000 under requisition.

MR. BLUNDELL: To incur.

MR. MACONOCHE—WELWOOD: Mr. Chairman, rising in support of what my hon. friend the Member for Kiambu has just said, I would mention in this connexion that at the moment this country is threatened with a particularly dangerous form of borer in timber and it is quite certain that a sum of £3,000 or £4,000 will be required for immediate research on that subject. The East African Agriculture and Forestry Commission is not undertaking that work and the work that they are doing, which is long-term research I assume, is not to my mind of anything like the importance of the work I am suggesting and for that reason, if for no other, I support the idea of placing at least £4,000 to a suspense account which I hope will revert to the exchequer of this country and will be used for what I consider a far more valuable purpose.

THE FINANCIAL SECRETARY: Mr. Chairman, I hope hon. Members appreciate the fact, that of the total cost of this Organization of £141,000 Kenya is asked to contribute £14,957. Now, Sir, if we have to face a *pro rata* cut of £4,000 for every £14,000 out of all contributors and I think every other contributor has a perfect right to act as Kenya acts, then on this basis the total cut would be

[The Financial Secretary] 40,000 and not £4,000. If hon. Members wish to go on with this proposal in the light of those figures, then all I can say, Sir, is that we run a very great danger of disrupting this Organization completely.

MAJOR KEYSER: Mr. Chairman, I am one of those, and I am sure most hon. Members on this side, and hon. Members who have spoken, also who believe that research in agriculture and forestry is essential to this Colony, and especially in our present stage of development. What, Sir, we are anxious to avoid is any waste in that research, and I think that even in research there could be a considerable amount of waste because it is quite likely that this Organization is going into the matter of what one might call fundamental research instead of applying research. There are far richer and bigger countries than ourselves who are carrying out this fundamental research, and I believe that the function of this High Commission Research Organization should be to find out the best method by which they can apply this research to these territories, and to our conditions, rather than spending large sums of money on themselves taking part in fundamental research. I would also, Sir, like some information on whether there is a policy decided on by the High Commission, or possibly by agreement between the hon. Members for Agriculture and Natural Resources in the territories, or their corresponding posts whatever they are, on what the policy of these research stations is, because I do think that the policy should be laid down, and then carried out by these research stations, rather than that they should evolve a policy of their own.

MR. HAVLOCK: Mr. Chairman, in view of the remarks made by the hon. Member for Finance, I can quite see his argument in that he considered presumably that His Majesty's Government's contribution should also be reduced in the same proportion as the share that I have suggested. £4,000, I presume that is correct.

THE FINANCIAL SECRETARY: On a point of explanation, I said that if this member of the partnership decided that £4,000, which is on £14,000, should be

cut, have we any reason to suppose that it would be immoral for the other members of the partnership to cut their contribution *pro rata*.

MR. HAVLOCK: Of course, I am asking the hon. Member if he considers in that regard if His Majesty's Government is a member of the partnership, I quite agree with the hon. Member—I think his point is a very good one, and it would mean that it would be a rather large sum altogether cut from this Service. Looking at the matter again, I would like to reduce my Motion to a cut of £2,000 instead of £4,000. Working that out in proportion, it would be a total cut of £20,000 from the Service, which I think could be approved. I again say I am prepared to withdraw that Motion, should the hon. Member for Finance be prepared to hold that £2,000 under requisition.

THE CHAIRMAN: Is it your wish that the £4,000 one should be withdrawn? No objection. I will propose the item be reduced by £2,000.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I gather the Motion before the Committee at the moment is a reduction of £2,000 on item 2. Under this particular schedule of expenditure.

Mr. Chairman, I must oppose because, if I may say so, I would suggest to hon. Members we are setting about the objective which I think certain hon. Members that have in mind, in a totally wrong way. We have after very lengthy consideration set up for the whole of East Africa an interterritorial research service, not before that was needed. Arguments have been put forward that it is a more appropriate duty of the interterritorial research service to deal with that one hon. Member has described as applied research, as applied in investigations or what some persons term it technological research, and not to deal with fundamental research. Well, Sir, I admit there is something in that argument, in that certain lines of fundamental research or certain lines of investigation which require very extensive apparatus, can only be best utilized by, in addition to having the apparatus, the person who knows how to operate it, the necessary staff of computers and persons of that kind to get the results. I admit we must

[The Member for Agriculture and Natural Resources]

avoid to too great an extent under-avoid to too great an extent undertaking that sort of job where we are not equipped to do it, and when that sort of work could, with better results possibly, be done on our behalf in Europe or in the United Kingdom at institutions where they have the facilities, the persons and the apparatus. But, Sir, beyond that, I must submit that there are certain lines of fundamental research into subjects that are peculiar to the conditions or which are affected by the conditions peculiar to this part of the world of which we must encourage interterritorial research institutions to carry out the necessary work, and that it is, roughly speaking, with the more fundamental aspects of research that they should occupy themselves, and that much of the applied research and technical research resulting from them more fundamental aspects of research into particular lines of inquiry should be carried out in the individual territories by the Governments concerned. This indeed is the policy which has been followed. Critics have been raised that if you allow scientists too much rope, that they are apt to decide for themselves precisely what lines of research they are going to follow, because scientists, as we all know, always claim that every worthwhile discovery has been made not by somebody being told off to work on any particular subject, but by a chance discovery; it has been further suggested that if scientists are given too much rope that we may indeed find that our interterritorial research institute is at considerable expense indulging in lines of purely academic research which may not have much application to some of our more urgent problems in East Africa. And, Sir, if that is what hon. Members feel, and there is a great deal to be said for that argument, then I submit it is not by the pouring of £2,000 that they will achieve their objective, but by procuring some measure of control over the activities of the scientists that they may be able to achieve their objectives to a greater degree. Now, Sir, we have gone some way—it is necessary for me to go into detail to explain this—we have in East Africa taken several steps in what I consider is the right direction. We had an interterritorial research council which

is a very large body and meets once a year and now, the High Commission has recently appointed a very small body which may eventually become a Board of Governors over the research services which appear under this particular item which we are discussing at the present moment, that is Agriculture and Forestry Research. This body consists of the Administrator, the Director and the three Members of Agriculture and Natural Resources of the three territories. And I believe, Sir, that that small body, with the assistance of the technical officers concerned, will be able to exert a very considerable measure of control over the type of research that is being undertaken by this organization.

Now, Sir, that being the case, I would ask hon. Members to consider the position from this aspect. First of all, if they feel we want more control over these Research Services, let us endeavour to do so on the lines I have just indicated. Secondly, hon. Members may feel that some of these services have been to some extent thrust upon us, possibly from overseas or by enthusiasts who are connected with home bodies advisory to the Colonial Office, and if that is the case I submit, Sir, we have here appointed a Select Committee of Council to go into that very subject. I do suggest, Sir, that it is quite wrong for us here and now to cut these votes when we realize that we are only paying one-sixth of the cost of these different services. In that the Home Government pays half and the remainder half is divided between the three territories in most cases; that is, in most cases, we pay one-sixth.

MR. MATTHEW: One thing.

MR. BLUNDELL: It is improving your argument.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: It is improving my argument. That being the case surely it is better to await the report of our own Select Committee and then, if we feel there are certain of these services which are unnecessary or over-expensive, to attack them in collaboration—and we will get it, I assure you, with our neighbouring territories, and possibly thus induce the High Commission to alter their Estimates next year. (Hear, hear.) I suggest it is much wiser to do that than merely to risk possibly ruining a year

[The Member for Agriculture and Natural Resources] useful line of inquiry by a somewhat hasty cut based possibly on not very well-founded information, or causes, or reasons, during a debate of this kind. For that reason, Sir, I oppose this cut of £2,000.

THE DIRECTOR OF AGRICULTURE: Mr. Chairman, I rise to oppose the Motion, and add simply two points to what has already been said by my hon. friend, the Member for Agriculture and Natural Resources.

The point has been made that the East African Agricultural and Forestry Research Organization should not indulge in what has been called "fundamental" research. To my mind, Sir, fundamental research is in nearly every case necessary before you come to the stage of applied research. Take, for example, the question of a very fine piece of work that has been done by members of that staff in investigating the resistance of cassava to mosaic disease; that has taken many years. The first essential step in work like that is to study the fundamental side of the job—the genetics of the cassava plant—before you can come to the applied side.

To my mind, Sir, I think there is some complete misunderstanding of what is meant by fundamental research. If what is meant is academic research—that is, research with no particular application to problems arising in East Africa, then there may be some room for criticism, but to the best of my knowledge that type of work is not actually being undertaken by the members of the East African Organization staff.

The second point, Sir, I wish to make is that this Organization has only had its facilities and its laboratories in being when he spoke earlier on on this item, and surely, Sir, it is only right that they should have a reasonable chance to show their paces before they are shot down in this Committee. (Applause.)

MR. MACDONOCHIE: WILLWOOD: Mr. Chairman, I would like to ask the hon. Member for Agriculture two questions. In view of what he has just said. The first is whether, if he, as Member for Agriculture in this country, is particularly anxious for some fundamental research to be indulged in by the East African

Agricultural and Forestry Research Organization—whether he feels he is able to use sufficient persuasion to get them to do it; and the second is if, in applied research, where a line of applied research is vitally necessary to the country—vitality and urgently necessary—whether the resources of the East African Agricultural and Forestry Research Organization—which, I understand, are both lavish and expensive—are placed at the disposal of this country when urgently required.

MR. MATHU: I should like to ask the hon. Member for Agriculture one question, Sir. Is it not a fact that there is some research being done by our set-up here and, at the same time, the same work being done by the East African Research under the East African Agricultural and Forestry Research Organization, and, if so, is this duplication necessary?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, the first question I have been asked is whether I am satisfied—if I felt—if the country feels that a certain line of research is essential—whether I am satisfied that I could induce the interterritorial research organization to carry out that investigation. Well, Sir, I naturally cannot give any such assurance in any categorical form, and for that reason. There are certain lines of inquiry which might only be of real interest to one territory and, whilst I think under the new set-up that it is extremely likely that if the problem was an urgent one that the interterritorial research people would give that territory every possible assistance, yet I do not think it would be right for me here to commit them to that. For instance, the problem which I think the hon. Member had in mind when he spoke earlier on on this item, which I think was *emada*, which is a borer in soft woods. I think is a case in point. I am hoping that we shall be able to obtain a very great measure of assistance from the interterritorial research organization into this particular pest, but that is under discussion. It probably only affects this territory.

The hon. Member then went on to ask—which is very much an inter-connected question—could we get assistance in applied research from the interterritorial

[The Member for Agriculture and Natural Resources] Well, again, Sir, without being categorical, I would say "Yes" in most cases. For instance, a very great deal of the work done in connexion with pyrethrum has now been taken on by the interterritorial organization. So, Sir, I have every hope that, in so far as it is reasonable, we shall within their means always get every possible assistance to dealing with major problems that may arise within this or the other two territories.

The hon. Mr. Mathu expressed fears that there was a lot of duplication. I can assure the hon. Member that I think there is very little duplication—if any. I think that it is quite easily avoided by frequent meetings, which do take place, as between the heads of veterinary and heads of agricultural departments of the three territories, and the staff of the East African Agricultural and Forestry Research Organization. I do not think there is duplication going on to-day.

MR. BLUNDELL: Mr. Chairman, I just rise to draw attention to one point which may cause misunderstanding. It is true that a certain portion of the pyrethrum research is being done at the East African Agricultural and Forestry Research Organization, but I think the hon. Member will agree a large proportion of the moneys are coming from the industry itself and are not under consideration in this Budget.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The interterritorial authority is providing assistance, though.

MR. BLUNDELL: Yes, in buildings!

MAJOR KEYSER: The hon. Director of Agriculture drew attention to the fact that this set-up was a very new one, and he did not think it should be shot down at this stage. I should like to point out, Sir, that we are not trying to shoot it down. I should like the gentlemen who are undertaking this research to understand that we are not trying to shoot them down at all, Sir. I think that should be understood. All we are anxious to do is to see that there is no finance being misapplied.

Committee adjourned at 11.10 a.m. and resumed at 11.33 a.m.

MR. HAVLOCK: I do not wish to anticipate the findings of the Select Committee to-day, Sir, nor do I wish in any way to influence the work of investigation of that Committee to-day, but I should like to ask Government a question. Would they be prepared, Sir, to give an assurance that, should the Select Committee investigating the High Commission services report recommending reductions and economies, and should this Council accept their report, would Government do all they can to try and implement savings during 1952 arising out of those recommendations, and, of course, with the adjustment of the 1953 Estimates in accordance. Naturally, Sir, any such arrangements naturally would have to be done with the collaboration of the other territories concerned, and if Government would be prepared to give a definite assurance on those lines, Sir, I would be prepared to withdraw my motion.

THE FINANCIAL SECRETARY: Mr. Chairman, the Government is prepared to give that assurance—(applause)—but, with regard to 1952, I must make two reservations. The first is that although we shall do our best, there can, with this length of notice, be no guarantee that those economies can be effected in 1952. The second is this: any motion or discussion of this nature must be in full collaboration with all the other partners in these schemes. With those reservations, I will give those assurances.

MR. HAVLOCK: In order to save time in this Committee particularly, I presume that that assurance is in respect of all recommendations of this Select Committee. We are only dealing with one item at the moment. If it could be indicated in respect of all items, I am sure we can save a lot of time in this Committee.

THE FINANCIAL SECRETARY: That assurance is in respect of all recommendations which are accepted by the Kenya Legislative Council.

THE CHAIRMAN: I take it nobody objects. The Motion is withdrawn. Would it not be better to move the whole of the total Recurrent Head?

MR. BLUNDELL: I wish to raise a matter of policy on item 18.

THE CHAIRMAN: They have to come up one by one.

THE FINANCIAL SECRETARY: Ate, we going to put the Motion that item 2 be approved?

MR. HAVELOCK: One by one.

THE FINANCIAL SECRETARY: I think now it is time to put formally that item 2 be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that item 3, East African Bureau of Research in Medicine and Hygiene be approved.

The question was put and carried.

MR. COOKE: Could we not move from 4 to 17 now, Sir?

THE FINANCIAL SECRETARY: Mr. Chairman, if that is the wish of the Committee, I formally move that items 4 to 17 be now approved.

The question was put and carried.

THE FINANCIAL SECRETARY: I beg to move that item 18 be approved.

MR. BLUNDELL: Mr. Chairman, I beg to move that the sum of £9,398 be reduced by £100.

MR. CHAIRMAN, speaking to the Motion, I should like to ask the hon. Member opposite two points arising out of this item. I understand that under the East Africa Production and Supply Council comes the East African Cereals Pool through the Director of Produce Disposal. I raise these two points, Sir.

The first is this. What is the rate of interest which Kenya asks in regard to the finance made available to the Cereals Pool, and secondly, Sir, I would like to have an assurance that, as I believe it is so, the arrangement by which Tanganyika is able to export cassava without it coming into the Pool Accounts, and take, in lieu, maize from the territories supplying the Pool with maize, will be examined because Tanganyika is able to export cassava and replace it with maize at the inter-territorial Pool price, whereas if the arrangement was not made so, the territories with a surplus of maize not filling the void created by the export of cassava would be able to export the maize at a high price and thus recoup themselves?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The first question, Sir, is not really one that fully con-

cerns me, but I am informed that the rate of interest is 2 per cent.

As regards the second question, I think the hon. Member is referring to shortage of food which occurs from time to time, especially in Tanganyika Territory, and the possibility of their feeding populations on cassava grown locally, as against maize imported from the Cereals Pool, and their exporting cassava. That is his point. Well, Sir, I remember this matter coming up very well indeed, and I remember at the time, when I last had anything to do with it, that it was pointed out by the Tanganyika Government that, actually, you could not go on feeding a population purely on cassava, and I believe there was a *quid pro quo*. But, if the hon. Member will allow me to look into the matter, and take it that his point has been put in the form of a question, I will answer him, because it is no good my trying to tell the hon. Members what is happening, off hand, as I do not know.

MR. BLUNDELL: Mr. Chairman, I hope to be able to withdraw my Motion.

THE CHAIRMAN: I had not proposed it.

MR. BLUNDELL: You did, Sir. First of all, I would like to have an assurance from the hon. Member for Finance that he will take up this question of 2 per cent as the rate of interest to the Cereals Pool. We have the loans to civil servants, I understand, without interest and we have the loans to the Land Bank at a very much higher rate; this appears to come in the middle. Would the hon. Member give me an assurance that he will take this up so that, in effect, the Kenya taxpayer does not suffer.

Secondly, on the other point, all I wish to establish, Sir, is this. Will the hon. Member for Agriculture see that the procedure, as debated, does not penalize those territories which mainly supply the Pool. I do not wish to force the Africans of Tanganyika to have a diet solely of cassava. It is merely the financial aspect of the arrangement which needs examination.

If I can have those two assurances I will withdraw the Motion.

MR. COOKE: Following on what the hon. Member said—

THE CHAIRMAN: I think it is very difficult to speak before they are called by name, because another Member was on his feet and was equally catching my eye as yourself. However, as he has now sat down and you have started, please continue. (Laughter.)

MR. COOKE: Sir, would the hon. Member for Finance clear up another small point? Is it a fact that the Cereals Pool is financed from the surplus balances of Kenya—where do these funds come from? And if it is, why are not the surplus balances of Tanganyika used for that purpose as well at 2 per cent?

MR. NATHOO: Getting away from the intricate matter of the Cereals Pool for the time being, Sir, may I ask the Government whether adequate steps are being taken to ensure that as between the three territories in the Supply Council at the moment—every day we are getting away from each other rather than co-ordination—I am talking about foods like rice, ghee and other food-stuffs which affect the local populations, and I notice that throughout the deliberations of this Council, more and more it is evident that each territory is anxious to enforce its opinion and its own interests. I think if that is the policy, I do not know what useful purpose can be served by going into this East Africa Production and Supply Council, and we should make an endeavour to see on matters when we give away, that a similar *quid pro quo* is done by the other Governments.

THE FINANCIAL SECRETARY: Mr. Chairman, the hon. Member for Rift Valley referring to the rate of interest which the Pool is charged by the Kenya Government, has asked for an assurance that the question of that rate would be further considered. I will give that assurance, but he must understand that this rate of 2 per cent followed the bank rate. Kenya acts as the banker for the Pool, and it is, after all, short-term money; it is not long-term money, but the bank rate—I can see the hon. Member's eyes are sparkling!

MR. BLUNDELL: I have never borrowed at 2 per cent.

THE FINANCIAL SECRETARY: Possibly the hon. Member has not got quite

the security that the Cereals Pool has—(laughter)—but I will have that matter looked at; I think it is quite a salient point.

With regard to the point of the hon. Member for the Coast as to whether this money is made available from our surplus balances; it is made available from our liquid resources, partially our surplus balances and partially our current revenue. If he feels that we should ask Tanganyika to put up some of their money, I am quite prepared to consider that.

MAJOR KEYSER: Do I gather from the hon. Member for Finance, Sir, the whole of the financing is done by Kenya?

THE FINANCIAL SECRETARY: Mr. Chairman, I thought I had made it quite clear that Kenya acts as the banker. The answer to the hon. Member's request is, therefore, in the affirmative.

MR. BLUNDELL: Mr. Chairman, I should like to make it quite clear that I am sure hon. Members on this side are happy to be part of a country which is so strong that it can afford to act as the bankers in this matter. It was really the financial policy which I was calling in question.

Mr. Chairman, in view of the assurances which have been given, I am quite happy, with the leave of the Council, to withdraw my Motion.

The Motion was withdrawn.

The question that item 18 be approved was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that items 21 to 29 inclusive be now approved.

THE CHAIRMAN: I see three Members partially beginning to rise and finally one did get to his feet. Will Members, when they are intending to speak, please stand up, and let me see them.

LT.-COL. GHERSIE: I wish to refer to item 20, Sir. I wish to propose that item 20 be reduced by the sum of £5,551, and, Sir, in saying so, I am not asking that it be held on requisition to incur, this is a definite reduction.

If we refer to the report on this particular Head, we find the division of costs for the basic services between the East

[Lt.-Col. Gherrie.]

African Governments has been re-examined, having regard to the establishment of branch offices in Dar es Salaam and Entebbe. It is considered that the cost should not be redivided equally between the Governments and the recommendations and advice of the Estimates Committee will be sought.

Now, Sir, I have before me here two East African Economic and Statistical Bulletins, and, quite frankly, a large number of the pages are devoted to population figures, and are merely a repetition of the previous year. If we examine these bulletins further, we find that about two-fifths, again, is a repetition of previous years, and all that it added are a few statistics for 1950 and, to make it a little more imposing, it is done quarterly instead of annually. Again, if you examine these thoroughly, you will find that the information contained in here is more or less applicable equally to the three territories. On the other hand, having examined the Estimates, we find that Kenya is expected to contribute £33,720, Tanganyika £9,419, and Uganda £15,809, a total of £58,948. Now, Sir, if we take the total allocation, we will find a third of that is £19,647. In other words, Kenya is contributing £14,833, which, in my opinion, Sir, is in excess.

Now, if we take basic services figure, which is £39,168, a third of that is £13,056, and even if we admit that the National Income Inquiry is a liability of Kenya, that is £10,014, and then again the Agricultural Statistics for Kenya which are £5,099, we then only arrive at a total of £28,169 instead of which we are expected to pay—£33,720. We have been very generous with these other Colonies in this connexion, but even so there would be an excess, as far as we are concerned, of £5,551. Even accepting the liability of the Kenya Statistics and the National Income Inquiry, I do not see how this can possibly make sense on an equitable basis. Therefore, I formally move that this item be reduced by £5,551.

It might be of interest that some of these statistics do not add up correctly. On the East African population census of Entebbe, there is a discrepancy in the figure. That is another matter we might

consider. These elaborate statistics, are they really worth the amount we are asked to pay? A few years ago this organization was not in existence. Last year it cost over £40,000. This year we are expected to pay over £60,000, of which Kenya's contribution approximates £40,000. I think the whole matter has got to be challenged. (Hear, hear.)

THE FINANCIAL SECRETARY: Mr. Chairman, unfortunately most of the time the hon. Member was speaking I was turning over the pages of the Estimates to find the figures to which he was referring. Now, I think, he stated variously that our contribution was £33,000, then he raised it to £44,000. I am afraid I cannot find these figures at all. I think, possibly, when he referred to £33,000 he was referring to the original figure in the High Commission Draft Estimates. Perhaps the hon. Member would confirm that? If he will look at the contribution as stated in our own Estimates he will see that this sum of £5,000 has already been achieved because the contribution we are to make is not £33,000 but £27,864. Now the explanation is that for reasons different from what the hon. Member has given as his justification for cutting our contribution by £5,000 it was agreed during discussions in the Estimates Committee of the High Commission that the share-out of the cost of this Department between the three territories, that is to say, a half of the cost to Kenya, a quarter of the cost to Tanganyika and a quarter of the cost of Uganda should be charged and that all territories should in future share equally. By that arrangement, Sir, the original £33,000 has been reduced by about £5,000 to £27,864.

In the circumstances, Mr. Chairman, I hope the hon. Member will be satisfied.

• LT.-COL. GHERRIE: Well, Sir, I must accept that. On the other hand, we are not in a position of knowing what the Tanganyika contributions are, or Uganda. Therefore, I must assume that what the hon. Member says is correct. (Laughter.)

THE FINANCIAL SECRETARY: Mr. Chairman, the hon. Member can rest assured that he is in no danger of believing something which is not true when I state it is a fact.

LT.-COL. GHERRIE: On the other hand, Sir, I still reserve the right to challenge it, because I think the organization is not justified.

THE CHAIRMAN: You wish to withdraw the Motion?

LT.-COL. GHERRIE: I would prefer to use this expression, that it be held under requisition to incur.

THE FINANCIAL SECRETARY: I submit, that that is not a Motion, a form of words which can be used in Committee of Supply.

THE CHAIRMAN: If you do not wish to withdraw, I must put the question.

LT.-COL. GHERRIE: I withdraw, because this Service has not been examined by the Committee looking into the High Commission Services—perhaps we can deal with it there.

The Motion was withdrawn.

The question that item 20 be approved was put and carried.

MR. MACDONALD-WELWOOD: Mr. Chairman, I beg to move a reduction of £100 in item 21.

I am adopting this procedure to bring out a point with regard to this trypanosomiasis research. This seems to me to be a definite case of overlapping between the services of the High Commission and the services of this Colony. I note that the Development and Reconstruction Estimates provide £60,000 which is allocated to Tsetse Control and Trypanosomiasis. Well, Sir, that is a very large sum for that particular purpose of control, in this Colony. Here we have an item, "Research and Reclamation". Now, I do not altogether query the research side of it. Obviously, research on trypanosomiasis itself falls very properly under the High Commission. But when you come to the word "reclamation", I cannot see how that can be separated from control, and to my mind, control or reclamation properly falls upon the territory in which that control or reclamation takes place. I would like the hon. Member for Agriculture to inform us whether, in his opinion, there is or is not overlapping in the territorial services and the interterritorial services of the High Commission.

Mrs. SHAW: Mr. Chairman, I should like to support what the hon. Member for Usain Gishu said. I gather that when the High Commission Service started,

there was a great deal of research done at Tindi and Chunianga, and a very useful research was done, particularly at Tindi, with reference to human sleeping sickness. The research is now finished, and this research station at Tindi I gather has been closed down. Chunianga is only working. I believe on a quarterly basis as regards research and most of the High Commission service has gone over to reclamation, which, I contend, together with the hon. Member for Usain Gishu, is a proper function for the territorial services, and not for the High Commission, which I should think should confine their activities to research. And yet we see that the Director—or whatever you call him, I am not quite sure of the proper designation—of the High Commission Tsetse Research is coming back at an increased salary of £500 a year.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I gather hon. Members are anxious to avoid two things, one is duplication, and the other is, I think, as suggested by the gracious lady who spoke last, that the interterritorial tsetse services should embark on actual control or reclamation of land as against confining its activities to research.

Well, first of all, as regards duplication, I do not think there is much duplication. We have a tsetse committee in this Colony which deals with practically all the tsetse work, reviews it all, of which I personally am Chairman and on which my hon. friend the Director of Medical Services sits. Also, the interterritorial director, Dr. Lester, invariably attends meetings of this particular committee.

As regards whether the interterritorial body should do reclamations control work or not, all I can say is that there are one or two areas from which very major threats emanate. The hon. and major Member for Nyanza is fully aware of one such area not very far from where she herself lives. This one is very much a source of infection to human beings. I may say, as well as to stock and the danger stretches a long way further south than we have been able to deal with yet. In a case of that kind, it has been suggested as a reclamation experiment, so to speak, in what can be done, that we might jointly—that is, territorially and with the help of the

[The Member for Agriculture and Natural Resources.]
interterritorial organization—carry out on a very large scale reclamation and control work covering on the borders of Tanganyika and the Masai country. As the work envisaged is something we could never afford ourselves, and as the contribution to the interterritorial share of the work would be made from overseas—or may be made from overseas, I am by no means sure that this is going to come off—I think in a case of this kind, which may serve as a useful experiment from the point of view of East Africa as a whole, and react, very much to our advantage, as a territory, I suggest we should accept any help of that kind which comes our way.

As regards the control of the scheme, it would be a joint control in which, I may say, the Kenya Government will have a very large say and, of course, completely control the part of the scheme which Kenya does itself.

I think I have done my best to answer these questions.

MR. MACONOCHE - WELWOOD: Mr. Chairman, in view of that explanation, and subject to the clear understanding that this matter may be considered by the Committee now sitting from this Council, I beg leave of the Committee to withdraw my Motion.

THE CHAIRMAN: The Motion is withdrawn.

The question that item 21 be approved was put and carried.

MR. MACONOCHE - WELWOOD: Mr. Chairman, I beg to move that item 22 be cut by £100.

I do this, Sir, in order to bring out what I believe to be a very important point. In the past this organization, I understand, took on the manufacture of biologicals for this country—in fact, for the three territories—in fact, for that, probably the biggest disaster that has ever occurred in the Veterinary Services in this country took place, and a large number of cattle were lost. I understand that it is possible that this Service is considering taking over once again the manufacture of biologicals. I want to take this opportunity of proposing a cut of £100 on this Service in order to emphasize the very strong feeling on this side of Committee that that manufacture of biologicals,

which is of vital importance to the three territories, should continue to be done by our own Veterinary Laboratories, who did this successfully for many years without a disaster and who are again doing it very successfully now.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I do not think the actual expenditure which appears in these Estimates has much to do with the proposal that in the future the interterritorial Veterinary Research Organization should take over the manufacture of certain biological products, vaccines, etc. It is quite true that that is part of the plan, that certain of these products which are required by all three territories—indeed, by a far wider field than these three territories—will eventually be manufactured by the interterritorial Organization. The understanding and reason for it is that probably the East African Veterinary Research Organization will be able to employ a larger number of people than any one territory could, and that their laboratories will be more up to date. I believe that this plan has the support of all three territories and of those who advise the Colonial Office in England. I suggest, Sir, also, that it may be in years to come that Kabete, where we now operate, may prove to be no longer a suitable area for carrying out this particular work. Nevertheless, the fact remains that for the time being, as the hon. Member is aware and has just said, this work has been taken over by the Kenya Government and is being carried out by the Kenya Government. I suggest that if the hon. Member wants to pursue this matter further, he will have further opportunities. I take it he merely wished to raise this particular point on this item at this stage, although really I do not think the item we are discussing is voted forwards in any shape or form.

MR. BLUNDELL: Mr. Chairman, I rise very strongly to support the motion.

I would stress to the hon. Member opposite that there is much anxiety in the farming communities on this matter. Before this motion is withdrawn, I should like to ask him to give an assurance that before a decision is taken in the matter, it will be referred to this Council; if any manufacture is to

[Mr. Blundell]
take place other than under the present arrangements.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I think the full plan for the development of the interterritorial Veterinary Research Organization has been before this Council but in view of what the hon. Member has said, I will certainly make sure that the full plan is put before this Council at the earliest possible opportunity.

MR. MACONOCHE - WELWOOD: In view of what the hon. Member for Agriculture has said, I am prepared to withdraw the Motion. But I would reiterate the vital importance, before anything of this sort is done, that people in this country who are the main users, I think, of these vaccines should have an opportunity of discussing this matter in the Council. Without the confidence of the Council, the vaccines themselves are useless. In view of the report which was published and laid on the Table of this Council, on the failure of the K.A.G. Vaccine which was produced before the High Commission, no confidence can be shown by the users of the vaccine in the services of the High Commission at present. (Hear, hear.)

The Motion was withdrawn.

The question that item 22 be approved was put and carried.

MR. MACONOCHE - WELWOOD: Mr. Chairman, item 23. Again I would wish to propose a formal cut of £100 on this Motion, and for a very particular reason. This is one of those services where, I think, it could be genuinely held that go real advantage to this territory comes from it. All that has been done by this Institute to date is research into yellow fever, and that research, as I understand it, from a speech from the Administrator, consisted in finding whether there was immunity in the monkeys in the Langata Forest and the bush babies of the Coast. If there was immunity, there was a possibility that at some time in the past, yellow fever had existed in these territories! I submit that it is completely valueless research in this territory, however valuable it may be to the Rockefeller Institute, which I understand was one of the reasons why this was undertaken. I also understand that a suggestion made to the Research

Organization, by the Medical Council which that smallpox be investigated. I submit that it is a perfectly fantastic research to undertake. The matter was dealt with, not entirely incompetently, by Doctor Jenner (?) in the middle of the 19th century, since when smallpox has not been a menace.

THE DIRECTOR OF MEDICAL SERVICES: Mr. Chairman, as the hon. Member for Uasin Gishu reminded us, this Institute has been in existence for a considerable time, under the auspices of the Rockefeller Institute, long before the East Africa High Commission came into existence.

With regard to the yellow fever, as the hon. Member has said, it does exist in the bush babies and monkeys at the moment.

MR. MACONOCHE - WELWOOD: Did exist.

THE ACTING DIRECTOR OF MEDICAL SERVICES: Does exist, and we do not yet know whether or not there will be manifestations amongst the human population of a serious form of yellow fever. There has been yellow fever amongst the human population, if we are able to accept the results of certain tests which are carried out on the blood of individuals throughout East Africa. They give a positive mouse protection test, which at the moment suggests that at some time or other they have been exposed to the virus of yellow fever, but as far as we know they have not manifested any definite clinical signs of yellow fever as we understand it. One case of yellow fever was reported in Kenya. A post-mortem examination was performed, and it was definitely decided by the pathologist that the cause of death was yellow fever.

"Now, as you know, yellow fever is of a great international interest. It is a disease which, when it occurs in a country, may cause considerable repercussions from the point of view of trade and travel. We have to take every step in Kenya to satisfy surrounding territories, territories which now can be reached easily within 24 hours by air, we must take every possible precaution in Kenya to ensure that yellow fever is fully investigated and all possible research is done. Somebody told me the other day that there was a question of a

[The Director of Medical Services] new airport at Durban, where the yellow fever carrying mosquito existed. There was a suggestion that it might not be possible for planes to fly straight from Kenya to that aerodrome, because the people in Durban were worried that a yellow fever mosquito, or a patient suffering from yellow fever, might reach that area in the very short while which an aeroplane flight takes. In 1944, 1945, or perhaps earlier, there was a most serious outbreak of yellow fever in the Nuba Mountains in the Sudan. As far as people knew, yellow fever did not exist in the Sudan and suddenly, out of the blue, in an isolated spot, this enormous outbreak of yellow fever, which involved the deaths of literally thousands of people, suddenly broke out. That is the sort of thing of which we are frightened or, shall we say, we are anxious should not occur in Kenya. We do not yet know the truth of the yellow fever problem and that is what we are asking the Virus Research Institute to find out.

They also carry out tests on vaccines which are sent out to East Africa to ensure their potency. Other investigations that they carry out are on the other viruses, on poliomyelitis and encephalitis. That, I agree, is a subject which could be well investigated elsewhere, except there is one peculiar virus which has been discovered at that Institute, which appeared to exist, as we thought at the time, only in East Africa; it has now been found elsewhere in the world.

The question of smallpox, I think the hon. Member for Usain Gishu said that this disease disappeared just after Dr. Jenner's discovery of vaccination. He says it does not exist. I am afraid it does. It exists and causes considerable anxiety and worry in Kenya even to-day. There have already this year been three cases of smallpox imported from India and, but for the care which has been taken as regards vaccination, we should probably have had thousands of cases in Kenya.

Mr. Chairman, I beg to oppose.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I think I heard a couple of, shall I say, misunderstandings voiced on the

other side of the Committee. When my hon. friend the Acting Director of Medical Services said there is yellow fever, I think certain hon. Members opposite said there was not. I would, Sir, like to read from the speech of the Administrator, from which my hon. friend the Member for Usain Gishu quoted, though not in complete fact. "It has, however, been established in recent surveys undertaken by members of the Institute in the coastal region that there are areas of endemic yellow fever on the coast belt" of Kenya, Sir. Another point: "There is a further point which may at first sight appear to be a zoological curiosity, that whereas, in Western Uganda, the main host of yellow fever virus is—"not was—"is the monkey, in Kenya it appears to be the bush baby. As I say, that is not merely a curious zoological fact. It will have the greatest practical importance in mapping and determining future endemic areas."

Now, Sir, the hon. Member for Usain Gishu also managed to raise a laugh on the point of smallpox and suggested that this Virus Research Institute was considering the question of smallpox vaccination, and he quoted the speech of the hon. Administrator. Let me quote the speech with regard to that point.

MR. MACDONOCHIE-WELWOOD: On a point of explanation, I merely said that it had been considered and suggested by the medical authorities that the virologist should investigate this matter of smallpox.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: The hon. Member did quote a speech of the Administrator in this regard and I would like to place on record what was actually said. "Work at the Institute has also demonstrated that the method of vaccination by scarification can satisfactorily be used against yellow fever." That is not a question of smallpox, Sir; that is instead of an injection, so the scarification method of vaccination could also be used. He went on: "Now, I do not think I need greatly to emphasize what this method would mean in terms of saving of time and even money. It involves no sterilization and the other complicated processes of injection, should there ever be a sudden and widespread campaign. Secondly, if it is accepted, as it may be, as the recognized

[The Member for Education, Health and Local Government] international method of protection against yellow fever, I need scarcely even start to attempt to estimate the overall saving in the appliances, hypodermics and so on that that would mean. Thirdly, it has been demonstrated that this method can be combined with vaccination against smallpox and if this method does obtain general consent and is put into general use it will be literally true that whole populations can be protected against both diseases by the use of a "needle". I suggest, Sir, that if that is achieved by the small contribution that we have made in our time to the Virus Research Institute it will be a great economy and a wise expenditure of money, (Heat, hear.)

MR. MACDONOCHIE-WELWOOD: Mr. Chairman, in rising to withdraw my Motion, again with the proviso that this matter is referred to a Select Committee, I would say this, I did not say that smallpox had been abolished by Dr. Jenner. I said the menace of smallpox, which is slightly different, and that argument I would use in my attack on the yellow fever research. I said, to a great extent the menace of yellow fever had been abolished by inoculation. On the point raised by the Member for Education, Health and Local Government, here I must confess myself entirely in the wrong. I was quoting the Administrator in the first part with regard to yellow fever research. I was quite wrongly quoting the virologist himself in what he had been asked to do as stated to a Select Committee in the second. It had no bearing on what the Administrator said with regard to the ceasing of yellow fever and vaccination to produce immunity to both diseases by one scarification—I think it is called.

The question that items 23 to 28 be approved was put and carried.

MR. HAVELOCK: I beg to move that item 29 be reduced by £100.

Sir, I think I am right in saying that a number of people are becoming concerned at the activities of the Income Tax Department—(laughter)—both individually and collectively, but there are two aspects of the matter which I wish to put to Government, and they are these. First of all I understand that there has

been some new importations to the Income Tax Department's staff and that they are spending a lot of their time interpreting the Income Tax Law in a different way from which it was interpreted a year ago. They are spending a lot of their time trying to find out the value of farm houses for income tax assessment and so on, and in other words, Sir, I suggest at this juncture—I do not say it is not correct when we are a very highly civilized state and everyone's income is easily get-at-able assessable—but at this juncture in this country it is much more important to collect the money that is easily assessable and is still outstanding. Over numbers of years people have not yet been assessed, and to go over all these details and try over long periods of correspondence to work out whether a house is worth £2,000 or £10,000 or what it should be worth; whether a farm; whether buildings or staff quarters should or should not be allowed as allowances for income tax, for companies and other operators and altogether—in other words trying to put the activities of the Income Tax Department of East Africa on exactly the same basis as that of the United Kingdom when we are not yet ready for it and we are still waiting for collections—I do hope, Sir, Government will take this matter up with the Income Tax Department and try to get them to get on with collecting the money rather than to spend such an awful lot of time trying to interpret the law and contradicting themselves from one year to another and leaving people in a complete mess not knowing where they are and what they are liable for. I do suggest it is not only the Income Tax Department themselves who are wasting their own time—they are wasting an awful lot of taxpayers' time: People who are prepared to pay, who want to pay, cannot pay because of these detailed arguments that go on over months and even years.

THE FINANCIAL SECRETARY: Mr. Chairman, I think that after all these years and after all these debates in this Council, the Commissioner of Income Tax must be aware of the great desire of this Council that he should get on with collection. I think he is fully aware of that situation and, according to my information, his efforts are directed almost exclusively to that end. However, the

[The Financial Secretary] hon. Member opposite has raised certain points and I will be very glad to represent what he has said in the proper quarter. I hope in those circumstances he will withdraw his Motion. Sir, in case there is any doubt about it, the representation will include proper follow-up.

Mr. HAVELOCK: Thank you.

Mr. USHER: Sir, I would like to ask if Government will agree to a request that consideration be also given to the possibility of payment by deposit, pending the detailed examination of assessments. I feel that by this means the money will come in a very great deal faster to the benefit of all.

THE FINANCIAL SECRETARY: Mr. Chairman, I am not, of course, in control of the Income Tax Department, but according to my information no offer of a deposit of that nature has ever been refused.

MAJOR KEYSER: Mr. Chairman, the hon. Member for Finance did refer to past debates, and to past debates about income tax. Well, Sir, I think it is extremely unsatisfactory to find that in various parts of the country one still hears exactly the same complaint of people who have not been assessed for some years. Now in the last three or four months I have come across quite a number of them. One man in particular thought that he was due to pay a very considerable amount of money and he complained that he had not been assessed for three years. You hear that all over the country, and in view of the fact that there have been these complaints in the past, there have been these debates—the Income Tax Commissioner has been sworn in here on several occasions to reply to them, and has assured us that in order to catch up with the collection of income tax a directive had been sent round to his department that declared evasions should be accepted unless there was some particular suspicion of them—in spite of all that, there are still complaints from people all over the country that they have not been assessed for some years.

I also understand that there are complaints from companies who put money aside for taxation purposes, and who also complain that they have offered this money to the Income Tax Department and it has been refused. Well, Sir,

I do think that that does show a very unsatisfactory state of affairs.

Also, Sir, the hon. Member told us in his speech that in the Estimate of £3,500,000 for income tax in 1952 it was estimated that £500,000 was back collection. Sir, is it not possible to estimate more closely than that, very closely, instead of merely saying it is an estimate to give us a close estimate of what that amount should be? Another unsatisfactory point about the Income Tax Department is that districts that make contributions to the Hospital Relief Fund, I think it is called, cannot find out what each district contributes towards that fund. I believe, Sir, it is essential that each district should know what its contribution is, what its annual contribution to the Hospital Relief Fund is, and I think, Sir, that the Income Tax Department should be left state-to-day to tell each district what its contribution has been, because on that contribution must depend, in my view, the hospitalization policy of the Colony.

THE CHAIRMAN: Will someone move to report progress?

THE FINANCIAL SECRETARY: I think, Sir, that as this is the last item under Part B, the general wish of the Committee would be to complete this so we can start afresh on a new Head this evening.

Mr. HAVELOCK: There is still Non-Recurrent Part B.

THE FINANCIAL SECRETARY: Sir, I was assuming, that having regard to the assurance the Government gave in regard to—

THE CHAIRMAN: I thought you were only rising on a point of order, because someone else caught my eye before you did. You are going to continue the debate? Mrs. Shaw wanted to speak. She had in fact risen at the same time.

Mr. HAVELOCK: I suggest we adjourn, Sir.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Committee do report progress and ask leave to sit again.

The question was put and carried. Council resumed.

ADJOURNMENT

Council rose at 12.40 p.m. and adjourned until 5 p.m. on Tuesday, 4th December, 1951.

Tuesday, 4th December, 1951. Evening Sitting

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 4th December, 1951.

The Deputy Speaker (Sir Charles Mortimer) took the Chair at 5 p.m.

The proceedings were opened with prayer.

COMMUNICATION FROM THE CHAIR

THE DEPUTY SPEAKER: Hon. Members, before we proceed to the business on the Order Paper I have a communication to make to the Council. A letter has been addressed to the Speaker by the Acting Chief Secretary in these terms:—

"Sir,

I have the honour to inform you with reference to the Loyal Address moved in the Legislative Council on the 25th October, 1951, that His Excellency the Governor has received the following telegram from the Secretary of State:—

"Your telegram No. 659 of the 25th October and my Savingram No. 1374 of the 31st October.

The terms of the Loyal Address passed by the Legislative Council on the announcement of the forthcoming visit of Their Royal Highnesses the Princess Elizabeth and the Duke of Edinburgh, have been conveyed to Their Royal Highnesses who have requested that you will be good enough to convey to the Legislative Council on their behalf a suitable expression of their appreciation of the message contained in the Address."

I am to request you if you see no objection to take the first convenient opportunity to convey to the Legislative Council the substance of Their Royal Highnesses' gracious reply." (Applause.)

MINUTES

The minutes of the meeting of 4th December, 1951 (Morning Sitting), were confirmed.

REPORTS

THE FINANCIAL SECRETARY: Mr. Deputy Chairman, I beg to report that

at this morning's sitting the Committee of Supply considered Part B—Contributions to the Cost of High Commission Services, items 2 to 28 inclusive, were approved. The Committee was deliberating item 29 when it was moved and passed that the Committee report progress and ask leave to sit again.

THE CHAIRMAN: The Council will now resolve itself into Committee of Supply, and the discussion will be resumed on item 29, Part B—Contributions to the Cost of High Commission Services.

COMMITTEE OF SUPPLY

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1952.

PART B—(Contd.)

MRS. SHAW: Mr. Chairman, in view of the fact that we have tried to find other sources of revenue, I wonder if the hon. Member for Finance has considered, or rather I should like an assurance from the hon. Member for Finance that he will consider the evasion of income tax as another possible source of revenue. I understand that last year two people were working in that Department particularly on evasions. This year I gather that the number has been reduced to one, I understand also that evasion is very slow work, going into the cases of evasion, and that during six months other sources of revenue, I wonder if the hon. Member for Finance has considered, or rather I should like to produce—I may not be entirely correct in my figures—I believe they were only able to deal with eight cases, but those eight cases produced another £60,000 of revenue, and I would like to submit that it might be a fruitful source of revenue, and that possibly is one Government department that we could suggest there might be an increase of staff, because it would be a very paying matter to deal with evasions in a more efficient manner. I do not believe our man is really capable of dealing with the amount of evasions that go on in this country.

THE FINANCIAL SECRETARY: Mr. Chairman, on this question of evasion, I can assure the hon. Member that this matter is constantly in the forefront, not only of the Commissioner's mind but of the Government's mind. It is all a question of staff, Mr. Chairman. We have had the greatest difficulty

[The Financial Secretary] in finding staff for the Income Tax Department. We have made numerous attempts in England to secure accountants. We find that in England, for every accountant there are five jobs and the terms we can offer to such personnel are just not sufficient to attract them, and even when they are attracted here they soon find there are counter-attractions in Kenya in commercial offices. However, I do assure the hon. Member that the question of evasion is, as I say, very much to the forefront of our minds. Only a week ago I was discussing this question with the Commissioner with a view to considering what further steps could be taken to minimize this evasion which undoubtedly goes on.

MR. HAVELOCK: Mr. Chairman, I think the Motion is still one of reduction by £100 which I moved this morning.

THE CHAIRMAN: Yes, that is so.

MR. HAVELOCK: The hon. Member for Finance has told us that, as we know well enough, the Income Tax Department have their very great staff difficulties. We also know, Sir, and I am sure he will admit, that there is considerable backlog, arrears, in fact is considerable, and therefore I do hope that he has accepted the suggestion that I made this morning that the assessments should continue to be as they were, I believe, about a year ago, very much more simple than is being the case to-day. The simpler the better, until at least we can make up the backlog and until assessments are completely up to date on those people and those communities, which are comparatively simple to assess, comparatively simple—and I would suggest here, Sir, too, that Government are making it even more difficult for the Income Tax Department in their present difficulties; lack of staff and so on which I have just mentioned, they are making it even more difficult by requesting them to extend their activities with the short staff they have got to try to assess members of the African community, which I would understand is now Government's policy. I would suggest until the assessments are up to date, with the other communities, it is ridiculous to try to put a greater burden on the Income Tax Department at this stage. Let us get proper assessments up to date on the lines we have been working on up to now, and not put extra

burdens on the Department. (Hear, hear). The hon. Member for Finance, Sir, did give me an assurance that the remarks which I have addressed to this Committee this morning on a matter of simplification or rather, I believe, unnecessary detailed examination which this Department is now making into incomes and so on, it would be brought to the notice of the Department, and I also hope, Sir, that the remarks I have just made will be considered seriously by Government. But in view of the assurance that he will bring the criticisms that have been levelled in this Committee to-day to the notice of the Department, I beg leave to withdraw my Motion.

THE CHAIRMAN: If no hon. Member has any objection to the withdrawal of the Motion, the Motion stands withdrawn.

MR. USHER: Mr. Chairman, there is one small point which I forgot to make this morning. It will be within the knowledge of the hon. Financial Secretary that many important institutions in the country are maintained by voluntary contributions, charities, hospitals in some cases, and so on. It has been recently suggested to me that the income of these deserving institutions would greatly benefit by contributions from business firms, if it were at all possible for allowances to be made for those contributions when assessing their income tax. Now, I am not here to advocate that particular course but I should like to have it examined, and if it could be arranged that such allowances could be made without great loss of revenue and without abuse of such a principle, I should be glad to know that the matter could be examined and the Council could be informed in due course.

THE FINANCIAL SECRETARY: Mr. Chairman, if such examination would not throw a further additional burden of any magnitude upon the Commissioner's office, I would put the points to him; but the hon. Member must appreciate that any such system could open a very wide door to abuse, because one can easily imagine unscrupulous organizations and firms creating charitable institutions for the very purpose of making so-called contributions to them and so avoiding income tax in that way.

MR. USHER: Scheduled organizations.

THE FINANCIAL SECRETARY: As I say, if such a request to the Commissioner would not add to his already very heavy burden, I will put the hon. Member's point of view.

The question that item 29 of Part B, Contributions to the Cost of the High Commission Services, be approved was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that item 1 be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Part B, Non-Recurrent, Item 4, Desert Locust Survey, be approved.

MR. HAVELOCK: Mr. Chairman, I wish to move that item 4 be reduced by £100,000.

Mr. Chairman, this matter arises—my Motion arises—out of what was no doubt a misunderstanding between hon. Members on this side of the Council and their representatives on the Central Legislative Assembly. At a properly convened meeting of the European Elected Members' Organization, where their representative was present, and in saying that I hope the hon. Member for Eastern Area will note there was such a meeting, it was suggested to him, Sir, that £200,000 of the total vote for Desert Locust Survey would be put into suspense, or under requisition, with the hope that at least this amount could be saved during the operations of this survey of this Department during 1952. After discussion, I understand by the Finance Committee of the Central Legislative Assembly, it was agreed that £200,000 should be put under requisition, and that this money would not be spent, I understand, Sir, without reference back to the Standing Finance Committees of the territories.

Since then, we have been told that if this money is not spent, there will be no saving to the territories concerned, the reason being, I understand, again, that the agreement made with the British Government was that they should make up the amount of money which the territories were able to contribute—the gap between that amount and the amount required by this organization, a total of, I think, approximately £1,200,000. Well, Sir, it was very obvious that when

Members suggested that the money should be put under requisition and, in other words, that it should not be spent unless absolutely essential. The hon. European Members were looking for a saving for their own country and for the other territories as well, but they were certainly not considering a saving in His Majesty's Government's contribution. That was, I should say, a logical deduction. It seems, therefore, that any effort at economy will have no benefit at all to the territories, but only for His Majesty's Government. We feel rather strongly on this side, Sir, about this matter and we feel that negotiations should be opened again to see whether, if there is a saving, that the territories concerned should benefit in proportion to their present contributions. If, indeed, His Majesty's Government benefited according to its contribution, there might be some case, but that His Majesty's Government should benefit from the whole of the contribution is, to our minds, most unfair.

I would make one more point. It is that we quite realize there may be the necessity to spend this money, if there is a crisis and there is a necessity, we would certainly not deny the expenditure of that money, but should the conditions arise so that there can be a saving, then we consider that Kenya should share in that saving as well as anybody else.

I beg to move.

THE FINANCIAL SECRETARY: Mr. Chairman, the hon. Member has moved his Motion, because, as he states, hon. Members opposite in agreeing to a certain procedure in the Central Assembly were under a misapprehension. Now, Sir, that misapprehension was this, that if, in fact, £200,000 out of the total cost of the campaign were saved, then each contributor would benefit *pro rata*. Now, Sir, I can assure the hon. Member that there was really no possible excuse for Members in the Central Assembly to have been under that misapprehension.

The hon. Finance Member of the High Commission moved the adoption of the Estimates in his Budget speech. There was a debate, and in the reply to the debate after a move to cut this £200,000 had been made, he made it absolutely clear that His Majesty's Government's contribution was offered to make up the

[The Financial Secretary]

difference between the available contributions and what was regarded as the minimum cost of an effective campaign. Now, that point was made absolutely clear in his reply to the debate; it was subsequent to that that the Assembly went into Estimates Committee in order to consider the whole proposition.

Now, Sir, having had it made clear to them in a speech before the Committee assembled, nevertheless the Members of that Committee agreed to that proposition. That is to say, that the £200,000 be put under requisition. They did this in the full knowledge that any saying would accrue to His Majesty's Government. I do not see how the High Commission can be blamed for any misunderstanding. I have the hon. Finance Member's speech here—I will not take the time of the Committee to read it, but I can assure hon. Members it is made absolutely clear in that speech that if £200,000 were saved it would accrue solely to His Majesty's Government. In terms of the financial offer which His Majesty's Government made to make up the deficit between the cost of the campaign and the moneys available. Now, Sir, as I repeat, the decision regarding this procedure was taken by the Kenya representative, subsequent to that clarifying speech, and in those circumstances, I consider there is no room whatsoever for any misunderstanding.

Therefore, Sir, I oppose the Motion.

LT.-COL. GIBBS: Mr. Chairman, in reply to the hon. Member for Finance, we thoroughly appreciate what he has said and the procedure that he has said and the procedure that he has adopted. The fact remains, and I am sure he will agree, it is logical, that we should ever dream of suggesting to our Members of the Central Legislative Assembly, that they should, in fact, suggest a deduction in His Majesty's Government's contribution. It just does not make sense, I think, what we had in mind was, having regard to the very wide area over which this Locust Survey takes place, as we understand from Persia and Arabia, that we consider that the contribution is quite a correct one from His Majesty's Government. This is a survey over a very large area. We think we are being asked to contribute far too much in relation to other colonies; in fact, not only other colonies, but the other adjoining

territories which make contributions. On the other hand, we had in mind saving the adjoining territories part of their contribution, if this £200,000 contribution was saved. That is why, as the hon. Member for Kiambu has stated, we hope to acquire a reduction of the £100,000 as at the moment we pay as much as the two other territories put together. It would be stupid on our part to suggest to our representatives on the Central Assembly that they should ask that the Home Government should reduce their contribution.

MR. HAVLOCK: Mr. Chairman, would the hon. Member for Finance be prepared to take this matter up with His Majesty's Government in view of the remarks by hon. Members in this debate?

THE FINANCIAL SECRETARY: Mr. Chairman, of course, if it is the wish of this Committee that we take up with His Majesty's Government again, the Government will do so, but I must inform the hon. Member that financial discussions on this matter of contributions to the Locust Control have proceeded over a very long period, and we have been faced with very great difficulty in the matter. Although, therefore, I am quite willing at his request to take it up again, I must make it clear in all fairness, in order not to mislead the Committee, that I do not think there is great hope of success. But I will certainly take it up.

MR. KEVNER: Mr. Chairman, I would like to ask the hon. Member for Finance whether he is satisfied that the other territories, apart from the three East African territories, the other territories that are interested in desert locusts are paying their fair share of the campaign, and if they are not paying their fair share of the campaign, if it is not, Sir, the function of His Majesty's Government, to deal with other countries—whether foreign countries—and not ours, and therefore we are justified on that cause in asking His Majesty's Government to reconsider the matter.

MR. HAVLOCK: Before the hon. Member replies, may I put it this way to him? His Majesty's Government would be no worse off than they would have been if there had not been £200,000 under requisition, which I presume is what they had agreed to previously before the debate in the Central Legis-

[Mr. Havlock] Assembly because, through pressure from hon. Members on this side of the Council—in our Council—there may be—I stress the word "may"—there may be saving and economies in this campaign. Is it then not sufficient grounds to approach His Majesty's Government and say, in the light of the new position, would they not accept the situation and, indeed, have a certain share of the savings maybe, but not all of them.

THE FINANCIAL SECRETARY: I think I should answer the first point made by the hon. Member for Trans-Nziza. My own opinion is that some of the other territories are not paying what might be called a fair share, but that is where His Majesty's Government's contribution comes in. If, in fact, those territories were making their full contribution, there would be no gaps. That is where His Majesty's Government has stepped in.

Well, Sir, with regard to the point raised by the hon. Member for Kiambu, I cannot emphasize too much that His Majesty's Government comes into the picture in this way. We assess through expert advice what is the likely cost of the campaign in 1952. We then proceed to see what contributions are forthcoming, and it is found that there is a gap between cost and contributions. Now, we are told that the campaign, to be effective, is going to cost x , and there is only available x minus y . Then you are in grave danger of wasting x minus y by launching an ineffective campaign. In these circumstances, His Majesty's Government stepped in, and said: "Very well, we shall meet y on the presumption that the total cost is x ." If you find, in fact, the cost of the campaign is only x minus y surely His Majesty's Government is entitled to say: "After all, there is no gap" or "there is a smaller gap, and therefore our contribution is nothing or that much less".

As I said, Sir, I am quite prepared to go back to his Majesty's Government and make the point made by the hon. Member for Kiambu, with the reservations that I have already made.

MR. HAVLOCK: Mr. Chairman, in view of the remarks by the hon. Member, I would be prepared to withdraw the Motion, but I would like him to give another assurance, Sir, that the negotia-

tions that we will enter into in detail would be reported to the Standing Finance Committee of Legislative Council.

THE FINANCIAL SECRETARY: Mr. Chairman, the hon. Member has some doubts as to the vigour with which I would press this point, I can assure him that if I give any such undertaking across the floor of this hon. Council, it will be honoured in spirit as well as in letter. I shall also meet his request and will report the result to the Standing Finance Committee.

MR. HAVLOCK: Thank you, Sir, I should like to remind the hon. Member, Sir, I think I am right in saying he is out of order in calling this Council "honourable Council". We have had this before.

I beg leave to withdraw.

THE CHAIRMAN: The Standing Rules and Orders have been strained a little in order to enable this matter to be cleared up!

If no other Member has any objections to the withdrawal of this Motion, it stands withdrawn.

The question that Item 4, Desert Locust Survey, be approved, was put and carried.

THE FINANCIAL SECRETARY: Assuming it to be the wish of the Committee, I propose to move the other items en bloc.

MR. HAVLOCK: Yes, Sir.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Items 3, 18, 24, 28 and 29 be approved.

The question was put and carried.

HEAD 6—4, SURVEY DEPARTMENT

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 6—4, Survey Department, on pages 171 and 172 of the Draft Estimates be considered.

Sir, the total recurrent expenditure for this department for 1952 is £59,335, which shows a net increase of £17,343 over the year 1951. The greater part of that increase is made up of cost of living allowances. This is therefore a comparatively modest Head of expenditure, and I shall not take up much time in introducing it. I would, however, like to refer, briefly to the recent history of the Department, with particular reference to its structure and establishment, and

[The Acting Deputy Chief Secretary] thereafter to mention one or two of the important points of the work of the Department.

Now, Sir, the Survey Department became a separate department with effect from January, 1949. Before that, it was part of the Lands, Mines and Surveys Department. During the year 1949, the Director made certain proposals for the organization and staff and working of the Department. It so happened that in the early part of 1950 Brigadier Hotline, the Director of Colonial Surveys, was in East Africa, and the Member then in charge of the Department, who was Sir Charles Mortimer, took the opportunity to ask Brigadier Hotline to look into our Survey Department and advise the Government. This was done, and in the early part of 1950, Brigadier Hotline presented his report to the Member. In that report he made recommendations regarding the structure and cadres of the Department. The report was placed before the Standing Finance Committee which agreed to the financial implications of it; and the structure of the Department, subject to certain minor modifications, which I will mention, later on, is based on that report.

Towards the end of 1950, on a Motion by the hon. Member for Nairobi North, a Committee was appointed, of which I was the Chairman, and the other five Members were all Unofficials, to inquire into the working of the Land and Survey Departments. That Committee completed its work in the early part of 1951, and the report was laid on the table under cover of Government White Paper No. 3 of 1951, at the May sitting of Council. In that report it was stated that the Committee had recommended certain small increases of establishment in the Survey Department, and that the Standing Finance Committee would be asked in due course to approve the recommendations. The recommendations were placed before the Standing Finance Committee and approved by it, and they were brought into effect by supplementary provision in 1951, and appeared in the 1952 Estimates.

So, Sir, the establishment of the Department, as I have shown, has been reviewed on several occasions during the last two or three years, and they have

received the approval of the Standing Finance Committee.

Now, Sir, I would like to refer very shortly to one or two important points about the work of the Department. In the Annual Report for 1950, section 4, Cadastral Surveys, a number of tables are given showing the output of the Department, and I have here the figures for the first ten months of 1951, and the estimated figures for the whole of 1951 on a comparative basis, and I would like very briefly to refer to some of these figures to show how the output of the Department has increased.

Now, on page 5 there is a table which shows the output of the Computing and Plan Checking Section. That section is responsible for checking plans sent in, not only by the Government surveyors, but also by the private surveyors. In the year 1946, 163 plans were approved. There has been a steady increase; in 1950 the figure was 404; in the first ten months of 1951 it has gone up to 438, and the estimate for the whole year is 526. Similarly in the case of deed plans approved, the 1946 figure was 603, the actual for 1951 is 1,463, and the estimated figure for 1951 is 1,756. Coming on now to surveys performed, 1946, surveys by Government surveyors, number of plots, 250; by 1950 it had gone up to 669; the actual for the first ten months of 1951 is 1,365, the estimate for the whole year is 1,638. Similarly, the acreage covered by the surveys done shows a similar improvement; in fact, for 1951 it shows a sensational improvement, but that is largely on account of one big survey of 850,000 acres which was done by contract, in accordance with recommendations made by the Hotline Report that the Department should be provided with funds to enable it to engage private surveyors to do Cadastral work on contract. In spite of the difficulties which the Department has in recruiting staff, it will be seen from those figures that there has been a very substantial improvement since 1946—and the improvement has been a progressive one.

Various Members, in particular, I think the hon. Mr. Patel, have referred to the necessity for getting more surveyors. In paragraph 2 of his report which has been laid on the table of this Committee, Brigadier Hotline wrote as

[The Acting Deputy Chief Secretary] follows: "Although the Department is concentrating on this work"—that is cadastral work—"virtually to the exclusion of all else since 1920, we estimate there are at present arrears amounting to 50 surveyor years for outstanding surveys in addition to grants, subveys for Crown land and surveys for the European Settlement Board, etc.". He went on to recommend an establishment which should succeed in getting the work up to date in about four years. The establishment of 18 Staff Surveyors and 12 Assistant Surveyors, but we have not yet been able to recruit fully up to that establishment. The reasons for that are three. Firstly, during the war education was interrupted and people who would now be qualified surveyors were in the war, and are not so qualified. Secondly, owing to development which is taking place all over the world there is a big demand for surveyors, so they are difficult to obtain. Thirdly, our salary scale does not compare favourably with what surveyors can earn elsewhere, particularly in private practice. Indeed, we have lost one or two from the Department because they have found the remuneration was better in private practice. The Department has gone in for self-help in this matter; it will be seen, under item 9, there is provision for 22 Survey Cadets. Of those 22 Cadets, eight have finished their training and are now doing field work, and 14, I think, are still undergoing training. It may be 15, because one of these Cadets has been awarded a Colonial Development and Welfare scholarship and is now at Cambridge where he will do a mathematical and survey course. These Cadets will be able to perform useful survey work and will be eligible for appointment, first, to the grade of Assistant Surveyor and; thereafter, if they are able to pass the prescribed examinations, to the grade of Surveyor.

The Committee to which I have referred, of which I was Chairman, took note of this particular arrangement, and made a recommendation that it should be continued. That is to say, that after these 22 Cadets have completed their training, more Cadets should be recruited, so that there would be a continuous flow of locally recruited youths into the Department.

I do not think, Sir, there is any other point which is necessary for me to refer to.

I beg to move that the Head be considered.

MR. BLUNDELL: Mr. Chairman, I wish to move an item, I do not wish to debate policy. Am I in order to move an item now?

THE CHAIRMAN: No, we have to debate policy first.

MR. HAVELOCK: Mr. Chairman, the matter I wish to raise, I think, comes under policy. I find, Sir, in the Revenue Estimates that there is £6,000 as revenue for the Survey Department under the heading "Survey Fees". Now, Sir, I do not know if there is any further revenue that this Department earns—if so, I should be grateful if the hon. Member would tell me—and the actual revenue estimate has been increased by £1,000 only over 1951, whereas, of course, the expenditure has been increased very considerably. It seems to me that there is some weakness somewhere, especially in view of the figures that the hon. Member has given us of the number of surveys that have been completed and, indeed, the increasing number which, of course, we welcome because we feel it is most vital that the surveys should be extended and completed; it is the lack of surveys and surveying that is definitely holding up development, both in the towns and in the country. But, in spite of that, Sir, what is the policy of Government as regards charging fees, and surely, now that expenses are going up in every direction, fees for services rendered by Government surveyors should also be increased. Or may I put it this way, maybe the fees that are charged to those who are charged are sufficient, but are sufficient people charged? I hope that putting it that way is clear. I would like the hon. Member to comment on that particular aspect if he would.

MR. BLUNDELL: Mr. Chairman, my point, after mature consideration, has resolved itself into one of policy. (Laughter.)

Mr. Chairman, I wish to ask the hon. Member the following. I understand that it is now the policy, when an application is made for a change of lease from 99 years to 999 years, to ask that

[Mr. Blundell] the property be resurveyed. Now, then, if that is so—as I say, I only understand it—but if it is so, I wish the hon. Member would look into it with a view to allowing the change of lease to take place without an arbitrary requirement of resurvey. Now, my reason, Sir, is as follows. If resurvey is demanded, it is extremely difficult to carry it out at the present time, because there are no surveyors and, in effect, all that happens when a lease changes from 99 to 999 years is the addition of one nine to the lease. The land remains the same, the boundaries—whether there or not—remain the same—or do not remain—and the actual record in the Lands Department is not altered. I do suggest, that the titles which were given out on 99—I see Mr. Deputy Chairman, I see that you are looking at me; it is true, I speak with diffidence because this is a subject in which you have had workings for many years—but, nevertheless, I do believe that if it is true that an arbitrary requirement is made of resurvey when 99 years are changed to 999 years, if that is required, I believe it is unnecessary and is holding up these changes.

MAJOR KEYSER: Mr. Chairman, without wishing to be inconsistent at all, to show any inconsistency with the views expressed by the hon. Member for Kiambu, I would like to make a complaint about the very high rate of charges for surveying and in saying that, Sir, say that I also do not understand why such a small figure appears in the revenue in view of the fact, that a very large number of surveys have taken place and of the high rates which are charged especially, Sir, when private surveyors are employed. Now, I understand, Sir, that where private surveyors are employed, that the rates charged were supposed to be by the Survey Department and agreed to by them. I know of one case in my own district where a small acreage of 22 acres, I think, was cut off from a big farm, and the survey fees came to £70, which is over £3 an acre, which is enormous. If that is going to happen, Sir, and I believe there are quite a number of cases, it makes the cutting up of bigger acreages into smaller ones an extremely expensive undertaking. Also, Sir, in the cases of subdivision, in very many cases, very often it is required by the Survey Department that a complete survey should be

made of the whole area because of mistakes made in the past and of charges for that is made on the vendor, or the purchaser in the case, whatever the agreement is, but it is all added on to the charges of the survey for the subdivision, and I think, Sir, it is extremely onerous on the vendor and purchaser if that is done.

MR. MATHU: Mr. Chairman, I have one point to raise, Sir, here—the question of the training of surveyors and, in particular, that of African surveyors. It is provided here, Sir, that a sum of £180 will be required next year for the training of African surveyors. I do not know how many students could be trained with £180, but it does not appear to be large enough. Another point, Sir, is that it is provided that you will have five African surveyors and unless there were some replacements, to my knowledge this year, out of the five that we paid for, two have been discharged and three apparently are seconded to the African Land and Settlement Board. If that is correct, is the figure five appearing in the Estimates also correct?

Sir, one of the reasons why I want to stress this point is that for development in African areas, particularly when we have in mind this question of offering land as security, when people want to have agricultural loans from a set-up of my hon. friend the Member for Agriculture, it is very important that there should be land titles in those areas where these can be granted. Because there are no surveyors, and I suggest, Sir, in addition to the 22 surveyors that are going to be trained to a very high level, I think it is very important we should train a larger number of Africans to tackle the surveys in African areas to enable Africans to have agricultural credit because they can offer land as a security. That is the whole aspect of that problem, Sir, in African areas, particularly in the trading centres and in markets, Africans are sinking large sums of money in permanent business premises. Now these markets are not surveyed, there are no plans to which you can attach a title, and the difficulty there is that these business premises could not also be offered as security when one wanted to raise money either to extend his business or to educate his son under the scheme that is initiated by my hon.

[Mr. Mathu] friend the Member for Rift Valley. And I suggest, Sir, that these things are so vital to the development of these areas that we cannot go on like this without training a sufficient number of African surveyors to carry out the work in these areas. I think that my hon. friend the Member for Uasin Gishu would agree this time with me that this would be technical education and therefore productive and he will, I think, support the idea. I am putting forward that we should train more of these people. I understand that the training for the five this year was done at Jinja in the Surveyors' School and if we do not get sufficient training there, I can see no reason why we should not start a school of our own and train our own people locally.

With these comments, Sir, I support the Motion.

MR. PRITAM: Sir, it was some time in 1948 that I raised the question of residential plots at Kakamega and other centres. I was then told that surveyors were not available, but in the course of the next year or two they would be available, and the plots then would be made available to those who needed them. That was in 1948, but still in 1951, which is very nearly finished now, nothing has been done. I have seen various land officers as well as the Deputy Chief Secretary. All the time I have been told, "Oh, it is a matter of the next few months only." I do not know what is going to happen. I would like to know definitely what Government is doing, and what it has done in the past five years, because, Sir, it was in 1946 that an assurance was given by the then Deputy Chief Secretary that for all the trading centres which are in the African reserves a 33-year lease will be granted, and these trading centres will be surveyed, and that it is only then that proper leases will be given. Again the same story, Sir. On the one hand there is pressure from the Administration and Medical Department that these trading centres are very bad and insanitary and permanent buildings should be put up. The poor traders do not know what is their security if they put up permanent buildings. I think Government must have some definite policy with regard to the trading centres. On one hand we are assured that the survey is being put in

hand. Naturally, traders must wait until then before they can put up permanent buildings, but at the same time there is pressure from the Medical Department and also from the Administration that trading centres should be improved and there must be proper buildings. I should like to know from the Government when the survey of these trading centres will be undertaken.

MR. SALTER: The hon. Member has told us that we are 50 surveyors' years behind time; I think that was the expression used; but I do not know whether the term is cadastral, astral or astronomical. I do not know what a surveyor's year is or how long he works, but it certainly seems a very long time indeed, and although we are told that a plan exists whereby the arrears could be cleared up, using more temporal terms, in a matter of four years, there appears to be hardly any possibility of that being done. Now, Sir, these delays in carrying out surveys, as hon. Members will know, are causing the greatest possible hardship, collectively and in individual cases. We know the delays which occur in obtaining a title to land which means again an individual is prevented, if he needs to borrow money, from obtaining those facilities and so on *ad infinitum*. I would ask the hon. Members if he would kindly tell us how many vacancies on the present establishment still remain to be filled. Secondly, what are the prospects of filling them, and thirdly, what active steps are being taken to deal with this very serious question of arrears.

MRS. SHAW: Mr. Chairman, I would like to ask the hon. Member for Labour to elucidate two points. One is what qualifications are now required by the Kenya Survey Department if they take on a fully qualified surveyor from England. I know they used to require he did a further two years' training here, before he was allowed to practise. I wish to know if that period has been shortened. I did hear it had been reduced to six months. I would like to know what point the second point is with regard to know is, if there is any particular reason why the Survey Department would like to do with the Land Office, because, Sir, do every time you go to the Land Office, as I do practically every week with a batch of problems to be solved, you are

[Mrs. Shaw] promptly told they cannot be done because of lack of surveyors and because the cadastral survey has not yet been done and there is no hope of its being done in the near future, but that the Land Office have no control whatsoever over the Survey Department. It seems to me that the Survey Department is the very foundation stone of the Land Office, and I would like to know if there is no possibility of the Land Office possibly being in some way linked up or connected, so they do have some control over the Survey Department.

THE CHIEF NATIVE COMMISSIONER: Mr. Chairman, I would like to reply to two points made, the first by the hon. Mr. Mathu, and that is—in connexion with African surveyors working in the African Land Units. Their work in the Land Units would be extremely useful both in the trading centres and African markets, but I cannot not possibly agree that we need them for the individual delimitation or survey of individual bits of agricultural land, so as to enable Africans to make applications on that ground for agricultural loans. The difficulty there is largely one of African land tenure, and the hon. Mr. Mathu, I think, is well aware that we are going into that matter now. It is under consideration by the African District Councils to see whether they cannot find some method whereby an African may get some sort of a title on an individual portion of land without the whole game of survey by a licensed surveyor. The second point, Sir, that I would like to reply to is a point made by the hon. Mr. Pritam who talked about the difficulties of those who have T.O.L.s (Temporary Occupation Licences), townships and trading centres within the African areas. It is Government policy; as you, Sir, have said in the past, to try and get some better title for those people. At the moment, as those trading centres are under the aegis of the Native Lands Trust Board, the matter is being gone into by the Native Lands Trust Board at some length and we are again trying to find some method—and we are getting pretty close to it—a method whereby the T.O.L. as at present held shall be something rather more valuable than they are at present.

MR. NATHOO: Arising out of the remarks of the last speaker, if the

matter has been considered by the Board, will Government ensure that no undue pressure is brought by their department on the holders of these temporary plots to enforce permanent buildings because until and unless they get title to this land, it would not be unwise but it would be almost impossible, because they would not be able to raise much money on these plots.

THE CHIEF NATIVE COMMISSIONER: Yes, Sir, I am very happy to give that assurance. At the same time I can see no earthly reason why a person with a T.O.L. should not keep his plot adequately clear.

THE CHAIRMAN: I allowed the hon. Member to reply to the question but I would remind all hon. Members we are debating policy in which hon. Members are supposed to speak once only.

THE CHIEF NATIVE COMMISSIONER: I apologize.

THE CHAIRMAN: I will call upon the hon. Member to reply.

THE ACTING DEPUTY CHIEF SECRETARY: I will do my best to answer the questions that were asked, although I must confess I had no previous notice of most of them, and I am afraid I shall not be as fully informed as I would wish on some of them.

First, the hon. Member for Kiambu raised the question of survey fees. I have not got the previous year's Estimates with me, but I understand the revenue for 1949 was £1,600. Actual receipts from survey fees for 1950 were £2,491. In the year 1950 there was a revision of the rates of fees. The revenue Estimate for 1951 was £5,000, and it has gone up to £6,000 in the 1952 revenue Estimates. The Member drew attention to the increase in the cost of the Department, but as I said originally, that is largely explained by the provision of Cost of Living Allowances. The further points which I would like to make are these: a large part of the present output of the Department is the revenue earning. For example, there is the training of cadets, work other than cadastral, work which is not at present paid for, such as the checking of cadastral plans in the Subony office. There is also the point that a large amount of the work done by the Department is not earning revenue at the present time, it will in the long run

[The Acting Deputy Chief Secretary] be revenue producing, though not in the form of survey fees. I will, Sir, certainly look into the question of fees, and see whether there does seem to be a case for any further revision; but there is another point of view, as the hon. Member for Trans Nzoia pointed out. The Member for Kiambu asked if there was any other revenue Head. There is under item 2, Head 0—6, Maps, £1,400.

MR. HAVLOCK: We will be coming to that later.

THE ACTING DEPUTY CHIEF SECRETARY: The hon. Member for Rift Valley said that he understands that when there is a change of terms from 99 years to 999 years in agricultural leases a new survey is required. Is it necessary? I am afraid I cannot answer that. I do not know whether a new survey is required or not. I will look into it. I cannot see personally why it should be necessary. I will certainly go into the matter and give him an answer. Again, the hon. Member for Trans Nzoia suggested that the fees charged by private surveyors in some cases seem to be on the high side. It is correct that the fees which private surveyors are allowed to charge are laid down by the Department in rules. If he will give me details of particular cases which he has in mind, I will be very glad to look into them; to see if there was, in fact, anything wrong with the fees that were charged. The hon. Mr. Mathu, raised the question of the training of African Surveyors and the provision for African Surveyors, five posts. I agree, Sir, that the sum of £180 for training African Surveyors seems very modest, but it is what the Director asked for and what he feels can be usefully spent. I think he is wise to go slowly in this matter of training Africans, but I can assure you he is very keen on doing it, and fully realizes, as I do, the necessity for producing African Surveyors. We do realize they will be required in large numbers in the future for work in African areas. It is true that of the five posts of African Surveyors, two at the present time are vacant. Five men were originally trained in Uganda, and of those five, two turned out to be unsuitable for the work on their return to Kenya. Their case was considered very carefully by the Director, with the Assistant Director who was immediately

in charge of training. They came to the conclusion they were not able to do the work, it was beyond their capacity and the only satisfactory course was to get rid of them. I hope we may find two other people to fill those vacancies, and we therefore want to keep those posts and the money provision. The Director and I do fully realize the need for training Africans in this work.

The hon. Mr. Pritam referred to surveys in townships, and trading centres. Well, Sir, I do not know what have been said in 1946, but it is true that he has approached me on this subject on numerous occasions. The fact of the matter is there are not enough surveyors to do the work which we know ought to be done. There is a conference held twice a year between the Land Department, the Survey Department and other departments interested in surveys, with the Member presiding and at those meetings we fix the order of priority of surveys on the waiting list. And, of course, we shall take these surveys, that the hon. Mr. Pritam is interested in, into account when those meetings are held. The next one is to be held, I think, on the 18th of this month.

The hon. Member for Nairobi South asked me exactly what Brigadier Hottel meant by 50 surveyor years in arrears. That refers to cadastral work only, and it means there was enough work to keep one surveyor occupied for 50 years, or 50 surveyors occupied for one year.

MR. HAVLOCK: Is that working two and a half hours a week extra or not?

THE ACTING DEPUTY CHIEF SECRETARY: It includes the extra office hours. Now, Sir, the details of vacancies are these. In the grade of Staff Surveyor, which has a cadre of 18 posts, there are six vacancies and there are two vacancies in the grade of Assistant Surveyor. The arrangements which we make to fill these vacancies are these. First of all we are constantly in touch with the Colonial Office and with the Survey School at Cambridge and the Military Survey School in the United Kingdom with a view to getting suitable men. We have very good contacts with all of these people. The Colonial Office has agents in the dominions, and we do try to secure surveyors through those channels. We have, in fact, succeeded in getting some from New Zealand and South

[The Acting Deputy Chief Secretary]: Africa. But I referred to the difficulties in my main speech, and I am afraid it may be a slow job to bring the cadre up to strength.

The hon. Member for Nyanza asked how long it is necessary for a fully qualified surveyor to be here before he can practise. I will get this information and give it to her precisely; but so far as I know, if a man has full qualifications, if he is a Member of the Institute of Chartered Surveyors, there is nothing to stop him practising at once. I will obtain full information on the point and give it to the hon. Member. She also asked the question of co-ordination between the Land and Survey Departments. I have referred to that already. We have these meetings twice a year in which the Land and other departments interested in surveys are represented, and we get the priorities for the various outstanding surveys. So that the Department is not in any way to blame if a survey gets a low priority; if anyone is to blame it is the Member.

I think that covers all the points, Sir.

MAJOR KEYSER: Mr. Chairman, may I interrupt the hon. Member, I did not want to interrupt him earlier on because I thought I might tie him up with all the figures he had to give. He has not quite answered the questions put by the hon. Member for Kiambu and myself quite satisfactorily. That is the relationship between the work done and the expenditure of the Department and the revenue it attracts. Now, Sir, can I put it this way? I think the hon. Member said that in 1952 it was estimated that 600 surveys would be carried out. That would bring in a revenue of £6,000. In other words an average of 410 per survey. Or put it another way, there are 18 surveyors who are going to bring in a revenue of £6,000, so they will each attract an average of £333. Surely, in addition, in view of the cost of the Department, that is a very, very low revenue.

THE ACTING DEPUTY CHIEF SECRETARY: I did explain that some of the surveys which are made are not revenue producing surveys, because they are not surveys for which fees are paid; and secondly, some of the staff are engaged on checking work, for which fees are not at the present being paid. I will, how-

ever, go into this question of revenue and see whether there is any case for an increase of fees.

The question that Head 6-4, Survey Department, be considered was put and carried.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move that item 1, Personal Emoluments, sub-item 1-25, on pages 171 and 172, be approved.

MAJOR KEYSER: I have a point, Sir, on sub-item 9.

MR. SALTER: I have a point on item 4, Sir. It is very short, Sir, and it is this, that if there is no prospect this year of filling the vacancies under that item, I would move a reduction of it, Sir, I want to make it clear that I do not want to reduce the numbers of surveyors—indeed the contrary—but if there is no prospect of filling the vacancies, as I rather gathered from the hon. Member was the case, then I would move a reduction, but before doing so perhaps he could tell us.

THE ACTING DEPUTY CHIEF SECRETARY: I would be very reluctant to agree to any reduction. As I said, we are in touch with sources in various parts of the world, and although I think it may be some time before we can fill all the posts, yet there is always the chance; and it would be very unfortunate if we should find ourselves short of money when we had the opportunity of securing the services of a surveyor.

MR. SALTER: I accept that, Sir.

MAJOR KEYSER: I would like, Sir, to raise a question on No. 9. Sir, I should like to move that the item be reduced by Sh. 1.

Sir, I would like to ask the hon. Member, am I correct in saying that these Survey Cadets will take eight years to reach a salary of £520? And if that is the case, does he think that they will remain for eight years in the Survey Department and will not then, therefore, be a great loss in training?

THE CHAIRMAN: Before the hon. Member rises to speak, I will propose the question to the Council.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, it is not true that these Cadets will take eight years to

[The Acting Deputy Chief Secretary] reach the salary of £520, because we do not intend that they shall remain for that length of time on this scale—£340 by £22 10s. to £520. That is a common scale in a number of departments for junior technical officers, and normally, as is intended in this case, they get promoted to a better scale before they have reached the top of that scale. We have laid down no stipulated length of time before they become Assistant Surveyor, because it is a new scheme, and we want to see how it works. But I do not for a moment think that they will remain anything like that length of time on this scale. In a few years, when they have shown themselves by their work to be fit for it, they will probably be promoted to Assistant Surveyor.

MAJOR KEYSER: In view of that reply, Sir, I will withdraw my Motion.

THE CHAIRMAN: If no hon. Member wishes to raise any objection, the Motion is withdrawn.

MR. HAVELOCK: Item 15, Sir. Mr. Chairman, I beg to move that item 15 be deleted—£650.

In another part of the 1952 Estimates, Sir, there is quite a considerable expenditure for the setting up of workshops under theegis of the Public Works Department, and the comment in the Memorandum, if my memory serves me right, on that item is the increase of staff in the Public Works Department in these workshops is necessary for the servicing of the vehicles of other departments. Now, Sir, here we have another item in the Survey Department, the Foreman Mechanic, and the Memorandum reads: "Required for maintenance and repair of Department's vehicles." I do not quite see how that ties up. Does it mean that the Survey Department is the only department which the Public Works Department does not service, or only one of the departments. What is the reason for this Foreman? I can see none according to the explanations that are in the Memorandum, and I would like to hear if there is any other further, better explanation, than I can see.

I beg to move.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, a year or two ago, the Survey Department had its vehicles serviced in commercial garages.

They found that the work was very often delayed and not satisfactory, and they came to an arrangement with a European mechanic by which he did all their work for them on a piece-work basis. That happened during the last year. They found the particular individual extremely satisfactory. They found that the work was done more economically and more expeditiously than it had been done formerly. They therefore put up a proposal that this man should be employed by the Department, as a permanent arrangement, to look after their fleet of about 28 vehicles. Of course, the question whether this should be done by the Public Works Department was carefully examined; it was discussed with the Public Works Department and with the Member for Finance and the Secretary to the Treasury. The Director of Surveys and I succeeded in convincing them that in this particular case, as there was a satisfactory arrangement already in operation and they had a very satisfactory man doing the work, that it should be treated as a special case, and they should be allowed to employ their own officer to do this work. The Director of Surveys is quite satisfied, and he has satisfied us, that this will be a real economy, that in the long run it will be a cheaper and more efficient way of maintaining their vehicles than any other.

MR. NATHOO: Arising out of the remarks of the hon. Deputy Chief Secretary, if the present holder of the post is satisfactory, Sir, would it not happen that once this post is made pensionable, it would always be there whether the holder is satisfactory or not?

MAJOR KEYSER: Mr. Chairman, I am going to support this Motion because, having set up this mechanical Department of the Public Works Department to service these vehicles, I think, Sir, it is only going to add two expenses to have another set up to do the servicing of vehicles. Unfortunately, Sir, in another department of the hon. Member's, we had the same thing over Establishment Officers. He has a central list of Establishment Officers and the Departments have Establishment Officers, and I system which we have criticized, and I think if we are going to have such an organization as the Public Works Department have put up; then let us stick to it and not have the two. This

(Major Keyser)

Sir, will be the beginning of it. Next year we shall find that all the departments will want a mechanic as well in addition to the Public Works Department. Therefore, Sir, I hope that hon. Members on this side of the Council will support the deletion of this mechanic.

MR. MATHU: Mr. Chairman, I rise to support the Motion moved by the hon. Member for Kiambu. The hon. Member for Lands did say that this particular individual is a very competent one and that he services the vehicles of the Survey Department excellently. On the other hand, he did not say the Public Works Department set-up, which services the vehicles of the other departments was not satisfactory, and if it is satisfactory, then I can see no point in his pressing that we should support this one, because the Public Works Department would service the Survey Department's vehicles as excellently as they do those of the other departments.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, with regard to the point raised by the hon. Member for the Central Area, Mr. Nathoo, I think the point was that if once we get him into the establishment, he is there for ever. That is not necessarily true. (Laughter.) That is not necessarily true. There are means of dispensing with the services of an unsatisfactory officer. Anyway, there is no reason to think that this particular individual is going to become unsatisfactory.

With regard to the point raised by the hon. Member for Trans Nzoia, it is true that arrangements are being made for the Public Works Department to service departmental vehicles. But as I have already said, this Department had evolved this highly satisfactory arrangement, and it was decided to allow it to continue. If the Survey Department wanted the Public Works Department to service their vehicles, the Survey Department would need an increase in their transport and travelling. Note, because they would have to pay the Public Works Department for the work. The Treasury did secure a reduction in the original transport and travelling estimates of this Department of from £11,000 to £9,000. I do press, Sir, this particular case where

the Department has had the enterprise and initiative to make an arrangement which is working very satisfactorily. I do ask the Council, Sir, to allow this arrangement to continue. It is a very modest post and it does add, we think, to the efficiency of the Department.

MR. MATHU: It is the principle.

MR. HAVELOCK: Mr. Chairman, the hon. Member has put up as strong a case as he could, Sir, for this new post, and I am afraid that I am going to press my Motion and especially because I understand that the arrangement which was made last year, or this year presumably, that this particular person should service the vehicles of the Department on contract basis, I understand, was quite satisfactory; I see no reason therefore why a post with an asterisk against it should be put into these Estimates for this particular job, and I suggest either the vehicle should be serviced by the Public Works Department or the old arrangement should continue.

THE ACTING DEPUTY CHIEF SECRETARY: If I might comment on that particular point, Sir, of course there is no guarantee that the individual will remain available if we try to go on on the present basis to which I have referred; I am not sure whether it is "contract" or "piece work". I think it would be a pity to lose this very valuable person from this Department.

The question was put that item 1 (15) £650 be deleted and on a division carried by 18 votes to 14. (Ayes: Lt-Col. Gherrie, Messrs. Havelock, Hopkins, Jeremiah, Major Keyser, Messrs. Madan, Mathu, Nathoo, Ohangai, Patel, Pitman, Dr. Rana, Messrs. Salim, Salter, Strat, Lady Shaw, Mrs. Shaw, Mr. Usher, 18. Noes: Messrs. Carpenter, Davies, Hartwell, Hunter, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddiss, Taylor, Thornley, Trlin, Vasey, Whyatt, 14. Absent: Mr. Blundell, Major Cavendish-Bentinck, Messrs. Chemsalim, Cooke, Hope-Jones, Maconochie-Welwood, 6. Total: 38.)

Mr. Chairman, I beg to move that items 2 to 8, Other Charges, on page 172, be approved.

THE CHAIRMAN: If no hon. Member has any objections it is proposed that items 2 to 8, Other Charges, Survey Department, be approved.

(1) Committee of Supply

MR. HAVELOCK: Mr. Chairman, item 8.

THE CHAIRMAN: Does any hon. Member wish to raise any question before item 8?

MR. HAVELOCK: I see from the revenue Estimates that £1,400, which the hon. Member has mentioned in another speech, is the revenue from maps and the cost is £1,500. The revenue, I understand, Sir, is very little more than in 1951, and, in fact, less than the receipts for 1950, I presume from the Estimates here that the expenditure of printing these maps has definitely increased. In fact, the Estimate is almost double that of 1951, and the revenue has not—in the same proportion—has not increased. I am, I suppose, out of order, unless I actually propose a Motion on this, and I will do so. That is, that the sum of £1,500 be reduced by £800. The reason for that is that it brings it back to approximately the same proportion as in 1951, where the profit on the expenditure of £815, as against a revenue of nearly £1,500, would be. I do hope the hon. Member can understand what I am getting at. I think must have got the point—anyway that the expenditure has almost doubled, and the revenue has only slightly increased. I feel there is something wrong about it.

I beg to move.

THE CHAIRMAN: I put the question that printing maps and plans be reduced by £800.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, here, again, I only learned a little before this debate had started this evening that this point was going to be raised, so I have not had time to go into it as thoroughly as I should have liked.

In the first place I should like to make it plain that there was supplementary provision during the year 1951. I am afraid I do not know the amount of it at the moment, but some supplementary provision was required during that year. In addition to the revenue item of £1,400 under Head 0 (6) (3), Maps, there is a further sum which the Director estimates at £1,000 which is credited to Head 0—2—2, item 7, Registration of Documents and Titles, by the Registrar of Titles, for whom documents are printed by the Survey Department. He received some payment for those docu-

ments. In addition to that, Sir, an estimated number of maps and prints of about 30,000 during the year 1952 will be issued, free of charge, to other Government Departments. Of course, no revenue is received in respect of those, but naturally provision is required to buy the materials to make those maps: This figure of £1,500 has been arrived at very carefully, and if it is cut it will simply mean that the Department will not be in a position to make the number of maps and prints which they know will be required. I will give the Member an undertaking we will look carefully into the revenue item and see whether there is a case for increasing charges so that the revenue increases. I hope in those circumstances, in view of my assurance, that this sum is actually required for producing the number of maps and prints which we think will be necessary, he will withdraw his Motion to reduce the item.

MR. HAVELOCK: Would Government be prepared to submit this item to the Standing Finance Committee, as other items have been in the Estimates, in which case I would be prepared to withdraw?

THE ACTING DEPUTY CHIEF SECRETARY: Yes, I shall do that.

MR. HAVELOCK: I beg leave to withdraw the Motion, Sir.

THE CHAIRMAN: If no other Member raises any objection the proposal is withdrawn.

The question that items 2 to 8, Other Charges, Survey Department, be approved was put and carried.

HEAD 6—7, PRINTING AND STATIONERY
THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, I beg to move that Head 6—7, Printing and Stationery, on pages 174 to 176, be considered.

No question of policy arises on this Head, and I shall therefore be very brief in introducing it. Members will see from page 176 that the total for the year 1952 is £227,875, showing a total increase of £73,690. That increase is accounted for almost entirely by three things. Firstly, Cost of Living Allowances; secondly, the increase in cost of paper and other materials; and, thirdly, increased output which, of course, is reflected in some degree in revenue. The Press has expanded considerably in recent years and

[The Acting Chief Secretary] home, and to make himself so awkward and so persistent as to get from them the minimum requirements of paper that he required. There was no question of his not looking ahead, he simply was completely unable to obtain these supplies. I make this point because this situation arose when I myself was the responsible Member for this Department, and I must warn Members that if he is to be hamstrung now, by not being allowed the funds necessary to buy the paper at the increased price that simply means that he cannot make forward orders, and might well mean that he would be unable to take advantage of supplies when they came on the market; and if voluminous documents, such as these *per diem*, are to be produced by him, and lots of other papers also which have to be printed, then I do suggest that it is up to hon. Members to allow him funds sufficient to make these purchases. I do not know whether the hon. Member for Kiambu would suggest that we do away with the daily Hansard? That would be one way of economizing in paper. It would not be one which I, personally, would advocate. I think it would be a retrograde measure and I think it would be a great mistake, but when one talks in terms of economy, there are lots of other documents that have to be printed in respect of which those who use them would see just as strong reasons as I personally see in this Committee against doing away with valuable printed documents such as these. I would, therefore, Sir, appeal to hon. Members to let the Vote go through, otherwise I think it is quite possible that we might run into quite a serious crisis in the event of the Government Printer suddenly running short.

MR. UTHIRI: Sir, I merely rise to point out that there is one corner of the world, and not an unimportant one, to which the exhortation of the hon. Member for Development has not penetrated, and that is this Chamber. Sir, I hold in my hand the minutes of this morning's meeting of the Council. There are three pages of it and every Member gets one—I do not know how many other Members get one as well. Surely, if one were laid in a conspicuous place to be examined, that would be sufficient? In addition, Sir, I invite inspection of the last page!

MR. NATIONO: Mr. Chairman, arising out of the unrecorded reply to the Question given by the hon. Acting Chief Secretary to the Member for Rift Valley that there was no element of stock-piling in the Estimates, would I understand then, Sir, that, even with the rising prices, we are not prepared to get some stocks for 1953? Or, although they may not appear in the Estimates, surely that could be obtained by the surplus balances?

THE ACTING CHIEF SECRETARY: Mr. Chairman, I think the short answer is that supplies simply are not available. Even if we set out now to stock-pile, I do not believe that the supplies are there.

As regards the hon. Member for Rift Valley's point, I will certainly see whether any further action is necessary by Government to urge rigid economy in the use of paper. Of course, there are economies that could be effected. I tried to make the point that this would be one of them, but there are very good reasons, I think, why this would be a particularly bad economy; and certainly if it is not the wish of each hon. Member to receive a copy of the minutes of the proceedings in this Council, we can arrange that only one copy shall be placed on the Table. If hon. Members would indicate that that is their wish, I would give the necessary instructions immediately.

MR. BLUNDELL: Mr. Chairman, I did not mean to anticipate the hon. Member for Trans Nzoia.

A year ago, when we were debating this Head, we did suggest that considerable economies might be effected in the quality of the paper. I would suggest to the hon. Member we have not gone as far as we might! This clean, white, glossy, hard paper is expensive, and if we use a softer, browner paper, I think, Mr. Chairman—(laughter)—there are no implications whatsoever in my remark! If we used the paper which I was describing, I think we would make considerable savings. I would like, for instance, to point out a particular matter. When Bills are published—Ordinances are published—they come out on a glossy, white paper, but once the Bill has been passed, Mr. Chairman, it then becomes—it is called something else, an "Ordinance which has received

[Mr. Blundell] the content"—or something. That is the way when it may well move to the rank of whiteness and glossiness because it has been decided. But the original Bills which come before this Council which are often white and glossy, are expensive because, apart from the quality of the paper, we amend them and alter them and then they are destroyed afterwards—they are not the permanent record. I would suggest that anything which is not the permanent record might well be reduced to that category of paper to which I referred.

MAJOR KEYSER: I was only going to say that there is a technique—a technique has been developed amongst hon. Members opposite, Sir, whenever we ask for a cut in expenditure, to find some commodity that Members on this side or Members of this Council still use, and then to say—now, then, are you asking to abolish that? (Laughter—applause.)

The hon. Member for Development, Sir, is the one who has developed this technique and I would like to tell him, Sir, that he is ceasing to have any effect on this side—it is really rather wasting the time of Council.

LADY SHAW: Mr. Chairman, not very long ago, only a few days ago, we reduced the amount of money which we are going to allow for postage. I feel, Sir, that Government now has no excuse for using quite so much paper—under the circumstances, therefore, I think we have every reason to press our Motion.

Mrs. SHAW: Mr. Chairman, I should like to suggest, with due deference, that possibly the *Official Gazette*—there might be great economy in that. At the moment, one's husband receives the *Official Gazette* in about four or five capacities. In other words, four or five copies of the *Official Gazette* come to one household. Surely it would not be beyond the Government, if a man was a J.P. and on the production committee and the departments checked up on him and he was sent only one copy of the *Gazette* instead of five, that certainly would save good paper because it is the white, glossy kind referred to by the hon. Member for Rift Valley. Also, I suggest it would be a great help in the country offices where the congestion

caused by the *Gazettes* is terrific. (Applause.)

MR. SALTER: Mr. Chairman, I have only one observation to make. It does seem to me that if you have economy of paper, you have economy of time. (Hear, hear.) I think it was last year that we were told that certain police officers in the districts and provinces had to have extra clerical assistance because they spent so much of their time filling in, on that kind of paper to which the hon. Member for Rift Valley has referred, various returns or even putting "full" upon them.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, we will certainly look into the points which have been raised by all the Members on the floor side and see whether it is possible by following them up to achieve some economy in the use of paper, either by reducing the supplies of things like the *Gazette*, or by getting a cheaper type of paper. But, Sir, I do strongly urge that this item should not be reduced. After all, this is the estimate made by the expert on the subject—the Government Printer—of the paper which he thinks it will be necessary to buy in order that business may be carried on during the year 1952. I do submit, Sir, it would be reasonable to provide the amount of money which the expert requires.

MR. BLUNDELL: Is that not worked out in appetites of Members?

MR. HAVELOCK: Mr. Chairman, a number of suggestions have been made rather without any real deep investigation by hon. Members on this side of the Committee as to how Government could economize in paper. I also would like to point out that I can see from these figures that there has been no economy in the actual consumption of paper during the last year or there is no economy visualized for 1952 in spite of the rise in price of paper. The only comment in the Memorandum for the reason why there should be a bigger sum voted this year for this printing paper and sundries is the rise in the price of paper, varying from 50 per cent to 100 per cent. I presume it would be fairly reasonable to take a figure of 100 per cent since as far as the prices are concerned. That is approximately what the rise in expenditure has been, or will be

[Mr. Havelock]

from 1951 to 1952—a little over 100 per cent. I feel, Sir, that, in spite of the fact that the hon. Members on the other side have pleaded to us for mercy to withdraw this Motion and especially on the grounds that there may not be sufficient money to buy the sufficient supplies of paper for 1952, I am afraid I cannot withdraw this Motion. I believe that, in one way we are quite justified in demanding economies in Government. I also say I am by no means—by no means convinced that the price of paper when it is bought during 1952 will be at the same level it is today.

With those two factors, I regret I cannot withdraw my Motion.

The question that item 6—Printing Paper and Sundries, £113,800—being reduced by £20,000 was put and carried by 18 votes to 16 votes (Ayes: Mr. Blundell, Lt.-Col. Gherin, Messrs. Havelock, Hopkins, Major Keyser, Messrs. Maconochie-Welwood, Mathu, Nathoo, Ohanga, Patel, Pritam, Dr. Rana, Messrs. Salim, Salter, Shatry, Lady Shaw, Mrs. Shaw, Mr. Usher, 18. Noes: Messrs. Carpenter, Davies, Hartwell, Hope-Jones, Hunter, Jeremiah, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Rhodan, Taylor, Thornley, Trim, Vasey, Wyatt, 16. Absent: Major Savendish-Bentick, Messrs. Chemsalin, Cooke, Madan, 4. Total: 34.)

The question that items 2—10, as amended, be approved was put and carried.

HEAD 7—1. OFFICE OF THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that Head 7 (1), the Office of the Member for Education, Health and Local Government be considered. I think I am right in saying, though I speak from memory, Sir, this is the first time the office of a Member, as an Office Vote, has been debated. It has been put to this Council before, but I do not think that it has been debated in detail—I may be wrong. I am a little puzzled in my own mind as to what the policy debate should be founded on, but I presume that what the hon. Members

opposite wish to know is the work of the Office of the Member, what it does, and how the machine goes on.

Let me start by outlining the position perhaps of the Member generally. Although, Sir, the Budget of this country may be regarded as small, as against the Budget of more advanced countries such as the United Kingdom and places like that, there is nevertheless the point, Sir, that the work is by no means in proportion to the Budget indications. The Minister for Education in Great Britain—he deals with education, if I may put it in this way, pure and simple. The Member for Education in Kenya has to deal with education, European, Asian, African, Arab, Goan and technical; so that every one of his problems is complicated over six separate compartments and he has to find solutions and adapt solutions which are not very often to be found from experience anywhere else—he has to take them and range them over such a subject as education. Sir, bearing that background in mind, I find it impossible to deal with this Vote without referring to the work that has to be done in the office. I might perhaps give hon. Members opposite a little list of the responsibilities which the Member and his office have to carry. Local Government: The new Local Government includes the administration, for instance, of sections 21 and 22 of the Resident Labourers Ordinance and the Resident Labourers Policy, and in that he has to deal with District Councils, their resolutions and their general decisions. He has to deal with Class A townships in African areas under Local Government. He has to deal with District Councils in the Settled Areas and their various and many problems. He has to deal with African District Councils. There are to-day some 24 African District Councils all embarked, as the result of the Ordinance that this Council passed recently, upon a progressive path which is bringing increasing work in its wake. He has to deal with Municipal Authorities in various standards of progress. He is responsible for Town and Regional Planning. He is responsible for townships and trading centres in the Settled Areas and in the past few months we have had several of these townships developed on a rating basis; that has to be carried on by advice and help from the Local

[The Member for Education, Health and Local Government:]

and from the Government Department and from the Member, and too often do they insist upon going up beyond the Commissioner to the Member although the Commissioner is an expert and extremely competent in the realm of local Government. He has to be responsible for such things as the Public Health Division of Lands Board and consequent problems that arise with regard to peri-urban settlement. He is of course responsible for medical policy, for preventive medicine—the public health side—as well as responsible to this Council for the curative provision. He has to deal with various sub-sections of the public health service which cover a very wide range—dangerous and offensive plagues, epidemics, food and food handling, and so on. Members are aware, that in particular represents at the present moment quite a considerable proportion of work. He has to deal with sanitary services in townships. He is responsible for European and Asian social welfare, with stress on the non-European and non-African indigent. He has to deal with housing and housing policy, a responsibility that has only fairly recently been recognized as something which is of paramount importance. He has had for a long time to deal with African housing and all the many problems that that has brought, with loans, with policy, the question of ownership, and he has from the very fact that he is responsible for housing policy of non-Government proper, to be consulted on most urban land questions.

Now, Sir, that is the list, a rough list because I have left many details out of it such as the Council for Overseas Education, the Education Loans Board, the one hundred and one minor things which have to come through the Member and his office. The question of African burials alone, African overseas scholars—there are at the present moment some 292 files on the go, each of which demands attention, demands from either the Member, his Secretary, or his Assistant Secretary a personal tackling of the problem of a man who can be made, by kind and gentle and reasonable treatment, a good and useful person, or by mishandling can be turned into something that can be far from an asset to

the country. That is a rough outline of the work of the office of the Member for Education, Health and Local Government. The staff which he has to carry on that work can be seen in the Head, Recurrent, and I have no doubt that when we come down to details hon. Members will have some remarks to make on those particular items, as I cannot think of any other reason why my office should have been picked out as the spearhead for discussion of the offices of Members.

Sir, I beg to move.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that item 1—1, be approved.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I beg to move that item 1—2 be approved.

MR. BLUNDELL: I beg to move that item 1—2 be reduced by £200. Mr. Chairman, speaking to the Motion, I should like to ask the hon. Member to justify the increase of £200 in this appointment. We have made it clear on our side that we are perfectly content to treat each of these posts by themselves. We are unable to agree to the principle that all should go up, as I stressed the other day, the ladder resolutely in line, dressed by the right for the sergeant-major. In asking the hon. Member to justify the increase of £200 to this particular Secretary, I should like to draw attention to the fact that the emoluments outlined to the Head as printed in this Budget amount, if one takes into this consideration those which are called "hidden", amount to a total sum of very close to £2,300. I suggest that an equivalent of £2,300 is not a salary that is easily earned in the ordinary walks of life, and we must not be led away by the £1,635. It is not £1,635—it is all that is added that is called "hidden emoluments". It is on those grounds, Sir, that I beg to move a reduction.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I shall have very great pleasure in justifying, I think, justifying, the increase that is presented. The remarks of the

[The Member for Education, Health and Local Government] hon. Member for Rift Valley about the actual value of this post, apply, of course, to every post throughout the Estimates, and in so far as comparisons are to be taken then every post in the Estimates, with the exception of those that can be regarded as non-permanent and non-pensionable must be taken into account. I have endeavoured, Sir, in my introductory speech, to outline the responsibilities that lie upon the head of the Member who is responsible for this particular group of portfolios. Believe me, Sir, the Secretary to that Member does not earn his money easily—not by any means. He has had in the past eighteen months, three times during the time that I have been away in England or elsewhere, to carry the entire responsibility of this portfolio. He has, and I would like to repeat what I said, once before in this Committee, he has had to take my place at many meetings and has had to give them instructions on my behalf, making decisions inside the policy which has been decided. Now, Sir, the difficulty here is to move from the post to the person, and I am sure that hon. Members of this particular Committee would not want to deal with personalities, because I do not feel that a Committee of this kind is the correct place to deal with personalities of holders of posts. The present holder has been 22½ years in the Service. Now, Sir, let us take also the position of a Secretary in a portfolio such as this, which is held by, I think, what was called a non-official. The non-official comes in from outside with a very little knowledge of the Government machine. He has largely to depend upon the Senior Civil Servant of his portfolio for guidance through many pitfalls of administration at the beginning of his career. The corollary of the type of membership to which one or two Members on this side have been appointed is, of course, that there may be changes in the holders of those posts on a far different basis from those of some of my honoured and respected colleagues on the front Bench, and unless there is set up a permanent Secretary, it is extremely likely that the followers of people like myself will find themselves in distress and difficulty. One has, therefore, to bring pressure upon

the various people concerned in secretarial posts to forego promotion or ideas of promotion elsewhere. I would suggest that, having regard to that, the salary that is now recommended for the secretarial post to the Member who is responsible for practically the whole of the Social Services of this Colony is not excessive. (Applause.)

MR. BLUNDELL: Mr. Chairman, I should like to stress in moving my Motion that there was nothing personal to the holder, nothing whatsoever. Secondly, I should like to stress that I am distressed at the way in which, because certain posts might be suitable for this rise in emoluments, all were raised at the same level. (Hear, hear.) I am extremely distressed at that; I believe that all hon. Members on this side are. I believe that that shows a fundamental wrongness in the outlook of hon. Members opposite on this problem? I consider, Sir, that each of these posts must be considered on its merits.

But, in view of the exposition which the hon. Member opposite has made, Sir, I have pleasure, with your permission and the leave of the Committee, in withdrawing my Motion. (Applause.)

THE CHAIRMAN: If no hon. Member raises any objection, the Motion is withdrawn.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I have been moving these items item by item mainly because points have been put down. If hon. Members wish me to take them as a whole, Sir, I am quite willing, but I was trying to meet hon. Members' wishes.

I will move, Sir, that items 1, 3—13, be approved, and that will leave the field completely open, Sir.

LADY SHAW: Mr. Chairman, I beg to move that item 3 be reduced by £1,996.

That, Sir, represents the average salary or emoluments of two Assistant Secretaries. I have not proposed to remove the list, because I understand one of them has most of his time devoted to what I should describe as a completely separate job and not a Section Officer, that is, the Hospital Authority, it does seem to me a little

[Lady Shaw] and Yoti in a set-up of portfolios representing three departments, each of them possessing a Director or Head of some kind—namely the Commissioner for Local Government, the Director of Education, the Director of Medical Services—that each should have regular Section Officers. I should have thought it was quite sufficient for the Member to have a secretary of the type we have just agreed to and an adequate secretarial staff, and I mean secretarial staff—and to do away with these Section Officers. Surely, it could not be beyond the possibility of arrangement and reorganization that the Director of Medical Services could become the Secretary for that Department, the Secretary for Medical Services—or whatever he would like to call it; the Director of Education could become the Secretary to the Member as well as the Director of Education for Educational Services, and the Commissioner for Local Government could act in the same capacity with regard to Local Government. Must we have these intervening junior officers who, I think in most cases, are administrative officers and who, in my view, Sir, should be doing their own job in the Administration, which is always short of personnel. So many of these young men are sent off to do jobs for which I do not think they are properly intended. They have nothing, very often, to do with the departments for which they are Section Officers, and personally, I do believe—with all due deference to the Member who, I think, has not got a more expensive office, and perhaps a less expensive office, than most other Members—I would like him to consider the possibility of such a reorganization, and I am moving this reduction, Sir, with this in view.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: £1,996?

LADY SHAW: Two posts.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I see.

Well, Sir, I regret that I could not possibly accept the Motion that is put forward. Indeed, Sir, I must make it extremely plain from the outset that, in my opinion, no Member could function efficiently with the staff of one Assistant Secretary. The hon. and gracious Lady,

the Member for Ukamba, has spoken about the Director of Medical Services, the Director of Education and the Commissioner for Local Government. It would be as impossible as it would be for the Director of Agriculture to be the Secretary for Agriculture. It is impossible. They are the experts and technical heads of departments, and they are the people with whom one holds liaison meetings weekly, one goes to for technical advice. But there are numerous problems where the Member who is responsible to this Council for policy must have devoting done and must have advice available to him. He must have information and, very often, that information is completely outside the working side of the work.

Now, Sir, there are again many avenues which are indeed not covered directly by any of the departments concerned. I have tried in my previous speech to outline those many departments for which there is in fact no room inside any of the specific portfolios that have been mentioned by the hon. Lady—Health, Education, Local Government, Housing, for instance, is a combination of all the lot; bursaries are a combination, also the Colonial Development and Welfare schemes. Indeed, Sir, there is so much that I do not want at this time of the night to weary the Committee with a list of the work that these people do, but I should like to tell hon. Members that, so hard has the Assistant Secretary for Local Government been working, that I recently had to tell her—because it is a woman, a very efficient woman—that she must not work any longer in the evenings and on Saturdays and Sundays, she must endeavour to take some time off, otherwise she was going to face a nervous breakdown and be of no value at all. So that is the position.

Now, Sir, another thing that I would like to tell hon. Members is that I have to go to the Treasury at the end of August, or somewhere round about there, and place before them the Draft Estimates that have been submitted to me by the various departments under my control. I have to prune and judge between those departments, and I have to try and get up and defend before the Treasury this almost one-third—I think it is to-day, certainly one-quarter—of the Colony's expenditure and say "I believe

[The Member for Education, Health and Local Government] that this is being efficiently spent". Now, that is a great responsibility, the departments must obviously put up their items from the departmental point of view, and one of the reasons why I have asked for a third Assistant Secretary—who will be compensated for by the disappearing of the Executive Officer of the Hospital Authority—is that I want to have someone responsible for financial advice to a Member whose portfolio includes, recurrently, provision of over £3,500,000 per annum in the Draft Estimates we are now considering. (Applause.)

LADY SHAW: Mr. Chairman, in view of the explanation given by the hon. Member, I would like to withdraw this Motion. But I am not entirely satisfied, Sir, I feel that there still is a possibility of reorganization, not just in this Department—in this Member's office, but in many, I believe, Sir, that we are going to make a very great mistake if, just because we are working towards this membership system, and very rightly working towards it, we begin to build up Ministries which are disproportionate in their cost to the amount of money which is expended in this country. So Sir, I regretfully withdraw this Motion, but with the permission of the Committee, I do withdraw it.

THE CHAIRMAN: If no hon. Member objects the Motion is withdrawn.

MR. HAVELOCK: Yes, Sir, I object to the withdrawal. I would like, Sir, to ask that this matter might be considered in the Standing Finance Committee, in accordance with the agreement which was given by the Government at the beginning of this debate.

LADY SHAW: I would like to accept this.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: No, Sir, I am extremely sorry, but I believe the work in front of this portfolio is so difficult and so important and is a thing in which money could so easily be wasted that I believe that an efficient Member's office is absolutely essential. I must say, even if it means the defeat of this item, I must have the backing and confidence of Committee on this matter.

MR. HAVELOCK: Mr. Chairman, if the hon. Member feels so strongly on the matter, then I have no doubt he will be able to put his facts before the Standing Finance Committee and convince them of the necessity for these posts.

I therefore still suggest it would be the best way out of this difficulty.

THE CHAIRMAN: I have already asked hon. Members if anybody had any objection to the withdrawal of this item as proposed by the hon. Member, and I had declared the Motion was withdrawn. I do not want to prolong this discussion, or to go contrary to the wishes of hon. Members.

MR. BLUNDELL: Mr. Chairman, as it is now one minute to eight—

THE CHAIRMAN: The clock is fast. (Laughter.)

MR. BLUNDELL: Sir, with all due respect, Mr. Chairman, I was going to suggest, as my clock is also one minute to eight, that this might be a suitable opportunity for Committee to adjourn.

THE CHAIRMAN: I think it would be preferable to dispose of this item, and not leave it hanging over.

MR. HAVELOCK: In view of the attitude of the hon. Member for Education, I withdraw my objection to the withdrawal of the Motion. (Applause.)

THE CHAIRMAN: The Motion stands withdrawn.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: May I, Sir, express my appreciation of the hon. Member's attitude?

The question that item 1—3 be approved was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Committee do report progress and ask leave to sit again.

The question was put and carried.
Council resumed.

ADJOURNMENT

Council rose at 7.55 p.m. and adjourned until 9.30 a.m. on Wednesday, 5th December, 1951.

Wednesday, 5th December, 1951.
Council assembled in the Memorial Hall, Nairobi, on Wednesday, 5th December, 1951.

Mr. Speaker took the Chair at 9.34 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 4th December, 1951 (Evening Sitting), were confirmed.

NOTICE OF MOTION

MR. PATEL: Mr. Speaker, I beg to give notice of the following Motion:—

This Council approves the recommendations contained in the report submitted by the Committee on Indian Electoral Representation which was appointed on the 18th June, 1948, under the Chairmanship of the Hon. W. K. Horne, the Speaker of this Council, and resolves that in any event the Bill entitled "An Ordinance to Amend the Legislative Council Ordinance" be not introduced into this Council until 14 days after the said report is laid on the table of this Council, thus affording an opportunity to Members of this Council and the people of this country to study the recommendations thereof.

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that the Committee of Supply, at the sitting last evening, concluded consideration of Part B, Contributions to High Commission Services (Non-recurrent), Item No. 29—the only remaining item of that section—which was passed.

Sub-head 50 of the same Head, Recurrent Expenditure, was also passed without alteration.

Head 6—4, Survey Department, item 1 and all sub-items thereunder were passed, subject to the omission of sub-item 15, £6.50.

Items 2 to 8 were passed without alteration.

Head 6—7, Printing and Stationery, all items were passed, subject to the reduction of Item No. 6 by £20,000.

Head 7—1, item 1, sub-items 1 to 3 inclusive, were passed without alteration. Item 1, sub-items 4 to 13 have been proposed for approval.

The Committee of Supply begs leave to report progress, and asks leave to sit again.

THE SPEAKER: Could I inquire of the hon. Member whether item 1, Recurrent, under Part C, which was passed over at an earlier stage, was later approved?

SIR CHARLES MORTIMER: Yes, Sir.

THE SPEAKER: Council resumes in Committee of Supply.

COMMITTEE OF SUPPLY

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1952.

THE CHAIRMAN: It has been proposed that sub-item 4, under item 1, be approved.

SIR CHARLES MORTIMER: The Motion was Items 4 to 13. They have already been proposed for approval, en bloc.

MR. HAVELOCK: Item 6, Sir, I beg to move that it be omitted.

It seems to me, Sir, that it is unnecessary to have a Telephone Operator (European) under this item, when you already have one under item 9, African. Is it necessary to have two telephone operators in one office, and would the hon. Member please give the reasons why there should be two. If the reasons are strong enough, I shall be prepared to withdraw the Motion, but meanwhile I cannot see the necessity for it.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I think that hon. Members are entitled to an explanation on this one, undoubtedly. The position is that my office took this over from the Settlement Board, when the offices were distributed. In previous years only a part of this office, because it was charged against my department, was carried by a number of departments. The Treasury, however, decided, in conjunction with the Post Office, that it would be more convenient if one department were charged for the operator, instead of a number of small items and small accounts being sent in, and my office was the office which was chosen for the honour of carrying the entire cost.

[The Member for Education, Health and Local Government]

The position of this particular telephone exchange is that it has five separate out-lines, one tie-line to the Law Courts and 60 internal extensions. It serves my own office, the Social Welfare Office and Immigration. My own office has 12 telephones; the Local Government Department which it serves has six; St. John Ambulance Brigade, which has two; the Community Development—I almost dread to mention it—(laughter)—which has the modest sum of one; the Registrar of Co-operative Societies, who has two plus one extension; the Immigration Department—which is now in those wooden buildings—which has nine plus one extension; the Labour Department, which has 14 extensions; and the Probation Officer, who has four extensions.

No one will see that there is a considerable amount of work carried on by the two telephone operators. However, the European who occupies the post that is now under question has signified his intention of leaving at the end of this year, so that an opportunity will arise for review, and I would give hon. Members my assurance that we will review it, and if at that time we find it possible to do without one post or the other, then that step will be taken. I trust the hon. Member will regard that as a sufficient assurance.

MR. NATHO: Arising out of the remark of the hon. Member for Education, Sir, would he tell us if it would be necessary to keep this post as "pensionable", as shown in this item when the review comes on?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I gather that is mostly a matter of an Establishment matter than it is one of my Department, but I have no doubt the hon. Deputy Chief Secretary will also go into that matter when the review is taken up.

MR. HAVELOCK: Arising from the remarks of the hon. Member, I have great sympathy with him. He seems to have been made the villain of the piece on this particular one, and I therefore have pleasure in withdrawing my Motion.

THE CHAIRMAN: It is withdrawn. The question that sub-items 4-13 under item 1 be approved was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to propose that items 2-3 be adopted.

MR. HOPKINS: Sir, I rise to seek information on a point which seems to me to be of considerable importance now that we are reaching the departmental Votes which will be spent mainly in the districts and various provincial headquarters. My question is this, Sir, and I hope the hon. Member will be able to give me the assurance which I require. When Government accepted the proposal of the hon. Member for Nairobi North that a Committee should be set up to look into all expenditure, did that acceptance embrace the proposal which I made in the main debate that an ad hoc committee should be appointed to investigate the build-up of staff and expenditure in the various districts. I do not think it matters whether these committees are sub-committees of the main committee or whether they consist of people co-opted because of their special knowledge to make these investigations in the districts, but I, Sir, am very unhappy with what is going on at the moment, in which we cut out, or leave in, or modify some service or post after a short discussion across this floor and I think it would be far better that wherever we can we wait until some proper investigation is made and both sides are given an opportunity of justifying, or otherwise, the posts which have been queried, and I would be most grateful if the Chief Secretary would give me some assurance that this acceptance of the Motion of the hon. Member for Nairobi North did embrace my suggestion as well.

THE CHAIRMAN: Before the hon. Member on the opposite side replies to that, I would like to ask is this not raising a matter of policy which should have come in under the debate when the Motion was made that these particular Estimates be now considered. That was last night.

MR. HOPKINS: Sir, we have only just got to the items of expenditure which take place.

THE CHAIRMAN: You are not opposing the item by moving a reduction or moving a decision.

MR. HOPKINS: I am trying to seek guidance as to what to do about these

(Mr. Hopkins) various items. It does not only concern this particular item before us. It concerns all the departmental Votes in the districts.

THE ACTING CHIEF SECRETARY: What I said, and I do not think it would be advantageous to go further at the moment, was that I would have discussions with hon. Members opposite before my decisions were taken regarding the terms of reference for this committee, and the membership personnel who should be appointed to it. When that time comes we will have before us the remarks which the hon. Member has just now made and I should prefer not to be pressed at this moment to come to my decision before those discussions take place.

THE CHAIRMAN: Any Member raising any matter on these items?

The question that items 2, 3, 4 and 5 be approved was put and carried.

HEAD 7-2, SERVICES

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Head 7-2 be now considered. Sir, this is not one of the Heads that hon. Members opposite asked to be discussed in Committee of Supply, but it is necessary to move this Head because of an omission under sub-head 4, and it is my intention when we get to sub-head 4 to move an amendment providing for the addition of a post which already exists but which was unwittingly omitted from the Estimate.

MR. HAVELOCK: Wasting our time. The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that items 1 to 3, under sub-head 1, be approved.

MR. HAVELOCK: Mr. Chairman, in order to save time may we do the whole lot together?

THE CHAIRMAN: If you are agreeable you had better move that Head 7-2 be approved.

THE FINANCIAL SECRETARY: Sir, I beg to move that Head 7-2, sub-heads 1, 2 and 3 embracing items 1, 2 and 3 under sub-head 1; 2, 3 and 4, under sub-head 2; and 1, 2 and 3 under sub-head 3 be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move under sub-head (4) that as sub-item 1 of item 1 there be added, Housing Officer (£690 by £25 to £840 by £30 to £960) and against that a provision of £840. Re-number sub-items 1 and 2 as sub-items 2 and 3, and increase sub-item 3, that is to say, cost of living allowances, by £115. Sir, the post to which I have referred and the addition of which I am moving, is a post already in existence. It has been in existence for a considerable part of the year. Its creation was recommended by the Standing Finance Committee and the post is, in fact, occupied. Its omission was due to an oversight and for that reason it now has to be replaced in the Estimates. The addition of these new figures will, of course, alter the figures throughout the Estimates from this point onwards.

Sir, I beg to move.

THE CHAIRMAN: An increase of £115. I take it you have the Governor's recommendation?

THE ACTING CHIEF SECRETARY: I have, Sir.

MR. HAVELOCK: Is there an asterisk against that post?

THE CHAIRMAN: All I am dealing with at the moment is the money. There is nothing else. I think the correct way of doing this is by a Supplementary Estimate, not by trying to amend these Estimates, but to produce in form a proper Supplementary Estimate.

THE FINANCIAL SECRETARY: That would require a Special Warrant on the 1st January, 1952. As this officer is already in the post and having regard to the remarks of the hon. Members opposite in regard to supplementary expenditure, it seemed to be in accordance with their wishes and desire that this mode of procedure should be adopted.

THE CHAIRMAN: At the very least we might have had an amendment so framed so that in place of the present sub-head 4 we have a completely new sub-head, take this one and put the other one in. This is most confusing.

MR. COOK: Most irregular.

THE CHAIRMAN: However, I will propose it such as it is. It is open to debate.

MR. MATIUU: I again would like to ask for a reply from the hon. Member for Finance whether this post is pensionable, and, if so, whether it was approved by the Standing Finance Committee as such.

THE FINANCIAL SECRETARY: The answer to the hon. Member's question is in the negative, and therefore the second part does not arise.

The question was put and carried.

THE FINANCIAL SECRETARY: I now beg to move that new item 1, items 2 and 3, sub-head (4) and non-recurrent item 1 be approved.

The question that items under sub-head 4 be approved was put and carried.

HEAD 7-3

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that Head 7-3, Local Government Department be considered.

Sir, under the guidance of the present Commissioner for Local Government who, I must emphasize, is the head of a department, exactly the same as the Director of Education or the Director of Medical Services—Local Government in this country has begun to take another leap forward. We have had, for some time, discussions on the question of Local Government progress in the settled areas, and within a very short time now the Bill which has been prepared and is now ready for publication will be placed before this Council and the country for discussion and consideration. More than that, Sir, I will not say because it is anticipating legislation.

The work in regard to African District Councils is, of course, growing tremendously. At the present moment, the audit of African District Councils is carried out by the Director of Audit and the great majority of accounting in African District Councils has been on what may be termed a Central Government basis, rather than a Local Government basis. But with African District Council Estimates in 1953, which have now been placed before the Standing Committee for Local Government in African areas for consideration, amounting to ordinary and extraordinary ex-

penditure of £1,023,000 plus agricultural expenditure of £420,000, Members will realize the need to get these Local Government accounts on to a Local Government basis.

One of the handicaps under which we suffer is, of course, that there is no qualified African staff with that long experience of Local Government which is essential to Local Government development. One of the ways in which does indeed only come from years of contact with the Local Government. We are endeavouring to rectify that as far as we can by taking the initiative in Local Government courses. It is hoped before long to introduce into the Jeanes School curriculum a special course on Local Government and Local Government accounting, but in the meantime it is the duty of the Central Government to provide far more financial advice than we have financial guidance that has been available in the past, if we do not wish to see these African District Councils founder on the most dangerous rock of all in Local Government, unsound finance. At a later stage, it will be necessary, I believe, to move the audit of African District Councils over to the Local Government Inspectorate so that they are dealt with on exactly the same basis as any other Local Government authority. But it is that need for financial advice, financial guidance and financial control, as the Local Central Government Inspectorate must control the finances of all Local Government Authorities, that has necessitated the increases in this Vote, which are mainly, as hon. Members will see, of a financial kind.

The addition of one Senior Assistant Local Government Inspector, two Audit Clerks and one Learner is really necessary to deal with the statutory commitments which Government has to audit and inspect the accounts of Local Authorities, a duty which has been well in arrears in the past two years, and on occasions has had to be tackled with far more speed. I regret to say, then, that absolute care in seeing that irregularities—and by irregularities, I do not mean irregularities in a criminal sense—irregularities are really brought to light.

In addition we have the Township Accounts of Thika, Nyeri and Nanyuki.

[The Member for Education, Health and Local Government]

three areas which are rating themselves in order to provide themselves with a better standard of service. In many respects than the Central Government revenue can afford. I hope that before long we shall add Thomson's Falls and Malindi to that list, and have started therefore another expansion of Local Government. It might interest Members, Sir, to know that in 1931 the number of inspections in this country carried out by the Local Government Inspectorate staff was ten, with one assistant to the Local Government Inspector. At that time the expenditure subject to audit was some £300,000. In 1951, 18 inspections were carried out with one assistant to the Local Government Inspector, and it is, of course, little wonder that our Local Government inspection has fallen behind, when one considers the great amount of work involved in inspecting the Local Government accounts, where an expenditure of £300,000 or £400,000 by one Authority alone, may be involved. In 1931 the expenditure subject to audit, with one person, exactly the same as in 1951, was £2,100,000.

Now, it is the duty of the Central Government to guard and control the interests of the taxpayer and the interests of the ratepayer, and in order to fulfil that duty, we are now asking for the increased staff which will enable us to carry it out.

The fees charged in 1931 were some £100. The fees charged in 1951 will be some £2,000, and we shall, I think, have to consider whether it is not possible for African District Councils to contribute in some measure for the financial advice they will receive from these people.

I must also remind this Committee that in the Report of the Public Accounts Committee on the Colony's Accounts for 1948, paragraph 21 stated: "We understand that the Member for Education, Health and Local Government considers that the low standard of accounting by Local Native Councils (now African District Councils) is largely due to inadequate technical supervision. He considers that where possible these Councils should employ their own qualified staff. We endorse this view and further endorse the Member's opinion that if African District Councils are un-

able to provide qualified technical assistance this should be done by the Local Government Department against repayment by the African District Council concerned for the services rendered". That was a unanimous recommendation by the Public Accounts Committee. We hope by the introduction of learners to persuade some of our own local youths to accept this avenue of employment for which there will be a great demand in the years to come as Local Government develops in this country. I hope that before long it will be possible to get two or three Africans into this Department and train them by constant contact with qualified Local Government and experienced Local Government men, to carry out, not only the technical work, but to get the spirit of the British Local Government Service.

I think, Sir, there is very little else I need say at this stage, and I beg to move.

MR. MATIUU: I have two points, Sir, I would like to raise in connexion with this Head. The first is the point that the hon. Member has raised regarding the supervision of accounts of the African District Council and the training he hopes to give to some Africans to learn this work. I think, when this matter came up when the report of the Public Accounts Committee came up before Council, I raised this same question, that I do know that we have in the Colony to-day university-trained Africans in accountancy and in "one case they could not take up the appointments, either with the Local Government Department or with the Central Government because of the very meagre terms of service afforded to these university well trained men. Now, Sir, I would like to know whether the hon. Member for Local Government thinks that they cannot break the ice, as other departments have failed to do so, and attract such young men who have got full university training to do this kind of work and set an example to other departments.

The other point, Sir, I want to raise is in conjunction with the three townships which have now reached the standard of rating themselves. Thika, Nyeri and Nanyuki. Now, what I would like to know, Sir, is what is the basis of their ratings? Will all the residents in these places be able to come to the rating level assessing their properties and so on,

[Mr. Mathu]

because I have particularly in mind the drainage and sewage services required in the Nanyuki. African location. I think there you have the worst state of affairs seen anywhere, and if other communities in these areas are going to be rated, I would like to know how the Africans are going to be rated, because I would like them to be rated so that they can at least make sure that they have a clean township, not a lake of mud in wet weather and a lake of dust in the dry weather. It is a very important point, Sir, and I would like to know what the Member is proposing to do with that aspect of the problem.

MR. BLUNDELL: Mr. Chairman, I have two points which I wish to raise: Would the hon. Member, in his reply, tell us what is the exact position at the moment of the Local Council Government Bill, Rural Areas. I think he knows the Bill to which I refer. I believe that opinion in the country would be much reassured if the hon. Member would explain to the Committee the intentions in regard to that Bill.

The second point, Sir, I merely wish to record that we note his assurance that the services which are to be provided in regard to the proper audit and control of finance in any district council under his office will be, as soon as possible, self-reimbursing. That was the intention of paragraph No. 21 in the Public Accounts Committee Report of 1948, as he knows.

MR. COOKE: Mr. Chairman, I am accepting this Head because I think this is a typical example. Sir, of the acceptance of a policy leading naturally to these extra posts. When we accept the policy, we accept the implications in that policy. I was rather intrigued to hear my hon. friend, Mr. Mathu, suggesting that full university graduates should be eligible for posts as accountants. My impression is that university graduates know probably a little about a lot, but amongst that little is not accountancy. I would be sorry myself, as a full university graduate, to be considered as an accountant!

I support heartily this Motion.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, if I might deal with the point raised by the hon. Member for Rift Valley, first

I thought I had said in my introductory remarks that the Bill, that the Bill I was referring to which I might, perhaps, for clearer expression have denoted the County Councils Bill, is now in the hands of the printer and its publication for discussion, comment and finally consideration by the Legislative Council, will take place almost immediately. On the question of reimbursement of the Department, I would not like to give the impression that I would be entirely self-reimbursing because there is some work that is really financial advice to Government, such advice as the Loans Sanctions, the terms on which Government loans should be made to Local Government Authorities, and where there is advice of that kind which is tendered to the Central Government, it would be unfair to charge the Local Authority for that particular section of the work. But, nevertheless, the fees are being constantly reviewed, and the Commissions for Local Government will see that all work that is done for Local Government Authorities is charged out at as high and fair a price as possible.

I would like to thank my hon. friend, the Member for the Coast, for his support. I am sure that he, as much as I will welcome the step forward at Malindi, where people have accepted this principle of, "we want better services, we are prepared to pay our share for them".

With regard to the points raised by the hon. Member for African Interiors, Mr. Mathu, if I might deal first of all with the question of rates. The rating basis is on the unimproved site value, which means in fact that no man pays rates directly unless he owns property, and that is the basis in urban areas in this country. It means, of course, that very few Africans pay direct rates, because there has not been a great amount of African ownership of property in the urban areas. The hon. Member is as aware as I am that this situation is being changed in such places as Thika, as the African owns his own land and becomes, therefore, responsible for his rates. I will, however, look into the question of the Nanyuki Township and the African location and see if there is anything that can be done. There is, of course, a great problem in this respect, and that is, that there may well be need at the beginning

[The Member for Education, Health and Local Government] for a greater allocation of public health grant, than is made to an experienced and established Local Government body, and I will go into the possibility of helping, from that aspect, to see if I can improve conditions in this regard.

In so far as the question of posts, we are going into the point as to whether we can persuade Africans to enter this service. The standard of education must be fairly high if they are to take the very intricate and difficult examinations which is ahead before one becomes a qualified treasurer. I agree that it must be done at salaries that would attract, but I could repeat that real Local Government knowledge comes from, if I may put it in this way, starting as an office boy and working one's way up. That is true of Local Government experience, but, and the hon. Mr. Mathu will agree with me I know, Mr. Mathu will agree with me so far as African District Councils are concerned to go through that long and wearisome process. We must get some men into the field at an early stage, and not only do I hope we will have our own Local Government courses here, where we can train people, but I have the been in conference and consultation with two of the leading Local Government Authorities in this country and am trying to persuade them, and I think they will agree, to accept Africans nominated by African District Councils to serve as apprentices for two and a half years up to go through the whole gamut of Local Government machinery under the guidance of experienced and qualified officers.

I hope I have covered all the points that have been made.

The question that Head 7—3, Local Government Department, be considered was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I beg to move that items 1, 2, 3, 4 and 5, be approved.

The question was put and carried.

HEAD 7—4

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that Head 7—4, Education Department, be considered.

I was only thinking, Sir, as I got up, that whilst it may be pleasant and convenient for one Head to follow another in a Member's portfolio, as is done in this particular case, nevertheless, for the Member it becomes somewhat of a marathon.

Education, Sir, represents a very large portion of the increase in this year's Budget. I do not propose, Sir, unless hon. Members so wish, to cover the whole ground of educational policy, because that was covered in the speech I made on the Education Estimates last year. I therefore propose only to deal with special and specific points after, what I might call, a short run over the general field. The position in regard to educational expenditure, brought down to its divisions, may be put like this. European education including the non-recurrent item on page 197, total cost £537,411, net cost £304,411. Asian education—total cost £429,619, net cost £344,619. Goan education—total, which is the same as the net cost, £19,610. Arab education—total cost £29,781, net cost £27,431 (£25,431). African education—total cost £836,348, net cost £798,248.

Now in order, Sir, that the position may be further clear, I would like to give some fairly detailed details of the African educational expenditure, because this Government expenditure does not represent, by any means, the total expenditure on African education. The total expenditure, Government, Regional Education Boards and District Education Boards, amounts to an estimate in 1952 of £1,157,000. Now against that, Sir, the Central Government pays some £717,000. From the African District Councils £200,000 is received. From the Native Trust Fund Subventions, which is of course, from rate provisions, which is the result of poll tax, £14,000, and from fees from Government schools £14,000; Regional Education Boards £40,000; District Education Board schools, £170,000. So that it will be seen, Sir, that in fees, in African District Council contributions, the Africans pay indeed a total of some £440,000 out of the total of £1,157,000, which it is anticipated will be spent on African education during this year.

1952, Sir, will see the Beecher Report really launched, and I hope that when

(The Member for Education, Health and Local Government) the Education Estimates of 1953—I must be careful of that because I got it wrong the other day—are launched, that we shall be able to see the first impact of this improved educational policy on the schools and the African students.

On the question of Asian education, Sir, I believe that there has been a steady and gradual improvement during the year, an improvement in the feeling of the staff of the Education Department amongst the Asian teachers, an improvement in the progress of the pupils, and a keeping pace with the expansion demands. I would like, Sir, here to express my thanks to the Asian Elected Members for the great help they have given me in this work during the past year. When we debated these Estimates last year, there was no Asian Educational Advisory Council in existence. It had gone out of existence largely, I believe, through a misunderstanding, but it did not exist. So I had recourse to the representatives of the Asian people in this Legislative Council, and I have made considerable demands upon their time and their advice, and I would like to express my thanks to them at this time.

With the approval of the Development and Reconstruction Authority Estimates, and the Planning Committee Report, £100,000 will be available, specially allocated for Asian teachers' housing, and I hope that with that money we shall begin to make some impact—it will not cure—but we shall begin to make some impact upon the bad conditions that a great many Asian teachers suffer from in this country. It is a pity that we have not the money to go the whole way, because the conditions under which they live, do, I think, do a great deal of harm to their prestige in the community, and there is as a consequence, a tendency to think the successful business man, if I may so put it, and the man who is financially "flush," I can think of no other term, Sir, is of more value to his community than those people who are carrying on the great work of educating their children.

On the question of European education, Sir, we have, I think, maintained about the same standard. We are in great difficulty over accommodation;

even the amount granted in the Planning Committee Report will not meet the increasing demands for accommodation, and a very serious problem will face us in 1953 and 1954 in quite a number of areas in so far as European education is concerned.

With regard to the technical side, Sir, hon. Members will have noticed that at long last work on the Technical College has begun. The foundation contract has been let, and digging has commenced. Whilst I was in England last week, I met the education people from the Colonial Office, and discussed what could be done to hurry forward the commencement of the Technical College work, and was able to bring back one or two useful suggestions. The Council of the Technical College, the interim body, has had its first meeting, and I am sure all hon. Members will join me in wishing them good fortune in the tremendously important task they have now undertaken. (Applause.)

There is one problem, Sir, to which I must make a passing reference, because it is, alas, a growing problem. I make no pronouncement, Sir, on the wisdom of mixed marriages, but I have got, as Member for Education, to take regard to the offspring of quite a number of mixed marriages, if I may put it like that—they are not always marriages. But they are beginning to present, Sir, a problem, the problem of a child who is neither European nor Asian, he is neither Asian nor African, he is neither African nor European; who, in many cases, is not wanted by any community, who often cannot be placed in any particular racial group of schools, but who, nevertheless, unless he is to become the nucleus of a tremendous social problem, must be provided with the finest possible educational equipment to enable him to overcome the handicap with which he has been launched in this world. (Hear, hear.) And unless we do pay special attention to this, we may well create in our very midst a type of citizen who has, as the Americans say, "a chip on his shoulder," a grudge against the world, and he may present us with a very difficult problem in 10 or 15 years to come, because it is from that unwanted group that criminals will easily spring unless they are given a fair chance to earn their living with their hands or their brains. I mention it, Sir,

(The Member for Education, Health and Local Government) and I do not wish to be in the hope that there will be any great comment about it in this debate, but this is the time when one gets the opportunity to make a public statement on educational policy and educational problems; and this is one of the growing problems in this country of mixed communities.

Now, Sir, the total increase in the Educational Vote is some £661,580. The great majority of that Vote—in fact, almost entirely—must be regarded as a commitment; in most cases, a statutory commitment; the Beecher Report, the Educational Laws. But there can be little doubt that it is a very heavy increase, and it is something which will call for a continual review from all Members of this Committee. It must be remembered that that does not show the whole picture of educational expenditure. I pointed out in the case of the Africans, that whilst there is £836,000 appearing in these Estimates, there is indeed £1,57,000 being spent. With regard to the Asian community, a great number of their buildings are being built on a 50 per cent grant-in-aid basis. They are facing the 50 per cent cost from the pockets of their community, and there is a great proportion of their recurrent cost which is not shown in this Budget, but which is hidden away, provided by grant-in-aid schools. There is with the European community the private school, which asks for no grant of any kind, and there is the grant-in-aid school. There is the burden which is borne of sending a number of their children overseas to get education; instead of using up places in this country, and that also has to be remembered.

Against all this background we have this increasing demand for education, which is something that cannot be stopped, and we have to consider how we can face this growing expenditure, and where the burden shall be placed. We have been continually reviewing various terms to see if we cannot get a little extra revenue here and extra revenue there without pressing too hard upon the individual parent, because that is something that has to be very carefully watched. In a recent debate, I tried to point out the position of compulsory education, compelling a man to send his

children to school, and at the same time compelling him to pay for that education. It means that if a man is hard-pressed, he has a first-class case to come to Government for remission of those fees.

So that the problems of how to find additional little bits of revenue here and there are complex and difficult, and have to be always remembered against the human background of not hitting the parent too hard. One of the things that I have had to go into was the question, for instance, of day schools, day boarders and day pupils at primary schools; European primary schools in Nairobi, where they take meals. We have found that the existing charges are insufficient to meet the cost. Now we are going to lift them: where at present lunch is Sh. 30 per term, it will now be Sh. 60 per term; where tea was Sh. 12 per term, it will be Sh. 15 per term; where lunch and tea was Sh. 40 per term, it will now be Sh. 60; where total meals taken by a day pupil were Sh. 100 per term, they will now be Sh. 160. That will bring in some negligible sum when placed against these Estimates of £2,700. But it will also have imposed a further financial burden upon quite a number of individuals, and it is that impact which has to be borne in mind all the time.

Now, Sir, I will come to the particular point, and I will endeavour not to keep the Committee too long to which I should like hon. Members opposite to turn their attention. I do not think it is necessary, perhaps, for them to express their opinions now, but I feel that they will have to give consideration to this problem, particularly the non-African communities, within the next few months; that is the problem of secondary education. Because, Sir, the Government's statutory obligation ends at the age of 15, and, of course, if this Council so decided, it would be possible to make a very heavy cut in educational expenditure by the mere process of saying: "We will not observe more than our statutory obligation." It would be disastrous as an educational policy. It would throw a lot of children on to a very limited employment market, because the chances of employment are limited and they would have to be absorbed gradually. But it is, of course, something to which hon. Members may have to give consideration.

[The Member for Education, Health and Local Government]

I can only say that I, myself, would oppose any such drastic step. But hon. Members may, in the near future, be able to consider a gradual move towards relieving the State of the large proportion of the cost of education after the statutory age of 15. The percentage of pupils in this country who go straight from primary to secondary education is, of course, extremely high. When I was in England a fortnight ago, talking to the principal of a residential school on this aspect of the problem, I found that including technical education—which, of course, we have not as yet had available—the percentage expected in England was about 30 per cent, whereas, of course, in this country there is a growing feeling amongst all the non-African communities—and, I think, the field is growing in the African community, though the possibility is not there yet—that every child must move automatically through the whole range of secondary academic education, with a very heavy State subsidy. Now, when we have technical and modern educational facilities available, that will probably enable us to rechannel some of our students who will gather no benefit, no real benefit, from an academic education. But it will enable us to rechannel a small proportion, so that I think we have got to review this position. What hon. Members opposite will have to help the Government in deciding is how soon the cost fall? Should the whole cost after 15 fall upon the individual parent, which will be a tremendous blow to the family man; should a proportion only fall; would it not perhaps be better to have an ample system of scholarships on a varying range from 100 per cent to 25 per cent scholarships, so that the clever and meritorious student could gain the full benefit and relieve the parent thus by his cleverness of a proportion of the financial burden? But, again, when hon. Members do deal with this, we must remember the limited channels of employment and the effect upon the parent of heavy fees. The cost of living can be increased more overnight to a great number of families by an increase of educational fees, probably, than by almost any other act that can be taken.

Because this aspect of the problem has given us—I speak for the whole Depart-

ment—such concern and trouble, there has been a committee appointed, which has been the Director of Education on it, the Secretary to the Treasury and the Director of Establishments, and it is reviewing the whole position with regard to fees. They will have in their minds the type of proposition that I have commented on to-day. I would suggest that when they have reached an advanced stage in their fact-finding, that they should meet hon. Members of the various groups opposite and discuss the import of any suggestions they make with the members of that committee. When that contact has been made, and that consultation is concluded, then, perhaps before the Budget of next year, there may be some firm decision as to whether this Council as a whole—the taxpayer—is going to meet this burden of educational expenditure and recognize that this is the best way to serve the country, or whether it is going to throw more and more of the burden upon the individual parent.

I have very little else to say, but I would like to make my position in this particular respect clear before I sit down, so that there can be no misunderstanding. I have not made suggestions as Government proposals. The suggestions I have put forward are by no means those with which I necessarily agree. I have merely put them forward as points for the consideration of hon. Members of this Committee in the interim period between now and the time when we face educational expenditure in consideration of the 1953 Estimates.

Sir, I beg to move. (Applause.)

MR. NATHOO: Mr. Chairman, according to the Standing Rules and Orders, may I claim more than ten minutes to speak on policy?

THE CHAIRMAN: Yes.

MR. NATHOO: Mr. Chairman, in the very first place I think I shall be voicing the feelings of all hon. Members of this Committee when I say how very much interested we were to listen to the lucid and clear explanation of the educational policy of the Government and the situation as it at present obtains. (Applause.)

I would also like to record here, Sir, that during the last twelve months that the present Member has been Member for Education more has been achieved—particularly in the field of the Asian capital

[Mr. Nathoo]—than has been done in the programme—over the years, and I would like to mention here the appreciation of the Asian community of the great help he has given to the community in going forward in the programme and the trouble he has taken in meeting them in their expenditure.

But, Sir, after having said that, I would like to remind the hon. Member that this considerable progress has been made in the standard of education which has been imparted to Asian students, a lot of leeway has to be made as, even now, the standard of education is far from satisfactory. I appreciate, Sir, that a great deal of difficulty is due to the fact that good teachers are not available, but buildings cannot be constructed as fast as the population is increasing, but, Sir, in spite of this, I think there are directions in which the Government can help by giving to the communities assistance to afford them better education.

I was very glad to hear, Sir, that the hon. Member made reference to the scribbles which had been made by the various committees indirectly in the way of grant-in-aid schools—in the way of sending their children overseas—and by the contribution of the African communities from Local Native Council's funds. In this respect, Sir, I would like to bring to the notice of the Committee the fact which I am sure, Sir, has been brought in the past, but I think it should be brought again, that up to about 1945 the Asian community built its grant-in-aid schools entirely out of its own funds, without a single cent contribution from the Government. It was with very great pleasure that the community heard in the year 1945 or 1946, when the Development and Reconstruction Authority programme was being framed, that Government would come to the assistance of the community by a pound-to-pound grant for their capital expenditure. That much, Sir, about the capital expenditure, and I am sure that we are grateful to the Government for having afforded this generous assistance of a pound-to-pound in order to build buildings which otherwise would have been impossible to construct.

But, Sir, coming to the recurrent expenditure, I notice that during the last few years the Government has been

giving aid which was equal to about 50 per cent of a teacher's salary. Two or three years ago this was increased to sixty-six and two-thirds per cent but as time went on the cost of education increased and we found it was more and more difficult for these grant-in-aid institutions to carry on until, Sir, the Hartwell Committee on Indian Education was appointed. The problem was becoming quite serious, and during the sitting of that Committee, evidence was produced which showed that these institutions deserved a greater amount of assistance. I would like, Sir, with your permission and that of the Committee, to quote just a small recommendation from the Hartwell Committee Report, which is as follows, paragraph 84:—

"84. It has been pointed out in Chapter II that the present scale of grants to aided schools is not sufficiently generous. Under the existing formula, grants are paid at the rate of two-thirds of the salaries of the teaching staff. We recommend that paragraph 10 of the Grant-in-Aid Rules should be amended, so as to permit grants to be paid up to 80 per cent of the teachers' salaries. The formula will still allow for reductions in grants in cases where schools are found to be conducted inefficiently."

Now, Sir, whilst the Government is, even under the present Rules, recognizing that, though they pay sixty-six and two-thirds of the teacher's salary, they do not give any relief on leave pay passages and provident funds. Surely, Sir, if nothing else, it must be recognized that these conditions are part and parcel of a teacher's salary, and the position at the moment obtains, where the teachers who come to grant-in-aid schools—if they are any good, within a short period they try and find employment in Government Departments, which is not very difficult due to shortage of teachers, and it is indeed on an average that the teachers of grant-in-aid schools are of a much lower calibre than those in the Government schools, who, even there, are not of a very high standard.

Now, Sir, we have been pressing this point for the last many years, and we were hoping that the recommendations of the Hartwell Committee Report that something would be done in that direc-

[Mr. Nathoo] There is another aspect of Asian education which is fast growing, and which requires serious attention, both of the community and of the Government. I refer to the question of hostels in large towns. As, Sir, hon. Members of this Committee are aware, in various small centres schools have had to be closed down or had to be reduced to absolutely the lowest standard of education. Such students have to come to one of the bigger centres for education, and it is therefore necessary that such students should be afforded some sort of living accommodation in hostels. Particularly, Sir, the problem is getting very serious where boys and girls go for secondary education, which is only possible in four or five centres in Kenya. The community proposes that they are prepared to put up money on a pound to pound basis for the building of these hostels and I do suggest that with this offer of the community, it is but right to expect the Government should pay the other pound to enable them to build these hostels. In the way of recurrent expenditure, I am aware of commitments by the Government and the calls upon their purse are very heavy and therefore it may not be possible to give any greater assistance, but I do suggest, Sir, that at least some assistance in the way of salaries of superintendents and such incidentals as were recommended by the Hartwell Committee Report, should be seriously considered and be implemented.

Now, Sir, turning to the teachers about whose qualifications and whose quality I have something not very complimentary to say, the position is that in all parts of the world with the rising demand for education, the growing sense of greater responsibility in countries, particularly in the sub-continent of India and Pakistan, people are anxious to impart education to their own children, and the position is obtaining when it is almost impossible to get teachers from that continent or even from the United Kingdom. Now, Sir, I appreciate that there are factors which, perhaps, to a certain extent are beyond the control of the local Government, but Sir, the time is fast rising when we must seriously consider whether it is not possible to offer a slightly better grade to, really qualified teachers who have

to lead to peace and harmony among the various races of this Colony.

I was also very interested to hear the hon. Member refer to the Special Schools and the case of children of mixed marriages. Much as we may dislike the idea of mixed marriages and the growing problems these marriages entail, I am sure it is a problem which is exercising the minds of all people in all parts of the world, and I am very glad, Sir, the hon. Member has realized that something special has to be done in the case of these poor unfortunate children who are there by no fault of their own.

Now, finally, there is one point on which I would like to remark and that is the educational bursary loan scheme which was initiated by the hon. Member for Rift Valley. I am, Sir, voicing the feelings certainly of the Asian community in this country when I say that we are grateful to him for his foresight and that the scheme which he has initiated has resulted in substantial benefit to the poorer people who educate their children overseas and that in future it will do more and more good to all races of the Colony.

Sir, I beg to support. (Applause.)

MR. PATEL: Mr. Chairman, for a number of years the Indian community had been feeling a sense of resentment and frustration at the inadequate facilities which they received in regard to their education, but after the appointment of the hon. Member now in charge of Education, he has approached the problem with an understanding of the needs of the Indian community and and that feeling of resentment has been lifted a great deal, and I would like to say on behalf of the Asian community that we will be always prepared to approach this subject in a spirit of co-operation and understanding of the difficulties of the hon. Member, because he has to do things and carry out policies within the limited finances made available by this Committee. But there is one point on which I would like to join issue with the hon. Member. That is in regard to the reference he made for the number of children taking a secondary course amongst the non-Africans. I think the comparison of the percentage of such children in the United Kingdom is rather fallacious.

[Mr. Nathoo] taken their education in England and are as qualified as anybody in that profession. Unless and until these increased salaries are offered and better terms of service are given to these highly specialized people, I am afraid it will be practically impossible to recruit any more teachers who will be able to take charge of big schools. If, for one reason or another, in support of all arguments, the Government is unable to agree to this, then the only alternative I can see, Sir, is that sanction should be given to the grant-in-aid schools not only to engage headmasters and headmistresses, who would be European, but also some of the teachers who could take over the responsible jobs in these big schools.

Sir, mention has been made about the increase of fees not only by the hon. Member, but some days ago in this Committee, on some other subject. I would like to say, Sir, that as far as the community, which I represent, the Muslim community, when the Hartwell Committee Report was published, it was far resolved by the community that, as far as they were concerned, the ceiling of fees for Indian parents had been reached and whatever else was required must be found by other ways raising taxes, or some other means of revenue. I would like, Sir, to reiterate the fact that Indian parents find themselves in a position where they are hard-put to it to find the fees for the students and for the children, and if any further increase is imposed, it will only mean that applications for remissions will be so high that no more revenue, or appreciably more revenue, will result. If that is the case, Sir, I do submit that Government must seriously consider all sides of the question before increasing these fees.

The Committee adjourned at 11.02 a.m. and resumed at 11.22 a.m.

MR. NATHOO: Mr. Chairman, I would like, Sir, to refer briefly to the Technical Education about which the hon. Member gave us some information. I must say, Sir, we are grateful to Government for having speeded up the erection of this most needed institution and, Sir, I must congratulate the Government also that this institution is going to be non-racial and the Government is beginning to act in a manner which in the long run, is likely

[Mr. Patel]

Non-African communities in this country, as we all know, belong as far as the economic position is concerned, either to the top or middle class and the comparison would have been correct if he had given the percentage of children from the top and middle class of children in the United Kingdom taking the secondary course. If he wants to compare otherwise, he should have compared taking the whole of the population of Kenya, otherwise, in my opinion, the comparison will rather be fallacious. Now, Sir, there is one point which my hon. friend the Member for Central Area has mentioned, that the ceiling has been reached in regard to the payment of fees by parents. It must be remembered when discussing the question of raising of fees that the cost of living has gone very high, owing to constant rises in the prices of essential foodstuffs and other articles. The majority of the Asian community are employees drawing a fixed salary, and as we have not yet started birth control seriously, they have to pay fees for a fairly big number of children. In those circumstances, Sir, it would be a great hardship if any attempt is made now to raise school fees. It will not only become unbearable for the parents, but it will be absolutely impossible for them to keep the children at school.

Now, Sir, with these remarks I will finally say that I am very glad that the hon. Member for Education has considered the question of social services, as a very important part of the activities for the progress and development of this country. He has not, as others have so often done, taken these as being in a second or inferior position to productive services.

MR. MATHU: Mr. Chairman, I have a few points to make and before doing so may I congratulate the hon. Member for Education for the way in which he introduced this Head. (Applause.)

My first remark, Sir, is in regard to staff. In the Estimates there appear four so-called senior posts for African Education Officers, and in the Report that the hon. Member proposed for 1950, if I may, Sir, just quote one or two sentences there. He says:—

"Although it is the declared policy of the Government that no post in the Department should be closed to

Africans who have the requisite qualifications, ability, experience and integrity, it has not hitherto been possible to appoint any Africans to the higher administrative posts. At the end of the year, however, Legislative Council approved the provision of four new posts for African officers on higher scales of salary than had been available to them previously. This marks an important step in the advancement of Africans to posts of responsibility."

That reads well on paper, but I do want to hear from the hon. Member how far he has searched to fill these four posts, because we feel here there may be a key to the very big development in education in this country.

To my knowledge, I do not think that these four posts have been filled, and it would be interesting for us to hear why. Among all professions, Sir, the African takes on very well, and I think he does very ably, in the teaching profession. He knows the children better than any other community because they are his children, and I think it is a very important thing that we should have, in the highest level, in the Education Department, Africans who would create confidence in the whole education structure.

Here I would like to make two criticisms. The first is that it is within my knowledge that the principals of the various institutions where Africans who have been educated abroad teach have not been as encouraging to these young people as they ought, and usually the recommendations, and so on, for promotions must come from the immediate superiors of these African schools, and I would like to submit, Sir, that unless these principals of these schools, I am talking of European principals now, do not change their attitude and encourage the Africans who are serving under them so that they can feel that they can be promoted towards positions of responsibility, we are not working towards a happy future in African education in this Colony.

Now the second criticism I wish to make, Sir, in regard to this point is that of the salaries attached to these posts; it is true that the one proposed here seems to be on a higher level than any other

[Mr. Mathu]

that has appeared in the Estimates of that department for an African, and I have known other posts that have appeared in these Estimates before, in previous years, and later withdrawn without appointing the staff that have been recommended by this Legislature to be appointed. I should like to say that there could be no excuse whatsoever of not filling these posts quickly because we know that the men are there, and, Sir, if anything could be said to question my experience—I have had 15 years' teaching experience in this country and I ought to know what I am talking about.

The other point I want to comment on is that when studying this report, Sir, and looking through the sums of money which are now being voted for African Education, at first sight the sum of nearly 11,000,000 appears very large, but when you look out for the statistics to see how many children are in African schools so that you can, at least, work out *per capita* the basis of the allocation of the sum here, the figures are not available. And, with the increased staffs in all these schools, surely, there must be returns to the Education Department of all pupils by all age groups who enter the schools throughout the system. Surely they need not depend upon the E.A. Statistical Department which even in 1948 did not produce the figures of school children in African schools. I attach tremendous importance to that, Sir, because without those figures, we appear to have been taking all the money for education in this Colony. In fact, we are not, because if it is worked out per child, it would work out at a very small figure. I would like to know from the hon. Member why we have not had these statistics.

The third point I want to raise, Sir, is in regard to examinations. I know that in the majority of schools, time tables for local examinations, the Kenya Preliminary Examination, happen to be arranged in such a way that 10 days to 14 days elapse after the children have finished their examinations, either those that are under the Education Department, or promotion examinations, and they have to stop over in the school 10, to 14 days without very much to do, and I say that this is not good for the

children, neither is it good for the system of education. I suggest, Sir, that as in many other places where I have seen, the examination time table should be arranged so that children finish their examinations almost the last day of term, at the end of the year, so that they can go home at once without hanging about in the school doing very little.

Now on examinations, Sir, I would like to comment on one result, a result that has already shown itself by the implementation of the Beecher Report recommendations. I refer to the first four years of school life of the child. There are examinations when a child is eleven, twelve or thirteen, and it has been proved that a large number of these children who do not do well in these examinations, the policy is that they cannot be allowed to repeat, and so they are thrown into the world, where, the hon. Member agreed, there is a limited employment—we have no apprentice system for these young people of eleven, twelve and thirteen, and they really become potential trouble-makers because they have not formed their character yet; they are only eleven, twelve or thirteen. I suggest, Sir, we will have to get a solution to that problem. It is immediate; it is present with their parents everywhere. Unless we set up new institutions to care for these fellows, I do not think that would really be achieving what we want.

I have one final point, Sir, to make in regard to technical education. My hon. friend, the Member for Education, did say that the Technical College has been started now, and he mentioned about the Interim Council which is going to run it, and I would like to submit, Sir, that the composition of that Council requires reviewing. As far as I know, it does not represent the whole of the interests that are required to be represented on a Council such as that. The last point on technical education, is that we will have to get the Government departments, particularly the Public Works Department, to give the Government departments, particularly the Public Works Department, to set an example and to absorb these young artisans who leave the technical schools, to give them employment. Otherwise, they go back to the African Land Units and go and lead the African peasant life, and lose all the technical education, we have paid out for them. I would suggest, Sir, that although we have done a little

[Mr. Mathu] towards that direction, it is not completely satisfactory.

Sir, I beg to support.

Mr. PRITAM: Mr. Chairman, we Asian Members are really very grateful to the hon. Member for Education for the very reasonable way in which he has met the requirements of the Asian community, as far as the education of their children is concerned. I do not want to reiterate what has already been said by the hon. Member for Central Area, but there are certain things which have not been covered as yet.

Sir, there is still a large number of teachers in the employment of Government schools who have not yet been classified as untrained, unqualified and to a certain degree, some of them are really uneducated. I would urge the desirability of replacing these teachers as early as possible so that Asian schools are not merely the sanctuary for all sorts of people. As for these schools, Sir, no doubt the Government has been good enough to agree to secondary education at Eldoret and Nakuru, but the Government at these two centres are not really in a position to build hostels without any help from the Government. Unless these hostels are built at these points, I really wonder that the opening of secondary schools there would be of any material benefit to the outlying centres in those districts.

Year after year, Sir, I have been urging the desirability of taking over Kakamega, Kericho and Nyker schools which are now too large for the small Indian communities if these centres do maintain. I really wonder if it would be possible for Government to relieve these small communities from the extra burden that they have to shoulder. I do not think it would cost Government very much if they took over these schools.

As far as fees, Sir, no doubt fees have already, so far as the Asian community is concerned, have already reached the limit, and if fees are raised that will mean that there will be too many applications for remission. I think that there are some other forms of taxation which the communities, I mean the entire community, not especially the Asian community, would be prepared to pay rather than

pay the fees which would hit the poorer of the community.

With these words, I support the Motion.

Mr. COOKE: Mr. Chairman, I rise merely to meet one point which is often raised both inside and outside this Council. That is, Sir, we put too much emphasis on literacy and not enough on technical education. Well, Sir, I recognize, as much as any Members here present, the importance of technical education, but my view coincides with that of my hon. friend the Member for Education and that is, you cannot impart technical education without a good deal of literacy. I go further than that, I would draw attention to the fact, which probably very few people in this Committee or in this country recognize, that South Africa—this might almost say, "of all places"—is aiming at universal primary education for all natives of that country. They are doing it, Sir, for this very good reason that they have found that in the big industries which are being established in South Africa round about Port Elizabeth, that the African employee with a literacy education does three or four times the work of an illiterate African. The reason is simple, that with complicated machinery, the proper use of that machinery can be more readily imparted to the literate African.

I rise merely to make that point, Sir, and I support the Estimates. (Applause.)

LADY SHAW: Mr. Chairman, only a few words on one or two subjects which have been raised in this debate, and, if I may, I would like to say how very much I appreciated the review of the whole educational field which was given to us by the hon. Member for Education. (Applause.) It was extremely interesting to me and I think to everybody in this Committee. It was so very full and yet so concise. I feel it would be an impertinence, Sir, for me to congratulate him, but if it were not an impertinence, I should like to do so.

There are one or two points that I am particularly interested in. One of them is the total cost of education. Everybody who pays taxes in this country has a right to expect some services, but I feel, at the same time, that the weight of

[Lady Shaw] educational costs for all races, irrespective of what all races already pay, is becoming so enormous that some definite steps must be taken to reduce them; or at least to control them. We have just better way of putting it. We have just heard the Asian Members say that the Asian community cannot face higher fees. That, Sir, may be so, and in that case I feel they will have to put their heads together and find some means of dealing with these educational costs. And, Sir, I feel this very strongly about the European community, more particularly in the matter of secondary education. It may be that higher fees can be charged, and in saying that I know very well that that will imply larger remissions; for I know, Sir, that certain people who will be asked to pay these higher fees will not be able to afford them. But there are people who are receiving Government education, and I think this is probably true of all races, who are perfectly capable of paying higher fees. (Applause)—and, in my view, people who can pay should pay. I am not suggesting that education should be free for anybody, for I believe that everybody should contribute something to the cost of their children's education. It is an extremely irresponsible word I have heard used in this Council once or twice—it is extremely irresponsible to have large numbers of children and expect them to be educated free of charge by the State. Nobody expects them to be fed free of charge, so why they should be educated free of charge passes my understanding. We have got to look at the whole of the social services as one. Educational and Medical Services cannot be entirely divided when we talk of the burdens which fall upon different communities. We must regard them as a whole. One community may pay more for its education; another may pay more for its hospital services; but the whole thing must be taken as a whole and looked at as a whole.

Comparisons are odious and usually completely inaccurate, and I do not propose, Sir, to draw any comparison about the benefits received or the contributions made by different races, but I feel that all must make their contribution and; Sir, if I may say so, an adequate contribution to the rising costs of education;

while, at the same time, they must be permitted—not permitted, Sir, but it must be recognized—that they have a right, as all races have and as all individuals have, to expect some reasonable return for the taxation that they pay. But I am quite sure that somehow or other means must be found, either communally or individually, of paying more towards these costs of education, particularly secondary education.

That is all I want to say.

Mr. OHANGA: Mr. Chairman, I rise to make only two points in addition to what has already been said by my colleague, the hon. Mr. Mathu. The first one is to ask if the hon. Member for Education would be good enough to give us an explanation of how this particular problem must be got over. The present policy, which came into being with his start in this office, lays it down that the field of African education we have got to pay for quality rather than go quantity, and with that in view the Local Government Authorities through their district councils, which used to be responsible for the expansion at the bottom, are now asked to put some of their money into intermediate schools, i.e. Standards IV up to VIII. That means that the African District Councils will not have sufficient money to expand at the bottom, now that they have to take over two additional classes. If they extra not been made responsible for this extra two years, they would only be responsible for the first six years as before. Now, would the hon. Member please tell us how he expects to order that the intermediate schools might be manned right through without any interruptions, because it seems to me that if you are going to expand the educational system you are inevitably going to do so throughout the system in order to maintain the flow of children. That is one.

Two, Particularly in Nairobi, Mombasa, Nakuru and Eldoret—possibly in Kitale also—you have the position where the African population moves to the towns, and in these towns and the city of Nairobi, as you know, Mr. Chairman, you have a multiplicity of schools generally under private societies. These are useful as such but I wonder if it does not lead

[Mr. Ohanga]

With unnecessary duplication where public assistance is concerned. If you are going to finance all these schools would it not be more economical if we had only one body responsible for African schools to provide up to standard 8—all under Government? The second point on that one. At the time we were considering the possibility of bringing the African education in urban areas, particularly in Nairobi, to a compulsory level, I thought we had nearly reached a point where that was being very seriously considered. In our own submission it is a thing that is really necessary here. We do not mind children moving about at home with their parents, but we cannot have African children moving about in the crowded city of Nairobi particularly if they leave school after only four years. Would the hon. Member please tell us what he is likely to do about that one?

MR. SHARY: Mr. Chairman, in associating myself in paying tribute to the hon. Member for Education for his very clear speech he gave this morning in introducing this Head I have got one or two items to speak about. The first is the very long list of children who are waiting to enter the Arab Primary School in Mombasa. These boys I understand, for the last two years have been on the waiting list, and it is only for the lack of teachers that these boys have not yet been admitted to primary school. I would therefore ask the hon. Member to give this very serious consideration.

The second point, Sir, we have been raising since last year, of the Arab qualified teachers to teach Arabic in the Arab schools. We are told that Government has tried its utmost to import qualified Arab teachers, but unfortunately they are not available. I do not understand why these teachers are not available in the Middle East, or other Arab countries. (Hear, hear.) I can only say that surely the salary scales we are giving to the teachers here will not attract Arab teachers from Arab countries to come to Kenya, and teach our boys here. I would also, Sir, ask the hon. Member for Education to give also his very serious consideration to taking this matter up and trying his utmost to get the Arab teachers from Arab countries.

With these words, Sir, I beg to sup-

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: First of all may I say thank you very much to the hon. Members who have said such very nice things about me. The hon. Mr. Nathoo, Sir, spoke about the question of grants-in-aid. I would say that Government is extremely conscious of the saving which accrues to the taxpayer by the policy of grant-in-aided schools. The matter has been given very serious consideration during the past year, and indeed only the limitation of finance imposed by the desire to keep the Budget down to essentials, to as low a level as possible, has prevented the Government's sympathy being expressed in a more practical form in these Estimates. It would, I think, be of interest to hon. Members to know that the figures have been worked out as an approximate saving of £10 per pupil to Government where a pupil goes to a grant-in-aided school and it seems therefore that the extension of the grant-in-aid system, and anything that can be done in that way, is a wise measure from the point of view of central expenditure. However, perhaps when we come to discuss the grant-in-aid item in the details, some hon. Members may care to express their opinion as to whether they would feel inclined to face a supplementary estimate going to Standing Finance Committee probably of the order of some £30,000, because that is what the hon. Member has in fact asked for. It would, according to the figures that were submitted to me when I was considering this point not long ago, involve expenditure of that amount, if we are to move all the way. The fourth; if, however, we were to say that we should need an additional £15,000, if we were to include passages, salaries of leave reliefs and Provident Fund, it would be some £14,795 at an approximate estimate. I think the hon. Member has made a very good point as to why there should be serious consideration of this point, and I will discuss with my hon. friend, the Member for Finance, the possibility of having this reviewed in the near future.

With regard to hostels and a pound-for-pound grant, the hon. Member, I think, knows that the Planning Committee has allocated so much money for

The Member for Education, Health and Local Government] and I can only give him my personal assurance that if the Asian Elected Members feel as a body that that money should be granted on a pound-for-pound basis for hostels I would be prepared to give such a proposal my support also.

With regard to really qualified teachers, salaries are, of course, a matter for my hon. friend, the Member for Finance and I think the question would be more correctly addressed to the Establishments, having regard to the repercussions that occur in any move of this particular kind. I do agree with him, however, that if fully qualified teachers are not forthcoming from the Asian population, and certainly in the more advanced schools, we will seriously have to consider giving a grant-in-aid to European teachers and European principals, because education which produces merely numbers is really a waste of expenditure. (Hear, hear.)

With regard to my hon. friend, the Member for Eastern Area, Mr. Patel, again I would say thank you very much for all the help he and his colleagues have given me. I cannot altogether agree with his statement or his argument that the proportion is fallacious, because whilst it is correct that if I could take the education programme right over the whole country his argument would stand, a study of these Estimates will show that I have to take community by community, and in that respect my argument is certainly, I believe, correct.

With regard to the hon. Mr. Mathu, Sir, and the question of African posts, let me deal first of all with the African Education Officer, and remind him what I said in this Council on the 20th December, 1950. This was the Motion for the amendment: "(b) gives a position of one Education Officer (African) on a scale £60 to £27 to £684. Now, it is quite possible again, Sir, that this post will not be filled for some years. The man concerned—or the men concerned—will have to prove themselves through at any rate some portion of service in the Assistant Education Officers' posts. These will be promotion posts and members will not—I say 'these' because in the course of time there will obviously be others, to be filled by people of outstanding ability

and proved integrity". So that, Sir, he must accept my assurance that there is no intention to remove that post, but I think he must also accept as axiomatic that they must pass through the field of Assistant Education Officer first before they progress to the top.

Now, Sir, on the question of the three posts for Assistant Education Officers (African), these three posts will be filled this year. At the present moment two Africans are being tried out in these posts on a probationary basis—Mr. Adagala and Mr. Omolo, and after the probationary period, as I have very little doubt they will come through it with flying colours, they will be confirmed in these posts. I hope that that meets the point of that one.

With regard to this question of the criticisms of Principals, Sir, and other reports on African staff, that was a new one on me. It took me somewhat by surprise, but I will look into the matter and give it my personal attention.

With regard to the period of local examinations, I did discuss this with the Heads of other departments and they told me that the date fixed, November 1st, was the last date on which the examinations could be taken, so that it would have meant closing for a month and I may say in some cases for a month—not only 10 or 14 days as my hon. friend said—and they considered that after the examination was finished there was quite a lot of useful work in such fields of education as Civics, which could be carried on; but doubtless my hon. friend, if he does not feel satisfied with that answer, will take the opportunity of discussing it with the Director of Education and myself in order that we can see if anything can possibly be done in order to meet this point.

With regard to the point he made over figures I will go into the matter. The fact figures I will go into the matter. The fact remains that so far the statistics are not available, but if we can do so. He available we will try and do so. He raised the point that at the end of the first two years that children were not being allowed to repeat. I think if they fail to reach the required standard, when full to reach the required standard, when all our educational facilities are, it would be uneducational facilities are, it would be unfair to keep other children out because those particular children had failed to reach that standard. Nevertheless it does

[The Member for Education, Health and Local Government] create a position and I will look into the matter again.

On the question of a technical college my hon. friend was really driving at the question of after-employment which is much better, I think, a matter for the hon. Member for Labour than for myself, but I think he is encouraging a possibility of schools now to create an atmosphere of following.

I think, Sir, the point raised by my hon. friend, the Member for Western Area, Mr. Priddy-Smith—I have already dealt with—Kilunguwa, Kericho and Nyeri—I will go into the matter, but he thinks, I think, wrongly, that the amount of cost of this matter is again limited by the finance available. It will not cost much to take the school over and to have something and the figures in finance are not enormous and social service—although some hon. Members, I believe, think, there is a great deal spent on this. I can assure them that the question of finance is against, almost a non-factor in this matter. He did raise the question of teachers. Under Head 7, in 1951, I think, it was not over Overseas Schooling of African Teachers. We had 10,000 teachers in 1951, only a small thing, I think, in 1952, so we have introduced this as a step towards to send more teachers from the Asian community to the United Kingdom and have built them up to the greatest possible number of teachers.

The hon. and learned lady, the Member for Nairobi, whom I see is coming, raised several points which I will certainly refer to in my concluding remarks. It is possible to combine education expenditure in a bill as has been done in other bills, but I do not think that is the best way to do it. I think that the best way to do it is to have a separate bill for each of the different departments, but I think that the best way to do it is to have a separate bill for each of the different departments, but I think that the best way to do it is to have a separate bill for each of the different departments.

My hon. friend, Mr. Ombaka, spoke about the question of the cost of paper for examinations. I think the hon. Member for Nairobi, who is coming, will also raise this question.

Teacher deficit. My hon. friend knows perfectly well that a long and somewhat strenuous debate took place on the Beiter Report, and the policy of quality rather than quantity, which implied restriction at the bottom until the best was the quality at the top to allow of expansion at the bottom was decided on then, and I do not propose to enter into a long debate now and waste the time of the Committee. In so far as urban areas and compulsory education is concerned, we, Sir, have got to be extremely careful about compulsory education. We have statutory obligations on the Legislative Council at the present moment which are involving pretty heavy expenditure which we have to undertake because there is a statutory compulsion on us as far as I am aware the last time that I discussed that problem, which was a few months ago, an African child in Nairobi could not find a place in a school, and as long as that situation exists, I suggest there is no need for compulsory education. But I think, Sir, we must also bear in mind one other thing, that is that a great proportion of the African population in urban areas is not residential, and it would be a very great temptation perhaps for them to bring in children to an urban area and overload us on a compulsory educational basis, and compel us to spend money in that particular channel that we want to spend in other channels because we regard it as more urgent. We have to have due regard to the statutory obligation and the financial implications that might be contained in any such measure.

With regard to my hon. friend Mr. Sully, Sir, he raised again the question of salaries, which is not primarily my concern. The hon. Member is of course well aware that we have tried quite a number of plans to see if we can get qualified teachers, and so far we have failed. The hon. Member knows that very recently we were again considering this, and the present position is that we are not getting any more qualified teachers, and so far we have failed. The hon. Member knows that very recently we were again considering this, and the present position is that we are not getting any more qualified teachers, and so far we have failed. The hon. Member knows that very recently we were again considering this, and the present position is that we are not getting any more qualified teachers, and so far we have failed.

[The Member for Education, Health and Local Government] I think, Sir, that is all I have to say on these points and I beg to move.

Mr. MATRU: Mr. Chairman, would the hon. Member answer my question on the constitution of the Technical College Council?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I am sorry, Sir, I thought I had answered them all.

On the question of a Technical College Council, at the present moment we have taken the line that only people that are of value to the technical side of education shall be appointed. I know the hon. Member and his community probably feel there should be an African on the Council, but we have definitely started this on a non-racial basis, and the very implication of the Council should be taken on their qualities. There are two Asian members, and I think they are well qualified from both a commercial and technical point of view to have their place on that Council, the same as every European member on that Council has some definite point or reason or qualification, for being thereon.

The question that Head 7—4 be considered was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that Head 7—4, sub-head (1), items 1—25, be approved.

There is, Sir, in item 3 an error. Assistant Directors of Education should be obviously "Two at £1,385 and one at £1,100".

The question that item (1), Personal Emoluments, be approved was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that items 2—8 under the same sub-head be approved.

Mr. HAVELOCK: Item 6, Sir, I beg to move, Sir, that item 6 be reduced by £1,000.

Mr. Chairman, I move this Motion because as it is seen by the explanation in the Memorandum the increase in this cost is due, one, to an increase in the salaries and, two, to the greatly increased cost of paper. I suggest, Sir, that

there is room for economy in the use of paper for examinations. Anyway, during the war it used to be a habit that examinees were told to write on both sides of the paper, make margins smaller and all the rest of it. I suggest that with the increased and very expensive costs of paper at the moment that the same situation has arisen now and that examinees should be forced to economize in the same way as they did before.

Sir, I beg to move.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I must, of course, oppose the suggested reduction in the interests of the examinees. The cost of paper, Sir, is very small in the total as against the question of the cost of the increase of examinees. If I may give figures, the Kenya African Preliminary Examination figures in 1949 were 2,094. This year, in 1951, there were 3,009 and next year the figure will have increased again, so that from 1949 to 1951 there has been an increase of one-third in the number of examinees taking the Kenya African Preliminary Examination, and this 1952 total will add to that. The numbers which take the Kenya Asian Preliminary Examination, I have not the figures for 1949, but I have the figures for 1950, which were 2,639 and the 1951 figures were 3,821, and, of course, an increase will be felt again in 1952. If we take the Cambridge School Certificate, Sir, 1949, 602, in 1951, 1,071. So that there is an increase again of some 40 per cent on the total, or if you like, 66 per cent on the 1949 figure.

Now, Sir, that is a fairly large increase, but the figures of estimates we are talking about are for 1952, and the increase will be even greater. The cost of paper will be used for all local examinations, which is the cheap type of paper, Sir, 17/10 a ream in 1950 and Sh. 17/10 a ream in 1951. The cost of A.M.C.L.1, which is an all-paper examination was to be used for the Cambridge Examination for 1951, Sh. 17/35 in 1950 and in 1951 Sh. 19/25. Sh. 17/35 in 1950 and in 1951 Sh. 19/25, so one can see that in so far as the Cambridge side is concerned, the increase in the cost of paper has not been a very large proportion of it.

Now, Sir, overseas examinations, such as the Cambridge School Certificate, are, indeed, self-supporting. The revenue item

[The Member for Education, Health and Local Government] of some £2,000 can be found on page 22, item 13, and the revenue estimates have, indeed, been increased by £800 this year. The increase on expenditure is suggested at £1,500, so that it is only a net increase of £700 for a considerable increase in the number of pupils.

I think, therefore, Sir, the hon. Member will see that any reduction in this particular item would indeed mean that we should have to refuse examinees.

MR. HAVELOCK: Mr. Chairman, the hon. Member, as usual, has made an extremely good case. I personally consider there should still be economy, and there would be room for it. I do feel that, especially as far as the revenue is concerned, which is a matter which I must admit escaped my notice, that the reduction that I have suggested is too large, and I am prepared to withdraw the Motion, Sir, if the hon. Member will give me an assurance that he issues instructions that economy in every possible way in examinations shall be enforced, especially in the matter of paper and other stationery.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I can not only give the hon. Member that assurance. I will, moreover, give him the assurance that I will go into the matter personally with the Head of the Department to see if economy can be effected in any way.

MR. HAVELOCK: Thank you, Sir. In view of that explanation, I withdraw the Motion.

The Motion was withdrawn.

MR. NATIHO: Mr. Chairman, I want to make an inquiry about item 8. Sir, this item, these expenses, were formerly met from item 5, which was underestimated. Now, Sir, if this item was made from item 5 formerly at £300, and now it has been increased to £500, why it is necessary to put an extra £500 under this item? I think, Sir, it should be much less, and with your permission, Sir, I should like to move that item 8 be reduced by £200.

THE SECRETARY TO THE TREASURY: I would invite the attention of the hon. Member to the column Expenditure 1950, against item 5, Contingencies, 1955.

MR. NATIHO: What about item 517?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Sir, the point about item 51 is that obviously it has been heavily underestimated. I am afraid the hon. Member must take the increase in the Crown Agents' charges for interviewing candidates for appointments as being one of the automatic results of engaging a lot more teachers. A lot more people have to be interviewed, and if more people have to be interviewed, the Crown Agents charge more money.

MR. NATIHO: In view of that explanation, Mr. Chairman, I withdraw my Motion.

The Motion was by leave withdrawn.

The question that items 2, 3, 4, 5, 6, 7 and 8 be approved was put and carried.

THE CHAIRMAN: Will the Member for Finance move to report progress and ask leave to sit again.

THE FINANCIAL SECRETARY: Mr. Chairman, I move that the Committee report progress and ask leave to sit again.

MR. HAVELOCK: Mr. Chairman, is the time 12.30? We would have no objection, here, because if it is not 12.30, I believe it is not considered as a day.

THE CHAIRMAN: We started in Committee quite early—we started before 10.15, and if we start before 10.15 it is considered as a day.

The only reason for adjourning to-day earlier is there is some special function outside which some Members have to attend.

THE ACTING CHIEF SECRETARY: Mr. Chairman, we are quite ready on this side of Committee to carry on until 12.30.

MR. HAVELOCK: Mr. Chairman, I understand there are no items under recurrent expenditure for the education side which hon. Members on this side wish to raise. If that is the case, perhaps the hon. Member could take them all now.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to withdraw my Motion! (Laughter.)

MR. COOKE: Sir, is it usual for the House of Parliament to adjourn because a banquet has been arranged?

THE CHAIRMAN: I do not think so, but there have been "ways and means" (loud of going to the Derby, even!) (Laughter.)

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that sub-head (2), European Education—Tuition, sub-head (3), European Education—Boarding, sub-head (4), Asian Education, sub-head (5), Gosa Education and other charges, sub-head (6), Arab Education—General, sub-head (7), Arab Education, Sir Ali ibn Salim School, sub-head (8) African Education—

LT-COL. GHERSIE: Mr. Chairman, I have a point to raise, Sir, on (9).

I would like to move a reduction of £1,000.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Could we, in that case, take up to (8)?

The question that sub-heads (2); (3), (4), (5), (6) and (7) be approved was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that sub-head (8), item 1, sub-items 1—26, be approved.

LT-COL. GHERSIE: Mr. Chairman, I wish to raise a matter on sub-item (9).

I beg to move, Sir, that this item be reduced by £1,000.

THE CHAIRMAN: I do not understand the Member's Motion.

LT-COL. GHERSIE: I am sorry, Sir, I thought we were on the next page.

MR. OHANGA: Item (8), sub-item 11, Assistant Masters (Asian) (one Grade IV and two Grade V). I thought these were African Schools, and as far as I know I do not know where the Asians are employed. I should like an explanation of that.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I am now, Sir, in a position to give the hon. Member the information. They are Arab masters at schools in the Northern Province.

MR. OHANGA: Thank you. (Applause.)

The question that item 1, Personal Emoluments, under sub-head (8), being a total of £146,435, be approved was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that items (2)—(8) be approved.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that item (9) be approved.

LT-COL. GHERSIE: Mr. Chairman, I beg to move that item (9) be reduced by £1,000.

In doing so, Sir, I require an explanation from the hon. Member for Education as to the necessity for obtaining examiners from overseas for the purpose of examining pupils at Makerere College. To give an illustration, Sir, I understand that quite recently a medical examiner was brought out from overseas for that purpose. I do suggest that examiners could be obtained from local practitioners or professional men for various examinations and thus reduce the cost.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I am not aware of the instance to which the hon. Member refers, and I will look into it.

The hon. Member will, of course, understand that the Makerere College Council is indeed a self-governing inter-territorial body on which we have our territorial body on which we have our representatives. It is something to which all territories contribute. They are, I think, pressing very hard to lift their status so that they can grant not only diplomas but degrees, particularly in medicine.

As this is a matter of interterritorial agreement, I would ask the hon. gentleman not to press his reduction, but I would say that I will look into the matter and let him have a reply either in answer to a question in the Council, if he wishes, or if he is prepared, I will let him have the answer in writing.

MR. COOKE: Mr. Chairman, surely we are being inconsistent in this matter. We are always asking that the status of the Makerere College should be increased.

(Mr. Cooke) to encourage the African to go to Makerere rather than to English universities. We have a case where an attempt is being made to put Makerere on a better status, and my hon. friend, the Member for Nairobi North seems to be opposing it.

LT.-COL. GHERSIE: On the contrary, I do not think the hon. Member for the Coast has understood my point. I suggested there are people in this Colony who are quite capable of examining in these instances.

I will ask the hon. Member that he will not only inquire into the matter, but make strong representation; it is a question of reducing the cost. I am sure in all the professions generally there are heaps of people who will give up the time to conduct those examinations. If the hon. Member will give such an assurance, I will with the leave of the Committee withdraw the Motion.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I will give the hon. Member that assurance.

The question that item 9 be approved was put and carried.

MR. BLUNDELL: Mr. Chairman, on a point of order, the Motion has not been withdrawn, so in effect we have been voting on the Motion before the Council. I do not think the hon. Member for Nairobi North has withdrawn his Motion, and for the purposes of accuracy he should do so.

THE ACTING CHIEF SECRETARY: By inference, I would suggest he certainly had withdrawn.

THE CHAIRMAN: I am under the impression that the hon. Member, in view of the assurance given, withdrew his Motion. As nobody objected to the withdrawal of that Motion or wanted to continue the debate on that Motion, I put the original question, which is that Item 9 be approved, and you have agreed to it—(applause)—and I cannot see any point in the hon. Member's point of order. (Laughter.)

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that Items 10—12 be approved.

The question was put and carried.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that Sub-heads (9), Trade and Technical Education; (10), Other Charges, and Sub-head (50), Non-recurrent, be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Committee do report progress and ask leave to sit again.

The question was put and carried. Council resumed.

ADJOURNMENT

Council rose at 12.35 p.m. until 9.30 a.m. on Thursday, the 6th December, 1951.

Thursday, 6th December, 1951
Council assembled in the Memorial Hall, Nairobi, on Thursday, 6th December, 1951.

Mr. Speaker took the Chair at 9.32 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 5th December, 1951, were confirmed.

PAPERS LAID

The following paper was laid on the Table:—

BY THE ACTING CHIEF SECRETARY:

The Report of the Committee on Indian Electoral Representation.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 22

MR. HAVELOCK:

Is it a fact that demurrage charges on cement owing to the delay at the Port of Mombasa are passed on to the consumer and this seriously affects the ultimate cost of building which is such a large factor in the cost of living?

THE MEMBER FOR COMMERCE AND INDUSTRY: The Government is advised that demurrage charged by shipowners for delay to ships awaiting berths at Mombasa is passed on to the consumer but that these charges are not likely to occur in the case of cement loaders provided by the Conference Lines which bring in the greater portion of the Colony's supplies of cement on a programme basis. In regard to such ships no demurrage is involved, the freight rate is final.

MR. USHER: Arising out of that reply, Sir, would the hon. Member agree that it is not the practice to charge demurrage where there is no fault on the part of the importer?

THE MEMBER FOR COMMERCE AND INDUSTRY: Yes, Sir.

MR. BLUNDELL: Is the hon. Member able to give, Sir, arising out of his second reply, the percentage of cement for civil requirements which is imported under the arrangements of the Conference Lines?

THE MEMBER FOR COMMERCE AND INDUSTRY: No, Sir, I cannot give the exact figures, but what I can tell the hon. Member is that it is a very high percentage—90 per cent or 92 per cent—that sort of proportion.

MR. BLUNDELL: I will accept that, Sir.

MAJOR KEYSER: Will the hon. Member tell us, arising out of the answer, is there not another demurrage that arises from port and railway charges?

THE MEMBER FOR COMMERCE AND INDUSTRY: No, Sir, that is not demurrage. There are charges that arise from handling in the port, which is based, as railway freight rates are, on tonnage as handled, and is related to specific items, but there is no demurrage in the sense that I was referring to. I am trying to answer the hon. Member, and I think those are the charges that he wishes me to refer to.

MAJOR KEYSER: I do not think the hon. Member has quite understood. Supposing the cement is landed and put into a railway store and cannot be railed—cleared—for a considerable period: is there not a charge arising because that cannot be cleared?

THE MEMBER FOR COMMERCE AND INDUSTRY: The position there, Sir, is that, provided documents are presented according to the regulations of the Port and Harbour Authorities, and if then there is delay, no special charges are attracted. If, however, the documents are not presented—in other words, if the importer is at fault—then, Sir, charges according to a public scale are attracted.

QUESTION No. 23

MR. HAVELOCK:

Is it a fact that guaranteed supplies, in adequate quantities, could be arranged with suppliers for the next 12 months?

THE MEMBER FOR COMMERCE AND INDUSTRY: The Government is advised that it is understood that adequate supplies of cement can be guaranteed from various sources. The London Conference Lines have stated that they can give assurance that shipping will be made available throughout 1952 to lift cement up to the capacity of the port.

MR. MACDONICHE-WELWOOD: Arising out of that reply, is the dam now being constructed on the Nile causing very heavy demands on cement supplies arriving from the United Kingdom?

THE MEMBER FOR COMMERCE AND INDUSTRY: I do not know the figures, but both the hon. Member and I have seen the dam in course of construction, and I would agree with the hon. Member that considerable quantities of cement are, in fact, being absorbed by that dam.

MR. MACDONICHE-WELWOOD: Arising out of that answer, do they get any priority for that dam, before the minimum requirements for this country are met?

THE MEMBER FOR COMMERCE AND INDUSTRY: In answer to the hon. Member I would say that highly expensive and complicated works of civil engineering, such as dams, where—unless continuity of construction is achieved great loss might be incurred—to that extent, Sir, in common with any other dams of similar size being built in East Africa, a certain priority would.

MR. BLINDELL: The answer, Sir, is "Yes," then.

THE MEMBER FOR COMMERCE AND INDUSTRY: The answer, Sir, is the one I gave!

MAJOR KEYSER: Arising, Sir, out of the first answer to this question, would the hon. Member tell me why these arrangements were not made for 1951? If they can be made so easily for 1952?

THE MEMBER FOR COMMERCE AND INDUSTRY: Well, Sir, the arrangement was made by a Committee that sits in Mombasa, between the Shipping Conference Lines, the Port and the Railway Authorities. I am not a member of that Committee, nor are members of my staff, and I am afraid I cannot give the hon. Member the answer he is asking for. If he wishes me to pursue the matter, I will give him the information as soon as I can obtain it—either verbally or in writing.

MAJOR KEYSER: I should like it, Sir.

QUESTION No. 24

MR. HAVELOCK:

What arrangements have been made to phase deliveries of adequate consignments of cement at Mombasa so

that supplies to the public may be regular and the price unaffected by demurrage charges?

THE MEMBER FOR COMMERCE AND INDUSTRY: The Government is advised that the Port authorities inform the Import Cargoes Advisory Committee of the monthly quantities of cement which can be accepted by the port and by the railway. The Committee advises the Conference Lines in London, who arrange special cement and vehicle loaders to make up the balance of capacity which is not expected to arrive in ordinary berth loaders. Any vessel is permitted to include in its cargo up to 2,000 tons of cement and such vessels must take their turn for berthing and discharge. The special cement and vehicle loaders berth at No. 7 shed which has been set aside for the storage of cement only and suffer little delay. In any case, as previously explained, demurrage is not involved in the case of Conference Lines programmed vessels.

MR. COOKE: Arising out of that, Sir, the hon. Member indicated in his answer to one of the previous questions that demurrage was charged if the importer was negligent in collecting. Why should he make the consumer pay on that negligence?

THE MEMBER FOR COMMERCE AND INDUSTRY: I think the hon. Member has misunderstood my reply. I think he is referring to the supplementary asked by the hon. Member for Trans Nzoia.

MR. COOKE: Yes.

THE MEMBER FOR COMMERCE AND INDUSTRY: I explained that demurrage charges were not involved inside the port when the cargo has been landed. What is involved are special charges if there is undue delay once the stuff is in the sheds, which is charged to the importer if he does not present his documents. Now it is normally in his power to present his documents. It is his own fault if he does not.

MR. COOKE: But that is his negligence. Why does he pass on that extra charge to the consumer? Is he allowed to do so?

THE MEMBER FOR COMMERCE AND INDUSTRY: No, Sir, I would refer the hon. Member to my reply to the original—first—question, where I pointed out

(The Member for Commerce and Industry) that certain demurrage charges, as distinct from port charges, which, as I said in answer to the hon. Member for Trans Nzoia, are paid only in certain cases—that is, in the case of non-programmed ships.

Now, Sir, on the matter of bringing in ships which have to wait—and it is known in advance they will have to wait—there is such a great demand for the goods concerned that it may be in the interests of all concerned to do this, although, as a result, the goods may cost a little more.

MR. HAVELOCK: Arising out of the original answer to the last question, would the hon. Member answer me if there is any difficulty in obtaining supplies from Britain and, if so, are supplies obtained elsewhere to fill the necessities of the country?

THE MEMBER FOR COMMERCE AND INDUSTRY: It is difficult to forecast what the supply position will be in the next twelve months or so. We are assured that regular supplies should be forthcoming. On the other hand, during the last twelve months we have at times had it necessary and, indeed, it has had a stimulating effect on some of our suppliers to go elsewhere. The hon. Member may notice that I very carefully used the phrase "from various sources" in my original reply to one of the questions.

MAJOR KEYSER: May I ask the hon. Member if he really sees that he really has not given an answer to the hon. Member for the Coast?

THE MEMBER FOR COMMERCE AND INDUSTRY: I did, my best. If the hon. Member will elucidate further I will go on.

MR. COOKE: I think we do not want this question time too delayed, but I will get in touch with the hon. Member later on. He obviously does not understand.

MR. MACDONICHE-WELWOOD: Arising out of the last answer, will the hon. Member inform us whether the Tororo Cement Works, which was formed in order to help the supply to the dam at Inja, is producing an alternative source of supply for cement at the moment?

THE MEMBER FOR COMMERCE AND INDUSTRY: I will be happy to communicate with the Government of Uganda. (Laughter.)

REPORTS

THE FINANCIAL SECRETARY: I beg to report that the Committee of Supply at yesterday's sitting continued its consideration of Head 7—1, and completed that consideration, approving the Head without amendment.

Head 7—2 was considered and, under sub-head 4 of that Head—sub-head 4 was amended by adding a new item 1—1, Housing Officer, £690 by £25 to £715 by £32 to £760, with a provision of £840, renumbering items 1—1 and 1—2 £840, renumbering items 1—1 and 1—3 respectively and as items 1—2 and 1—3 by £115, increasing the new item 1—3 by £115, with consequential amendments to lists throughout the Estimates. With that amendment, Head 7—2 was approved.

The Committee then approved Head 7—3 and Head 7—4.

SUSPENSION OF STANDING RULES AND ORDERS

MR. HAVELOCK: Mr. Chairman, I beg leave to move that Standing Rules and Orders be suspended, Sir, the reason for my request is that previously it had been arranged that to-day would be a day for ordinary business and that we would continue in Committee of Supply to-morrow, and because of that arrangement, it had also been arranged that notice should be given on this side of the Committee—to the effect that the Motion should be moved to-morrow, asking that the time limit for the Committee of Supply should be increased by a further five days. When the hon. Members on this side of the Committee agreed to Government's request and for Government's convenience to alter the ordinary business day from to-day till to-morrow, I regret the significance of that—I did not realize the significance of that change as regards this particular Motion. There is one other subsidiary Motion. There I would ask for the suspension, Sir, of Standing Rules and Orders, pension of Standing Rules and Orders, it might give the hon. Acting Chief Secretary an opportunity to make a witty speech. He has not had much fun up to now, Sir.

MR. PATEL: Mr. Chairman, I beg to second.

THE CHAIRMAN: This matter of the extension of time would have to be decided by a majority vote without debate. I cannot see I have any grounds for refusing this. You are free to move.

THE ACTING CHIEF SECRETARY: May I speak?

THE CHAIRMAN: I thought you were not going to speak at this stage. That is why I gave leave to move the Motion.

THE ACTING CHIEF SECRETARY: I must take your ruling, Sir. I do not intend to oppose the Motion.

MR. HAVELOCK: Mr. Chairman, I beg to move that Standing Rules and Orders be suspended in order that this Council may consider a Motion to extend the Committee of Supply by five days.

The question was put and carried.

MOTION

EXTRA DAYS FOR COMMITTEE OF SUPPLY

MR. HAVELOCK: Mr. Chairman, I beg to move: That this Council resolves that five further days be allotted to the debate on the Committee of Supply in the 1952 Estimates.

MR. PATEL: I beg to second.

THE CHAIRMAN: It has to be put without amendment or debate. I will put the question.

The question was put and carried.

THE CHAIRMAN: The Order of the Day is for the Council to resume in Committee of Supply.

COMMITTEE OF SUPPLY

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1952.

HEAD 8—1, OFFICE OF THE MEMBER FOR COMMERCE AND INDUSTRY

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move that item 8-1, Office of the Member for Commerce and Industry be considered.

MR. CHAIRMAN: I do not propose to keep the Committee long on this Head, but I would like to make one or two points which may be helpful to hon. Members in considering the items. The first point I wish to make is to remind hon. Members that the Office of the Member for Commerce and Industry or of the officer who was then known as

the Secretary of Commerce and Industry was set up by unanimous resolution of this Council. Almost immediately a further unanimous resolution was passed by this Council which was to set up the Board of Commerce and Industry. Now, Sir, it is mandatory that all legislation affecting commerce and industry should be referred to that Board. It is also an established custom that all important matters affecting commerce and industry, and, of course, the policy of my office should also be referred to that Board. The Board is almost entirely of unofficial composition. Hon. Members of this Council nominate four members. The Association of Chambers of Commerce of Eastern Africa nominate members. The Federation of Indian Chambers of Commerce nominate members. There is a representative of the Member for Agriculture, and there is, of course, a representative of the Chief Native Commissioner. Now, Sir, over the three and a half years since this office was established, I think that it is true to say, and of significance to the items under consideration, that every new development of policy—I emphasize new—has been approved in the first instance by the Board of Commerce and Industry. Every new departure in policy, every important new departure in legislation, every new duty undertaken by the office has, in fact, been referred to that Board. In every case by virtually unanimous votes those new or changed policies have been approved. In saying this I want to make it clear that the Board of Commerce and Industry has done a great deal of work. It works through sub-committees. It works in small *ad hoc* Committees and it is not a matter of the odd meeting every month or every two months, it is a matter of constant meetings, sometimes two and three times a week, and I do believe that hon. Members should be aware of this. Those hon. Members who are members of the Board, of course, are aware of it, but hon. Members as a whole should be aware of the fact that a large number of very busy men give a great deal of their time in entirely voluntary work, and I personally would like to pay a tribute to the Board of Commerce and Industry and to say that without their help what little we have been able to achieve would have been quite impossible.

MR. CHAIRMAN: Office of Member for Commerce and Industry.

THE MEMBER FOR COMMERCE AND INDUSTRY:

Now, Sir, the second point I want to make is this. This Head appears as the Office of the Member for Commerce and Industry. It is rather different from some of the other Heads appearing under the designation of Offices of Members. First of all, as hon. Members are aware there is no Department of Commerce and Industry in this Colony and Protectorate, the duties of a Department of Commerce and Industry are carried by the Office of the Member. Now, Sir, that is a consideration quite clearly relevant to the expenditure incurred under this Head. In Uganda there is a Department of Commerce and Industry. In Tanganyika there is a Department concerned with these aspects of Government, but in Kenya, Sir, we have, in my submission, built up what amounts to a viable system, and one that is very much cheaper. I would make this point because it is strictly relevant to the Head that we have under consideration, that in point of fact this very small organization carries on the duties of a Department of Commerce and Industry as well as those normally carried on by the Office of a Member. Now, Sir, I do not want to reiterate the point that has been made by me and by hon. Members on the other side before, which is that during the last five years we have seen that amounts to the beginnings of an industrial revolution in Eastern Africa and in Kenya particularly, but I would like to refer to one or two significant facts because I do believe they will interest hon. Members.

I will not refer to the vast development round Nairobi where hundreds of industrial sites have been sold in the last few years of which few, if any, have yet reverted to the Crown, because the conditions, which are stringent, have not been carried out, but I will refer hon. Members to what is happening in other parts of the country. Sir, immediately before this session resumed, I was in Eldoret, and I was both impressed and really surprised to find that in the comparatively short period since my previous visit to discover that their development programme solely in respect of industrial sites, not commercial, had been greatly increased and to-day, Sir, they are in process of surveying and preparing 75

sites for factories in Eldoret. I then went on to Kitale, and there again they are surveying and preparing sites for factories, not on quite such a large scale. They have had certain difficulties which I hope I have been able to help them to overcome. Now, Sir, in Kisumu, again, industrial sites are being surveyed and being disposed of. In Mombasa, Sir, there is going to be very large-scale development indeed when we obtain the water which is essential for industrial development.

MR. BLUNDELL: What about Nakuru?

THE MEMBER FOR COMMERCE AND INDUSTRY: I am going to mention Nakuru. The hon. Member can be assured his turn will come. (Laughter.) I am pleased to observe that he wishes to hear of what is indeed phenomenal development in his own constituency. In fact, Sir, I think the hon. Member can take a certain credit for what has occurred because I do know he has been right behind the efforts of the Municipal Board, and of those who wish to see a more diversified economy developed not only around Nairobi and Mombasa, but in centres such as Nakuru, Eldoret, Kitale and Kisumu.

I have heard hon. Members, at many times quite correctly, say we need a diversified economy in this country. We do. We cannot have what we would economy, we cannot have what we would all wish to see, that is a fully integrated and developed economy, until we find a prime mover. So far we have not done so, we hope, we will be able to, but even without that we have through the very fruitful efforts of private enterprise in this Colony achieved a great deal. I do not want to bore Members with statistics. My hon. friends, the Financial Secretary, referred to some of the most significant in his speech before the Council moved into Committee of Supply. One might, of course, say why is this relevant to the consideration of the item? Well, Sir, I would be the last to say that my office or any other office or any department of commerce and industry could claim the credit for this great development. All I would say, and I would say it advisedly, and I think that my friends in the business and industrial world would agree with me, we are at any rate have done our best to help. In certain cases we have been able to speed

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things up. In others we have, perhaps, been able to prevent delays, in others we have perhaps been able to give advice which has been useful, and in many cases we have been able to assist in getting machinery into the country more quickly and in helping to obtain raw materials which are necessary, generally in small quantities, to complete manufacturing process in this country. Now, Sir, all that means a considerable amount of work, work which we are glad to do and which we are proud to do which brings me to the third point, which I wish to make which is again strictly relevant to the Head under consideration. Neither my office, nor the departments under my control, have what I could refer to as a provincial organization. The Mines Department has an office in Kisumu, other departments may have an office in Mombasa, but, Sir, there is no provincial organization.

We have, to the extent that it has proved possible, been anxious to give the service required by the business of a growing industrial community without a provincial organization, but, Sir, as the total provincial organization in regard to commerce and industry amounts to nothing, then, Sir, in view of the geographical size of this country, it is necessary that it should be possible for one or two people at the centre to go out on safari to see what is happening, to give advice as requested at various times and at frequent intervals.

Sir, let me give an example. I have at the moment a request from the Chairman of the Municipal Board at Kitale for somebody to go up to Kitale and spend a day or two there discussing problems with them. I have a request from the Municipal Board at Eldoret that somebody should go up there in the near future and discuss problems with them. I have a request from Mombasa that we should go and discuss problems there and a further request, Sir, from the Chairman of the Municipal Board at Kisumu to do the same thing. Now, Sir, as hon. Members know, that kind of travel takes time, and it takes money. I would say that the organization of the Office of the Member for Commerce and Industry, bearing in mind that it must also act as the Department of

Commerce and Industry, is conducted on the most economical basis possible. That does not mean that I will not be very happy to listen to the suggestions of hon. Members—(applause)—I am speaking in general terms at the moment, and I am trying to establish this principle which covers my expenditure, and I would point out that the determinant of expenditure in my case, as in the case of other hon. Members, is policy. Policy determines expenditure. By that, Sir, I do not mean to suggest that various useful economies cannot be made within a policy, but by and large, Sir, policy is the determinant of expenditure—(hear, hear)—and I have already made the point that every aspect, every aspect of the policy carried out by the office of the Member has been endorsed by the Board of Commerce and Industry, the statutory Board set up by this Council to advise me and, in fact, to assist me to carry on my job. On that Board are representatives of every group of hon. Members opposite, and, Sir, in moving that this item be considered, I feel absolutely confident that on reflection, hon. Members will see that the case I am presenting is both economical in terms of manpower, economical in terms of expenditure, and although I say it myself, I can say it without fear of contradiction, is of assistance to those who, in fact, require these services. I believe that we have the confidence of those most intimately concerned, and in asking that this item be considered, I do appeal to hon. Members to extend to me the confidence and support which they have done in the past, and without which, Mr. Chairman, it would have been quite impossible for me to do my best to build up what is a new department in the Government of this Colony, to get the services required on their feet. (Applause.)

MR. BLUNDELL: Mr. Chairman, I wish to ask the hon. Member in his reply to give this Council his outlook on the policy which he wishes to pursue in regard to the gold-mining industry. In particular, Sir, I would be grateful if he would outline to this Council the results, or the outcome, of his visit to the United Kingdom in regard to the token sum of £5,000 which we moved to help that industry, and secondly, would he perhaps tell us what is his attitude, or the official attitude of hon. Members opposite to the

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present breakdown in the arrangements in the world as to the selling of gold on the free market. In other words, are Colonial producers, especially the producers of gold in Kenya, going to be allowed to get the same benefit from the relaxation of controls as the producers in Australia and elsewhere.

MR. MACDONOCHE-WELWOOD: Mr. Chairman, I would also like to ask if the hon. Member in his reply could cover a point of civil aviation which has now come under the aegis of his department, and it seems to me that this is one of those cases of overlapping between territorial administration and the High Commission. I would like him to tell me exactly what the object of the taking over by civil aviation by this country is, in view of the very large empire built up by the High Commission on that subject.

MR. NATHOO: Mr. Chairman, as a Member of the Board of Commerce and Industry, I know from personal knowledge the amount of work and the responsibilities of the department have increased during the last twelve months, and are constantly increasing with the new activities and spheres this Board is covering. There is, however, one aspect to which I would like to draw the attention of the hon. Member for Commerce and Industry, and that is, Sir, a greater degree of co-ordination between the conditions and regulations of the development of industry between the three East African territories. At the moment, Sir, is spite of all our efforts, we see glaring examples where completely different policies obtain in these three territories, and it is my earnest appeal to him that if we are to go forward with the fullest advantages of industrial development of these territories, it is of paramount importance that co-ordination should be achieved.

MR. MATHU: Mr. Chairman, I should like to comment on one important point which was raised by the hon. Member for Commerce and Industry, and that is that the Board of Commerce and Industry advised on the policy which has to be pursued in this country in commercial and industrial matters, and if there has to be a departure, that Board advises the Member, and in turn the Member advises the Govern-

ment of that change of policy. Now, Sir, there is one aspect which has occurred recently, a point of principle, a point of policy, that his Department allocates goods which are in short supply to various traders in the country, and he does that through the various distribution boards. But what I would like to know from the hon. Member, Sir, is suggesting other people below who change their principle and policy without reference to him, and particularly if that particular policy affects only one section of the community, and I refer here to the African community, now what happens there? The matter has never been referred to the Board of Commerce and Industry, the matter has never been referred to the hon. Member, and the African Chamber of Commerce in Nairobi has complained bitterly against the change of principle in regard to the past performance, that the allocation of sugar to these traders has been reduced by 122 bags this month, and this matter is a change of policy which has not been referred to the Board of Commerce and Industry; it has not been referred, as I say, to the hon. Member, and I should like to know whether there is not something wrong in the co-ordination in the set-up. Surely commerce is commerce. It cannot be African affairs pure and simple, and, as commerce, should, I feel, be in charge of the man who is in charge of all commerce and industry in the Colony, otherwise there will be all these misunderstandings and irritations which are now existing in this very city as a result of that matter.

Before I sit down may I say, Sir, that the African is taking a tremendous interest in the trade and commerce of this country, and I think it is the responsibility of the Member for Commerce and Industry to assist him to come up to a higher standard—(hear, hear)—of integrity in the trade, and to the contribution of the wealth of this country. But the things that I have referred to do not indicate that affairs are running smoothly, and I would like the views of the hon. Member on that.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, to deal with the point raised by my hon. friend the Member for the Rift Valley, Well, Sir, my hon. friend the Member for Nairobi

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North and I, during our recent talks in London with the Colonial Office and the Treasury on the question of gold, in the terms of the Resolution passed by the Council some time ago, were, as I think the hon. Member for Nairobi North will have told hon. Members, successful from our point of view. I am reporting this without notes, as I thought the question might have been raised under the Mines and Geological Vote. If I make any mistakes, I hope the hon. Member for Nairobi North will correct me, in other words, assist me by using his memory as well.

MR. BLUNDELL: Is he Assistant Secretary. (Laughter.)

THE MEMBER FOR COMMERCE AND INDUSTRY: No, Sir, I thought that was more your line. (Laughter.) Anyway, on the Development Grant we obtained the agreement of those in London to the principles involved.

The second point was a royalty holiday in respect of mining, a royalty holiday for ten years on gold mining. We got the agreement of those with whom we had the discussions in London on that point.

The third point we were asked to raise was that the present system of not levying royalties on base metals should be maintained. We obtained their agreement on that point.

Those were the three points we were asked to raise, on all of which we got one hundred per cent agreement. (Applause.)

The fourth point that we raised was a more difficult one, and it ties up with the next point raised by my hon. friend, which referred to the selling price of gold.

Now, Sir, we have felt strongly in this Colony that gold is being strangled as an industry by the fact that everything used in the gold-mining industry has, since 1939, gone up in price 200 per cent, 300 per cent and even 400 per cent. The price of gold has gone up comparatively little. That, Sir, is a problem that has been faced by every gold-producing country. Our friends in South Africa, however, found that there was a way, a partial way, out of the impasse, by pro-

cessing gold, I think the words are, for industrial and cultural purposes—(laughter)—it was possible to get a higher price for such processed gold in dollars on the free market. Now, Sir, I would here like to pay a tribute to my hon. friend, the Member for Nairobi North. (Applause.) He raised this point in unmistakable terms, and the delegation, as a whole, put the point in terms that I think surprised some of our friends with whom we were negotiating, that if they did this in the biggest gold-producing country in the world to their advantage and, as far as anybody could see, not to the disadvantage of the rest of the world, why could not we. It so happened that other gold producers, Southern Rhodesia, Tanganyika, Nigeria—I could give a long list—had made similar representations; but mostly in writing, and we made them in person. Now, Sir, needless to say, the effects of our representation was not to change a world-wide policy. (Laughter.) But no doubt, those representations were instantly transmitted to the British representatives in Washington; I imagine that in a matter of seconds our representations were on their desks—(laughter)—and as a result, no doubt, partly, of our representations an agreement with the International Monetary Fund was reached—(hear, hear)—and, in point of fact, the producers of Kenya in common with the producers of Canada, Tanganyika and Southern Rhodesia and the rest of the Empire are now in a position to sell 40 per cent of their production on what I would call, the manufacturing and cultural market. (Applause.) In other words, Sir, on the same market that South Africa has been doing for some time.

MR. COOKE: Self-praise is no praise.

THE MEMBER FOR COMMERCE AND INDUSTRY: No, Sir, but this is a somewhat sorry story because, alas, in some of the price per ounce of the total gold production of Kenya, this concession will mean about Sh. 8 per ounce on the price of gold which stands near to Sh. 250, in other words a very small percentage increase indeed. Still, as members of the Mining Committee of the Board of Commerce and Industry remarked in a somewhat resigned way the other day, it is better to be thankful for small things, even if one can't get

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big things. It is unfortunate. One might say we could sell it all in that way. Then, if we held all the gold for cultural and manufacturing purposes, then, Sir, I am afraid the free market price would tend to drop. Already, the extension of these privileges has brought the price a shade lower. But at least, it is a start, and in my own view, and in the view of those far more qualified to form an opinion than I am—I am quoting from well-known journals—it is the beginning of the end of the attempt to hold down the price of one commodity very far below—not 20 per cent or 30 per cent, but hundreds of per cent below—the level of other contemporary costs.

MAJOR KEYSER: Are you referring to maize? (Laughter.)

THE MEMBER FOR COMMERCE AND INDUSTRY: I thought the hon. Member might think I was, but I was not. (Laughter.)

I have done my best to answer the hon. Member for the Rift Valley. I am sorry I have been a bit long-winded, but it is a complicated subject.

To come to the point raised by my hon. friend, the Member for Usin Gishu—civil aviation. There is no overlapping, there is one person employed in my organization on civil aviation. Hon. Members will remember the other day that I referred, in response to requests from hon. Members opposite for aerodrome facilities, to the fact that aerodromes are a responsibility of this Government. The maintenance, building and financing of aerodromes is not a High Commission subject. As one passes through the jungle of civil aviation affairs, one invariably comes back to one very clear point of departure, and that is that aerodromes, without which civil aviation cannot carry on, are the responsibility of the territorial Government, and, Sir, I think hon. Members will appreciate, in view of the strength of the feelings expressed, whether it be in regard to facilities at Port Reitz, whether it be in regard to the extension of facilities in Nairobi or the provision of new facilities in Sotik and Kericho, or the restoration of facilities at Nyeri, Machakos, or at a great many other places, that there is a certain amount of work involved. Now, Sir, that is the first

point on civil aviation where there is no overlap. There is another point which I think the hon. Member wishes me to refer to and I think we know more about it, probably, than I do. I will, however, refer to it. I have already referred to the jungle of civil aviation, perhaps I should have said the financial jungle. We make very big contributions to civil aviation. This Council votes very large sums to various bodies, and Sir, it is very necessary that an examination of those items should be made, not only by the Treasury, but also by somebody in my Department, because I, as the Member responsible for civil aviation, have to answer questions and come to this Council with the necessary explanations. In other words, there is an important job to see that we pay no more and no less than our proper share. Now, Sir, I said one man was employed on civil aviation. He has, of course other duties as well. I will come to those at a later stage. I just want to give the hon. Member an assurance that the amount of time we can find in my organization for civil aviation subjects is indeed, inadequate. We could do with somebody else, but I do not come asking for additional services until they have long ago become more than necessary.

Now, Sir, my hon. friend the Member for Central Area spoke of the co-ordination of policy between the three East African territories on industrial matters. I entirely agree with him. It is essential that there should be a co-ordinated policy in regard to industrial development. That has been the view of the Associated Chambers of Commerce of Eastern Africa and of the Federation of Indian Chambers of Commerce for at least ten years. We are making some small progress. We are trying to get a law put on the same basis, and, believe me, Mr. Chairman, that is a very necessary thing. We are trying to get a common system of weights and measures. We are trying to get common bankruptcy laws. We are trying, and this is more difficult because there one this is more difficult because in territorial comes up against differences in territorial viewpoints which has history behind them, we are trying to get a common policy in regard to the encouragement of enterprise by the provision of land and facilities. And, Sir, in Kenya, I think I am speaking for every member

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of the Committee, we would all welcome every reasonable and sensible measure towards co-ordination of those policies. The Board of Commerce and Industry has done its utmost in this regard. It has invited observers from Uganda and Tanganyika to attend its meetings whenever they wish to do so. The Board has, in every respect, done everything it can to keep them informed of our policies. We have always been ready to discuss them, and, Sir, I do feel that during the last year, or two years, there has been a change in outlook and a greater consciousness of the necessity of development in industry on an East African scale. (Hear, hear.) What I have said does not, of course, imply that we should lightly cast away legitimate safeguards in respect of our own development. I do not say that with more emphasis than it should be said; on the other hand, Mr. Chairman, it is necessary to make that point so that there can be no misunderstanding. (Hear, hear.)

Sir, I will now refer to the points raised by my hon. friend the Member for African interests. I am aware of the point to which he referred, where there was a change of policy. All I can say is that that matter is being examined and I hope that by the next allocation it will have been put right. Now, Sir, the hon. Member would not wish me to go into the details here on the means by which the matter may be put right, but, Sir, discussions will be held and I can assure him that it will, if possible, be put right.

On the final point raised, I know that the hon. Member is aware of the desire, not only of myself but of every member of my department, to do everything possible to assist the African in promoting his development and interest in commerce. Hon. Members should know that it is the wish of every member of the Board. The hon. Member rarely misses meetings, and I think he will agree with me that the attitude of his colleagues is one of enlightenment and helpfulness. (Hear, hear.) I am very glad the hon. Member gave me this opportunity of enabling me to say this.

I apologise for being rather long, but the point, particularly on gold mining,

was one which required some time to elucidate.

The question was put and carried.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move that Head 8—1, items 1 to 5 be approved.

MR. BLUNDELL: Mr. Chairman, I beg to move that item 1, Personal Emoluments, be reduced by £1,170.

Mr. Chairman, in speaking to this Motion I should make it quite clear that in moving that the total Vote of Personal Emoluments be reduced by this amount, I only intend to indicate where I think the reduction might be made. It does not necessarily mean that the hon. Member opposite will make the reduction in that particular item if the Motion is carried. I would suggest, Mr. Chairman, that there might be a reduction in the amount of money which is allocated to Assistant Secretaries. I listened to the plea which the hon. Member appeared to make, in anticipation, to give himself freedom of movement to move over the Colony. I have not noticed in the past lack of movement on his part in, or out of, the Colony, and I am doubtful whether at the present juncture, the pressure of work necessitates this extra item. But I do not wish to fetter the hon. Member's fingers or hands in any way, Sir, and I am moving this general reduction of £1,170 in item 1, Personal Emoluments.

MRS. SHAW: Mr. Chairman, I beg to support what my hon. friend the Member for Rift Valley has just said, and that the whole Head possibly should be cut by £1,170, Personal Emoluments. Sir, all that will be required will be a certain readjustment within his department and I feel, Sir, that would be not beyond the wit of man to devise, especially such a very versatile man as our hon. friend the Member for Commerce and Industry. I gather that already he runs his department on very flexible lines for I believe it to be true that one of the Secretaries, born of Supply and nurtured by Weights and Measures, has become almost airborne. (Laughter.)

MR. COOKE: Mr. Chairman, item 2. I wish to propose a reduction of £200.

(Mr. Cooke)

This is an example, I think, of the evil practice of raising the emoluments of posts in order to reward any particularly deserving officer. I think that is a completely wrong way to go about it, because it distorts, in my opinion, the whole of the staff picture upon which the staff position lies. The hon. Member, I think, argues that the responsibilities of the post have increased, but I cannot believe that the responsibility of that post should carry £200 a year more, for instance, than the officer in Charge, Masai, or £100 a year more than the Acting Director of Education, or; as I said the other day, the same salary as the Solicitor General, and it seems to me, Sir, once you start interfering with the emoluments of a particular post, you are going to have dissatisfaction throughout the whole of the Civil Service. I think, Sir, the right way to approach a matter like this, is either to promote the particular officer concerned and to give him a promotion post which his talents obviously deserve, or make the £200 a year personal to himself.

I, Sir, am being quite consistent in this matter. I am opposing in each instance the raising of the £200 a year addition to all the posts of the Secretaries of Members. Therefore, Sir, I propose a reduction in this item of £200.

THE CHAIRMAN: Members will now, of course, have to speak to that.

MR. BLUNDELL: Mr. Chairman, I rise on a point of order. I moved an original Motion; is the Motion which the hon. Member for the Coast has moved an amendment to my Motion? My Motion is that this item, Personal Emoluments, be reduced by £1,170.

THE CHAIRMAN: I think we have to take the one moved by the Member for the Coast before we take the earlier one.

LT.-COL. GHERSIE: As a member of the Board of Commerce and Industry and of various sub-committees operating under that Board, I do believe that if any Secretary to a Member deserves the increase of £200, it is the Secretary to the Member for Commerce and Industry. (Hear, hear.) To my personal knowledge, quite apart from his normal duties, he sits on numerous Boards and sub-committees, and also, Sir, to my knowledge again, I know with what regard and ap-

preciation his work is valued by the commercial community in general.

MR. NATHOO: Mr. Chairman, I would like to heartily endorse all that has been said by the hon. Member for Nairobi North. Sir, apart from the fact that the sphere of his activities as Secretary has increased, there are the frequent absences of the Member himself, which evokes a tremendous amount of extra work on the Secretary, and as such, if any Secretary deserves that extra £200, it is the Secretary of the Member for Commerce and Industry.

MR. COOKE: Mr. Chairman, I never cast bouquets in this Council, because I do not think it is the proper thing to do. But I think it clear that there is nothing personal in this to the officers concerned, the whole five Secretaries. I think the principle is wrong; I think the right way to do it is by a personal £200 a year extra to the person concerned. (Hear, hear.)

THE MEMBER FOR COMMERCE AND INDUSTRY: We were waiting, Sir, for a ruling from you.

THE CHAIRMAN: I said this item had to be dealt with first. The sub-item is the one we are debating now.

THE MEMBER FOR COMMERCE AND INDUSTRY: I do not want to waste the time of the Committee except to say I fully appreciate that the hon. Member for the Coast's attitude has not got any personal bias against the Secretary for Commerce and Industry, and I would like to thank him. Members for the remarks they have made about the Secretary for Commerce and Industry, No Member could wish for a finer Secretary, and nobody could be more indebted to an individual as I am to him. (Applause.)

I beg to oppose the Motion.

The question that sub-item 2 be reduced by £200 was put and negatived.

THE CHAIRMAN: The Motion that is now before the Committee is that the total Personal Emoluments be reduced by £1,170.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, could I ask for your guidance on a point of order. The Committee has now decided, of course, that the remuneration of the Secretary for Commerce and

(The Member for Education, Health, and Local Government) Industry shall be £1,635, which is in effect, therefore, a decision of this Committee and therefore any move to reduce the item as a whole, I presume, must be found from posts other than that to which has been referred.

THE CHAIRMAN: It will apply to 3, 4, 5 and 6. It is mostly intended to apply to 3, in any case, according to the inference in the hon. Member's speech.

THE ACTING CHIEF SECRETARY: Mr. Chairman, may I point out in case difficulties are going to arise that it has been the practice in the past that in relation to items for reductions the item shall be 1—1, or 1—2, or 1—3. It has been ruled in the past out of order to deal with a number of sub-items in one major item.

THE CHAIRMAN: I think myself that the time that the hon. Chief Secretary is referring to is when this sort of sub-division was not in the Estimates at all, where Personal Emoluments was not put in as an item 1, but each office was put in as an item. That was at that time. This year, I think it is new, or it is only in the last two years, that we have had Personal Emoluments as an item.

THE FINANCIAL SECRETARY: Mr. Chairman, with the greatest respect this very point was raised last year, when this system was introduced for the first time; and it was made quite clear from the Chair, Sir, and my hon. friend the then Chief Secretary, Mr. Rankine, made it clear from the Government side, and it was accepted by the Chair, that the correct nomenclature is item 1—1, or item 1—2, or item 1—4, as the case may be. In fact, each of these so-called sub-items under Personal Emoluments are in fact items with the nomenclature I have given.

THE CHAIRMAN: I do not recall that ruling myself. Was I in the Chair at the time?

MR. BLUNDELL: May I speak to this point of order, Sir.

There has been a fundamental change in this year, Sir, in that we are now working under the new Standing Rules and Orders, which quite clearly indicate, if you will look, Sir, at the top of page 14, where it says "each Motion for

amendment shall relate to a single item" and it is quite clear, in my view, that the first item here is Personal Emoluments.

SIR CHARLES MORTIMER: Mr. Chairman, you will doubtless recollect that last year, during the greater part of the Budget Debate, you yourself were in England, and I was occupying the Chair in your absence. I would like to confirm what the hon. Member for Finance has just stated about the ruling as to the correct nomenclature when items were under discussion.

THE FINANCIAL SECRETARY: Mr. Chairman, it might interest hon. Members to refer to the note on page 5 of the 1951 Estimates, when this system was first introduced. That note states as follows: "All Personal Emoluments carry the number 1, followed by a second number, indicating the individual item."

MR. BLUNDELL: Mr. Chairman, might I suggest, Sir, with your permission that I move the reduction on a specific sub-item for the Motion. Then, Sir, you have now got the intention which was behind my Motion, and I ask you, Sir, if you would give consideration to this matter and give your ruling, possibly, tomorrow, if that would suit you.

THE CHAIRMAN: Well, if there has been a ruling last year, as Sir Charles Mortimer states, I am in duty bound not to alter that without reason, unless you are pressing me to make an alteration in the method entirely, I cannot see any real need to consider the matter, unless you are pressing me for an alteration in what has been ruled before.

MR. BLUNDELL: Mr. Chairman, I would like to suggest, with your leave, that I move now this reduction on a specific sub-item, but I know that Sir Charles Mortimer will not take it amiss, Sir, if I were to ask you to give consideration to the matter.

SIR CHARLES MORTIMER: No, Sir.

MR. BLUNDELL: I only had in mind that if we moved it on the item Personal Emoluments, in the main speech on reduction we could indicate the places where we thought reductions might be made. It has one great advantage, Sir, it does leave flexibility, if the Motion is carried, to the hon. Members opposite. I think there are great advantages in it.

(Mr. Blundell) Sir, and I would just like to suggest that you should give consideration to it.

THE ACTING CHIEF SECRETARY: May I say on that, Sir, that I perfectly understand that in so far as this particular Head it concerned, I would have no objection, and I know my hon. friend the Member for Commerce and Industry would have no objection to the arguments which the hon. Member has put forward. But when one turns to other Heads, Government does see some objection, where one single item sometimes covers several pages of the Estimates, to say suggestion of block reduction. Government has argued in the past that where Members desire to see reductions they should indicate in the terms of the Motion where those reductions should take place. It is far too easy to take several pages of the Estimates, say "the total is bigger than we like it, please reduce it by so much".

MR. BLUNDELL: Mr. Chairman, I would just say one thing on the point which the hon. Acting Chief Secretary has made. At a cursory examination, I do not see any item which "runs through several pages". If he will examine the Estimates, he will see there are nearly always sub-heads, and the item starts again.

THE CHAIRMAN: Hon. Members will be well aware that I have not taken part in the drafting of these particular Standing Rules and Orders, under which we are ruling. Perhaps someone who did embark on this task might say what they meant by the three words "A single item" in paragraph 5 of No. 91 (b). If the single item is to be strictly literal, then Mr. Blundell would be right. If a single item means a sub-item, then why not have said so in the Rules? That is my point. (Hear; hear.)

THE ACTING CHIEF SECRETARY: The ruling last year was that a "single item" is the combination of the figure in the extreme left-hand column, and that of the figure in the extreme left-hand column but one.

THE CHAIRMAN: That also means a "single item" at the moment.

MR. BLUNDELL: Mr. Chairman, may I suggest I withdraw my Motion and move K on the sub-item, and you will have time to consider the question.

THE CHAIRMAN: All right. I take it there is no objection to the Motion being withdrawn?

The Motion is withdrawn.

MR. BLUNDELL: Mr. Chairman, I beg to move a reduction in item 1, sub-item 3, Assistant Secretaries, of £1,170.

I give the same reasons for my reductions as I gave in the initial Motion, and therefore I need not bore the Committee.

MR. MACONOCHE-WELWOOD: In support of what my hon. friend the Member for Rift Valley proposed, it seems to me that there is no corresponding reduction in the hon. Deputy Chief Secretary's department for the removal of this particular item to the hon. Member for Commerce and Industry.

In other words, Civil Aviation was formerly under the Deputy Chief Secretary. It now appears here. Perhaps the hon. Member for Commerce and Industry could show us where a reduction it made due to the transfer of this item to the portfolio of the other hon. Member?

Committee adjourned at 11 a.m. and resumed at 11.21 a.m.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I must oppose the Motion to reduce item 1, sub-item 3, by the sum mentioned by my hon. friend.

Sir, without in any way anticipating the ruling of the Chairman on the point of order raised, and speaking solely for myself and referring to those items with which I have to speak in this debate, I—as my hon. friend the Chief Secretary stated—would not have had any objection to the way the hon. Member raised the point originally. In fact, it would perhaps have been easier for me to assist my hon. friend. As it is, I am now bound to oppose the Motion—one hundred per cent.

MR. BLUNDELL: You supported the other.

THE MEMBER FOR COMMERCE AND INDUSTRY: I said that I could have gone some distance to assist my hon. friend. Naturally I would have opposed the original Motion in that precise form. I am now in some difficulty, within the confines of Standing Rules and Orders to find a way to meet my hon. friend at all; but, Sir, that is what I want to do;

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but before doing so, I would like to deal with the point raised by my hon. friend, the Member for Uasin Gishu. He asked what corresponding economies there were in the department of my hon. friend, Well, Sir, my hon. friend put his case in the most effective terms when his Votes were under consideration. I cannot reply further for my hon. friend, but what I can do is to rest my case on the work done by the three Assistant Secretaries in the Office of the Member and the Department for Commerce and Industry, and if anybody suggests that three fairly senior officers under one senior officer and one Member represent in any way extravagance, in terms of the volume of commerce and industry in this country—in terms of the growth of commerce and industry in this country—all of which, as every hon. Member of this Committee who has direct experience of commerce and industry will confirm, means further demands for services on my department, then, Sir, they are just not recognizing the realities of the situation. These services—every one of which are required by those engaged in commerce and industry—could not be carried on.

The hon. Member for Trans Nzoia smiles. He has a very charming smile. (Hear, hear and laughter.)

MAJOR KEYSER: Thank you.

THE MEMBER FOR COMMERCE AND INDUSTRY: The hon. Member for Trans Nzoia knows perfectly well that when the Chairman of the Municipal Board, Kitale, wants us to go up there and assist him, and consult with him, that is something we want to do and are proud to do, but it takes time, and it takes personnel.

Sir, I would like—in case hon. Members are not aware—to read out the list of subjects—it will only take me a minute or two—which have to be divided between the three Assistant Secretaries in my office.

MAJOR KEYSER: Did you say "leave out" or "read out"? (Laughter.)

THE MEMBER FOR COMMERCE AND INDUSTRY: I am sorry I did not speak quite clearly. I shall try to improve my

enunciation (Hear, hear.) They are:—

"Chambers of Commerce; Export Marketing; E.A. Industrial Council; E.A. Industrial Management Board; E.A. Industries, Ltd.; Geological Services; Industrial Research; Mining; Rural Industries; Board of Commerce and Industry; Hotel Sites; Trade Missions; Trade Relations; Weights and Measures; Distribution of Essential Commodities; E.A. Production and Supply Council (outside agricultural questions); Electric Power and Lighting; Export Licensing; Hotel Control; Imports; Motor Vehicle Control; Port and Marine; Railways; Rent Control; Requisitioning; Statistics; Supplies; Tourist Traffic; Famine Relief; Transport Licensing; Civil Aviation; Industrial Sites, and Marshall Aid." (Applause.)

Now, Mr. Chairman, I do not want to exaggerate the significance of that list, because no three human beings in the world could deal with every aspect of those subjects.

Sir, I would agree with hon. Members if—and it does underline the point I made earlier—if, in fact, large Government departments were dealing with these subjects, but they are not. Mining, I admit, is carried on by the Mines Department as is the Geological Survey, and weights and measures are dealt with by the Weights and Measures Department; but the vast majority of the items in this list—and that is why I say the officers of the Member's office constituting the Department for Commerce and Industry are necessary—are dealt with in the Member's office; and, Sir, by cutting out one of the three officers of medium grade; it will merely mean those services are not dealt with.

Now, Sir, to turn to the question primarily raised made by my hon. friend the Member for Rift Valley: He will remember that two years ago he moved a similar reduction in one of my Votes. I think it was in respect of Imports Control, and I gave him an undertaking that out of my other Votes, if he would withdraw the Motion, I would do my utmost to meet him and show savings at least equal or greater than the amount involved at the end of the year. My hon. friend withdrew his Motion and, Sir, he knows that I did more than keep my word. Now, the

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Budget this year, and my Votes in particular, have been cut and cut and cut till there is hardly anything left. (Applause.) But nevertheless, Mr. Chairman, if my hon. friend will withdraw this Motion, I will do my utmost, within the circumference of my other Votes, maybe at the cost of less service, but I will do my best to make corresponding economies. I will give him my word I will do my utmost to do so. I hope in view of what I have been able to say, my hon. friend will withdraw his Motion. (Applause.)

MAJOR KEYSER: Sir, I would just like to say a word, before it comes to the hon. Member's decision, as to whether he is going to withdraw or not. Sir, the hon. Member for Commerce and Industry has told us a lot about what these three Members (?) do, but I did hear him also tell us that this post was required in order to control the air services within this territory, this Colony, and the memorandum on the opposite side of the page, says one post of Assistant Secretary and one post of Clerk have been created as the Member for Commerce and Industry has taken over the responsibility for civil aviation and requires a Section Officer for this subject. So, Sir, I take it that that Assistant Secretary is required for this specific subject of air. Well, Sir, now if you examine the control of air in this country, you will find that there are a vast number of bodies on all of which we have representation. First of all, you have the High Commission on which we have representation, and also the Central Assembly; then you have an Air Council; then we have the East African Airways Corporation, all with our representatives on them. The East African Airways Corporation then appoints an agency who are the B.O.A.C., who then appoint the East African Airways again as their agents, and so it goes on. Then we have on the High Commission the Directorate of Civil Aviation with an enormous staff. There is an Aerodromes Officer, who decides where aerodromes should be made, and a staff who does a certain amount of work on it. The Public Works Department come in and do the surveying and either the Public Works Department or District Councils build the aerodrome, and either

the Public Works Department or the District Councils look after it. On top of all those bodies, a vast number of them, he wants an umbrella on top of which is the Member for Commerce and Industry. Well, Sir, I do submit that it is getting a little bit thick—this continuation of the growing of these bodies, and next year we will be asked for another officer somewhere in order to supervise again the hon. Member's particular undertaking over air. Sir, it is getting a little bit thick, I think, this continuation of formation of posts.

THE MEMBER FOR COMMERCE AND INDUSTRY: In fact, Sir, after being subjected to the hon. Member's eloquence, I feel I do indeed need an umbrella. (Laughter.) I congratulate the hon. Member on the eloquent remarks that he made, but, Sir—

MAJOR KEYSER: What about facts? Will he leave out my eloquence and get us down to the facts. (Laughter.)

THE MEMBER FOR COMMERCE AND INDUSTRY: Well, Sir, I think that the eloquence is very relevant as I will show in one moment. (Laughter.) If the hon. Member had listened to what I said about the third Assistant Secretary, I think that some of his eloquence would not have been necessary. I said that it was necessary to have a third Assistant Secretary, because business connected with aerodromes; meteorological services and other related matters had been put within the purview of my Department. I also said that this business occupied only part of his time. In addition, Sir, over the last year, further services have been placed within the purview of my Department by a Resolution of this Council. First of all a Weights and Measures Department has been established.

MR. BLUNDELL: It is not what it says in the book.

THE MEMBER FOR COMMERCE AND INDUSTRY: I am coming to that if the hon. Member will give me time. (Hear, hear.) I have given the hon. Member time. I cannot say three things at once. (Laughter.) I am given various services at the request of this Council and at the suggestion of the Board of Commerce and Industry, and this additional work does require a body to deal with it. Hon. Members are aware that we are doing a great deal of work on certain

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 High Commission subjects in a Select Committee of the Council. Certain of those subjects, the hon. Member for Trans Nzoia has just referred to, as I say, with appropriate eloquence. It is very necessary that we have facts and figures there, that we are armed with facts and figures. That, again, is one of the functions where my office can help. I will make a further point which is that of the three Assistant Secretaries now working in my Department under consideration, all are on contract terms, therefore, if at any time their services cease to be necessary, then, Sir, they can, subject to contractual arrangements, be given notice. Now, Sir, I know the hon. Member is looking at the asterisks. (Laughter.) If he will look at the asterisk and then at the footnote on page 6, I think he will see that the asterisk does not necessarily refer to the pensionable status of the individuals, but to the status of the grade.

MR. BUNDLELL: What I was surprised at is this. How can there be three of them on contractual obligations before this Committee has approved the extra posts? Has the hon. Member put them on to contracts before they have been approved?

THE MEMBER FOR COMMERCE AND INDUSTRY: I was referring to the ordinary contractual basis by which people are engaged by Government as the hon. Member well knows as at one time he was head of a staff employing many contractual officers, but, naturally, those contractual arrangements are in effect dependent on funds being voted by this Council from year to year.

MR. NATHOO: Mr. Chairman, this is another of the points where I think a considerable amount of misunderstanding and mess has been made because the explanation in the Draft Estimates is not very clear. The other point which is brought to light is the fact that on this side of the Committee we have pressed time and again that we should be allowed block cuts which will give the Member in charge of that particular Vote the freedom to arrange his Department as best he can and I do feel unless and

until an assurance is given by the hon. Member for Commerce and Industry we would have no alternative but to vote for the cut.

MR. SALTER: There is no one who has listened to the hon. Member who can doubt the tremendous industry that is required in his Department of Commerce and Industry, but I did not quite understand his point when he said, as I understood him, that this particular appointment, the duties of this particular Assistant Secretary, were not only required for responsibilities connected with Civil Aviation but also with a number of other matters. I am looking, Sir, at the note on page 213A and I would like an explanation of that. Either it is correct or it is incorrect, and it says, "one post of Assistant Secretary and one post of Clerk have been created as the Member for Commerce and Industry has taken over responsibilities for Civil Aviation and requires a Section Officer for this subject"—not for this subject and a good many other things as well, but "for this subject". Now, Sir, either it is solely for that subject in which case I would support the arguments which have already been put forward by the hon. Member for Rift Valley and the hon. Member for Uasin Gishu or that note is not strictly accurate.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, the hon. Member for Nairobi South and the hon. Member for Central Area are correct. The note is not completely accurate. It is not exhaustive. The note was, I believe, placed in the Estimates while, with my hon. friend the Member for Nairobi North, I was in the United Kingdom arguing the case for gold.

MR. HAVELOCK: A peripatetic gentleman.

THE MEMBER FOR COMMERCE AND INDUSTRY: A peripatetic gentleman, as the hon. Member for Kiambu rightly says, but in this instance I think peripatetic with a purpose and with very fine results. (Applause.) Now, Sir, I think that disposes of the point referring to the note in the Estimates. I apologize for that inaccuracy. It is not inaccurate in that it describes what the man does but it is not exhaustive in that it should have been expanded and refer to other duties.

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On the further point as to whether the officer performs other duties, I tried to explain by giving the list of subjects. We naturally dispose of those subjects between those available as the work demands. It so happens that during the last year, the burden arising out of Civil Aviation affairs has been a very heavy one. We have been trying to find out for instance whether, in fact, we are making our fair contribution to the various services or not. That requires a great deal of delving as the hon. Member for Nairobi South will fully appreciate, and as these new services are added to my portfolio we dispose of them between the officers available as appears wise and as working time available permits. Sir, the hon. Member for Central Area asked for an undertaking. I will give an undertaking which I hope will meet hon. Members. I must unfortunately oppose the Motion in the terms that it was finally put. I will, however, give an undertaking—

MR. COOKE: I would not.

THE MEMBER FOR COMMERCE AND INDUSTRY: Unlike the hon. Member, I have to decide whether to give this undertaking. I will give an undertaking to make, if possible, equivalent savings of the amount mentioned by my hon. friend within the general purview of my Vote. Now, Sir, I have given those undertakings before and I have invariably carried them out, if anything, better than my promise. I cannot say more than that. I can only say I will do my best. I cannot say that I will do it, but, Sir, I can assure the hon. Member that on past experience he knows that when I say I will do my best, if it is humanly possible to achieve the economy, I will do so. Sir, I suggest that that undertaking will make it possible for hon. Members to meet me as I am trying to meet them. I fully appreciate their duty to guard the public purse, and I fully appreciate my obligation to do everything possible to meet them in that respect. I cannot do more under the circumstances than give this undertaking, but I can assure hon. Members, if it is humanly possible, it will be carried out. (Hear, hear.)

MR. MATRU: Just one question, Sir, regarding these asterisks which are against these posts. I think the hon.

Member did say that the present holders of those posts are on contract and they might at any time be given necessary instructions to move. I want to know whether there is any objection to these asterisks being removed from the present Vote, because when we have a permanent staff later who are pensionable, there is nothing to prevent those asterisks being replaced.

MR. COOKE: Mr. Chairman, I just cannot understand the position taken up by my hon. friend now, because he said at the beginning of this debate he had been cut and come out. Now he is proposing to fall into line with the suggestions from this side of the Committee—I think it would be much better if the hon. gentleman stuck to his guns and put the matter to the vote, because now he is saying he is prepared to reduce the irreducible minimum, which does not seem to be in accordance with the logic which has been repeatedly shown by the hon. gentleman so many times in this Committee.

MR. HAVELOCK: Arising from the remarks of the hon. Member for the Coast, it seems to me the Member for Commerce and Industry has appreciated the fact that Members on this side of the Committee are quite certain and, in fact, are instructing him, as far as they possibly can, to make savings in this Vote, and he has said that he will try to do so. In the manner he thinks best. There is one other point I would like to put forward, whether the hon. Member for Rift Valley, as the proposer of this Motion, will withdraw on the face of the assurance given by the Member for Commerce and Industry. I do not know. That is up to the hon. Member. But there was a question asked by the hon. Member for Uasin Gishu pointing out that this Section Officer had been transferred from somewhere else and his duties, I beg your pardon, his duties had been transferred from somewhere else and he was a new body, and why had there not been some reduction elsewhere. The hon. Member for Commerce and Industry said he could not answer that. Now, Sir, I want to ask this, would the hon. Member for Commerce and Industry be agreeable that this post be put to the Standing Finance Committee, in addition to the undertaking he has made, and if that is

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the case, I would suggest that the Standing Finance Committee would have to necessarily take into consideration the question put by the hon. Member for Uasin Gishu, that is, why there has been no reduction elsewhere when a certain amount of work has been transferred from one Head to another.

THE CHAIRMAN: I am beginning to wonder whether the Committee are not exceeding their functions in general. The function of the Committee is either to grant, reduce or refuse, not to attach conditions of various kinds, and it seems to me that the course of the debate is extending quite beyond the Motion which was a Motion to reduce the particular item, and in Committee of Supply it is most essential that the rule of relevancy shall be strictly maintained, and Members should only discuss whether or not there is to be a reduction.

THE MEMBER FOR COMMERCE AND INDUSTRY: I myself, having given the undertaking did not wish to add further to the debate. I respectfully feel that the Motion should either be withdrawn or put to the vote, but I must correct the hon. Member for the Coast, because I think he put on record certain things that must be contradicted. What I said, and he knows very well that I said it, was—

MR. COOKE: I said that the responsibility was on you—not on this side of the Committee.

THE MEMBER FOR COMMERCE AND INDUSTRY: And that, Sir, is exactly what I am trying to indicate. (Hear, hear.) I am only trying to get the record straight, and what I said was this, that when I promised to do my utmost to make savings, certain services would suffer, which the commercial community think are necessary—that is as represented by the Board of Commerce and Industry.

MR. COOKE: Mr. Chairman, on a point of explanation. That is my whole point. I thought the hon. gentleman was certain that those services were essential. He is accepting an uneconomic proposition with his eyes open.

THE MEMBER FOR COMMERCE AND INDUSTRY: The hon. Member is determined not to let me make my point, because it refutes his argument.

I know that the hon. Member will be courteous enough to let me finish. What I say, Mr. Chairman, is that, certain services will have to be cut if money is not voted. There is no extravagance in estimating, as my hon. friend the Financial Secretary has pointed out, and every other Member of Government, but Sir, what I said, and I would ask the hon. Member to listen, is that hon. Members opposite have the right and the duty to be guardians of the public purse.

MR. COOKE: Hear, hear.

THE MEMBER FOR COMMERCE AND INDUSTRY: And I said, that I in my turn accepted the obligation to do my utmost to meet them in that respect. (Applause.) What I said twenty minutes ago was not that my estimates are so tight that I cannot cut some money, and then twenty minutes later, said, of course, it is easy. What I said was—and I would ask the hon. Member again to listen—that to produce money I could cut certain services, not just produce money out of the hat, and further that I recognize the right of hon. Members to make those suggestions, and my obligation to listen to them when they are made in a reasonable manner. (Hear, hear.) I hope the hon. Member, without in any way derogating from his rights to which I have already referred, will withdraw that suggestion that I am now merely saying it is easy to find money that it was impossible to find before. What I said and must repeat it, I would find the money by cutting services. What I am suggesting is this, that some services would perhaps be less disastrous to cut than others, and I have given the undertaking to the hon. Member, which, I think, is what he asked for.

On the other point the hon. Member for Kiambu raised, in view of the ruling from the Chair, I must respectfully not reply to him here.

MR. BLUNDELL: Mr. Chairman, I am a little distressed at what has come out of this debate. First of all, despite the £200 which has gone to the Secretary for his efficiency and industry, the note on page 213A, "in the absence of the Member," is not as exhaustive as it might be. In spite of the creation of the post that we are moving a reduction on, I understand that Eastleigh is now closed for

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four days. Thirdly, I also understand from that the hon. Member has said that this post has already incurred a contractual obligation. I assume from that that the office is already in being before it has been voted by this Council.

THE MEMBER FOR COMMERCE AND INDUSTRY: No.

MR. BLUNDELL: The hon. Member denies that and I accept his assurance. In view of the Member's reasoned approach to this problem and on the assumption that Standing Finance Committee will examine the post, I am happy to withdraw my Motion. I do so, Sir, but I do it with reluctance and I will explain why to the hon. Member.

Although he may make reductions—and I accept his assurance, I have great confidence in his integrity when he makes an assurance of that nature—nevertheless, I am very reluctant to do it for this reason, that a post of this nature does not only create a post; eventually, it creates a house, a passage and Cost of Living Allowance, all of which are inherent in the creation of a new post. Although reductions elsewhere will meet the actual amount, they do not meet that commitment. Nevertheless, Sir, because of the reasonable approach of the hon. Member and his genuine desire to help us, I will withdraw the Motion.

THE CHAIRMAN: The hon. Member wishes to withdraw his Motion. Does any other Member object?

It may be withdrawn.

The question that item 1, including the sub-items thereof, and items 2, 3, 4 and 5 be now approved, was put and carried.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move that Head 2, Services under the Authority of the Member for Commerce and Industry be considered.

I do not propose, Mr. Chairman, to speak on these items, as I tried to cover the ground aspect in my previous speech. I will wait for hon. Members to raise any points they wish to raise.

MR. NATIKOO: Mr. Chairman, I want to make some remarks in regard to Head 2—2, sub-head (2), Transport Licensing Board.

Sir, in the past year or two there has been a feeling amongst the people who are engaged in this very essential service in the Colony that the Transport Advisory Board has not been functioning in the efficient and prompt manner it might do in a lot of cases, and that there has been a considerable amount of delay with regard to decisions, and when these have been given, they have been, finally, upset by the higher tribunals. I do hope, Sir, the hon. Member will give us an assurance that he will go into the matter to see that everything is put right in that direction.

THE MEMBER FOR COMMERCE AND INDUSTRY: I have only one point to reply to, Mr. Chairman, I will give the hon. Member that assurance to do my best to see the matter is put right.

Mr. Chairman, I move that item (1) Board of Commerce and Industry, (2) Transport Licensing Board and (3) Electric Power Advisory Board be approved.

MR. MACDONOCHIE-WELWOOD: Mr. Chairman, I beg to move that item 1—3, Clerk (European) (Scale A), £540, Electric Power Advisory Board, be deleted.

I move this reduction because it seems to me quite unnecessary to appoint another European officer purely to act as secretary to a Board which, I understand, sits about once-in six weeks.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, the Electric Power Advisory Board has only been functioning a comparatively short time and I would, straightaway, agree that this matter be put to the Standing Finance Committee. I think it is precisely the sort of item that we could then go examine. I hope that we could then go into it in a more expeditious way. I into it in a more expeditious way. I would be bound to oppose the Motion at this stage, simply because I am not aware, without going fully into it, what aware, without going fully into it, what effect the Motion if carried would have on the working of the Board. I say that, not because I am not familiar with their working, but for this reason. It is true that the Board itself—it meets, incidentally, a lot more than every six weeks, it can meet three or four times a week when it is considering big items affecting, say, tariff charges or new licences,

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but the point is that a great deal of work has to be done. I do think this is precisely an item that should go to the Standing Finance Committee for examination. If Standing Finance Committee feels that it is a superfluous post, then I am perfectly happy to see it go. I do not think that, dealing with a new set-up at this stage, is the best way. If any other committee would like it referred to them again I would not oppose that.

MR. NATHOO: Mr. Chairman, I would like to correct the hon. Member for Commerce and Industry with regard to the meeting of the Power Board, of which I happen to be a Member. It meets once a month. In between the time, there would be other sub-committee meetings. What I feel is this. It is quite possible, perhaps, that that officer that has been mentioned here, attached to the Power Board, may have other duties in connexion with other committees, but that, Sir, again, as I say, is entirely the fault of the Government. If this particular officer is doing the work of more than one committee, his remuneration should be distributed over various Heads, not charged to the one, because we think that for the work of the Power Committee alone, that extra post is not justified in that department. That is the point we want to make.

MR. MATHU: Mr. Chairman, so far, I do not think the hon. Member has convinced me in this one; as he has done in the previous ones, and I am inclined to support the Motion for the omission of this item and not to refer it to the Standing Finance Committee.

If there is a shorthand allowance item in the same Vote, well if the thing has been put in shorthand and the transcript, the Executive Officer can see that duplication is done. It is not necessary to have a clerk for that.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I was not at this stage trying to convince the hon. Member, because I think this Committee is the wrong forum to discuss a point like that. I myself, am satisfied that it is necessary. I have already said that if it goes to Standing Finance Committee and

after going into the details of this, they feel that it is no longer necessary, then, Sir, I will not oppose it. But I am saying, that at this stage, we can either have a long debate on the merits or demerits of this particular post here, because then, Sir, I will have to try and convince the hon. Member, or we can defer that debate to the Standing Finance Committee, and I suggest that there is the place.

I will only make just one further point because my hon. friend the Member for Central Area made it himself. He was quite right in correcting me. I was referring to sub-committees, of course, as well as meetings of the Board, and of course, he was quite right to say that the Board itself does not meet two or three days running. But, of course, whether sub-committees or the Board meet makes no difference to the clerical staff. I have made my point, I hope the hon. Member for Uasin Gishu will accept my argument. This seems to me to be precisely a matter to refer to the Standing Finance Committee by the procedure referred to earlier in the debate. I do not want to be forced to oppose the Motion.

MR. COOKE: May I suggest on sub-item 6, Cost of Living Allowance?

THE CHAIRMAN: We must dispose of this one as we have a Motion before us.

MR. MACONOCHE-WELWOOD: Mr. Chairman, I am afraid I cannot withdraw this Motion because I do not think a case has been made for the post, and I would prefer (if this post is necessary) to see this thing done another way and the creation of this post being put to the Standing Finance Committee rather than leaving it in these Estimates. Leave it to the Standing Finance Committee to put in.

THE MEMBER FOR COMMERCE AND INDUSTRY: I will now have to try and convince the hon. Member why it is necessary. I was really thinking of hon. Members' time. I have met the hon. Member in the only way that it is possible to meet him in the terms of the restrictions on this Committee. That is the only point. I have said that if the Standing Finance Committee feel that the post should be abolished then I will not oppose it. All I am asking is that they should examine it instead of the Committee going through the whole rigmarole here. I do appeal to the hon.

[The Member for Commerce and Industry]
Member to think again. I give a categorical undertaking that if the Standing Finance Committee, with its Unofficial majority—the hon. Member shakes his head—no doubt the whip is on.

The question was put and carried on a division by 20 votes to 15 votes. (Ayes: Messrs. Blundell, Chemallan, Cooke, Lt.-Col. Gherise, Messrs. Havelock, Hopkins, Jeremiah, Major Keyser, Messrs. Maconochie-Welwood, Mathu, Nathoo, Qhang, Patel, Dr. Rana, Messrs. Sallim, Salter, Shatry, Lady Shaw, Mrs. Shaw, Mr. Usher, 20. Noes: Messrs. Carpenter, Davies, Hartwell, Hope-Jones, Hunter, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 15. Absent: Major Cavendish-Bentnick, Messrs. Madan, Pitman, 3. Total: 38.)

MR. COOKE: Sub-item 6. I want to know why it is necessary to pay Cost of Living Allowance to people in temporary employment because presumably these gentlemen took up the job when they knew the cost of living—was practically as high as it is to-day. It is different for the permanent official, who was perhaps appointed ten or fifteen years ago, to be paid cost of living. I cannot understand why someone who takes up a job to-day and who was offered a substantive salary is offered a Cost of Living Allowance as an additional allowance. There is probably some very good explanation.

THE FINANCIAL SECRETARY: Mr. Chairman, the reason why that is done is because these people are appointed for the most part on standard scales and if the hon. Member will look at the Estimates he will see that the staff under these Estimates was appointed before Cost of Living Allowances were introduced, and it seems reasonable and proper that such persons should also receive the same consideration as other members of the Government staff.

MR. COOKE: They took up their jobs when the cost of living was practically as high as it is to-day. I do not quite see the point. I will raise it again in another place.

THE CHAIRMAN: As one of the posts has gone it is necessary to maintain the Cost of Living Allowance?

MR. HAVELOCK: The hon. Member for Finance gave us an assurance at the beginning of the debate that consequential reductions would be made where posts were deleted or reduced.

The question that Head 8—2, sub-heads (1), (2) and (3) as amended, be approved was put and carried.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I beg to move that sub-head (50), Non-Recurrent, be approved.

MR. NATHOO: Mr. Chairman, I think, Sir, in the past I have had occasion to remark on the fact that the East African Airways Corporation has not been a very efficient organization, and that growing instances of its inefficiency and incapability to do the work properly had been pointed out both in the Press and by letters to this Corporation. I feel, Sir, that one of the reasons why not enough attention has been paid by this Company is that the Directors feel, even if there is a loss, the taxpayers are going to suffer. I think, Sir, every precaution should be taken that when we are giving the subsidies and making up the deficits, this Corporation along with other commercial concerns should do their work properly. I think the growing inefficiency of this organization is evident in the matter of bookings from other centres to Nairobi. I had an instance this week—that on Monday the East African Airways Corporation were asked to get a seat for a passenger from Mombasa to Dar es Salaam. Up to yesterday afternoon no reply had been received and in the meantime the passenger telephoned Mombasa to a friend. Within ten minutes his friend had gone and done the booking and to the amazement of this passenger he got a bill of Sh. 4 from the East African Airways Corporation saying "Telephone call for booking". No concern can exist if it works in this manner, and I think we should be very careful in giving subsidies to concerns which are not efficient.

MR. MACONOCHE-WELWOOD: I would like to ask one question of the hon. Member—whether this sum of £1,500 includes the total subsidies for non-paying services run in this Colony by the East African Airways.

THE MEMBER FOR COMMERCE AND INDUSTRY: Well, Mr. Chairman, first of

[The Member for Commerce and Industry] all, I cannot reply in detail to the points raised by my hon. friend for Central Area. I must in fairness to the Corporation refute the general charge of inefficiency. Certainly they wish to do their best to give a service. I will, however, draw the attention of the Corporation to the specific points raised by my hon. friend.

On the point raised by my hon. friend, the Member for Usain Gishu, there are, of course, other subsidies, some of which are hidden, in regard to civil aviation in this Colony. For instance, landing fees do not cover the cost of aerodrome construction. There are certain privileges, I believe—my hon. friend, the Financial Secretary will correct me if I am wrong—there are certain privileges in regard to aviation spirit.

THE FINANCIAL SECRETARY: Aviation spirit is duty free.

THE MEMBER FOR COMMERCE AND INDUSTRY: That, of course, is a further subsidy. I do not know the details of the mail contracts with the Post Office, but if the hon. Member wishes I will find out. I quote these examples, but in saying this I must say this form of subsidization is common to every country in the world requiring civil aviation, and I would say that in Kenya we should congratulate East African Airways—that the degree of subsidization is very much less than it is in respect of certain other countries of which I have personal experience. I would be happy to furnish the hon. Member with any details I can at a later date, but I am afraid without notice I cannot give more information that I have done at the moment.

The question that sub-head (50), Non-recurrent be approved was put and carried.

HEADS 2-4, 2-5 AND 2-6.

PUBLIC WORKS

THE ACTING CHIEF SECRETARY: May we take Head 2-4 now, Sir?

THE DIRECTOR OF PUBLIC WORKS: Mr. Chairman, I beg to move that Heads 2-4, 2-5 and 2-6 be now considered. You will find them on pages 64 to 87 of the Estimates.

In speaking to this Motion, Mr. Chairman, hon. Members of this Com-

mittee will appreciate the fact that I am in some difficulty. I only took over control of my department since this Budget session started. I have no intimate knowledge of Kenya or of the problems that confront my department. I had no hand in the preparation of these Estimates, and I did not have the opportunity of those preliminary discussions in detail which accompany their preparation. I do trust that hon. Members will bear this in mind when, later in the debate, I do not show that complete knowledge of the workings of the department that would normally be expected of its head. (Hear, hear.) I have, since my arrival in this country, tried to see as much as I could of it in the time at my disposal. I have visited a number of works, I have travelled many miles, I have viewed many roads, some of the best and some of what, I trust, are the worst. I have naturally studied these Estimates, and this, combined with the personal inspection, has enabled me to gain some idea of the work that is going on and of what lies ahead, but I have not got the details at my fingertips as I hope to soon.

I had thought, Sir, that in considering the work of the Public Works Department and the staff, and the cost of the staff to do that work, it may be advisable to pause for a moment and to consider what are the functions and the responsibilities of the Public Works Department. Now, Sir, this department is not a department with a policy. It has, of course, an internal policy directed towards operational efficiency, but it has no policy in the broad sense that there is an agricultural policy, or an educational policy, or a health policy. It is the handmaiden of those departments responsible for those policies. It is the means whereby the constructional aspects of those policies are executed. It advises Members and departmental heads on these aspects. It acts as a consultant in the preparation of designs and schemes and of the preliminary investigations and surveys that come before them. It then acts as the contractual agent in the construction of the works necessary to implement these policies. In these senses, Sir, the Public Works Department has a responsibility to all Members and all heads of departments, though there is one Member answerable for it as a department to Government. It

[The Director of Public Works]

remember to Sir, I think important to remember these functions when: considering the establishment of the department and the costs of that establishment, these functions which, as I have already said, are advisory, consultant and contractual.

Now, Sir, I would turn to the Estimates themselves. There is an increase under the Establishment Head, 2-4, of some £479,825. This does look a bit staggering, but included in this amount are £300,000 under Stores, and £45,000 under the Mechanical Branch which are book-keeping entries, and there are corresponding revenue items. There is also an increase of £8,000 to the Renewals Fund under the Hydraulic Branch. Cost of Living Allowances account for £82,455. The net increase of the Establishment itself amounts to about £31,000, that is excluding increments. Of this the Road Branch accounts for about £14,000, which has the approval of the Road Authority and is reimbursable by that Authority. The final net increase amounts to about £17,000 and applies to the whole of the rest of the department. Of this £17,000, £5,400 is on account of an increase in aerodrome maintenance staff. It bears pointing out, I think, Sir, that direct revenue obtained by the activity of the department amounts to something over £176,000, mostly in water supplies.

I will now turn, Sir, to Head 2-5, where the increase is £115,270. Of this, Water Installations, that is minor water installations, transferred to this Head from the Establishment Head, which has been done this year, accounts for some £24,000. The biggest item of increase, however, is that for maintenance and minor improvements of public buildings. Here the increase amounts to £35,000. This is 25 per cent on last year's vote, of which 10 per cent is accountable by an increase in costs. Even so, Sir, the amount in the Estimates is inadequate, if maintenance of Kenya's building assets is to be put on a proper basis. The present-day valuation of these assets exceeds £17,000,000 and so the amount budgeted for is only a very little more than 1 per cent. If hon. Members will refer to the report of the Commission of Inquiry into the Public Works Department in 1948 they will see that the

recommended maintenance allowance was 2 per cent inclusive of overheads. In the territory I have just left, 1½ per cent—in that case exclusive of overheads—was the recognized allowance.

I think, Sir, I might now give a word of explanation of the item of £16,000 Contribution to the Development and Reconstruction Authority. Hon. Members will recollect that last week during the consideration of those Estimates, they approved a sum of £164,600 for the maintenance of military buildings. Now this amount included an item of £16,000 for which Kenya is directly responsible. This £16,000 was divided into £12,000 for the maintenance of the K.A.R. buildings at Nanyuki, and the other £4,000 as Kenya's share towards the maintenance of the Reserve Units buildings. I would refer hon. Members to page 55 of the Development and Reconstruction Authority Estimates.

I will now turn, Sir, to other matters. It is, I believe, customary to give a short account of the activities of this department in the past year. I am, however, Sir, not in a very good position to do this, and I fancy hon. Members opposite will know more about it than I do, and are in a better position to enumerate its sins of omission and commission. I have, however, as I said before, seen some of the work that has been done, and I am in a position to appreciate the immense strides that have taken place since I last passed through Kenya 15 years ago. Particularly striking, I think, is the progress in road making. It is I know, Sir, the practice to dam roads. Every traveller—and everyone sooner or later is a traveller—is particularly sensitive to bumps and corrugations and pot-holes. Everyone knows how to make and maintain a road, and everyone knows where money has been misapplied or mispent. (Hear, hear.) Such criticism is rife in every colonial territory, and is also in England, as any reader of the technical Press will realize. The fact remains however, Sir, that the roads are very much improved since then and the work that is being done on some of them is of a very high standard. I have also, Sir, been particularly struck with the progress in building work. What perhaps has struck me most is the standard of architectural conception and workmanship and finish, which are all high, and I think are

[The Director of Public Works] superior to what I have observed in other territories in which I have served.

There are however, Sir, two branches of the department, or sections of branches, of which I would like to make some special mention. The first of these is the Materials Branch. Now the Materials Branch is concerned with the investigation of materials for construction, with the object of the maximum usage of local materials, not only from the economic aspect, but also with the purpose of avoiding imported articles so far as is possible. It also undertakes routine tests on local and imported articles to ensure that they measure up to the specification demanded. More important than this, however, Sir, is the investigation it undertakes into subsoll conditions for constructional and road-making purposes. This is a comparatively new branch of engineering and it is one of very great importance, especially in Kenya, where the soils from the engineering point of view are the worst in Africa. It is essential to know their physical peculiarities before any work is done, and it is the duty of the Materials Branch to investigate these peculiarities and to determine the best and most economical method of dealing with them. The work of the Branch is all in the laboratory or below ground, and it is perhaps difficult for someone who is not an engineer to appreciate its importance. It is tempting to judge an organization by its physical output, and if there is no physical output to see, to discard it as of little value. I might mention, Sir, one or two examples of the work that branch has done. There is its work in connexion with the Grain Silo Scheme, the site of the new Secretariat here in Nairobi, the Shauri Moyo flats, the location for the Mombasa pipeline, the Molo-Londiani road. In all these cases it has done soil investigation, sometimes to a depth of 80 ft. and has proved and obtained information invaluable to the designer of those works, and which should ensure freedom from trouble in the future.

Now, Sir, the other branch I wanted to mention was the Hydrological Branch. Hydrology, Sir, is essentially a survey of the water resources of any area which includes the means by which these sources will be replenished, which is

usually rainfall. It is also closely associated with the work of the ground water geologist. In the sphere of water resources, hydrology is somewhat similar to what topographical or cadastral survey is in respect of the surface of the ground, or what a geological survey is in respect of mineral deposits. The need for the latter has long been recognized—in fact development is impossible without them, but the survey of water resources has until lately been neglected, especially where there appeared to be an ample supply, but it is just as vital and far more difficult to do. Ground surveys deal with static objects. The location of a hill or the boundary of an estate does not fluctuate from year to year. The bed of a stream is reasonably static, but the quantity of water that flows down it varies tremendously from month to month and from year to year. It is the aim of the hydrologist to establish not only what is there, but to forecast what will be there 10, 20, 30 or more years ahead. Projects can be formulated on a short-term study, especially where the source of water is ample and far more than required, but it is essentially a long-term investigation, and results cannot be expected at once.

In most countries, Sir, there is a cycle of variation of rainfall, especially where vegetation conditions are reasonably static. In Kenya, this cycle appears to be of 25 years' duration. It would seem, therefore, that that is the length of period required for an absolute and complete determination of the water resources. But much can be done in shorter periods, especially where town water supplies are concerned, where the catchment area is fairly small. It will help hon. Members to appreciate the importance of this work when it is pointed out that of the rainfall falling in any area, only five per cent finds its way into the streams, and two per cent in to ground water storage. The remainder is lost by evaporation and transpiration, and it is one of the problems of the hydrologist to determine the reason for this and to improve those percentages. The essential thing is that the investigation must be thorough. Over-hasty decisions, based on incomplete knowledge, lead to trouble.

In making mention, Sir, of the work of my Department, I feel I should like to pay tribute to the work of my predecessors

[The Director of Public Works] Sir Godfrey Rhodes. (Hear, hear—) It is due to his immense experience in organization, his energy and patience, and, above all, his tact and ability in handling men, that Kenya now has a works organization capable of handling all her problems efficiently and well and which challenges comparison with that in any other colonial territory.

I would like to mention a remark that was made last week during the Development and Reconstruction Authority Estimates debate. It was to the effect that contract work was cheaper than Government departmental work. I did not pay much attention to it at the time, because I am very used indeed to such statements and, anyway in the territory I have recently come from, no one pays very much attention to them. But I have subsequently understood that it is a different story in Kenya, and that statements made by hon. Members opposite have very considerable weight and publicity. I would, therefore, say Sir, that my experience is—and it is one of 30 years' duration in public works—that contract work is not cheaper than Government departmental work, except where the type of work is such that it is outside the experience or the capacity of the works organization concerned. I have been told, Sir, that it is the same thing in Kenya, and as yet I have no reason to doubt the accuracy of my information.

Now, Sir, I will conclude by sounding two notes of warning. Although recruitment to the Public Works Department is reasonably satisfactory, and establishment stands at about 85 per cent to 86 per cent of that approved, which is good by comparison with other territories, there does seem difficulty in retaining staff, and here I am referring to the professional staff. The leakage over the past four years has averaged 11 per cent per annum. Now, Sir, this is serious. It is one of that part of that leakage is due to retirements or promotions to other colonies, but a good deal of it is due to the young engineer who comes out and does one tour, or maybe less, and then goes on elsewhere. I do not know the cause for it because I am an attractive country, especially to a married man. It may be that it is because the salaries are a little lower than elsewhere. But,

Sir, the position may become a good deal more acute, now that in the United Kingdom they have adopted the Gardiner scales for the professional grades of the Civil Service. These scales are definitely higher than those in Kenya both in the long grade and in the super scale immediately above the long grade. It is too soon to say, Sir, what effect that is going to have on our recruitment and turnover. But since the salaries paid in the United Kingdom, to quite an extent, govern those payable in the colonies, and since we both recruit in the same field, I am not too sanguine—especially when I see the two sets of advertisements side by side in the technical journals, with the United Kingdom asking for from 30 to 40 engineers, Kenya asking for one, and the salaries on the one side something like ten per cent higher than the salaries on the other.

Now, Sir, just one last word about the establishment. The establishment, Sir, of any department is designed to carry out the work that department has to do, which, in the case of the Public Works Department, is investigation, design and construction. It is possible, Sir, to enumerate an establishment that one is quite confident is sufficient to cope with the programme. It is equally possible to enumerate an establishment that one is pretty sure will be unable to cope. Such establishments are sometimes forced on heads of departments, and everyone trusts to luck to get through. This way leads to disaster, and many troubles in the past can be traced to that cause—I am not referring to Kenya specifically here. In between, there is a borderline belt, perhaps two per cent to three per cent either way. The upper limit of that belt defines staff that is sufficient. The lower limit defines that which is insufficient. Who can say that the work cannot be done as the lower limit is approached? In many cases it is done—perhaps nine times out of ten. But there is a risk. I want to pause for a moment at that word risk. What does a shortage of staff mean in a large works organization? It means, Sir, that you either refuse to undertake some of the works in the programme, or you undertake them and you do not give them the full attention they merit. It may be an unfully considered decision, an overhastily designed structure, a carelessly drawn-up bill of quantities, a scantily supervised contract. All these

[The Director of Public Works] thinks cost money, because the Public Works Department is not like other departments and everything it does or does not do is measured in terms of pounds, shillings and pence. It has been in the habit of terming that risk which I have defined as the "Colonial Works Risk", because I have met it in every Colony in which I have served.

The Estimates now being discussed, Sir, have been pruned, severely pruned. They are not as originally submitted by my predecessor. I think, Sir, we are approaching the border-line bell, and if we are to reach what I have called "the Colonial Works Risk" line, let us at least do so with our eyes open.

Sir, I beg to move. (Prolonged applause.)

MR. HAVELOCK: Mr. Chairman, I would like to congratulate the hon. Member on his maiden speech. (Hear, hear—applause.)

I merely rise to say this, Sir, it has been agreed by hon. Members on this side of the Committee that we will not debate the policy. We wish to get into Committee as soon as possible to get on with the work in front of us.

The question was put and carried.

THE DIRECTOR OF PUBLIC WORKS: Mr. Chairman, I beg to move that Head 2-4, sub-head (1), items 1-1 to 1-33, be approved.

MR. HAVELOCK: Mr. Chairman, sub-item 6.

I beg to move that sub-item 6 be omitted.

Sir, the reasons given in the Memorandum for these posts, five engineers (Supernumerary), on page 64A reads as follows:—

"Five supernumerary posts have been created to provide for pupil engineers who will be completing their training during 1952."

It is that the only reason why these engineers are necessary, just because some have completed their training, five supernumerary posts should be created? There is no explanation as to what work they are going to do, there is only the explanation that they are there because they are pupils and have been trained.

I beg to move the omission.

THE DIRECTOR OF PUBLIC WORKS: May I reply to this, Sir. It is perhaps not quite the reply the hon. Member expects.

Sir, these posts were intended as temporary accommodation posts for pupil engineers who had completed their period of training. There was no intention of making them permanent, and it was visualized that they would disappear as ex-pupil engineers were absorbed into the permanent establishment. There is an obligation to provide permanent pensionable posts for ex-pupils, and since it is not normally anticipated that they would willingly enter specialist posts at their age, it was decided to create five supernumerary posts on the General List. It now transpires, Sir, that there probably soon will be two vacancies in the General List, and as some of the pupils have also expressed their willingness to work on specialist duties, anyway for the time being, it would seem that it would be possible to absorb these pupils into the departmental establishment much sooner than was expected, provided that this Committee approves the additional posts budgeted for under Head 2-4, sub-heads (4), (5) and (9).

With this proviso, Sir, and provided further that recourse may be had to the Finance Committee later on if necessary, if events do not transpire as now expected, I would agree to the deletion of these posts. (Applause.)

MR. HAVELOCK: The hon. Member, Sir, was certainly right when he said he was going to give the answer I least expected! I am very glad that he supports the Motion, Sir.

The question that 1-6 be omitted was put and carried.

MR. HAVELOCK: Mr. Chairman, sub-item 9. I beg to move that this item be reduced by £1,000.

Sir, the Memorandum relating to this item states:—

"Three additional clerks are required for the Establishment Division and two to take over tools and plant records at Mombasa and Nakuru."

I am not quite certain how much these five additional clerks are going to cost, as five individuals, presumably a bit more than £1,210 which is shown in the

[Mr. Havelock]

increases column, but in any case the matter that I wish to bring again to the notice of the Committee is this matter of the Establishment Division, which we have agreed should be decentralized, providing always that centralized costs are reduced. Now, the explanation, Sir, is very bare. It merely says that three additional clerks are required for the Establishment Division. We have no explanation why they should be required, and exactly the same applies to the tools and plants records clerks. I would like to emphasize here what other hon. Members have said this morning, Sir, in the Committee, that it seems, this year especially, that the memorandum is very bare and does not give very concise and detailed explanations of the increases, etc. So, therefore, Sir, until I can get some proper information as to exactly why these people are required, I wish to move the Motion.

THE ACTING CHIEF SECRETARY: Economizing in paper!

THE DIRECTOR OF PUBLIC WORKS: On this occasion, Sir, I have to oppose the deletion.

Now, there are at present eight clerks under this Head of the Estimates, and their distribution is as follows:—

There are five in the Divisions, one in each. There is the Director of Public Works' stenographer and confidential clerk, there is one shared by the Deputy Director and the Administrative Assistant, and there is one in charge of confidential records. There are at present no revenue clerks in the administrative branch. Now, the proposal is, that we want to split the administrative branch into three sections, each dealing with the main sections of the Department's staff, and it was hoped to put one European clerk in charge of each of these sections of these establishments. The problems involved, and the work in the administrative section, are very considerable. Correspondence is roughly at the rate of 4,000 letters per month, which come in about all sorts of problems—many of them personal problems, others dealing with such things as postings, application of Government regulations, leave, travelling, transport—all sorts of questions of that sort, and it would very definitely add to the efficiency of that

section of the Department if those three clerks were to be appointed.

The other two clerks were intended to deal with tools and plant all over Kenya. Tools and plant are in a position which we are not at all happy over and losses take place, and the Director of Audit and so on has had cause to make a few caustic comments. They are, properly speaking, the responsibility of the Divisional Engineer, but the Divisional Engineer has a very large area to cover. He is an extremely busy man. He has got all sorts of professional and technical work that he has got to do, and it is very necessary to relieve him of some of these duties which can be equally well undertaken by non-technical people.

It was for this purpose that these two European clerks for tools and plant were hoped to be obtained.

THE CHAIRMAN: It is now 12.45, will somebody move to report progress.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Committee do report progress and ask leave to sit again.

The question was put and carried.

Council resumed.

ADJOURNMENT

Council rose at 12.47 p.m. and adjourned until 9.30 a.m. on Friday, 7th December, 1951.

Friday, 7th December, 1951

Council assembled in the Memorial Hall, Nairobi, on Friday, 7th December, 1951.

Mr. Speaker took the Chair at 9.40 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 6th December, 1951, were confirmed.

PAPERS LAID

The following paper was laid on the Table:—

By THE ACTING CHIEF SECRETARY:

The Estimates of Revenue and Expenditure of the Road Authority for the year 1952.

REPORTS

THE FINANCIAL SECRETARY: I beg to report that at yesterday's sitting the Committee of Supply approved Head 8-1 without amendment. Head 8-2 was approved except for a reduction of £540 following the deletion by the Committee of item 13 under sub-head 3 of that Head. The Committee was examining Heads 2-4, 2-5 and 2-6 when it was moved and passed that the Committee report progress and ask leave to sit again.

PROCEDURE

THE SPEAKER: Before we go into Committee I will refer to the matter that Mr. Blundell raised yesterday.

That is the question of items.

The rule which we have had in this Council for some time, I think certainly since 1949, is expressed in these terms: "Each Motion for an amendment shall relate to a single item in the particular Vote concerned and shall only be moved in the order in which the items appear in the Estimates". What is the meaning to be attached to "a single item"? Now yesterday of course when one was dealing with—I forget now which Vote it was—there were personal emoluments and the items are enumerated in column 1 on each page, and items are enumerated as 1, 2, 3, 4 and so forth, but personal emoluments are in all cases subdivided up into a number of other—what for the sake of any other word to be used must be called an item. Now the dictionary

meaning of item—I have not got a very good dictionary—but the one here is, "any one of enumerated things", which would tend to drive one to the enumeration, and not to anything else. Then, "entry of item in anything".

Now here we have, I think, to get at what is an item and we have to look at the column headed 1952, where there may be a sum like £768,000/£330,410, and the item is the £330,410. Wherever a thing is put in a line in the Estimates with a definite amount of money attached, that is the item.

Now, this is of course always difficult for us because we keep changing the rules and keep changing sometimes the method of doing the Estimates. But in last year's Estimates there was a note which referred to the new system of numbering Heads and items, about the groups of Heads, and then said: "All personal emoluments carry the number 1, followed by a second number indicating the individual item". Now, how far that is approved by the Council I am not prepared to say, but certainly nobody ever objected to it in 1950. We had the matter raised in 1949 by Mr. Blundell, too. That was an occasion two years ago in the course of a policy debate, where, I think, the hon. Member for the Coast had been advocating that £9,000 could be saved on item 4, and when he had concluded his speech, Mr. Blundell rose and said: "On a point of order, Mr. Chairman, I should like to get a thing clear in my mind, that is the rule that Members on this side may or may not move to reduce. Had the hon. Member moved a reduction of £9,000 in the total Vote under Head 4, giving his reasons where that reduction might be effected, would he be in order?"—and the Chairman—I think that was myself on that occasion—said: "No, I would refer Members again to paragraph 4". That is the rule which we still have, that every Motion for an amendment shall relate to a single item in the particular Vote concerned. I hope now that it is going to be definitely clear in future that an item is what is put in on the line with a definite sum of money stated at the end thereof. (Applause.)

May I call the attention of whoever is responsible for the Order of the Day that they never put on under Committee of Supply what things are going to be

[The Speaker]

on the particular day. This is a new departure this year. Last year we had it put on the Order Paper that certain Heads should be moved.

THE ACTING CHIEF SECRETARY: We will arrange that in future, Sir.

COMMITTEE OF SUPPLY

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1952.

HEADS 2-4, 2-5 AND 2-6, PUBLIC WORKS—(Contd.)

MR. HAVELOCK: I have listened with interest, Sir, to the hon. Director of Public Works, and I would also like to say that in the short time he has been here I think he has grasped the subject very considerably. But I would also, as regards this particular item—as I understand it, the hon. Member feels that as far as the tools and plant requirements are concerned that these men are extremely necessary, and he also said he felt that the organization of the Administration could be improved with three clerks in the Establishment Division. I have no doubt that that might be improved. I presume that these posts were put in before it was agreed that extra work should be done by civil servants, that might make some difference or it might not. On the other hand, Sir, I believe that the reduction I have suggested of £1,000 would cover approximately two posts, not more, and therefore if this Motion is passed it would not be taking away the whole increase but only, say, two out of the five. I am afraid I cannot withdraw on those grounds, and I beg to move that the reduction be made.

THE DIRECTOR OF PUBLIC WORKS: Sir, I have not got very much to add to what I said yesterday about these clerks, but I think I might say a word or two on the position in the Public Works generally, because it affects this question of the clerks. I think the best way of putting it is by comparing the Public Works Department organization to a machine. Now this machine consists of a large number of cog wheels, all in mesh. Some, of course, are of vital importance and some are less, but they are all necessary to make the machine work.

Then, Sir, there is the fuel and that is the finance provided by this Committee, but the machine still needs something to keep it running and that is lubrication. Now lubrication is represented by the non-technical staff, the accountants, storekeepers and clerks, and so on, without whose ministrations the wheels that turn, that is the technical staff, would work inefficiently and eventually break down.

Now, some of these lubricants are essential, some are of less importance. I would not say that the posts under consideration are amongst the most important and that the Public Works Department organization would necessarily break down without them, but they are needed for efficient and smooth running and so, therefore, Sir, I feel I must resist the proposed reduction.

THE ACTING CHIEF SECRETARY: I would like just to add to those remarks, Sir, that when these Estimates were under preparation the extension in office hours was in the mind of the Government, and it was taken into account in the discussions which I had with my hon. friend's predecessor, the Special Commissioner for Works. This item, therefore, expresses what, in the view of both my hon. friend and his predecessor, is necessary for the better efficiency of the Division.

MAJOR KEYSER: Mr. Chairman, three of these clerks are under the Establishment Division. We did hear the hon. Acting Chief Secretary tell us that the Establishment Division in the Secretariat could not be reduced and I thought that one of the points he made was that there had not been complete decentralization of the Departments. If there had not been complete decentralization in the Departments, why should there be a necessity for three additional clerks in the establishment of the Public Works Department when there has not been a great increase? In fact, I think there has been extremely little increase in the establishment of the Public Works Department at all.

I am going to support the Motion.

THE ACTING CHIEF SECRETARY: On the contrary, Mr. Chairman, there has been over the last three years, as the hon. Members know, considerable expansion in the Public Works Department—

MAJOR KEYSER: I said this year.

THE ACTING CHIEF SECRETARY: I was going on to explain that it was the expansion that has gone on during the last two or three years which led me to be friendly to represent to me that he did require the extra five clerks. It is the increase in the establishment which has taken place over the last two years which has led to the need which is expressed in these Estimates.

MAJOR KEYSER: Sir, I must disagree with the hon. Member for this reason. We were told that was the reason why the Establishment Branch in the Secretariat could not be reduced. Now, Sir, you cannot have it all ways; you cannot have no reduction in the Secretariat when it was recommended by the Industrial Advisers, whatever their names were, and then also expand the Establishment Branch of the Departments. You are asking for it both ways; you are asking one Department should not be decreased when a recommendation was made by Industrial Advisers on the matter, and at the same time you are asking for an increase in the Establishment Divisions of the Departments, and I do not think, Sir, those are compatible. Those two demands!

LT.-COL. GIBESIE: Mr. Chairman, I would merely like to point out that the other two European clerks are required to take over tools and plant records at Embosa and Nakuru. Later on, we will find under the Stores Branch two additional Assistant Storekeepers. Surely, Sir, they are capable of maintaining those records.

THE DIRECTOR OF PUBLIC WORKS: The matter of additional storekeepers is rather an interesting something that is coming up now. They are not to be stationed at Nakuru; they are for work in the Head Office.

The question that item 1 be reduced by £4,275 was put and carried on a division by 21 votes to 15 votes. (Ayes: Messrs. Blundell, Chemallan, Cooke, Lt.-Col. Gibesie, Messrs. Havelock, Hopkins, Jeremiah, Major Keyser, Messrs. Madan, Mathu, Mithoo, Obanga, Pritam, Dr. Rana, Messrs. Salim, Salter, Shatry, Lady Shaw, Mrs. Shaw, Messrs. Maconochie, Welwood, Usher, 21. Noes: Messrs. Carpenter, Davies, Hartwell, Hope-Jones, Hunter, Matthews, Sir Charles

Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 15. Absent: Major Cavendish-Bentick, Mr. Patel, 2. Total: 38.)

THE DIRECTOR OF PUBLIC WORKS: Sir, I beg to move that items 2 to 12 under sub-head (1) be approved.

The question was put and carried.

THE DIRECTOR OF PUBLIC WORKS: I beg to move, Sir, that sub-head (2), item 1—1 to 1—15, be approved.

MR. BLUNDELL: Mr. Chairman, I beg to move a reduction in item 1—1 of £100.

Mr. Chairman, I do not wish to take long over this. The object of my Motion is as follows. For some years now, in fact 1947, 1948, 1949, there have been adverse comments on the accountancy within the Public Works Department in the Director of Audit's Report. Of course, one has to look backwards, Sir, but I have no reason to suppose that those comments will not continue in some form or another, and we know that that Department has had difficulty, and I wish to suggest to the hon. Director that the Efficiency and Economy Committee, which we have agreed to set up, should examine this Department, not Sir, in a spirit of destructive criticism, but in order to help the hon. Member.

THE DIRECTOR OF PUBLIC WORKS: Sir, I would have no objection to that proposal—(applause)—provided the hon. Member withdraws his Motion. (Laughter.)

MR. BLUNDELL: I thought, Mr. Chairman, you had ruled yesterday that bargaining across the floor of the Council should not take place, but I will accept the hon. Member's assurance and withdraw the Motion. (Applause.)

The question was put and carried.

THE DIRECTOR OF PUBLIC WORKS: I beg to move that items 2 and 3 be approved.

The question was put and carried.

THE DIRECTOR OF PUBLIC WORKS: I beg to move, Mr. Chairman, that sub-head (3), items 1—1 to 1—35 be approved.

The question was put and carried.

THE DIRECTOR OF PUBLIC WORKS: I beg to move, Sir, that sub-head (4), items 1, 2, 3, 4, 5 and 6, be approved.

The question was put and carried.

THE DIRECTOR OF PUBLIC WORKS: I beg to move, Sir, that sub-head (5), items 1—1 to 1—11, be approved.

The question was put and carried.

THE DIRECTOR OF PUBLIC WORKS: I beg to move, Sir, that items 2 and 3 be approved.

MR. HAVELOCK: Mr. Chairman, item 3, I beg to move that item 3 be reduced by £2,000.

Mr. Chairman, in the description of this item, it is, "Upkeep of Laboratories", but in the memorandum it says: "Increase required to meet the funding charges on Mobile Laboratories also for the running and upkeep of boring rigs, which are expected next year". I suggest, Sir, that as far as boring rigs are concerned, there is quite a sufficient number of private water borers in this country to provide the needs of water boring. I see no reason why this Department should enter into that field of activity. I do not know the exact proportion of the money voted under this head which is for boring rigs, but I presume that a reduction of £2,000 will probably meet the case, and I beg to move.

THE DIRECTOR OF PUBLIC WORKS: I oppose this Motion, Sir, because this amount of £7,000 is absolutely essential for the running of the materials laboratories. I would like to correct the hon. Member for Kiambu about this question of boring rigs. It is not to do with boring for water. It is boring for soils investigation. The mobile laboratory does not concern itself with water boring. The amount of £7,000 is wanted for the equipment of the laboratory. It is divided up into such things as power and lighting plants, petrol gas plant, glassware replacements, minor workshop repairs, dispatch of samples, purchase of chemicals, maintenance of field laboratories, the upkeep of these boring rigs, which are under discussion, and then it has got a few caravan vehicles attached to it, and it has also to pay for the funding of those. The absolute minimum is £7,000 for it to do all its work next year.

MR. HAVELOCK: Mr. Chairman, did I gather that there is a certain amount of equipment being bought out of this money, in other words, there is an element of non-recurrent expenditure under this item.

THE DIRECTOR OF PUBLIC WORKS: No it is not equipment, Sir, because you cannot call replacement of glassware new equipment. It is maintenance of existing equipment.

MR. HAVELOCK: I thought you said gas plant.

THE DIRECTOR OF PUBLIC WORKS: Petrol gas plant, I did mention that, yes, but that is for fuel.

MR. HAVELOCK: Mr. Chairman, after the explanation of the hon. Member, I beg leave to withdraw the Motion.

The question that sub-head (5), items 2 and 3 be approved, was put and carried.

THE DIRECTOR OF PUBLIC WORKS: Sir, I beg to move that the whole of sub-head (6) be approved.

MR. HAVELOCK: Mr. Chairman, I beg to move that sub-item 1 be reduced by £100.

Sir, I merely move this Motion to ask the hon. Member if he is satisfied—I presume this is the branch which is servicing the vehicles of other departments; is that correct? Is he satisfied, Sir, that he is being offered as many vehicles as he might be from other departments for servicing? Is it, Sir, an economical method of servicing Government vehicles. And, a much bigger question, would the hon. Member and the Government look into the matter of having a vehicle pool for Government officers, on which Government officers might draw, rather than vehicles being allocated to each department and each officer. This kind of thing was done during the war in the Army. I admit that it would certainly not be as convenient as it is today, for Government officers to have to apply for vehicles for trips. Naturally, those whose duties keep them on the road all the time would have to have their own, but I suggest there may well be an opportunity for reorganization of this sort especially for those officers who do not need to be using vehicles every day. Even if it were inconvenient for them to have to apply for the vehicles, it would mean great economy, and they might not use the vehicles unless it was absolutely and entirely necessary.

THE DIRECTOR OF PUBLIC WORKS: Mr. Chairman, I can deal with part of the Chairman, I can deal with part of the inquiry from the hon. Member for Kiambu. The following Departments

[The Director of Public Works] have dealt with the servicing stations: Police, Prisons, Labour, Mines and Geology, Forestry, Agriculture, Government Press and a number of Administration vehicles and Veterinary. It has dealt with 1,418 vehicles between the beginning of the year and the end of September. In the month of September, itself, it dealt with 204 vehicles. Whether it is the cheapest way of servicing vehicles; I could not speak with absolute assurance, because I have not got the figures, but I should certainly think it is and would compare favourably with what could be done in outside garages.

THE FINANCIAL SECRETARY: Mr. Chairman, I rise to refer to the second point raised by the hon. Member for Kiambu, when he suggested that the Government might consider the question of having a pool of Government vehicles. There was, I believe, Sir, a pool system in force some years ago, and for reasons, of which I am unaware that system broke down. But Government is quite prepared to have another look at this proposal. (Applause.)

MR. HAVELOCK: Mr. Chairman, I thank the hon. Member for Finance for his remarks. I was interested to see, or to hear, the Department that this Mechanical Branch services vehicles for. The hon. Director of Public Works read the list rather quickly, but I did hear at the top of the list, I think, Police, and I understand that the Police have got a very considerable mechanical branch of their own. It seems to me that there may well be an amount of overlapping between the Public Works Department Mechanical Branch servicing vehicles, and the servicing of vehicles themselves by the Departments. That, I believe, is another aspect that should be considered very seriously by Government to see if economy cannot be effected.

In view of the assurance given, especially by the hon. Financial Secretary, I withdraw this Motion.

THE CHAIRMAN: If there is no objection, the item is withdrawn.

MR. NATHOO: Item 9, Sir, The explanation on the item in the memorandum says:—

"Two additional clerks required for the Mechanical Branch to carry out

extra work resulting from the Department becoming responsible for the servicing of the vehicles of other Departments."

Do I understand, Sir, that up to now no other departments were being serviced by this branch, and it is just this year that the servicing has come into force?

THE DIRECTOR OF PUBLIC WORKS: Servicing has been going on during this year, but these additional clerks are needed on account of the very accurate costing that has got to be done. When you are presenting departments with bills for every single piece of work that is being done on their vehicles, you have got to keep accurate accounts and proper accurate costing. There is a lot of sending out of bills and receipts of money and so on.

The question that sub-head (6) is approved was put and carried.

LT.-COL. GHERSIE: I want to make a point on 4, Sir.

THE CHAIRMAN: I thought you were only going to 18. The whole Head had been moved, if I was too quick for you, I am very sorry, we will go back to 4.

LT.-COL. GHERSIE: I wish to move a reduction of £1,000 in item 4, and my reason for doing so is that having regard to the nature of this item, "Heavy Repair Workshops and Service Station for Government Vehicles," I would like to ask whether or not this is capital expenditure. I would also like to ask him, when we refer to the note q, it is covered by corresponding revenue, and I would like to know where that is disclosed in the Estimates.

THE DIRECTOR OF PUBLIC WORKS: The corresponding revenue is on page 24, item 18, and I think there would be no objection to a reduction by £1,000 if there is a corresponding reduction in revenue. (Laughter.)

LT.-COL. GHERSIE: Would the hon. Member answer the first question as to whether or not this is capital expenditure, the question of workshops?

THE DIRECTOR OF PUBLIC WORKS: If it is capital expenditure? No, it is for the maintenance of all the heavy plant. There would be an element of replacement, of course.

MAJOR KEYSER: I fail to understand, Sir. The revenue side—does this branch make a hundred per cent profit, or what?

THE FINANCIAL SECRETARY: It just gets in money back.

MAJOR KEYSER: He said the expenditure is for replacement of plant.

THE DIRECTOR OF PUBLIC WORKS: It is an internal account. Plant comes in for repairs, and those repairs are carried out by means of the funding scheme. This £45,000 represents the actual expenditure on those repairs, and then you get—so to speak—a revenue coming in from the funding scheme, and then it is charged out to the work itself. The cost of those repairs, therefore, are reflected in the Estimates for "Works".

THE CHAIRMAN: This is a case of when is an item not an item!

MR. SALTER: I wonder if the hon. Member would make clear this point. I see it as a new item altogether—at any rate it is not in the Estimates for 1951. Is this representing a new policy, or how is the figure of £45,000 arrived at?

THE SECRETARY TO THE TREASURY: Some eighteen months or two years ago the Standing Finance Committee voted a sum of money—I speak from memory—but I think the sum was somewhere between £100,000 and £200,000 for the purchase of vehicles for the Public Works Department. The idea was that the vehicles should form a pool, and should be replaced not by the provision of new capital, but by a charge levied when the vehicles were hired out to a specific work. So what happens, then, is that these charges are levied and a renewal fund is established, by which the vehicles are replaced.

The work on heavy vehicles and light vehicles is carried out by this workshop. At the same time this workshop carries out, as we have heard, certain repairs for vehicles of departments other than the Public Works Department, and those repairs are paid for by the departments from their appropriate Local Transport and Travelling Votes, and the amounts collected are credited to the revenue item to which my hon. friend, the Director of Public Works, has referred.

MR. BLUNDELL: In and out!

MR. HAVELOCK: Mr. Chairman, could the hon. Member tell us: do these people appearing in the Mechanical Branch work in this heavy repair workshop? If they do, are they not an extra charge over and above the £45,000, which is the revenue?

THE DIRECTOR OF PUBLIC WORKS: Actually, in the service section of it there are none of these people in the Estimates. They are all Development and Reconstruction Authority staff, or "Works Paid" staff.

MR. HAVELOCK: Mr. Chairman, it is a very clever answer. The item we are dealing with reads "Heavy Repair Workshops and Service Station for Government Vehicles". I understand from the hon. Member the people employed under the service part of it are those that do not appear in these Estimates. Presumably, those who are employed in the Heavy Repair Workshops part of it are the people under the Mechanical Branch. The Mechanical Branch, Personal Emoluments, costs this £24,600 and, again, we have this other item of £45,000 for Heavy Repair Workshops and Service Stations. Our total revenue for this self-reimbursing item is £45,000. Therefore it is not really reimbursing. We have still got to make up £24,600 of the Personal Emoluments of the men who are working in this workshop. That is the question I am asking.

—THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: If I might intervene and say—even if the hon. gentleman is perfectly right—the obvious thing is, if this is a charge to other Government Departments, we should merely have to charge other Government Departments 25 per cent increase more, and charge the other Government Departments to that amount.

THE SECRETARY TO THE TREASURY: Mr. Chairman, I understand, Sir, that the hire charges to which I referred do not include any element for Personal Emoluments.

MAJOR KEYSER: In other words, Sir, any comparison of the costs of this Department with commercial costs are entirely impracticable. You cannot carry out any comparison, because of the system under which these accounts are kept. The whole object of establishing this Department was to produce cheap

[Major Keyser] servicing for Government vehicles. If there is no system under which you can compare it with commercial undertakings—and I submit, Sir, the only system under which you can do it, is to have an accounting system on the same basis as commercial garages are—if you cannot compare the two together, it is just "leading us up the garden path", Sir, to tell us there is any economy in this.

MR. NATHOO: Just a question of academic interest to enlighten myself on the intricacies of the language. (Laughter.) If someone was reading, would it not mean for workshops and buildings that were to be built? I think the nomenclature is rather confusing.

LT.-COL. GHERSIE: If there are no personnel elements, what, in fact, does the £45,000 represent? Is it purely stores, or not?

THE DIRECTOR OF PUBLIC WORKS: There is a very considerable element of "Works Paid Labour" in it. In fact, far and away the larger part of the labour working in these repair workshops is charged to the work, and the actual "personnel" element part of it is only a very small part.

LT.-COL. GHERSIE: Mr. Chairman, I do not wish to delay the time of the Committee any further. It is awfully confusing, as can be seen from the result of the debate. I am not bargaining, Sir—I wonder if the hon. Member would be prepared to refer the matter to the Standing Finance Committee?

THE DIRECTOR OF PUBLIC WORKS: Certainly, I will.

LT.-COL. GHERSIE: Under those circumstances, I beg to withdraw the Motion.

THE CHAIRMAN: The Motion is withdrawn.

The question that sub-head (6), Mechanical Branch, be approved was put and carried.

THE DIRECTOR OF PUBLIC WORKS: Sir, I beg to move that sub-head (7), item 1—1 to 1—18, be approved.

LT.-COL. GHERSIE: Mr. Chairman, I beg to move that item 1—5 be reduced by the sum of £1,200.

Again, Sir, this is an increase for which we can see no justification and I beg to move a reduction.

THE DIRECTOR OF PUBLIC WORKS: I oppose the reduction, Sir.

These Assistant Storekeepers are required, respectively, for the Hydraulic Branch and the Mechanical Branch. They are to deal with the allocated stores in these branches. That is, when stores are constantly required in small quantities, it is not practicable to order them from the unallocated store, so the system is that they are issued in bulk from the unallocated store to the allocated store where they then can be issued in small units for whatever job they are required. The one Assistant Storekeeper is required for the Hydraulic Branch. We now have some £50,000 worth of allocated stores moving in and out. At the present moment, the work is having to be done by a water ballist—

MR. HAVELOCK: Good!

THE DIRECTOR OF PUBLIC WORKS: And it is certainly time the water ballist did his proper job. (Hear, hear.) The appointment is necessary to avoid loss of Government stores, and it is essential for an efficient storekeeper to be appointed.

It is the same thing with the Mechanical Branch, because it is the allocated store there which also needs a storekeeper. There, a mechanic is having to do the work, and we want to return the mechanic to his proper work.

LT.-COL. GHERSIE: The only reply I can make to that is that both these two officers are being improperly employed.

THE ACTING CHIEF SECRETARY: The point is, Sir, that they should be got back on to the work which they are employed to do and which cannot otherwise be done.

I suggest, Sir, that it is shocking bad economy not to look after hundreds and thousands of pounds worth of stores. We have, in the past, as hon. Members know, had quite considerable losses of stores from the Public Works Department, and I suggest that £1,200 is not a very large sum when one considers the value of the stores that Department is responsible for. (Hear, hear.)

MR. BLUNDELL: I do not know what the hon. Mover will decide to do on this matter, but I would suggest that an examination of the procedure of movement of stores from unallocated to allocated could be made. I can understand the reason for that provision in certain cases. In this particular instance, I fail to see it, and I feel it is in effect duplicating the work. Obviously, stores must be carefully handled, and in the case of a large building which is going up for a project, I can see some force in this allocation system, but over the general running, for instance, of the Hydraulic Department, I fail to see why there should be a transfer from allocated to unallocated. I feel that is a matter which the hon. Member might look into.

THE DIRECTOR OF PUBLIC WORKS: I would be prepared to look into it, Sir, subject to the opportunity. (Laughter.)

LT.-COL. GHERSIE: In view of the explanation, I will, with the permission of the Committee, withdraw the Motion.

The question that item 1—1 to 1—18 be approved was put and carried.

THE DIRECTOR OF PUBLIC WORKS: Mr. Chairman, I beg to move that under sub-head (7), items 2 to 5 be approved.

The question was put and carried.

MR. HAVELOCK: Mr. Chairman, I understand that as the hon. Member for Agriculture is not present, the Government would like to pass over the Hydraulic Branch. If that is so, Members on this side have no objection.

THE ACTING CHIEF SECRETARY: Not only the Hydraulic Branch but the other sections which follow which deal with water supply. I think it would be convenient to move straight on to Section (17), Electrical Branch.

THE CHAIRMAN: These are still for consideration, but there is no Motion yet to approve them, they are not passed over in the ordinary way, they still stand over to be debated at some time and will have to be debated.

THE ACTING CHIEF SECRETARY: Yes, Sir.

THE DIRECTOR OF PUBLIC WORKS: Sir, I beg to move that sub-head (17), item 1—1 to 1—13, be approved.

MR. HAVELOCK: Mr. Chairman, sub-item 3.

Mr. Chairman, I beg to move that sub-item 3 be reduced by £830.

The amount, Sir, is the increase in the amount over 1951.

Sir, not only do I consider that this increase is unjustified, in spite of the fact that the memorandum states that the amount of work on the maintenance on Government buildings has increased, I am still not convinced the whole of this Electrical Branch is justified. I feel the matter should be considered during the coming year. I am not prepared at the moment to move the deletion of the whole branch, but only the increases over last year. I have made special inquiries, Sir, and this matter has been debated before in the Committee of this Council, but I am told that the number of reliable electricians and electrical firms in the Colony to-day is quite sufficient to cover the necessary work on Government buildings and elsewhere, and also it would very likely be very much cheaper.

There is one point on which I have been saying, I realize, Sir, that in order to prevent private charges being put too high, there should be some Government—or people consider it might be a good thing to have some Government department such as this who could step in and do the work themselves if the quotations from private firms were really too high, and obviously too great a profit was being taken. That is a good argument, but on the other hand, we have here a very large electrical concern, who are a very responsible body, and I think they could act in that capacity, of keeping prices down in the matter of maintenance work, etc.

I can see no reason, Sir, for this increase, even if we accept the policy of an Electrical Branch. After all, all these engineers and assistant electrical engineers and so on, presumably, will be doing another two and a half hours a week's work over 1951, and I presume that was not taken into consideration when increases were suggested.

I beg to move, therefore, a reduction by £830.

THE DIRECTOR OF PUBLIC WORKS: I beg to oppose the reduction, Sir.

If the Electrical Branch is going to carry out the work, it has got to have a staff to carry out the work, and this

[The Director of Public Works] work is increasing rapidly. We are adding to all the buildings in Kenya at a rapid rate. There is a lot of electrical work concerned with all of them, not only design, wiring and so on, but also in maintenance and in all the electrical appliances that are ordered and installed for hospitals, schools, and everything of that sort. The actual work of the professional staff of that Branch is divided up between Public Works Department work, which only actually accounts for about 37 per cent of its work. Thirty-four per cent is accounted for by work in connexion with the Electrical Power Ordinance and Advisory Board, which is statutory, and work for other Government departments accounts for 24 per cent. And then there is the Nyeri undertaking, for which it is responsible. This particular post is quite essential in order to relieve the qualified professional electrical engineers for these duties for which qualifications are essential, and of which actually, I believe, there is a shortage in Kenya, in spite of what the hon. Member has said opposite.

MR. COOKE: May I inquire, Sir, on this Head whether the Public Works Department were responsible for the installation of material for the Meat Commission at Athi River? And, if so, why the work was undertaken in such a manner that it had to be repeated and £10,000 was lost in the repairing?

THE ACTING CHIEF SECRETARY: I am afraid, Sir, that I have not got the answer to that question. I will make a note of it and inform the hon. Member of the reply.

Mr. Chairman, before you put the question I would like just to remind hon. Members that it certainly was not the view, and I did go into this with the Special Commissioner for Works, that it would be an economical measure to abolish this Section of the Department, and rely upon private enterprise for this work; and, having accepted that view, I must remind hon. Members that with a programme, a building programme, costing some two millions a year, quite obviously there must be a very considerable increase in the work which this Department, which is responsible for wiring these new buildings, has to undertake, and it is absolutely impossible to build at that rate and not increase the

establishment of a Department of this kind.

MR. HAVELOCK: Mr. Chairman, does the hon. Member mean that all electrical wiring for new buildings by Development and Reconstruction Authority is done by these people?

THE ACTING CHIEF SECRETARY: It is done by this Section, Sir, and also by the provision under the Development and Reconstruction Authority Estimates.

MR. HAVELOCK: I suggest, Sir, that a proportion of them is done by contract and if this Branch is considerably reduced then contracts could be increased.

THE ACTING CHIEF SECRETARY: There is also, Sir, a large amount of maintenance to be done. All the buildings which are being erected have got to be maintained. The electrical equipment in them has to be maintained. If this is not done we shall have fires and goodness knows what. Then you will have a new and large Section for fire-fighting to pay for.

MR. BLUNDELL: Granted, the remarks the hon. Member has just made opposite. But what happened prior to 1950? This Department started in 1950 with an allotment of £13,000 for building. We were building more in 1950.

THE ACTING CHIEF SECRETARY: We spent £2,000,000 on building in 1950 and we spent another £2,000,000 this year, and we are going to spend another £2,000,000 next year, and we cannot possibly maintain these buildings without an increase in staff.

MR. BLUNDELL: The hon. Members misunderstood me. I asked him how we managed with the maintenance of buildings before 1950. This Department only started in 1950.

THE SECRETARY TO THE TREASURY: Prior to 1950 the Electrical Engineer was carried on the establishment of the Postmaster General. This was altered when the Posts and Telegraphs Department became a self-financing Department.

MR. BLUNDELL: Could the hon. Member tell me what was the building programme in 1949?

MR. NATHOO: Mr. Chairman, arising out of the remarks of the hon. Member for Development, it sounds as if the

[Mr. Nathoo] efficiency and the usefulness of this Department depends upon this one extra post that they are asking for. I think, Sir, no good case has been made out.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I never said anything of the kind. I said that increased work required increased staff to do it. I never suggested for one moment that the efficiency of the Department depended upon a single officer.

MR. NATHOO: If I may be permitted to say so, the hon. Member talked about the importance of this Department. We are not arguing about that, we are only arguing about this one post, which is unnecessary.

THE ACTING CHIEF SECRETARY: If you are not arguing about the importance of this Department, I do not know what you are arguing about. All I said was that it was important to have this extra post in order that the maintenance work can be kept up. You must have the staff for this Department which is necessary to enable it to carry out the important work it has to do.

MR. HAVELOCK: I am suggesting that part of the work of this Department should be done by private contract. I would like to point out that as far as I can see there are some 34 members of this Department each needing a house, each needing a pension, each needing house passages paid and everything else. To submit it is much cheaper to keep this Department to a small nucleus if we have to keep it at all, in order that there is some sort of brake on private enterprise—that is all. That is the only reason for keeping it at all, to my mind, and the rest goes to contract.

I beg to move.

THE DIRECTOR OF PUBLIC WORKS: There is a lot of this electrical work which is done by contract, especially on new buildings, but the contracts have got to be supervised and it takes very nearly as much staff to supervise the contracts as it does to do the work oneself. (Cries of Oh!) And, in addition to that, there is all the design side of the work, and that has to be done by this Branch, which is quite a considerable part of it.

The question that item 13 be reduced by £30 was put and negatived by 18 votes to 16 votes. (Ayes: Messrs. Blundell, Cooke, Lt.-Col. Gherrie, Messrs. Havelock, Hopkins, Major Keyser, Messrs. Maconochie-Welwood, Nathoo, Pritam, Dr. Rana, Messrs. Salim, Salter, Shatry, Lady Shaw, Mrs. Shaw, Mr. Usher, 16. Noes: Messrs. Carpenter, Chemallan, Davies, Hartwell, Hope-Jones, Hunter, Jeremiah, Matthews, Sir Charles Mortimer, Messrs. Ohanga, Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 18. Absent: Major Cavendish-Bentinck, Messrs. Madan, Mathu, Patel, 4. Total: 38.)

MR. HAVELOCK: Sub-item 5. I beg to move that sub-item 5 be reduced by £25. I will not weary the Committee by any arguments—they will be exactly the same as the ones we have just had.

THE DIRECTOR OF PUBLIC WORKS: I beg to oppose, but actually it is not quite the same case because these electricians are distributed all over Kenya.

MAJOR KEYSER: They actually do a job?

THE DIRECTOR OF PUBLIC WORKS: As far as I know, they actually do a job.

The question that sub-item 5 be reduced by £25 was put and carried on a division by 18 votes to 15 votes. (Ayes: Messrs. Blundell, Chemallan, Cooke, Lt.-Col. Gherrie, Messrs. Havelock, Hopkins, Major Keyser, Messrs. Maconochie-Welwood, Nathoo, Ohanga, Pritam, Dr. Rana, Messrs. Salim, Salter, Shatry, Lady Shaw, Mrs. Shaw, Mr. Usher, 18. Noes: Messrs. Davies, Hartwell, Hope-Jones, Hunter, Jeremiah, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 15. Absent: Mr. Carpenter, Major Cavendish-Bentinck, Messrs. Madan, Mathu, Patel, 5. Total: 38.)

THE CHAIRMAN: Order!

THE ACTING CHIEF SECRETARY: Mr. Chairman, a Member of the Government was not present. The votes have not been counted. May I suggest he be asked now to record his vote?

MR. BLUNDELL: I do suggest that if a Member is absent when his name is

[Mr. Blundell] called, he is absent, as in the House of Commons, Sir.

MAJOR KEYSER: Do you suggest, Sir, they should have a more efficient Whip on the other side?

THE CHAIRMAN: I think if a Member is not there to answer his name, he is absent.

THE ACTING CHIEF SECRETARY: Might I draw attention to the fact that we are allowed, I believe, a period of ten minutes after a division has been called.

THE CHAIRMAN: If it is claimed! As soon as the division is called, if someone asks that it be postponed for ten minutes, then it is postponed. You cannot have it both ways—have it postponed and have it carried out.

The question that items 1—1 to 1—13, as reduced by £525, be approved, was put and carried.

THE DIRECTOR OF PUBLIC WORKS: I beg to move that items 2 and 3 be approved.

The question was put and carried.
THE DIRECTOR OF PUBLIC WORKS: I beg to move that sub-head 18, items 1 to 5 be approved.

The question was put and carried.
THE DIRECTOR OF PUBLIC WORKS: I beg to move that sub-head 19, items 1, 2, 3, 4, 5 and 6, be approved.

The question was put and carried.
THE DIRECTOR OF PUBLIC WORKS: I beg to move that sub-head 20, items 1 and 2, be approved.

The question was put and carried.
THE DIRECTOR OF PUBLIC WORKS: I beg to move that sub-head 21, items 1 and 2, be approved.

MAJOR KEYSER: May I ask a question on this? Would the hon. Member tell me, Sir, where the cost of labour comes in at Langata Quarry?

THE DIRECTOR OF PUBLIC WORKS: Under item 2, operating expenses.

MAJOR KEYSER: May I put it more specifically, then? Is it a fact, Sir, that the Public Works Department operates this quarry on convicts, and what amount do they pay for the convicts?

THE DIRECTOR OF PUBLIC WORKS: It is—to a large degree, of course—

operated by convicts, but they are not paid.

MAJOR KEYSER: The convicts are not paid, but is the Prison Department paid for the use of these convicts?

THE DIRECTOR OF PUBLIC WORKS: No, apparently not.

The question that sub-head 21 be approved was put and carried.

The Committee adjourned at 10.55 a.m. and resumed at 11.20 a.m.

THE DIRECTOR OF PUBLIC WORKS: Sir, I beg to move that Head 2—5, items 1 to 9, be approved.

MR. BLUNDELL: I beg to move that item 1, the Maintenance and Minor Improvements of Public Buildings, be reduced by £35,000. Mr. Chairman, I should like to stress, before hon. Members opposite speak, that I do not believe that it would be wise to reduce the maintenance of public buildings, which will only land us with a larger bill in the future. I reduce this item in respect of the buildings which are represented by Minor Improvements. I have observed for two or three years this Minor Improvement Vote has grown, and is a method of effecting what may be desirable improvements, but are not necessary improvements, and in view of the remarks which the hon. Members on this side have been saying in regard to expenditure I believe it would appear there is an amount that we can save.

THE DIRECTOR OF PUBLIC WORKS: I beg to oppose the reduction of this item. As I have mentioned in my speech yesterday, the total of £175,000 is inadequate for the maintenance of the public buildings in Kenya, and if it is to be reduced, it will only mean that some of Kenya's building assets will not be maintained. The minor improvement element is only a tiny fraction of the whole thing, and I could not say off-hand what it is, but I doubt if it is more than £3,000 or £4,000, if that, and minor improvements in the meaning meant in this heading is only an improvement which does not extend beyond the existing floor area of the building. It would apply to such things as shelving, or an additional opening in a wall, or replacing a glass door by another type of door. It is only work of

[The Director of Public Works] that nature. I think, Sir, that it is quite essential that the whole amount should be approved, if, and I am sure everybody is convinced that it is the case, that Kenya's buildings should be properly maintained.

MR. MACONOCHE - WELWOOD: Mr. Chairman, in support of the Motion, I would say that I would support it mainly because I believe that due economy in this maintenance work is not by any means always exercised by the Public Works Department. I believe, in fact, that, in many cases, lorries with large staff go considerable distances to do minor repairs to buildings, and that the work is not carried out in an economical way; for that reason I support this Motion.

MR. BLUNDELL: Mr. Chairman, I do agree with the hon. Member, that maintenance is essential but I view with alarm the increase in this Vote. It has grown from £20,000 in 1949 to £90,000 in 1950, to £140,000 in 1951 and £175,000 this year. Now, Sir, I know from personal experience that minor improvements do not only cover such items as glass shelves, and I am a little doubtful—knocking a hole in a wall I think the hon. Member said—making a new opening; I press my Motion.

THE DIRECTOR OF PUBLIC WORKS: Sir, maintenance allowance is always based on the capital valuation of building assets, and this figure of £175,000 is only about one per cent of this valuation. Well, nowhere in the world is it recognized that one per cent is sufficient to properly maintain buildings. There is no argument about it really. As I quoted yesterday, in the territories I have just left, the figure was 1 per cent. In the report of the Commission of Inquiry into the Public Works Department, the figure they laid down was two per cent. It is true that included the overhead element, that being at the most 25 per cent; even then, to all intents and purposes they recommended 1½ per cent.

Now, hon. Members opposite are trying to tie us down to 1 per cent. You simply cannot do the work.

MR. HAVELOCK: Mr. Chairman, I have listened with interest to the hon. Director, and I personally feel that we have got to be careful as regards our maintenance of

public buildings—(hear, hear)—we do not want to waste our capital assets. On the other hand, of course, a number of these buildings are new, and should not need a great deal of maintenance in 1952. I support entirely the remarks made by the hon. Member for Rift Valley on the matter of minor improvements—I do think they have been extravagant in the past—also the remarks of the hon. Member for Uasin Gishu. In view of that I beg to move an amendment that this item be reduced by £10,000, not £35,000.

MR. COOKE: I certainly prefer the amendment to the Motion but I do not see how we can possibly, on this side of the Committee, pronounce any judgment on it. Surely it is a matter that should be referred to an Efficiency Committee as a matter of course.

THE FINANCIAL SECRETARY: The Committee has heard from the mouth of an extremely experienced officer that, even as it stands, this figure is below the maintenance percentage accepted all over the world as the minimum for work of this kind, if we are indeed to maintain your valuable capital assets in proper order and condition. Now, Sir, we have heard a lot from the opposite side as well as from this side of the Committee about the raising of loans and the credit-worthiness of this country. May I remind hon. Members that if you are going to take a step which might mean that your valuable capital assets in time degenerate into the credit-worthiness of this country, because every Loan Ordinance passed by this Council makes it quite clear that the loan moneys are secured upon the revenue and assets of the country. Therefore, Sir, if we are going to let our assets so degenerate, we are bound in the long run adversely to affect our credit-worthiness. I hope hon. Members opposite will not overlook that fact.

MR. USHER: Sir, we have listened to the hon. Director of Public Works that on the breakdown as between maintenance and minor improvements, the breakdown that we have not got is such as to show an apportionment between increased cost, and additional public buildings, and what is very evident from page 84 of the Estimates against this item, is that this item has been doubled in two years, and the increase over last year is 25 per cent.

MR. BLUNDELL: Mr. Chairman, I am happy to accept the amendment moved by my hon. friend on my right. In accepting his amendment, Sir, I would like to stress my contention that there is, in my view, room for economy and greater efficiency in the administration of this Vote.

LADY SHAW: Mr. Chairman, in support of this Motion, I should like to point out that the hon. Financial Secretary talks as though these great buildings on which we have spent so much money in the past, are all going to collapse and become junk if we do not give him the extra £10,000. It speaks poorly for the buildings we have been building if that is so. In any case, practically all those buildings, or a great number of them, are comparatively new and I think we have every justification at present for reducing this Vote even though we may have to increase it in the future. Anyway, we see no reason why it should be doubled so quickly.

MAJOR KEYSER: Mr. Chairman, of course, the argument used by the other side against this Motion is one of percentage; that maintenance costs, and the total amount depends entirely on the valuation. The hon. Director of Public Works yesterday told us, I think, that our buildings were valued at £17,000,000 and that figure presumably of one per cent based on one per cent of the £17,000,000. Sir, I must say I have seen some valuations done by the Public Works Department, buildings I know the cost of, and I think all their valuations are extremely high. There is one point that it does bring before hon. Members, and that is the very high cost, not only capital cost, but recurrent cost of housing one Government servant.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I, Sir, as Member for Education, am just a little worried about this particular one. If maintenance—presumably maintenance is a statutory commitment and has, therefore, to be given priority, and the cutting of the one per cent down by even £10,000 means that I shall be unable to get any minor improvements done to educational buildings during the next year, then I can say I shall be in an extremely difficult position. A lot, I think, of light-hearted play has been made about minor improvements on the

other side of the Committee, but I would say that in so far as the Education Department is concerned, these minor improvements are usually as the result of very great pressure from school committees. They are not as a rule undertaken on our instigation and when one deals with areas like Westlands School, where we have continual pressure for minor improvements, where, indeed, we have to call upon the parents to pay part of those minor improvements, because I have not sufficient money in the Vote, I suggest that cutting a Vote of this kind, if the top layer that you are cutting off is to be minor improvements, is a very serious thing from an education building point of view.

MR. BLUNDELL: Mr. Chairman, I do not think that the hon. Member for Education need pour forth too many tears because if he looks in the Development and Reconstruction Authority Estimates, page 28, he seems to have quite a good few minor improvements under "Government Road School, Nairobi, Water-borne Sanitation," "Asphalting Roads and Playgrounds," these are all minor improvements. Sir, he has got two strings to his bow.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: If I may point out to the hon. Member, those are specific projects. In the case of Westlands School, where we have to, perforce, divide a room into two; which, at the present moment, is the only room they can use for a school hall, we can only afford to put a fixed partition in because that is the limit of the money available. But, in order to retain the facility of a school hall, the parents are finding the additional money in order that it shall be a sliding partition and the facility retained. Now, Sir, if the cut of £10,000 is to destroy the flexibility so that I cannot even put the fixed partition in, I must reiterate, from school committees and parents' associations, then I suggest, Sir, that the Education Department will be in very serious difficulties before the end of the year, if and I repeat if, this £10,000 is to be taken off the top layer, that is the minor improvements, where there is inflexibility because the maintenance is, surely, statutory and not flexible and therefore is to that extent a commitment.

MAJOR KEYSER: The hon. Member's very moving speech on this, Sir, depends on an assumption that he is going to get a very large lump of this Vote. Has he got a big lien on it? If it is only, as the hon. Member for Public Works stated, some £4,000 or £5,000, it is not really going to make an awful lot of difference to the hon. Member's Department.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I would like to say it may not make a great deal of difference to my Department, it is going to make a very great difference to the minor improvements to schools that are necessary.

MR. BLUNDELL: I think the hon. Member for Education is narrowing this down merely to his own partition. What I am advancing to this Council is that, under this Head, there is room for economies and better administration. That does not necessarily mean that the amount available for his minor improvements and partitions will not be available. I am only suggesting that there is room for economy and better administration. In fact, I know there is.

THE ACTING CHIEF SECRETARY: In fact, it probably does mean that the money the Member for Education requires will not be available. Hon. Members have stressed that they do not want to reduce the maintenance element in this item, now they seem to want some of it to be available for minor improvements also. In all probability there will be nothing available for minor improvements in this Motion is carried.

LADY SHAW: Whenever we are going to reduce something in very general terms, a very special plea is put up by the Member for Education. I always think the Member for Education feels he is likely to split our ranks in this manner. (Applause—laughter.) I feel it is nothing, Sir, if I may say so, but a very good bit of tactical work on his part. I hope he will not see the results he is looking for from it.

The suggestion, Sir, that we do not wish to reduce the cost of maintenance is, actually, absurd. We do say we expect to use the bulk of this money on maintenance. Like the hon. Member for Rift Valley, I believe the maintenance can be done more economically and more

efficiently, and if that is done, there will still be a large quantity of money for minor improvements and quite sufficient to meet the £3,000 or so that the hon. Director mentioned.

I hope this side of the Council is not going to be unduly influenced by this special pleading by the hon. Member for Education.

MR. SALTER: Mr. Chairman, I would just like to add one thing. I entirely support this Motion, indeed, I would have supported the original one for reducing by £35,000.

THE CHAIRMAN: They are both before the Committee.

MR. SALTER: Sir, we are told that the percentage for maintenance is 1 per cent. I am no mathematician, Sir, but expenditure in 1950 was £87,542, as the hon. Member for the Coast has drawn our attention to. That would presuppose that the value of our buildings in 1950 were something over £8,000,000, £8,754,200. The figure for 1952 is £175,000, and, therefore presuming that the value of our buildings is £17,500,000. Even allowing for the element of minor improvements, it is correct, Sir, that the value of our buildings has increased by over £9,000,000 since 1950? If not, where is the justification on those figures?

Now, Sir, with regard to the remarks of the hon. Member for Finance, does he seriously suggest that a depreciation, a reduction—of £10,000—is going to depreciate our assets to the extent that the whole of our credit is going to be prejudiced? (Applause.)

THE ACTING CHIEF SECRETARY: Mr. Chairman, the answer to the hon. Member, generally, is that we never have in the past included in the Estimates anything like sufficient provision for maintaining like sufficient to pay for it, and if we do, and we have suffered for it, and if we do not rectify that position now, we shall suffer in ever-increasing degree as each year rolls by.

THE SECRETARY TO THE TREASURY: Sir, I gained the impression from what the hon. Member for Rift Valley said that his main complaint is not that minor improvements are not necessary, but that he is dissatisfied with the adequacy of the control of this Vote. I would suggest, Sir, for his consideration, that he might agree to allowing the Vote to

[The Committee of the Treasury] stand at its present amount, because I do not think it is anything more than adequate or necessary, and agree to the transfer by a re-allocation warrant next year of a sum of £10,000 from this item to the item "Minor Works", which is controlled by a Minor Works Committee consisting of the Director of Public Works, an Assistant Financial Secretary and the Chief Native Commissioner.

A corollary, Sir, would be that we would delete the words "Minor Improvements" in the designation of this item.

MR. COOKE: Mr. Chairman, I should like to support—

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Chairman, I do not want to detain you very long on this matter, but I will make one general observation in regard to this item, and that is, surely it is not sound economy or sound economics to cut this particular Vote. I have heard many hon. Members say, and I have made the criticism myself, also, that public buildings in this Colony have, at times, owing to shortage of funds, suffered in such a way that larger sums have had to be expended at a later date. Minor improvements, very often do increase the efficiency of working. There are occasions when, for instance, hon. Members have pressed that various organizations under the control of Government, should be all amalgamated under one roof. Now, the hon. Member for Nairobi South made that point in a most effective way, and a point that I promised to look into as speedily as possible. Now, Sir, if organizations such as those here referred to are amalgamated, small structural alterations may be entirely necessary so that the economy, the hon. Member referred to, can be achieved. I can give other examples, but I think it does illustrate the general point that has been made.

MR. MACONOCHE-WELWOOD: Mr. Chairman, this matter seems to me to be a difference of opinion between hon. Members opposite and hon. Members on this side of the Council. They genuinely believe that all due economy is exercised in the maintenance of public buildings by the Public Works Department; we, on this side, do not believe that. Again and again, cases come to light when the work could have been

done by local contractors, I mean small maintenance repairs and you find that lorries have been sent long distances with complete staffs of the Public Works Department to do these minor matters. It is a conviction on our part that economy can be exercised without resulting deterioration in buildings.

MR. HAVELOCK: Mr. Chairman, I think the hon. Member for Commerce and Industry was rather off the point. He was talking about minor works, we are now talking about minor improvements.

THE MEMBER FOR COMMERCE AND INDUSTRY: No, Sir, I see the point the hon. Member made. I meant it that way. No, Sir, I was referring to minor improvements.

MR. HAVELOCK: The hon. Member used the words "minor works". (THE MEMBER FOR COMMERCE AND INDUSTRY: Yes, I did.)

The hon. Chief Secretary has made a plea that his line of argument is that, up to now, we have not put sufficient into the Vote for maintenance. I suggest that is a very interesting argument. If we have not done that in the past, then presumably, because we have not done that, it has swollen our surplus balances each year. Why then should 1952 have to bear the full cost of what we have not done in 1950, 1949, etc.? That, I think, is the argument that the hon. Chief Secretary put up. I can see no reason at all why 1952 should pay for what we should have paid for in 1950 and onwards.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, contrary to the belief of the hon. and gracious lady, the Member for Ukamba, I was not trying to split the other side, I was merely trying to appeal to the reason of all—(cries of Oh!)—on the assumption it would have an effect. Now, Sir, if the hon. and gracious lady would look through the remarks that I have made, she will see that I used the word "if", if this reduction is to be taken as affecting the minor improvements side, and I had hoped that there would be some comment from hon. Members on the other side to say that they did not mean that if they carried, as they may well carry, this particular reduction, the Minor Improvements side would be affected. That was what I tried to get

[The Member for Education, Health and Local Government] some hon. Members on the other side, at any rate, to say, because the situation would be serious from a point of view of many of the minor improvements which schools must have. The same thing applies to medical buildings, where visiting Committees often not only ask but demand improvements in hospitals, and that is what I am trying to point out—that if maintenance is taken as non-flexible, and the only flexibility is in minor improvements, the cut of £10,000 may well be taken as affecting the Minor Improvements side altogether.

MR. BLUNDELL: I think I have covered the point the hon. Member made, and certainly the hon. Member for Usain Gishu has covered it twice. This Vote under Minor Improvements, I believe, is organized in the Public Works Department by a gentleman called "Enough". I would suggest, bearing in mind his name, we should contest the matter by vote.

THE SECRETARY TO THE TREASURY: Would the hon. Member, Sir, care to comment on the suggestion I put forward?

MR. BLUNDELL: I would be quite happy to accept the hon. Member's suggestion for 1953, and in the meantime I suggest this Vote goes forward short of £10,000 for 1952.

THE CHAIRMAN: There are two reductions proposed, one of £35,000 and one of £10,000.

MR. BLUNDELL: I have—withdrawn mine, with your leave, Sir.

THE CHAIRMAN: With the leave of the Committee. If there is no objection—all right that is withdrawn. I was only going to say when there are two I have to put the larger one first, and if that is not accepted put the smaller one, but as we have only got the smaller one I will put the smaller one.

The question was put and, on a division negated by an equality of votes—17 votes to 17 votes. (Ayes: Messrs. Blundell, Chemallan, Lt.-Col. Oherie, Messrs. Havelock, Hopkins, Jeremiah, Major Keyser, Messrs. Maconochie-Welwood, Nathoo, Pritam, Dr. Rana, Messrs. Salim, Salter, Shatty, Lady Shaw, Mrs. Shaw, Mr. Usher, 17. Noes:

Mr. Carpenter, Major Cavendish-Bentinnck, Messrs. Cooke, Davies, Hartwell, Hope-Jones, Hunter, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whattu, 17. Absent: Messrs. Madan, Mbatia, Ohanga, Patel, 4. Total: 38.)

THE CHAIRMAN: The voting is equal—17 votes to 17. It is laid down, of course, that such a vote should be declared lost unless the casting vote is used. I cannot see any justification for using my casting vote, so the Motion is lost.

MR. BLUNDELL: Would you not feel inclined to give us your casting vote to balance that of the hon. Member for the Coast?

MR. HAVELOCK: Item 3, Sir—Rents of Offices and Houses and House Allowances in lieu of Quarters. I beg to move that this item be reduced by £10,000. Now, Sir, the main reason—arguments—that I have to move this particular Motion—I am sure other hon. Members on this side of the Committee had other arguments—were these. I believe, Sir, that there are a number of civil servants who are living in houses which are really, to our minds, more extravagant than their actual position warrants. The situation as I understand it is that if Government cannot find, or has no house to offer a civil servant he goes round and tries to find one to rent somewhere, and he then comes back and says: "I have got a house and made an agreement with the owner to rent it at such and such an amount", maybe at £40 or £50 a month; then he has a ten per cent cut off his salary for the rent of that house, and the remainder, the difference, is made up by, or presumably paid for, out of this Vote. Now, Sir, I realize that if these houses, the value of them is put before the Rent Control Board, but I also understand that if there is an agreement between the lessor and the lessee as regards these houses, the Rent Control Board are prepared to take a valuation as agreed by the two different parties, and this happens time after time. Naturally the civil servant concerned agrees with the rent that is asked for, or very nearly what is asked for, because he himself has not got to pay it. He merely has a pay ten per cent of his salary. On a

[Mr. Havelock] number of occasions the amount paid is very much more than is actually warranted by the job that is being done, by that man. It is a very intricate question, and I am sure that other hon. Members have facts to bring up in support of this Motion.

I beg to move.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, I did not know that this particular point was going to be raised by the hon. Member for Klambu, so here again I am not so well informed on it as I would have been if he had given me previous notice of it. I did go into this particular with the Accountant General, who is the Chairman of the Committee which deals with these matters, some time ago. He brought to my notice that he thought that in some cases what the hon. Member for Klambu said, had occurred; that is to say, an agreement between the lessor and the lessee might be accepted by the Rent Control Board without very much inquiry. The Committee thought in some cases that the rent agreed upon was excessive, and they definitely do not accept the rent in those cases. They go into them themselves in order to be satisfied the rent is a reasonable one. The Committee under the Accountant General does satisfy itself on that point.

The second thing is this. The hon. Member for Klambu suggested in some cases the officer is what he described as over-housed. In his opening remarks he said that he believed in some cases the officer occupies a house which is disproportionate to his status. That is also a matter which is taken care of by this Committee, which in every case satisfies itself that the house is appropriate for an officer of that particular status. They have got that reduced to, what I might call, a scientific formula. An officer of a particular level is entitled to a particular type of house. If the Member wishes, we can go into this in much more detail with the Chairman of the Committee, who is the Accountant General, and will produce in full detail, for the information of the hon. Member, exactly what the Committee does and the way in which it works. If I give an undertaking to do that, I think it would be reasonable if he were to withdraw the Motion for a reduction in the Vote.

MR. NATHOO: Arising out of the remarks of the hon. Acting Deputy Chief Secretary, I think perhaps from what he has said about the Committee investigating these cases, is perhaps with regard to new cases. I happen to be a member of the Rent Control Board, and, during the last year, I have not seen many cases which have come up for revision of rents, houses which have been taken in previous years. There are many examples of what might lightly be called collusion between the landlord and the tenant on account of that fact that the latter did not worry how much he was charged, because, after all, he did not pay more than ten per cent of his salary.

LT.-COL. GHERSIE: Mr. Chairman, I only want to add one point to that, Sir. I think it is a fact that Government servants are allowed to build their own houses and they borrow money from the Treasury at the rate of three per cent. They build a very elaborate house and that is finally assessed at something in the nature of 7½ per cent or 10 per cent—anyhow, something far in excess of what it was at the moment the money was borrowed, and in fact, there it is period of years and, in fact, there it is not only the interest repaid, but also a proportion of the capital in the repayment. We are not satisfied, and we do know personally of a number of cases where, by purely mutual consent the landlord has agreed with a Government officer to lease a house, and it is months and months afterwards before that ever comes before the Rent Control, if it ever comes at all, because these things have been outstanding so long and there is not sufficient care taken in assessing the value of the houses. It is left too much to the individual lessee and landlord.

MR. USHER: I just wish to draw attention to the very large building programme which has now been approved in respect of the Development and Reconstruction Authority buildings. Surely, Sir, there is a large corresponding evacuation of rented offices and other buildings.

THE SECRETARY TO THE TREASURY: I could not quite understand the point made by the hon. Member for Nairobi North. He started off by referring to the Civil Servants' Building Scheme Board, and ended up by talking about, as I understood it, rented houses. In

[The Secretary to the Treasury] order to correct what he said about the Civil Servants' Building Schemes, the money is advanced by the Government at 3½ per cent. The officer has to pay, of course, 7½ per cent of his salary in the form of rent. He gets a house allowance equal to the difference between 7½ per cent of his salary and 7 per cent of the capital value of the building. The Building Scheme Board goes to great pains to see that the houses built by officers on money borrowed in this way are not in excess of the standard or type of house which such an officer would be entitled to were he occupying a Government house. I must object to the use of the word "elaborate" as a description of the houses which the Government allows officers to build from borrowed money.

MR. HAVELOCK: Mr. Chairman, may I ask the hon. Member who has just sat down, is it 7 per cent of the capital value of the building, or building and land?

THE SECRETARY TO THE TREASURY: Seven per cent of the capital value of the building.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, there may be merits or demerits in arguing about the cost of housing Government officers. I naturally am speaking against this Motion, because I do not think the cost is excessive, but, Sir, I do think that on this side we must register our objection to the suggestion being made, as was made—I am sure without intention—by my hon. friend, Mr. Nathoo, that there has been collusion, or there could be collusion, between Government servants and landlords in this matter. I am sure he did not mean it that way, but as from this side of the Committee I cannot let the matter pass and I must ask him, possibly, to withdraw.

MR. NATHOO: I said what can loosely be termed collusion". I never intended to cast an aspersion of collusion on any individual as such, but you may take it as negligence that the tenant has not bothered to inquire or has not taken sufficient care to see what is the actual rent. I did not intend to cast an aspersion against any definite Government servant, and if that was the impression

I gave I have no hesitation in withdrawing it.

THE ACTING DEPUTY CHIEF SECRETARY: I have tried to make it plain that my understanding of the procedure of the Board is that they do not automatically accept the figure which may have been agreed between the owner of a house and the Government servant who is thinking of living in it. They satisfy themselves that the rent is, in fact, a reasonable one for that particular house. If, from his knowledge of the work of the Rent Control Board, the hon. Member will give me particulars, or give the Financial Secretary particulars, of cases in which he believes an excessive rent has been paid, we will certainly go into it.

MR. NATHOO: I would like to mention for the information of the Committee that about two and a half years ago the pressure on the Rent Control Board was so great that all the cases for assessment of rent did not come up before the Board. An individual wrote in to the Rent Control Board, and one of the officers—in some cases not even the responsible officer—signed a certificate saying, this is the rent of the house. These cases, to my knowledge, have not come up for revision. I say it is time to go into the matter and bring up such cases which have not been decided by the Rent Control Board.

THE ACTING DEPUTY CHIEF SECRETARY: I did try to make it plain that even if the rent had been dealt with by the Rent Control Board in that way, it does not follow that this rent will automatically be accepted by the Accountant General's Committee which deals with the matter. They will satisfy themselves by inquiry that the rent is a reasonable rent for that particular house. That is my understanding of the procedure. We will certainly go into it and provide full information.

MR. NATHOO: I am satisfied, if that will be done.

LT.-COL. GHERSIE: As a matter of interest for information, in what way does that Committee satisfy themselves? Do they, in fact, visit the property and make an assessment?

THE ACTING DEPUTY CHIEF SECRETARY: I cannot answer that, but I will

[The Acting Deputy Chief Secretary] get the information and provide it if the Committee wishes.

The question that item 3 be reduced by £10,000 was put and received on a division by 17 votes to 17 votes (Ayes: Messrs. Blundell, Chemallan, Lt.-Col. Gheris, Messrs. Havelock, Hopkins, Jeremiah, Major Keyser, Messrs. Maconochie-Welwood, Nathoo, Pritam, Dr. Rana, Messrs. Salim, Salter, Straty, Lady Shaw, Mrs. Shaw, Mr. Usher, 17; Noes: Mr. Carpenter, Major Cavendish-Bentley, Messrs. Cooke, Davies, Hartwell, Hope-Jones, Hunter, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trlin, Vasey, Whyatt, 17. Absent: Messrs. Madan, Mathu, Ohanga, Patel, 4. Total: 38.)

MR. HAVELOCK: Mr. Chairman, item 6, Preliminary Investigation of New Works. I beg to move that item 6 be omitted. I will not take up the time of the Committee, but I suggest that the preliminary investigation of new works should be a proper charge to the Development and Reconstruction Authority.

THE DIRECTOR OF PUBLIC WORKS: I must oppose this Motion because the preliminary investigation of new works is something that will remain permanently with the country. You are continually having new works of various sorts and this preliminary investigation will have to be done, probably a year or two years before these works appear in the Estimates as usual. If a new school is wanted, or a new hospital, or any large institutional building, investigations will have to be done by survey—mostly it goes in survey—and maybe there will be the need to have some soil investigation. If, I think, a recurrent item, I know in all the Estimates that I have seen from elsewhere, they always have an item in for preliminary investigations. It is true that there is a similar item in the Development and Reconstruction Authority Estimates, but that is for works which are already in the Development and Reconstruction Authority programme, or for some of them at least, because some of them at least, possibly have been done under this. I think, Sir, it is quite a proper item to have in the recurrent Estimates.

MR. HAVELOCK: Do I understand that these expenses then of preliminary in-

vestigation of new works have not been accepted by the Planning Committee, and therefore are not in the overall programme of the Development and Reconstruction Authority?

THE DIRECTOR OF PUBLIC WORKS: It has not been decided what works are going to be investigated yet. We only know as the year goes on. If some Member has in mind a work that he is going to put in a programme a year, two years or sometimes three years ahead, he cannot put up anything definite until preliminary investigations have been done. It is all part of the preliminary survey and design of a large work before it ever gets into the Estimates, and there is a lot of this sort of work done which never materializes beyond, or even gets as far as, the design stage, because it is found the particular site he had in mind for the work proves unsuitable, and therefore the plan is changed and you go elsewhere.

MAJOR KEYSER: I am afraid I do not understand what the hon. Member means, quite. If the Planning Committee decides that a certain work should be undertaken, it then becomes the duty of the Development and Reconstruction Authority to carry out that work, and the whole of the cost of that work appears in the estimates for that particular work in the Development and Reconstruction Authority Estimates. If it does not, Sir, would the hon. Member give us an example of the sort of work that does not appear in those Development and Reconstruction Authority Estimates. I think this is what I would call an "in case" Vote.

MR. COOKE: I thought, Sir, the object on this side of the Committee was to save expenditure. Well, this is not going to save expenditure—it is just transferring one Vote to another. The suggestion is that it should be done by the Development and Reconstruction Authority. That is no saving of expenditure, it is just deceiving the country that you are saving money. You are spending it from a different Vote, that is all.

LADY SHAW: In this particular case the money is already in the Development and Reconstruction Authority Estimates. All we ask is that it should not be repeated—that this £3,000 should be knocked out altogether. It is not a

[Lady Shaw] question of standing it in front of one case, and hiding it behind one case in another. We have already voted it in the Development and Reconstruction Authority Estimates.

MR. COOKE: The hon. and gracious Lady must see that if she spends money from the Development and Reconstruction Authority Vote there will be less money in the Development and Reconstruction Authority to spend on other things.

MR. KEYSER: The hon. Member for the Coast must also see that if there is a Vote for £3,000 in the Public Works Department which has already been inserted in the Development and Reconstruction Authority Vote, that there is a very great temptation for someone to spend it on a job on which it should never be spent. That is why I maintain we are cutting down the cost.

THE DIRECTOR OF PUBLIC WORKS: I would like to point out to the hon. Member that that will not happen if I have anything to do with it. There will be no misapplication of funds as he suggested. (Applause.)

MAJOR KEYSER: Will the hon. gentleman, Sir, reply to my first question. Would he give us an example of the sort of works that are carried out and surveyed in this way but are not paid for by the Development and Reconstruction Authority.

MR. BLUNDELL: Might I also ask, before the hon. Member answers—we have accepted the Planning Committee Report, and that is up to 1955—at any rate the new works are, in that report. What relation has this Vote got to those new works?

THE DIRECTOR OF PUBLIC WORKS: I am not quite sure what new works he is referring to at the moment. Are there any funds available for them this year, or are they works two or three years hence?

MR. BLUNDELL: It is only this, Sir. In effect there can be, as I see it, no new works, because the new works have been approved by the Committee in the Planning Committee Report up to 1955. The only way that new works can happen before 1955, in my view, is by the deletion of an item in the Planning Com-

mittee Report and its substitution by another, which necessitates its going before the Planning Committee. Is it items of that nature that is supposed to cover? What are these new works? This says, preliminary investigation of new works, but the new works must have been preliminarily investigated or they could not have appeared in the Planning Committee Report. That is all I am asking.

THE DIRECTOR OF PUBLIC WORKS: Surely there must be many new works in the Planning Committee Report, the sites for which have not been planned and surveyed yet?

MAJOR KEYSER: Provision was made for them.

THE DIRECTOR OF PUBLIC WORKS: You make provision long before you do the planning. You do an approximate plan, but before the final design is made for the working drawings you have got to have an absolutely accurate survey.

MR. BLUNDELL: I wish to point out to the hon. Member that if there is an item in the Planning Committee Report, let us say the Kisumu Court House, there is an estimate for that for £30,000 within that estimate which has been voted, but that would be an assessment of the preliminary work on the site, and the accurate correlation between the site and the building and plan, etc. It must have been in the original Estimates, and it is appearing again here.

THE DIRECTOR OF PUBLIC WORKS: I have not quite followed the hon. Member. Is he suggesting, then, that every single item of building works, or other item that goes into the Estimates and into the Planning Committee's Report has actually been designed, and that the estimate is based on that design? Because I think not.

MR. BLUNDELL: If the hon. Member is correct, none of the Estimates which come before the Planning Committee, not of the Estimates of the Development and Reconstruction Authority are worth anything. That is the point. It must be so. Mr. Chairman, when an estimate is made, surely the estimate must be based on something—that must be on the preliminary investigation. If there is anything else over and above that, under this system it should be in the Estimates.

[Mr. Blundell] There is a whole page of Development and Reconstruction Authority Estimates—water supplies and things—with the moneys already voted by this Committee. In those moneys there must be the assessment of the expenditure—that must include the whole of the anticipated money. The hon. Member, with all due respect—I know he has not been in this Council long—will appreciate, as time goes on, we get denser and denser on this side—I do not think he has answered the questions we have put. In effect, what are the new works? The preliminary investigations must be in the estimates of the works which appeared in the Planning Committee Report.

THE ACTING CHIEF SECRETARY: If hon. Members would prefer it, Sir, I do not think that there would be any objection to this sum being transferred to the Development and Reconstruction Authority so long as the funds were made available to the Development and Reconstruction Authority. But the point is this, that before any actual provision is made in the Development and Reconstruction Authority Estimates for an actual work which may have been recommended in the Planning Committee's Report, and therefore before any provision is made in the Estimates for that particular work, there have to be these preliminary investigations to decide where the building is to be built, etc.—investigations in regard to the site and the soil conditions as affecting the foundations on alternative sites and a host of other matters. That all has to happen before you get the item included in the estimate. That is why there must be separate funds to which such expenditure can be charged before the works are approved by this Council for execution.

MR. BLUNDELL: Would the hon. Member explain to me, is this item bodies, materials, vehicles, or what? If it is bodies, why does it not appear in the Development and Reconstruction Authority Estimates under that long column, General Administrative Staff? If an architect is needed, if it is a building, an architect has got to fit the building to the site.

What is this money to be spent on, bodies, material, vehicles, or what? No one will explain to us.

THE DIRECTOR OF PUBLIC WORKS: It will mainly be bodies. There may possibly be some vehicle charges coming into the matter, but it is mainly bodies. There will be certain materials—it is nearly all surveying.

MR. BLUNDELL: If it is bodies, may I ask the hon. Member, if those are the bodies who already exist and in the posts? If so, this is an extra charge. If it is *ad lib.* bodies one can fetch up, I think it is an extraordinary arrangement.

THE ACTING CHIEF SECRETARY: It is largely on bodies, on casual labour, for which provision is not made under personal emolument items.

MAJOR KEYSER: Do the labour do the surveys, Sir? I would be very glad if the surveys are done by labour.

THE ACTING CHIEF SECRETARY: You have to employ casual labour for instance for excavations necessary to establish soil conditions as these affect the foundations you require to have.

MAJOR KEYSER: I thought that was done by the Materials Branch; that was what they existed for.

MR. HAVELOCK: There is an item in the Development and Reconstruction Authority Estimates, Sir, in Appendix A, which we have already voted for, for Preliminary Investigation of New Works, £2,000. That is what the labour, etc., should be paid from. You have got also at the same time, engineers, draughtsmen and all the rest of these people already voted on page 12, 15—2, of those Estimates, for all the preliminary investigation work for any Development and Reconstruction Authority projects, and all these projects are Development and Reconstruction Authority projects falling into the Development Plan.

This, Sir, I submit, is a double charge. It is already passed in the Development and Reconstruction Authority Estimates.

THE DIRECTOR OF PUBLIC WORKS: There is probably insufficient in the Development and Reconstruction Authority Estimates—(cries of *Ah!*)—and it is a recurrent matter, because, after all, the Development and Reconstruction Authority will disappear sooner or later, and so it seems quite reasonable to put half of it in the revenue Estimates. But, as my hon.

[The Director of Public Works] [The Director of Public Works] friend, the Acting Chief Secretary has said, there would be no objection to transferring it to the Development and Reconstruction Authority Head.

MR. COOKE: There is no saving of money.

THE DIRECTOR OF PUBLIC WORKS: But the £2,000 is insufficient.

On the other point, of labour, there is a very considerable amount of unutilised labour required for surveying work. There is bush clearing, there is cutting lines through bits of forests, all sorts of sort of thing. It does take up quite a lot of labour. It is not merely just the man using the instrument.

Mrs. SHAW: Mr. Chairman,—

THE CHAIRMAN: When the Member is on the floor, unless you want him to give way, you do not rise.

Mrs. SHAW: I would merely like to draw the hon. Member's attention to page 32, Appendix A. There you have Senior Quantity Surveyor, Quantity Surveyors, Junior Assistant Quantity Surveyors, Computers, Surveyor's Clerks, Assistant Superintending Engineer, Engineers, old scale, new scale, Work, Superintendents, Senior Inspectors of Works, Foremen, Joinery Shop Foremen, Inspectors of Brickfields, etc., etc., and it seems to me that there is a whole army of people ready to do these buildings.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Surely hon. Members opposite are aware of the fact that before you can put up a big building—take, for example, the proposed buildings we are thinking of for storing grain; take certain projects for water supply—I can think of a whole number of cases—before you even come forward with a project for the money for a building you have got to find out whether it would in fact be practicable to put a building of that nature in the place you think would be the most suitable, and a whole host of other technical considerations have to be looked into. Those are called preliminary surveys, and those sometimes are very costly. Nevertheless, they have to take place, and I am sure that no hon. Members in this Council will suggest that those are unnecessary. Again, I say that whether

the provision is too great is another matter, but hon. Members have been arguing that this is a ridiculous thing to provide for, but it is not.

MR. USHER: Sir, we have repeatedly asked from this side of the Committee, in respect of what buildings are these charges? Are they Development and Reconstruction Authority buildings, or are they something that nobody has yet conceived? If they are Development and Reconstruction Authority buildings, our contention is that they have not been provided for. If they have not yet been conceived, the charge should be omitted.

MAJOR KEYSER: I quite agree with the hon. Member for Agriculture that preliminary surveys must be made before such buildings as the grain stores are put up. But yesterday, Sir, when the hon. Director of Public Works was justifying the existence of the Materials Branch, he told us that that was one of the duties that they were carrying out. We have already voted that money. Now we are asked to vote the same thing for more grain stores.

The question that item 6 be omitted was put and carried by 18 votes to 17 votes. (Ayes: Messrs Blundell, Chelani, Lt.-Col. Gharib, Messrs. Havelock, Hoonkins, Jeremiah, Major Keyser, Messrs. Maconochie-Welwood, Mathu, Nathoo, Priyam, Dr. Rana, Messrs. Salim, Salfar, Shatry, Lady Shaw, Mrs. Shaw, Mr. Usher, 18. Noes: Mr. Carpenter, Major Cavendish-Bentinck, Messrs. Cooke, Davies, Hartwell, Hope-Jones, Hunter, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt. 17. Absent: Messrs. Madan, Ohang, Patel, 3. Total: 38.)

MR. MATHRU: Mr. Chairman, I want to raise a point on item 12.

MR. HAVELOCK: Item 9, Sir.

Mr. Chairman, I would like an assurance from hon. Members opposite that item 9 is reimbursed by the Military. If against it in the Notes column; that means a new item. I understand; but there is no suggestion about reimbursement.

THE ACTING CHIEF SECRETARY: Mr. Chairman, this is an obligation in respect of Kenya buildings. This money is not required as a contribution to the build-

[The Acting Chief Secretary]

ings, which are a joint responsibility of His Majesty's Government and this and the other Governments in the Command Area. These funds, for instance, will be used for the King's African Rifles' barracks at Nanyuki, which is solely the responsibility of this Government and is not a joint responsibility with anybody else.

MR. MATHU: Sir, sub-item 12.

Sir, sub-item 12, in the memorandum, it says that: "Items 7 and 8 of Head 2—5 have been combined and the Northern Province Water Supply and the Dike Scheme Northern Province Water Supply have been shown under this item instead of under Head 2—4."

Now, Sir, what I want to know, if this £6,900 is to finance the Northern Province Water Supply and the Dike Scheme Northern Province Water Supply, why does it not specifically say so, because the item says: "Maintenance of Minor Water Supplies in Native Reserves". Now, there is no other explanation to that to indicate whether there are any other areas on which this money is spent, other than the Dike Scheme and the Northern Province Water Supply Scheme.

THE CHAIRMAN: In order to make this in order, I will move that items 10—16 be approved.

MR. MATHU: Can I move a Motion, Sir, on 12?

THE CHAIRMAN: You can move whatever you wish to reduce.

MR. MATHU: I move that item 12 be reduced by £100 for the reasons that I have already indicated.

THE CHAIRMAN: I understand what was moved was not items 1—9, but items 1—9 and 16, that the other items were not moved, so that we will not be able to deal with those between numbers 10—15 at all at the moment. You will have to restrain yourself until they come up again.

The question that item 16 be approved was put and carried.

THE CHAIRMAN: I must say, this method of moving these items, and having no regular Order Paper, has been most confusing. I mentioned it this morning and I must mention it again. I

find it very difficult. The hon. Member who moved was rather indistinct about item 16, and all I could catch was items 1—9. Where do you wish to go next?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that items 10—15 be approved.

THE CHAIRMAN: Why the Member for Agriculture is doing Public Works is a bit of a mystery to me, but still—

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, Water comes under that.

MR. MATHU: Mr. Chairman, may I move my Motion now, that item 12 be reduced by £100?

As I indicated in the memorandum, it seems to indicate that the £6,900 will be expended on "water" supplies in the Northern Province, including the Dike Scheme, but the item itself does say that it is for the Maintenance of Minor Water Supplies in Native Reserves. There seems to be some confusion in that, and I am asking for clarification.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I think there may be some confusion. Without looking into it, I am pretty certain that item 12 is what used to appear under item 7 and 8 on previous Estimates, which you will now see in italics there, with no numbers against them. The Dike Water Scheme has been provided for this year, £75,000—I know that figure to be correct—and it can be found on page 21 of the Estimates. Therefore, Sir, I am almost absolutely certain that this item does not include the Dike Scheme. Of course, it does include the maintenance of certain water supplies in the Northern Province, which have existed for a long time and have nothing to do with the Dike Scheme.

MR. MATHU: Why does the Dike Scheme appear in the memorandum explaining that item?

THE CHAIRMAN: Do you wish to withdraw the Motion?

MR. MATHU: I am not quite satisfied. But I think there is no point in pressing it.

I beg leave to withdraw the Motion.

THE CHAIRMAN: If no hon. Member objects, the Motion is withdrawn.

The question that items 10, 11, 12, 13, 14 and 15 be approved, was put and carried.

The question that Head 2—5, Public Works Recurrent, be approved, was put and carried.

THE DIRECTOR OF PUBLIC WORKS: Mr. Chairman, I beg to move that Head 2—6, sub-head A—Buildings, be approved.

The question was put and carried.

THE DIRECTOR OF PUBLIC WORKS: Mr. Chairman, I beg to move that sub-head B—Miscellaneous, be approved.

MR. BLUNDELL: Mr. Chairman, item (3), Sir.

I beg to move a reduction of £20,000.

Now Sir, we had all this argument on the early Vote on Maintenance and Minor Improvements to Buildings, and all minor improvements was lost, but the main line of argument was that that was the money necessary to keep these buildings in being, and I fall to see why a further sum of £20,000 appears here.

THE DIRECTOR OF PUBLIC WORKS: I oppose that Motion, Sir. It has already been pointed out repeatedly that there are tremendous arrears of maintenance to make up, not only arrears during the war, but never, as far as I can see, has Kenya ever devoted sufficient sums of money for maintenance of its buildings, and things are beginning to reach a state when it is becoming essential that something should be done. I believe they have had this item for the last year or two, and one might have argued that one might have been calling up on Maintenance, but in actual fact the yearly allowance has never been enough, and arrears of maintenance are accruing.

MR. BLUNDELL: Mr. Chairman, the hon. Member was justifying the Vote of £175,000. He justified it on the grounds that there were arrears of maintenance. They should come out of that Vote and not out of this Vote. The hon. Member cannot have it both ways, Sir.

THE ACTING CHIEF SECRETARY: What he said, Mr. Chairman, was that the Vote, even now, is well below the two

per cent standard which is accepted in practically every country of the world—that is two per cent of the value of the capital building assets in that country. The figure is still below that, and we are still behind and, as my hon. friend says, probably getting still further behind what is required.

The question that item (3), Arrears of Maintenance, Government Buildings, be omitted, was put and carried by 18 votes to 16 votes. (Ayes: Messrs. Blundell, Chemanlan, Lt.-Col. Gherie, Messrs. Havelock, Hopkins, Jeremiah, Major Keyser, Messrs. Maconochie-Welwood, Mathu, Naihoo, Pitam, Dr. Rana, Messrs. Salim, Saller, Shatry, Lady Shaw, Mrs. Shaw, Mr. Usher, 18. Noes: Mr. Carpenter, Major Cavendish-Bentick, Messrs. Davies, Hartwell, Hope-Jones, Hunter, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trix, Vasey, Whyate, 16. Absent: Messrs. Cooke, Madan, Ohanga, Patel, 4. Total: 38.)

MR. HAVELOCK: Item 4, Sir, I beg to move that item 4 be reduced by £9,000.

It seems quite incredible to me, Sir, that this item should be going on and on.

"Furniture Arrears and Replacements in Government, Houses and Offices." Does this mean—especially the arrears—does this mean arrears of new furniture? Replacements? Can we see there may be justification for, but does it mean arrears of new furniture? If so, what have the officers been doing up to now, sitting on the floor? There may be justification, but I should like to hear it as regards arrears of replacements. I presume Members are sitting on chairs of three legs instead of four, and they want a new one, but I cannot find any explanation. I therefore would like to hear it.

I beg to move.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Committee do report progress and ask leave to sit again.

The question was put and carried. Council resumed.

ADJOURNMENT

Council rose at 12.42 p.m. and adjourned until 10 a.m. on Tuesday, 11th December, 1951.

Tuesday, 11th December, 1951
Council assembled in the Memorial Hall, Nairobi, on Tuesday, 11th December, 1951.

Mr. Speaker took the Chair at 10.05 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 7th December, 1951, were confirmed.

BILLS

FIRST READING

On the Motion of the Attorney General, seconded by the Acting Solicitor General, the following Bills were read a first time:—

The Legislative Council (Temporary Provisions) Bill.

The Ferries (Amendment) Bill.

The Road Authority (Amendment) Bill.

The Municipalities (Amendment No. 2) Bill.

Notice was given that these Bills would be taken through all stages during the present sitting of Council.

MOTIONS

DISSATISFACTION WITH HANDLING OF COST OF LIVING PROBLEM

MR. COOKE: Mr. Speaker, I beg to move that this Council records its grave dissatisfaction with the Government's handling of the cost of living problem.

Sir, speaking in this Council on the 31st October, my hon. friend the Member for Finances said: "We must face facts. It is no use pretending that it is within the Government's power to bring down the cost of living, because it is not"; and then he goes on to say later on: "All those charged with duties in relation to the cost of living soon realize the irresistible nature of the forces with which we are contending".

Now, Sir, that was undoubtedly a statement of policy by my hon. friend, and it does not necessarily mean that those are the views that he holds himself, and the statement, I think, Sir, is the most defeatist and the most shameful and, I think, the most untrue statement I have heard from a Government

official in this Council. My hon. friend thinks these forces are irresistible, but he is in complete disagreement with the Conservative Party at Home, and I will just give a couple of quotations; I quoted the other day what Mr. Churchill said about inflation, and then, later on, he talks about "the compelling need to halt inflation". Then Mr. Harold MacMillan spoke these words the other day. He said: "How I hate those words 'it cannot be done'. If we had said in 1940 'it cannot be done' we should not be sitting here to-day, freely elected members of a free Parliament". And the view held more or less universally in this country was summed up, I think, very fairly in a leading article in *Baraza* the other day. *Baraza* is a paper which might be described as the organ of the educated Africans in this country, and in its leading article *Baraza* said: "It is all very well for Government to tell Legislative Council that these rises are beyond Government control, and that Government has done all that it can to hold prices down; but the public simply does not believe it, particularly as far as farm produce is concerned".

Now, those are the words—the dumb words—"the public simply does not believe". The public is asking for bread and all they are receiving is a stone. The people of Kenya are bitterly resenting the attitude Government has taken up on this and other similar matters. Things are being said by important Government officials and homilies are being preached and injunctions are being issued and, indeed, worst of all, reflections are being cast which are very upsetting to people in this country who are trying to do their work under very difficult circumstances; and they say to Government "physician heal thyself". "First of all produce an efficient Government. Show us a forceful Government. Show us a Government that can govern, and then come along and tell us what our duty is."

Especially they draw attention to the complete—almost complete—failure of Government with regard to keeping down the cost of living. My hon. friend, the Member for Agriculture, I think, made the biggest gaff—if I may call it that—of all, speaking in this Council the other day. No one was more surprised than I, because—I may say so—I have been for 15 years associated with

[Mr. Cooke]
my hon. friend in this Council. I have always found his statements to be balanced and realistic ones. But my hon. friend said that "the cost of ordinary foodstuffs in this country is, as far as he knows, lower than anywhere else in the world". That, Sir, is not a true statement, and when my hon. friend made that statement he must have known that there were cheaper foodstuffs in other parts of the country than there are in Kenya. For instance, I take only maize, which is the food of over 95 per cent of the people of Kenya. Does my hon. friend contend, for instance, that maize is cheaper in Kenya than it is—I only take two examples—in South Africa or in Uganda? Now, my hon. friend, I think, should withdraw those words, because words which come from him are quoted elsewhere and not only have a bad effect—a good deal worse effect—in other parts of the world, but are bitterly resented when read by people in Kenya who are doing their best to overcome the cost of living difficulties.

Now, Sir, there are three matters of which, I think, we might take—if I might use the jargon of the words of the courts—"judicial, notice". They are matters which are really axiomatic and, I think, probably everyone in this Council will agree with these three axioms.

The first—the golden rule that everybody must produce more and consume less. I use "consumption" there, of course, in its widest sense—not only the consumption of food, but the consumption of consumer goods.

Number two—anything we can do will have little effect on imported inflation.

Number three—that the farmers of this country—and by farmers of this country I include the Africans and Asians, as well as the Europeans, should receive a fair and, indeed, a generous price for their produce. With those restrictions—if they may be called restrictions—with those limitations, I am going to show that Government has not done all in its power to reduce the cost of living, and I am going to take first three of the primary products of this country. First of all, maize, then sugar then meat. That is all many others I could take, but our time is short and they will be sufficient to illustrate my point.

Now, it was shown in the *Kenya Weekly News* the other day—and that is a paper devoted to the interests of farmers—that at the prices prevailing for maize in Kenya, the cost of production of maize in Kenya must be three times that of South Africa, and twice that of Southern Rhodesia. If that is true, it shows a deplorable state of affairs: either that there is inefficient farming going on or that Government has not had sufficient patience or industry to inquire into the build up of the price of maize—the price which they have fixed—and it is only now, after many years of squabbling about prices, that they have decided to bring in an expert on such matters. I contend that Government should have taken action on a matter so important not only a year ago, but several years ago.

Maize, I will again emphasize, is the staple food of 95 per cent of the population of this country. Now, Sir, I contend that there are three ways at least of reducing the price of maize to the consumer.

Number one. If the Vasey Report had been implemented and his recommendations of stabilization of prices had been carried out, the price of maize and the price of similar cereals, must necessarily have fallen. Now, Sir, it is confirmation of my point of view that Government has been so slack in this matter, that that important report was not even discussed by Government before they raised the Cost of Living Allowances in this country. That was showing, as I said before, contempt for this Council, and was showing really a cynical attitude towards the welfare of the people of this country. It was not until I, of all people, brought pressure to bear on Government that a half-hearted debate was held in May last. It was very weak on that occasion, because I should have brought in then the Motion I am bringing in to-day. We live and learn, and we know—as I know to-day—that the only way to treat certain gentlemen on the other side is to attack and attack and attack.

Now, the number two way Government could have reduced the price of maize was one advocated by our late leader, Lord Francis Scott, and myself, well over ten years ago. That was by the building—the erection—of silos. Government would probably say, in 1942 or

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1943, Sir Charles Lockhart and a small committee advised against the building of silos. Many years have passed since then. We have had promises, but no performances. We have heard Uganda already has a silo erected, and we have heard the Maize Controller himself say, about two years ago, that the failure to build silos had probably cost this country well over £1,000,000.

Now, if silos for the storing of maize had been erected and maize had been consigned to those silos and turned over every six months or so, one great factor entering into the price of maize would have been unnecessary, that is, the cost to the consumer.

Now, Sir, No. 3, the question of subsidies. That also was a recommendation in the Vasey Report. They recommended that £500,000 should be put aside for subsidizing. I think, mainly, I am going to recommend, Sir, £600,000. That, Sir, would mean that as the consumption of maize meal in this country is roughly 1,200,000 bags, it would pay a subsidy of Sh. 10 a bag. It would reduce the price by Sh. 10 a bag. People will say, where is that money to come from for a subsidy? It is to come, Sir, from exactly where it is coming to-day. It will come from the pockets of the taxpayers. It is all the same to "X", who has a big industrial concern, whether he has to pay £500 to feed his labour—whether he is to pay £500 extra on account of the extra cost of maize—whether he pays it into a Government fund which goes to subsidize maize. It is just the same to another industrial concern. If it has to raise its cost of living on account of the cost of maize. If it can save that money in the cost of living and pay it into a Government fund, it will be in precisely the same position as it is to-day. They will be paying no more and no less. Whatever happens, the money must come from the national income of this country. That is an indisputable and undisputed point. If any hon. gentlemen on the other side of the Council can dispute that I hope he will. Therefore, I say, we should subsidize maize, even if we have to put up the taxes in order to do so, I am going to suggest another way of doing so by which he would not be putting any additional burden on the taxpayers of this country. He has got to pay more in any

case. But, we are going to save a lot of industrial trouble, the constant reduction of wages and this, that and the other thing. We are going to have those intangible points such as those mentioned by my hon. friend, the Member for Law and Order, the other day, that the cost of living, especially the cost of staple food in this country, is one of the things that leads to petty larceny. All these intangibles must be considered in the same light as the tangible ones. It is no use Government saying to me, or anyone else, that subsidies are new to this country. Last year they subsidized maize to the extent of £150,000, but instead of subsidizing the consumer, they subsidized the maize producer. They had what they call "mechanization differential" which is one of the most remarkable ideas, I think, that ever the wit of man invented.

THE FINANCIAL SECRETARY:—Mr. Speaker, I think at this point, I must correct the hon. Member. That subsidy was in respect of the consumer and not the producer, and I made that quite clear in this Council on the occasion when the Member asked me a question about it about six months ago.

MR. COOKE:—I do not accept that it was a subsidy merely to the consumer. In fact, it was a direct subsidy—I am sorry to have to bring this point out now, but the hon. gentleman has forced me to disclose it—it was a direct subsidy made to farmers who did not even have any mechanization on the land. If that was not putting money into a bag which was already full, I do not know what it was. That was the reason that this mechanization differential was taken away. It was so completely unjust. And those farmers themselves were not only making money in that way—and I am not attacking the farmers now—but they were also making it by purchasing maize from squatters and then selling it for a much higher price than they paid for the maize. So, to use a common expression, they were "on the pig's back". Now, Sir, I am going to suggest that that £150,000 should be restored, put on to subsidize maize, and I am also going to suggest—and this is a point I have been making before—that not less than £200,000 is being spent now by industries on Cost of Living Allowances and on higher cost of maize, which could be instead paid in

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form of a tax and which could be paid into a pool. This would make £350,000. I am going to suggest that in a normal year—as we know normal years to-day—that the other £250,000 could possibly be covered. If not, it will have to be covered by taxation, by selling the surplus maize in the Cereal Pool at export parity. Now, it may be said that that is an injustice to the farmers. But already, as my hon. friend, the Member for Trans Nzoia, said the other day, as soon as the maize comes into the Pool it is the property of Government, it is not an advance to the farmers. That surplus maize could, I suggest, be sold at export parity to make an addition to the fund to subsidize maize to the extent of £600,000.

Now, that would be subsidizing the bag of maize as it comes from the producer, and there is then the Sh. 15 or so difference between the bag as it comes from the producer and the bag which is consumed, as 'mealy meal' or maize meal. Now, the Kenya National Farmers' Union, at their meeting the other day, stated that they would be able to produce facts and figures to show that Sh. 45 could be reduced by Sh. 4/50, say Sh. 4. So putting the Sh. 10 and the Sh. 4 together, that would make a possible reduction of Sh. 14 on the present price of a bag of mealy meal, or lowering the price by one-third. Now, it is no use Government officials telling me on the other side of Council that this cannot be done, because it can be done if Government is determined to do it. Of course, if they are frightened of criticism throughout this country, and if Government refuses to govern, well, then, it will not be done. But do not say in this Council, time after time, and say to the civil servants and others that Government has done its best to reduce the cost of living, when they have not done their best, when the gentlemen on the other side of Council have not done their best, Sir, to reduce that cost. That is the point I am making. Sir, that Government state time after time that they are up against "irresistible" forces. My point is that the forces are not irresistible. The only people who are irresistible, apparently, are certain hon. gentlemen on this side of the Council! I hope Government will be

firm enough to take a line on a matter of this sort.

The next point is sugar, Sir. I am not going to keep Council long, because I know a lot of other Members with it to speak. I produced a statement the other day—it is not an affidavit, but it is a signed, sealed and delivered document, as it were—I produced copies for the other side of the Council, in which the Nyanza Sugar Mill stated that if they had had proper encouragement from Government they could have produced double their present output. That is, they could increase the bags of sugar produced per day from 300 to over 600. That would mean an addition of over 10,000 tons of sugar a year for the consumer in this country. Instead of this sugar being here, we have to import sugar, something like 20,000 tons, at a cost of over double the price of sugar produced here, which, of course, as everyone knows, put up the price of sugar on the other day by nearly 50 per cent. Now Government will say that the reason the Nyanza Sugar Mills have not produced the sugar is that they are not good with their labour and that they cannot get labour because the treatment is not what it should be. Now the reply to that is two-fold. The Nyanza Sugar Estate admitted that the treatment of their labour was not what it might have been, but that they have improved it immensely during the last year or two. They also say another defect against labour going out is the high price paid for maize, which, I hold, is too high, and is not justified by the facts and figures which can be put in front of a Committee. Naturally, the Luo and other tribes and I would do the same myself—naturally they stay at home and produce maize at the remarkably good price that maize is getting at the present moment. Now if Government really thought, Sir, that the Nyanza Sugar Estate were not producing the sugar they should and if producing the sugar they should and if they thought, as they must think, that it is of paramount importance to the sugar is of paramount importance to the economy of this country, then any Government that wished to govern would show that it could govern and would have put in charge of those mills an Agricultural Officer and he would have seen that that sugar was produced under proper labour conditions. Or they could have done, as the Uganda Government

[Mr. Cooke] threatened to do. They would have said: "Now sugar is of such fundamental importance to this country that we will take over the whole factory and we will produce the sugar". What my hon. friend the Member for Agriculture is doing, I think, rather unfortunately in respect of meat.

Now, whatever Government's point of view is, they must admit, Sir, that they had it in their hands to see that more sugar was produced, and for one reason or another they did not do so. They cannot turn round and say that that was an irresistible force because it was not. It was a thing that could have been resisted, and nothing was done. Now the maize and cereal farmers, and good luck to them, got this mechanization differential last year; nothing of that sort was done with regard to sugar. These mills have had to go in for very high-priced mechanization; one of the figures here is £150,000 for mechanized plant—I think it is £150,000, I will just check you up on it—£7,500, well that is a large outlay to make. Well they had no differential offered to them, nor had they any guaranteed prices, nor had they this, that and the other thing, which, under controlled economy, other products are receiving. Whatever Government may say that they do not agree with giving a guaranteed price to cane producers, that might be quite true, but they cannot say that they are stopped by any "irresistible" force from doing so. That is the whole aim of my charge. They say that this, that and the other thing is irresistible, when it is not irresistible.

Now, my third product is that of meat. The Meat Commission, I think, has gone all haywire, and I would like to see it. I should like to see the Meat Commission put into cold storage for some time. I would like to see it revert to the old methods of purchasing cattle which was much more economical and especially where African or Somali cattle were concerned, and when traders, Arabs and Somalis, went out into the cattle-owning tribes, purchased cattle, drove them down from wherever they went, and usually delivered them in first-class condition. Now they come down, having been purchased at high prices, some of the Africans they say are compelled

to sell. They are brought down at high speed very often in lorries. I heard of two lorries that arrived in Nairobi, or it may have been Isiolo, a couple of years ago, when practically every sheep and goat had died on the way. That is the kind of loss that occurs. We heard of the loss of £10,000 at Athi River, to which a reply has not yet been received by me.

I think that the setting up of that Commission was premature. I know that my hon. friend, at the time, thought it was a good thing for the economy of the country that it should be set up. I think we should cut our losses in that respect. It is ridiculous, as many people have pointed out, that cattle should be sent on the hoof from Kitale to Nairobi, slaughtered in Nairobi, and sent up to Kitale again. That kind of controlled economy might be a good thing in a small country where distances are not so vast as they are here, and in other countries which I have mentioned, but I do say that it tends, in Kenya, merely to put up the price to the consumer. Therefore I would suggest that we revert to the old system of buying

I think to a certain extent my friend has reverted to it in certain areas—and that the butchers be allowed to handle meat and offal as they did in the past. When the factory is completed we might think again. I think it is quite improper that the Chairman of this factory should himself be a farmer and a meat producer, I think he should be a completely neutral and unbiased person. Not that I cast any aspersions on the hon. gentleman in question—he is a very able man—but I think it is wrong that I or anyone else should be a judge in his own cause. The sooner the Meat Commission is put under a distinguished Chairman who is quite neutral and about whom there can be no shadow of suspicion the better it will be for all concerned.

There are many other suggestions I could make, but they are going to be made by other speakers, my hon. friend the Member for Mombasa and my hon. friend Dr. Rana, in subsequent Motions, but there are two matters I wish to bring to the attention of this Council where I think action could be taken. One is the question of controls. I think the punishment of the black-market people is quite

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I think that if anyone is found guilty of a second offence, a black-market offence, the Magistrate or the Judge should have the power to deprive him of his licence. "Desperate diseases require desperate remedies." We must take strong action in a matter like this. A man who defrauds his own fellow-men by black-marketing is in my opinion, and I am sure in the opinion of a lot of other people, just as bad as a man who enters a house and commits burglary at night. The only thing is the gentleman who commits burglary is more plucky than the man who does wrong in an underhand way. I was going to suggest some more stringent remedies, but I think it would be better if I did not mention them.

The third and final point is one of rent control. As we all know, there is a great deal of money which passes to-day between the owner and the man who rents the house, and I am going to suggest that in any transaction concerning the passing of business premises, or especially a living house, should be done through a third person. A member of the Rent Control Board should be prepared to vet every transaction that takes place and that would do away to a great extent with the payment of key money. I believe it has been tried in India, and I believe it is proving a success there. I will repeat that any transaction with regard to the renting of a house should be done through a third person who should be a member of the Rent Control Board.

I have nothing further to say except to express my hope that the Government will realize the seriousness of this problem, and will realize that nothing can be more disturbing to the commerce of this country than the continued readjustment of wages, and that if we can avoid those readjustments even to a small degree, we shall be doing good to this country. It is no use saying: "Can't be done." I believe with Mr. Harold MacMillan that the repetition of "it can't be done" is defeatism. Let us try to achieve the impossible, as the old French statesman, whom I quoted here some days ago, said: "If it is difficult, it is already done and if it is impossible, it will be done."

Sir, I beg to move. (Applause.)

DR. RANA: Mr. Speaker, I rise to second the Motion moved by the hon. Member for the Coast, and I reserve my right to speak later on.

MR. USHER: Mr. Speaker, I wish to support this Motion, and although I shall not perhaps entirely agree with all that has been proposed by my hon. friend the Member for the Coast, I am in substantial agreement with his main thesis.

I think perhaps it might be as well, Sir, to get things into proportion from the beginning and for that reason I would refer hon. Members to the table prepared in a pamphlet issued by the Statistical Department called "Methods of Compiling Indices affecting Cost of Living Allowances of Europeans, and Asians in Kenya Colony and Protectorate". On page six of this there is a table which admittedly refers only to Europeans or, I should say, particularly to Europeans, and which endeavours after an examination of my eye weights to be given to the various components of expenditure by a family consisting of a man, and wife, and a child living in Nairobi. Now there is one very interesting thing about this table and that is that it does not contain a component of house rent. Sir, if I might refer to one or two of the more important items, the weight given out of a 100 to food, drink and tobacco is 43, and the weight given to transport is 11. Now, Sir, I think it is fairly well known to hon. Members that the rent component in Nairobi and in other towns reaches a very high proportion, and I have there-fore taken a figure of 29 per cent as being a factor which might be applied to this table. Now let us see what effect it has upon that table. It has this result, that food will become 23.5 per cent of the whole, and smokes and drinks 7.5 per cent, transport 7.8 per cent and house rent, as I have said, 29 per cent, which means that food, smokes and drinks are 31 per cent and transport and house rent are 37 per cent of the whole. Now, Sir, is an important point which I shall, Sir, is an important point which I wish to make because I feel that from time to time there has been undue insistence upon the effect of food prices. This must also be remembered, Sir, that these food prices do contain at least some considerable component of foodstuffs which are imported and have nothing to with

[Mr. Usher] the argument about local production. Later on I shall be moving a Motion in regard to housing, so I do not wish to say any more at all about that at present.

Let us, Sir, turn now to the actual increases in locally produced foodstuffs, in this Colony. I have taken the figures of the last two years, that is to say from the beginning of 1949 until to-day, excluding the dire news we have read in our newspapers to-day of the increase in the price of wheat in the bag. Those increases are butter, 40 per cent, wheat flour, 21 per cent, beef, according to quality from 9—34 per cent, mutton, if obtainable, 25—29 per cent—it is very strange about that—soap, that is the blue mottled variety, 60 per cent, yellow soap, 70 per cent, sugar, alas, 141 per cent, "Green Label" tea, 110 per cent, bread, 19 per cent, and *posho*, 64 per cent.

Now, Sir, I want to say a word or two about meat, and very much to support what my hon. friend the Mover has said about that. If you look at the Report, the Interim Report, that is to say, to the activities of the Meat Commission to the end of December last year, you will see there is a net profit of over 40 per cent. That is to say it is 13 per cent on the total paid to producers, or 11 per cent of the total paid by the consumers. Now the producer gets a price that is paid on a reasonable profit to the higher cost producer, therefore the medium and low cost producers must, I think, be doing very well, in fact too well. Now, Sir, there is another feature of this report which has caused a good deal of indignation to the consumer in the town.

That is that the producer received £15,000 as a bonus. If you regard it as a figure that is not too large, it is about £20,000. That is to say 6—7 per cent extra profit. There is another thing about this report which I think we will want in due course to know more about, and that is the general administration expenses. They are £11,000 for the short period of six or seven months, and that seems to many people to be a very high figure indeed, and it is a very general impression that this £15,000 should have been distributed to one of the prime objects of the Meat Commission, which was to give better service to the individual. I, Sir, come from Mombasa

and all I can say about the meat there is that the Commission has succeeded in reducing the cost of living to us because we do not get the meat. (Laughter.)

I wish, Sir, also in general to support what my hon. friend had to say in regard to subsidies. I do not wish to go into the matter in any particularity, but I do hope the Government may consider when next it decides that Cost of Living Allowances ought to be made, or that a minimum wage ought to be raised, I hope the Government in such circumstances will work out what that figure is and apply it to subsidization, I think personally, firstly to maize, and secondly, possibly to dairy produce, because milk at least is a produce which is consumed by all races.

Finally, Sir, I do wish to point out to hon. Members opposite that a great deal of the indignation which has been caused among consumers has been due to the manner in which these rises in the cost of local products have been made and promulgated. (Hear, hear.) They have been frequent and they have not been, I think, sufficiently explained. Now, Sir, I know, from confirmation which the people to whom I am referring have given, that they would be very glad to endure these extra costs if the matter were explained to them and if they realized that it was necessary to help agriculture in this country. I think they know it is. I think they would be very glad to take their share of the burden in establishing agricultural industries here. But I think they would also be glad that that fact should be acknowledged.

Sir, I beg to support.

MR. PRITHAM: Mr. Speaker, I rise to support the Motion.

Sir, it is quite true that we are very lucky, as far as most of the foodstuffs are concerned, that are grown locally. But there is something really wrong somewhere. Why do they cost us so much? I am referring particularly to Asians' cost of living. I would cite the instance of, Sir, ghee. Ghee is controlled and mostly Kenya-produced. But what is the position? Officially it is more or less unobtainable. Yet, I know of no Indian who has not got at his house something like 20 lb. Where does it come

[Mr. Pritham] from? No one seems to know. We have got a Produce Control to which, of course, it is understood all the ghee should be delivered. Why does not the producer deliver it to the Control and why does he prefer to sell it to the black market is a matter which we have discussed for so many years, but so far nothing has been done. As this specific subject is coming up on rice and ghee, I would not like to take more time of the Committee. Sir, I myself am a vegetarian so I cannot speak about meat, it does not affect me. So I will restrict myself to pulses. Most of the pulses are grown locally but what is the position? As far as we know, Government are the worst traders. You take the position of any Government in the world, they have not succeeded at least in the trading. The pulses, after they have been bought by the traders are delivered to the Produce Control. They are kept at certain places—God alone knows why they are not freely sold to traders. What is the result? You must have read an advertisement in the paper that there is something like 100 tons of black gram, at a certain place, whereas black gram locally are unobtainable. If these pulses were offered to trade from time to time, we would be spared the necessity of going to the black market or at least they would not be sold at black-market price. What is happening to-day? Publicity is given and they are already offered for tender, and then they are generally shipped out of the country. Rather than seeing that anything that is exported from the country, should only be done after the needs of the country are fully met, but since the Indians or Asians are the only consumers of these pulses, no one seems to be concerned with that sort of thing.

I come to sugar, Sir. This is really a very vexed question. I have spoken on the subject more than once. I must say, Sir, it is the most neglected industry. Although some of the prices have been found to benefit the cereal growers—there is the guaranteed minimum return; there is the mechanization allowance, and there are some other things—what is given to the poor sugar cane grower? Promises, blessings, and nothing else. What is the price to-day, Sir? It is so low that it does not pay. It is better to get

out of sugar cane growing to cut out losses; but somehow nothing is being done.

Now, Sir, although the sugar price has risen, as we have just been told by the hon. Member for Mombasa, by something like 101 per cent, on the one hand the sugar industry has to pay £120,000, out of which £50,000 is excise and £70,000 is consumption tax, and only £34,000 is being returned as a subsidy. Surely, Sir, part of this revenue in the form of consumption tax and excise could be paid to the sugar cane grower who is very badly hit. He was induced to enlarge his plantation. He has done it. He is now applying mechanization, all sorts of machines, tractors, and yet he does not get any allowance as the maize growers do. So if something had been done in that way I am sure, Sir, we should have been spared the necessity of importing that 20,000 tons at a very high cost. (Hear, hear.)

We have just been told, Sir, that housing and rents is a very big item in the cost of living. I could say about the Asian community, although there is a rent control and all sorts of other controls, yet the position has not very much ameliorated. Key money is still enforced. I know of Asians who earn Sh. 350 per month and they have to pay Sh. 150 for one room. Sir, it is a very shameful state of affairs. Key money is there, and at the same time rent control is there. What the Control is doing is really a mystery to me!

With these few remarks, Sir, I support the Motion.

MR. SHARVY: Mr. Speaker, in supporting this Motion I will try to define the item which the hon. Member for Western Area says that he is a vegetarian and therefore did not tackle—I would strongly move on this question of meat. When we were discussing the Bill under the Meat Commission we were given a strong promise that meat would be available at very cheap prices. Now, Sir, those poor Somalis and African traders who are spending all their lives going out to the Northern Frontier districts and other places bringing cattle to the Government—these very hard days—I predicted several times that those poor traders should not at all be deprived of their livelihood. The case

[Mr. Shatry] which I put is—that consumers will be the sufferers and that is what we are feeling to-day. I do not think, Sir, that the present system which is being carried by the Meat Commission will ever bring the prices down. We have several officers and inspectors who will have to be paid very high scales of salaries, and I do not think, Sir, that they will be able to do the very hard job that was being done by those poor traders. Now, Sir, without changing the whole system, we will always feel the hardship. We will always be without meat—for several days a week, as we have been these days at Mombasa. I must strongly ask the Government to reconsider the case and as my hon. friend the Member for the Coast said, that the Meat Commission should be put into the cold storage—I think that is a very strong case.

With these few words, Sir, I beg to support the Motion.

THE SPEAKER: Mr. Patel, it is just two minutes off 11 o'clock and I think it would be better now to suspend business of the Council.

Council adjourned at 10.55 a.m. and resumed at 11.20 a.m.

MR. PATEL: Mr. Speaker, I would like to congratulate the hon. Member for the Coast for the forceful manner in which he has presented his arguments in favour of the Motion he has proposed. In my opinion, the country owes a debt of gratitude to him for bringing these matters to the notice of the people generally, even though one may not agree with all the arguments he has advanced.

Sir, I fully appreciate that world forces beyond our control have played a very great part in the rise of the cost of living in this country. However, one cannot ignore the very reasonable arguments put forward by the hon. Member for the Coast in regard to matters wherein the Government of this country could have certainly played a part in controlling the prices of certain things, where we have control over them. One could certainly put forward a reasonable case in favour of effectively controlling the rents and prices of foodstuffs. The rents, transport and prices of foodstuffs play a most important part in regard to the cost of living of the

overwhelming majority of the population of this country. They have very little margin left once they pay their cost for housing, transport and foodstuffs. As the question of housing and transport will be discussed by a separate Motion which will be moved by the hon. Member for Mombasa, I do not think one would be justified in taking the time of the Council in reiterating the arguments which will be advanced then. In regard to the foodstuffs, in my opinion, the hon. Member for the Coast has put forward a very strong case. But I would like to give additional instance in regard to the production of sugar which the hon. Member for the Coast has referred to.

As a Member for Eastern Area, in February, 1948, I had a conference along with the Director of the Ramisi Sugar Factory, with the Financial Secretary and an official of the Public Works Department, for having a proper bridge over the Ramisi River, which divides the sugar plantation and without a proper bridge it is very difficult to maintain the production at a level at which that factory can do. Instead of putting forward my own arguments as to how the Government has completely neglected this very vital matter in regard to the production of the very vital commodity, I would like to read extracts from a letter written by the Kenya Sugar Ltd. on the 16th of November, 1951. It is addressed to the Director of Public Works, a copy of which has been given to the hon. Member for Agriculture and Natural Resources:—

"We beg to revert to the above subject (which was the Ramisi River Bridge) that it was since the 17th February, 1948, when our Managing Director had an interview along with honourable Mr. A. B. Patel, with the honourable the Financial Secretary and Mr. Fleming of your Department regarding the arrangements of building a new high-level bridge, when it was undertaken by the Government to build this bridge, we agree to make a contribution of £1,250 towards this cost, (this was confirmed by you in your letter, ref. R-549, R/CO/3 of 2nd March, 1948)."

Now, Sir, at that interview I persuaded the owner of the Ramisi Sugar Factory

[Mr. Patel] to pay Sh. 25,000 towards the cost of a bridge, in respect of which the Government estimated the cost at about £3,000.

"We again reminded this subject in our letter of 29th August, 1949, say about one and a half years later after above confirmation, to which your reply of 14th October, 1949, was received stating priority for commencement of the bridge was unlikely until towards end of 1950.

Again, on 26th January, 1950, we had fully explained our hardships and critical position occurring almost in every rainy season, when the temporary structure of the bridge existing being washed away, and thus cutting off and interrupting our railway link between the two parts of estate planted with sugar cane, and also the cutting off the total supply of fuel needed constantly to feed our boiler. Again we earnestly requested to have a prior consideration over the commencement of this high-level bridge.

To this, your reply was received on 11th February, 1950, stating that this new bridge will be given as high a priority as possible.

We again requested on 14th March, 1950, to take up the matter as early as possible as it was pending since a very long time and explained how the delay will cause the loss in sugar production and we received your kind reply on 24th March, 1950, stating that the necessary site survey of the bridge will be possible to be undertaken within six weeks time."

That was in March, 1950, two years after the owner of the factory agreed to contribute Sh. 25,000 towards the cost of £3,000, that the survey was to be undertaken, within six weeks after March, 1950, in regard to the production of a very vital commodity.

"Also we cleared to your kind inquiry that it will be necessary for us to obtain a right for our railway line to be laid down over the new bridge and the necessary width of this new bridge should be constructed so as to allow to pass a vehicular traffic keeping our two feet wide rail in the middle of the bridge."

Then the letter further states:—

"On 1st June, 1950, we requested again for early attention over this subject and also explained the importance of the same: to prevent a further loss in the production of sugar, to which your kind reply was received on 9th June, 1950, stating the question of providing funds for this construction is still under consideration."

Two years and a half after the arrangement, the question of providing the funds of less than £3,000 by the Government was under consideration, towards which the owners of the factory were willing to contribute Sh. 25,000 and the country has lost a great deal of money in importing a larger quantity of sugar than it would have been necessary. Further, on the subject, it is stated:—

"Now, again, this temporary bridge on Ramisi has been flooded due to recent rains on 6th November, 1951, and we phoned the now to the Divisional Engineer, Coast, at Mombasa, and necessary arrangements are under operation to repair this temporary bridge. This will give us a gap of sugar cane and fuel supply at least for a week's time. Thus it will be obvious that every year in long rain season and also in the effect of even small rain, the temporary bridge at Ramisi collapses and the repairs are to be undertaken by Public Works Department, Mombasa."

Further in the same letter, it is stated:—

"We would respectfully submit that along with other emergency works in Kenya, this also can be considered a prior and essential work as a frequent loss in production of sugar will be put to stoppage if the early construction of the bridge is handed by your department as you will also agree that the sugar is nowadays, a very vital commodity in Kenya."

It is not necessary for me to state anything further, in order to demonstrate that even for this very vital commodity four years, namely, 1948, 1949, 1950 and 1951 have passed after representations were made, that without this bridge the sugar production will suffer, and what a small quantity it may be and is ever comes necessary to import a larger quantity than necessary at very high

[Mr. Patel] Pate]. For four years, no action has been taken to build this bridge for helping a very very important industry. Now, Sir, that in itself shows how the Government has been negligent in many such matters. (Hear, hear.)

THE FINANCIAL SECRETARY: Mr. Speaker, I rise to oppose the Motion.

Sir, certain hon. Members on the other side have congratulated the Mover on his speech. Quite frankly, Sir, I was seriously disappointed. I thought that when the hon. Member got to his feet with such a flourish that we were going to hear something new and be told how to tackle this extremely pressing problem of the cost of living. I thought at long last we had the originator of a secret weapon which Government has overlooked but which was now to be placed in our hands. But, unfortunately, Sir, I was mistaken. The same old clichés, the same petulant grumbings, the same exhortations to do what he himself calls the "impossible". He spoke, Sir, as if Kenya were the only country suffering from this malaise, this unfortunate rise in the cost of living which presses so heavily upon everybody in this country. But, Sir, I must remind him that although the cost of living has risen markedly in this country over the last few years, it has risen very much higher in many countries in the world including the United Kingdom. I am not going to suggest, Sir, that it has risen less here than in any other country in the world, but I would remind him that it has risen everywhere and this country is among those where it has risen least. I want to make that absolutely clear. (Hear, hear.)

Now, Sir, let us take the case of the United Kingdom—a country with tremendous power of control over its economy. It has a most highly developed sophisticated financial economy, with all the potential control that that involves. It has the power of control through financial restrictions. It has control through budgetary measures.

Let us take financial restrictions. As hon. Members opposite well know: there is the device of restricting credit by increasing the Bank Rate. That method has just been employed by the new Chancellor of the Exchequer. There is

added to that the method whereby the ratio of liquid assets of the banks—compared with liabilities, is increased. Now that method, of course, makes less liquid money available to the banks, and therefore restricts their capacity to give credit. Now, superimposed upon all that, the Chancellor of the Exchequer of the United Kingdom has the power, through his Budget, to take other and complementary measures such as from the drawing off of money and the creation of a disinflationary surplus.

Now, none of these weapons is available in this country. The first two methods require the existence of a central or reserve bank. No such institution exists here. Our financial and banking system has yet to evolve to that position. It is true that the local banks normally follow what happens in the United Kingdom, but what happens in the United Kingdom may not necessarily be suitable for the problems facing us in Kenya. Moreover, as I have said, the method of budgetary control is not wholly within the hands of this country. We have, in considering our fiscal measures, to consider perforce also the other and adjacent territories. As hon. Members opposite are well aware, here again our problems may not be quite the problems that face those territories. We are by no means free agents in the shaping of our fiscal and therefore budgetary policy. Therefore, Sir, it must be clearly appreciated that in this simple economy, unlike the sophisticated economy of Western Europe, there are not the control powers available. And I will say this, Sir, that even if there were, I am not sure that they would be very much use to us in the type of cost of living problem that we face.

We, in Kenya, Sir, are facing what is literally imported inflation. Our inflation is not the classic case of too much money chasing too few goods and services. It is due entirely to external inflation—the world-wide inflationary pressure of money upon limited quantities of basic raw materials—strategic raw materials—which have consequently attracted quite unprecedented prices in the conditions obtaining in the world to-day. Those prices are now reflected in the cost of everything that we import into this country.

[The Financial Secretary]

The hon. Mr. Pritam, Sir, said there must be something wrong in Kenya because we produce all our food, and yet the prices have risen. Now, Sir, how does the hon. Member suppose that that food is produced? Does it fall like manna from heaven, or does it fall like manna from the soil? No, Sir, those crops are produced by labour, by machinery and by the expenditure of large quantities of commodities—fertilisers, and so forth. Now, when it is clear that every one of the articles used in the production of those crops has risen in price, because of the rise in landed cost, is it to be supposed that the cost of production of those crops will not rise? In other words, Sir, the economy of this country still depends heavily upon the cost of imported goods, and those costs enter into every aspect of the economy of this country, including the production of the food crops which are consumed here.

It follows therefore that, as far as food is concerned, the only way we could keep down the price of foodstuffs—in spite of cost of production rising—is the only way to keep down the cost of foodstuffs is to say to the farmer: "We do not care at all that your cost of production has gone up. We are going to give you the same price". In other words, we give the farmer a wholly unfair price, and make him subsidize, at his own expense, the consumer.

Now, even the hon. the Mover, I noticed, was not prepared to support that proposal. His suggestion was that Government should shoulder that burden and itself subsidize at the expense of the taxpayer the cost of certain foodstuffs. Sir, I must make it clear that I have never been opposed to the application of a reasonable subsidy in what might be called a strategic point in the economy.

Now, *posho* is an obvious example, but there are certain conditions which must exist if such application is to be sound economic. The first and most important question is: are we approaching subsidy in prices? If we are not, then the application of a subsidy—the reason for which I assume is to keep down the price to a certain fixed level—with prices still rising, represents an unlimited com-

mitment. And how far can we go with a rising commitment of that kind without fixing our financial system at breaking point—and suddenly having to drop the whole of that subsidy on to the consumer? I do not know. That, Sir, is the classic objection arising from classic experience.

Now, Sir, we also heard from the hon. Member that if we subsidize the price of *posho*, there would of course be no question of the employer having to pass on the increased wages, which follow from the increased prices of *posho* to the consumer of the manufactured goods. Now, Sir, how does the hon. Member think that we are going to secure the money necessary to pay the subsidy? Here again we do not get it like manna from heaven; neither does it spring from the soil. Sir, the only way the Government secures finance in this way is by taxation.

MR. COOKE: Hear, hear.

THE FINANCIAL SECRETARY: Now, Sir, it is supposed if we secure the means for a subsidy by taxation, that the employer concerned is not going to pass that taxation on to the consumer?

MR. COOKE: Not under Price Control.

THE FINANCIAL SECRETARY: I do not see any difference at all, he is bound to pass it on to the consumer. We would simply take it out of one pocket and put it into the other.

I think the hon. gentlemen then went on to say that we can supplement any amount found by way of taxation from the export profits for maize. He would, in fact, constitute a fund which would be partly composed of revenue from taxation and partly from export profits, and from that the subsidy would be paid. Now, Sir, that is a very simple suggestion, but the idea presupposes that every year your subsidy is going to be nourished by export profits. What happens, I ask, when we find ourselves unable to export, where are the profits able to come from then? To go to the point, how do we intend to attempt to utilize the economy of this country by a subsidy to be nourished as we must an uncertain source of finance as that seems to me to be the height of economic folly to say the least of it.

MR. HAVELOCK: Export taxes!

[Mr. Mathu]

been said, and the previous speakers have made all the necessary points, but there is one point I want to make and it is this, that when the second reading of the Meat Commission Bill was before the Council, we were assured by the Government Members that the meat, particularly to the poor, not only that it was going to be cheaper by 10 cents or 20 cents a pound, but the meat would be delivered to where these people live. Well, Sir, the price of meat, at the time of the discussion of the Meat Commission Bill, in the Kiambu District, just to give an example, was between 20 cents and 30 cents a pound, good meat, good chunks. Now, at this moment, it ranges between 70 cents and 90 cents a pound—if you can get it, because as you know, Sir, the Meat Commission has a monopoly of buying all over the country, and unless you are an agent, you cannot buy. And you find that the African stock traders—some of them do not know that there is a Meat Commission and it happens, when they go across the Masai border, to give an example, because they are not agents of the Commission, they cannot buy. They are told to get a permit, then their permit is referred to the Meat Commission and by the time you have a piece of paper to go and buy in an auction, it has taken weeks, and even then you cannot buy all the animals you require. You have to be restricted to a particular number, ten head, even if you can buy 100 head, and therefore the shortage is being created. It has been created, and my suggestion is, I did say in the second-reading of the Bill, that there should be free movement, free trade in livestock. There should be no control. Therefore I agree that the Meat Commission, if not to be abolished, should be put in liquidation for some time. I cannot see the sense of suggesting that they are going to freeze the meat, put it in the train again to be consumed in Kisumu, but it in again to be consumed in Nanyuki and Wajir and all the rest of it. What is the sense of it? I suggest that a review of the whole thing should be gone into and find out whether we could not amend certain provisions in the Meat Commission Ordinance, and if not abolish it I do not think, so far, it has proved a success, and it has added tremendously to the cost of living of the community.

Sir, I beg to support.

LT-COL. GHERSIE: Mr. Speaker, the hon. Member for Finance appeared rather disappointed that the hon. Mover had not produced a rabbit out of the hat. The hon. Mover was, in fact, emphasizing certain arguments which he had put forward in previous debates, and I submit, the hon. Member for Finance was also reiterating his own arguments against the proposals.

THE FINANCIAL SECRETARY: I was not intrinsically disappointed. I knew he could not produce a rabbit out of the hat. I was disappointed that after such a tremendous flourish, he produced nothing, not even the hat! (Laughter.)

LT-COL. GHERSIE: Sir, we are continually informed that a major factor, in the continual rise in the cost of living, is the rise in the cost of imported articles. I wonder, Sir, if that is really correct as far as the average individual is concerned. Let us examine the items which go to make up the necessities in life, and I suggest, Sir, they are food, housing, transport and clothing. I think clothing might be put into the category of imported articles.

THE FINANCIAL SECRETARY: Not transport?

LT-COL. GHERSIE: There again, how many suits of clothes does one purchase during a year and in comparison to what extent do clothes really play their part in the annual budget of the individual? Now, Sir, I submit that the items which play the major part are locally produced food, locally manufactured articles, local expenditure such as transport and housing. I am going to raise a rather contentious point, here, Sir. What is the major factor in those particular items, is particular the growing of local food? Is the cost of labour. The cost of labour is continually rising, one of the reasons being the continual rise in the cost of living. What is one of the major factors in the rise in the cost of living, the increase in the cost of labour? So you have your vicious circle. I do not subscribe to the general principle of subsidies, but I do believe, in this instance, there was a very good case for subsidization of maize.

When one realizes that maize or posho is the basic food of the majority, or greater section, of the community, any

[Lt-Col. Gherisie]

rise in the price of posho passed on direct to the consumer, affects every employer of labour, no matter whether it is the housewife, the local industries or the producer of other products, and in the latter case, Sir, any rise in the cost there immediately affects other commodities produced by those particular farmers, such as the pig farmer, the poultry farmer and the cattle farmer.

Any increase in the cost of labour also affects garage charges, rail freights, cost of repairing implements, and before very long, the maize farmer, having received an increase for the price of maize, suddenly finds the increase has been absorbed in additional costs, and quite rightly, he immediately demands a further increase in the purchase price of maize. Again, this vicious spiral.

I do believe, had we pegged the price of maize by a subsidy cushion, namely, between the price paid to the maize farmer and the price paid by the consumer, we would automatically have succeeded in pegging the price of many other essential items in the cost of living. (Hear, hear.)

The hon. Member for Finance has said it is all very well, where does this money come from, but if there is no subsidy for the pegging of these commodities in the cost of living, you would have continual demands made on you for an increase in the Cost of Living Allowance by civil servants. Where does that come from? From general revenue. I suggest that it is the only channel in which any of these subsidies may come from.

I would like to make one remark in regard to the statement made by my hon. friend, Mr. Mathu, on the subject—I think it was the Wages Advisory Board—of which I happen to be a Member. I would point out that many of these increases in the minimum wage are in anticipation of the increases of certain commodities which are so essential, and if I may just give him a little advice, I think he should be very careful in mentioning the fact that the African cannot now purchase a cup of tea, because that is one of the elements in our wage structure and he might force us to omit that from our wage structure in future, or it might be used as an argument to do so.

MR. MATHU: Do.

LT-COL. GHERSIE: It would reduce, of course, the minimum wage.

Both the hon. Mover and the hon. Member for Finance have touched on this question of subsidies, and I am rather inclined to reserve judgment until I have heard the views of hon. Members on the other side of the Council as to their reactions to this suggestion.

THE LABOUR COMMISSIONER: Mr. Speaker, I rise to make one point clear. My hon. friend the Member for African Interests made a very good debating point, but not strictly in accordance with facts. He made an appeal that Sh. 1 a day was insufficient to feed an African who is working—breakfast, lunch, tea and for supper, but he omitted to say—perhaps he did not know—that the concern to which he was referring in fact fed its labour, and my information is that this particular concern has an exceedingly good ration scale, rather above the average; I thought we must get that clear, otherwise hon. Members might go away with the impression that employers in this country rely on a wage of Sh. 25 per month, all in, to attract labour, and keep them. That is not so.

MAJOR KEYSER: Mr. Speaker, the hon. Member for the Coast made a most excellent speech in my view, most of which I disagreed with, but Sir, I think that the production of the production—what he enunciated three axioms. One is that everyone must produce more and consume less, and that we can do nothing or little that would have any effect on imported articles, and that farmers of this country should receive a fair and indeed, generous, price for their produce, and I think, Sir, that that is an extremely fair—those are three extremely fair axioms. But, Sir, the rest of the debate seems to me to have taken rather a partisan attitude and has really been a case put up by Members for some particular interest of their own, or of their constituents.

I thought, Sir, that an excellent example of that was the hon. Mr. Pihlan, who mentioned that we produced most of our foodstuffs locally, and he could not make out why it should go up in price. Sir, I would like to remind the hon. Member that he himself is a producer in this Colony of articles that play

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a very important part in production of food. I understand that he is interested in timber production and no one can say that the price of timber has not gone up.

So let us look at the thing from an overall point of view and not from our own particular angle, and I think, Sir, that most of the other speakers took that particular angle on the whole of this question. Now, Sir, I would like to deal with the broader aspects of the matter as enumerated by the hon. Mover and I think, Sir, the chief one is that he says that the cost of living could be reduced by, first of all, I think it was subsidies, and I think he mentioned as one of the main commodities that should be subsidized, maize.

I am opposed to the subsidization of foodstuffs, and more especially of maize. Sir, if maize is subsidized, that subsidy has to be paid for by someone and the hon. Member's suggestion is by the increase of taxation. Well, he did not say where or how that tax was to be imposed, and who was to pay it—if it is to be a general tax, that is to say, an increase, say, in the poll tax of everybody in the country who to-day pays poll taxes, then I think it might be a very fair way of doing it. But I still think it would be an extremely uneconomic way of reducing the cost of living, because taxes are not collected without a considerable amount of cost, nor are the subsidies paid without a very considerable amount of cost, and I think in the long run we would not save much in the cost of living by subsidies. But, Sir, let us take the question of maize. The hon. Member very rightly said that maize was the principal food stuff of 95 per cent of the people in this country. I have heard that quoted from one end of the Colony to the other. Well, Sir, 95 per cent of the people of the Colony, I should imagine, who eat maize, grow their own, or are fed. There is something in the region of nine million bags of maize produced in this Colony, in addition to quite a considerable amount of other food. Most of the Africans of the Colony feed on the food that they produce themselves. Of the ones who do not feed on food produced by themselves, who come out to work, the great majority of those are fed by their employers, or receive an

allowance in lieu of food. So, Sir, supposing we subsidize maize, who is going to receive the benefit of this subsidization? Now, the larger employers, who will get the subsidization, are first of all Government, the Railway, the arial estates, coffee, pyrethrum, cattle farmers and so on—and tea. And there are a small number of people only in such places and in Nairobi who receive an allowance in lieu of food who would have to pay for their *posho*. Now, Sir, in order to assist that small number, who already receive an allowance for food, the hon. Member suggests that we should subsidize *posho*. Now, Sir, what justification is there to-day for subsidizing any of those employers whom I have mentioned, who are the largest users of maize in this country? What justification is there in subsidizing them in the purchase of maize? I say none at all. And so, Sir, all this very expensive machinery is to be set in train to effect nothing. Well, I consider, Sir, that that is the most unsound economy that one can possibly put forward.

The hon. Member, Sir, did mention the mechanization allowance of Sh. 4, and he said that in his opinion it was not a subsidization of the consumer, but of the producer. Well, I disagree with him entirely over that. He then went on to say that in addition to their making a very good profit out of this Sh. 4, they also made a very good profit out of buying maize from their squatters and selling it at a very high price. Well, Sir, I come, perhaps, from the biggest European producing maize area in the country, and I can say that we have practically no squatters at all, so that that charge certainly does not apply to the largest maize-producing area in the Colony, Sir.

Now, Sir, the hon. Member mentioned the matter of silos—and thought that that was one way in which the cost of living could be reduced. He said that ten years ago, he and Lord Francis Scott had advocated this silo scheme and the storage of maize in silos, and had that been done considerable savings would have been effected. Well, Sir, long before ten years ago—I think somewhere around 1931—I was a member of the original Board of Agriculture, and, at that time, we appointed a sub-committee to go into the whole matter of silos and silo

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and the committee, after considerable deliberations, produced a report in which they advised that silos would not be economic in this Colony. Now, Sir, the hon. Member possibly does not know that silos are not used as storage, and people keep on talking about silo storage. They are only used as temporary storage awaiting shipment, and that is their main function. If they are to be used for storage for any length of time, they are the most expensive form of storage that could be devised. They are used in countries that produce grain for export. It is possible to bring the grain to the silos in bulk, to suck it in by machinery, to condition it and to have it very rapidly into ships, so that you have a very quick turn round period with the ships. That is their value, but not for storing for any length of time.

The policy adopted by the Government in this Colony for storage is to store in such stores as aeroplane hangars and large godowns in bags, that has in the past been extravagant, because of the very great loss, primarily due to rats and to weevil infestation. But with the great strides that have been made in insecticides and the greater knowledge over storage, and the attempt that has been made over dealing with rats, the loss is not nearly so great as it used to be. I doubt very much if, to-day, silo storage would really be economic in this Colony, or any better than the present system that the Member for Agriculture's Department has adopted.

But, Sir, quite apart from the committee that I mentioned that sat in 1930, or 1931, two committees have examined the whole question of silo storage since 1940—I cannot remember the years—but they went into it at very great length and experts were brought out here and the decision then taken was not to change to silo storage from the present system. So that I do not myself think that silo storage would really make any difference to the cost of living. In fact, it undoubtedly would, put up the price of *posho* to the consumer.

Now, Sir, a lot has been said about meat, and the hon. Member for Mombasa and the hon. Mr. Shatry both said that on certain days in the week meat was unobtainable in Mombasa. I accept

that statement of theirs. But what I cannot do, Sir, is to reconcile it with the fact that you can go up to the market here—and I have been for the last two or three weeks to see what the situation is, because in Mombasa I was told the same thing. You will see some 20 butchers' shops there, and I have never seen such colossal quantities of meat; it is almost vulgar—(laughter)—great joints hanging about all over the place. Yet, Sir, why can Nairobi have that enormous quantity of meat in its butchers' shops and Mombasa have none?

MR. COOKE: Ask the Meat Commission.

MAJOR KEYSER: No, I am going to ask the hon. Members, Sir. They are responsible for the interests of their constituents. If that is the case, why have they not taken up the matter with the Meat Commission, and really got down to the bottom of why there is no meat in Mombasa? I would say, Sir, at a guess, that when they did that and really went into it, they possibly found it was something to do with the butchers. But, I really cannot believe, Sir, that the Meat Commission is just trying to starve Mombasa and having a terrific amount of meat in every shop in the rest of the Colony. If that is the case, then I think it is the duty of those two hon. Members to trace where the fault lies.

MR. COOKE: We have pointed out; it is the Meat Commission.

MR. USHER: We never get an answer.

MAJOR KEYSER: The Meat Commission is all over the Colony.

MR. COOKE: It is, unfortunately!

MAJOR KEYSER: Now, Sir, again a very considerable amount of play has been made over this shortage of sugar. The hon. Member for the Coast blamed Government for the shortage of sugar. He then went on to say that although their labour was very well treated, etc., that the sugar estate he was referring to in Nyanza was so short of labour that it could only produce 300 bags a day when it would be possible to produce 600 bags a day, were there sufficient labour. I do think if the hon. Member is going to make it the hon. Member he thinks they should rectify that particular point. Now, Sir, is he suggesting compulsion of labour? I do not know,

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But I do, think that the hon. Member should go on and tell this Council what he considers Government should do in the matter.

Mr. COOKE: I have already told them, and I will tell them again.

MAJOR KEYSER: Well, I do not know, Sir, he then went on to talk about them being forced to buy machines to cut their cane with, and he told us that the price of the machine was £7,000, or something of that nature. Well, does the hon. Member not realize, Sir, that every branch of agriculture in the country has suffered from the same thing, and has had to adapt itself to mechanical means of working, because of the shortage of labour? Has not the sisal industry, of which we have heard so much, does he realize that the D.8 tractor, which plays an enormous part in the production of sisal to-day, costs £12,000. Sir, the hon. Member for Nairobi North stated that a lot had been said about the effect on the cost of milling of imported articles, and he tried to show that imported articles really did not have a very great effect upon food prices. Well, Sir, I disagree with him entirely. Take wheat, for instance. There is very little labour used on the production of wheat. It is almost entirely machine produced, and with a few hands working the machines. Ploughing is done by tractors, sowing is done by tractors with great big drills, reaping is done by mammoth harvesters, and so on, Sir, and the transport is done by lorries. Now, Sir, the great cost in the production of wheat is the initial cost of these machines, and the upkeep of these machines. I am told that a self-propelled harvester costs somewhere within the region of £2,000, and most of these farmers must have several of them, because if they come into abnormal weather conditions, then they must be able to take advantage of a fine spell. And certainly in wheat production, there is no question about it that it is the mechanical costs and the costs of fuel that has put up the price of production. It does not apply to the same extent in maize, because so far, the machinery that has been devised for the reaping of maize has been most unsatisfactory in this Colony, but if a machine could be produced to-day that would satisfactorily reap the maize crop, you would find that every maize farmer in this country would

go to the machine and say "Thank God that problem is solved, anyhow".

LT.-COL. GHERSIE: They do not.

MAJOR KEYSER: They do not, but all his ploughing, Sir, all his harrowing, all his cleaning is done mechanically, all his shelling, all his transport, everything else. The only part that is not done is the cleaning by hand, which is in the rows themselves, and the harvesting. But all the other operations are done mechanically, and therefore the increase in the price of imported articles has a very great effect on both wheat and maize. But, Sir, it also has a very great effect on such things as dairy produce, because most of the dairy farmers are being forced to go into mechanical milking as well, and it has an effect upon every single agricultural branch to-day.

I do agree with those Members who have said that both transport and housing accommodation—rents, if you like—are too high in this Colony and are having a very serious effect on the cost of living. There is no doubt about it, they are, I do not think any country can base its economy on a worker living in a villa in an acre of ground and going to his work in a car. What is really required, and we should have had here some time, are cheap flats with buses running from them to the centre of the town where most of the work is done. But anyhow, Sir, we have not got them, but I do think, Sir, that certain of the transport in the towns, and to some extent buildings in the town, is a matter for Local Government and it is a criticism of Local Government which has been made in this Council on very many occasions. But I do think, Sir, that Government has made some attempt to deal with the housing problem in the number of buildings and houses they have put up to house their own servants. You have only got to fly over Nairobi here to see the enormous amount of new roofs there are. They stand out most distinctly. Now I believe myself that all this building which is taking place in the country and the implementation of our development programme is having an inflationary effect—(hear, hear)—and had the building programme been doubled in this country, there is no question about it that the inflation would have been very much steeper than it is to-day, so that there are other aspects

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of this provision of housing that one must take into account.

I do not think I have any other points to deal with, excepting one. That is, the hon. Member for the Coast, I think, said that maize was cheaper in Uganda and South Africa than it is in Kenya. I have no doubt that it is so, but there is, Sir, a reason for it being cheaper in South Africa. One of the reasons is, of course, that machinery in South Africa is very very much cheaper than it is in Kenya. I was going to say half the price, but I will not, but it is very much cheaper. In addition to which, Sir, labour in South Africa, while it is more expensive, is much more economical, because the native labourer there is not confined to one particular task only. For instance, a farm labourer will milk cows in the morning, when he has finished them he will go out and plough, and when he has finished ploughing, he will probably do some reaping or something of the sort. You cannot get labour in this country to do more than one job. If you employ him to milk, he will not do anything else. He will not drive oxen, drive a tractor or anything else. We have a most inefficient form of labour for that particular reason. Another reason, Sir, why production can be so much cheaper in South Africa is they have not got the weed problem to deal with. They plough once and harrow, and they can then sow. Their weed problem is a very, very different one to what it is in this country. When it comes to reaping, they reap at a time in the year when they are almost certain that they will get no rain. Instead of having to cut their maize quite a long distance and cart it into stores, they can just throw it into heaps in its husk, and you can reap four times as much maize in a husk as you do if you husk it, and then throw it into great big heaps, enormous heaps, higher than this room. They then have a contractor coming round to shell the maize by contract with the very big machines which will husk it and shell it efficiently, so that they have very little transport to do on their farms, and no storage to pay at all, and the maize is then carted to the stations where it is heaped in enormous heaps of hundreds of thousands of bags, and again it can be done without loss, and also they are free from the enormous losses from weevil

that we have here. Those are some reasons, as to why maize can be produced so much cheaper in South Africa than it is here. There is another reason I am told—I do not know whether it is right. I am told that people who do produce maize for sale in South Africa live at a very low standard indeed compared to world standards. Is that what the hon. Member wants us to do? Does he want us to reduce the standard of living of all agricultural producers to the lowest in the world, because I will not subscribe to that if that is his suggestion.

Sir, I beg to oppose. (Applause.)

DR. RANA: Mr. Speaker, I rise to support the Motion before the Council. Before saying anything I would like to join with those hon. Members who have paid tributes to the hon. Member for the able and bold way he has put the whole Motion. I think the Council should realize that it is not a coincidence on the part of the three Members, the Member for Mombasa and the Member for the Coast and myself—everyone of us putting in a Motion one way or the other on the cost of living. That merely shows that not only in the whole country but in Mombasa particularly all races are tremendously suffering and are very much resentful of the attitude which the Government has been taking as far as the cost of living is concerned. I think that various methods have been suggested to the hon. Member for Finance. The whole idea why I have spoken to the Motion—and I think that of the hon. Member—was to impress upon the Government the necessity and the need of checking the rising cost of living which has been going on, although it may be quite true that all over the world it is the same. We are not concerned with all over the world—we are concerned with this country. As this Council has got legislation in its hands it is time that the Government should seriously consider and believe that there must be something done for the whole community. There have been so many cost of living committees appointed. I think two years ago the hon. Member, who is now Member for Education, Health and Local Government took one day impressing Government about the cost of living and a Cost of Living Commission was appointed and nothing has come of it. We had in Mombasa a very nice vigilance

(Dr. Rana)

committee of all races who have given their valuable time, and I have heard from them that Government does not care two hoots what they recommend. The same thing has happened in Nairobi. Now, everyone cannot be wrong. Government cannot be the only ones to be right. Secondly, taking my own view, the time has come when Government should seriously consider appointing a Committee of this Council to take all the facts into consideration—I am not talking about maize or wheat—but it is time they took steps to alleviate the conditions of the poor people and so avoid the necessary cost of the Police which we will have to increase next year if things go on as they are doing now. Year by year, I remember, we have been pleading on this side that first of all there should be some co-ordination between distribution and supply. I believe every African Asama Members have been saying that commodity control should be combined with Supply Board. After all, these two things go together. The person who is in charge of supply looks after the whole of East Africa. The man who has to distribute has to consider only Kenya. After all this is a task of the High Commission—after all they have done good work. A commodity which is in direct supply in one territory should, without any difficulty, be allowed into another. We are absolutely tied to each territory. Each territory is dependent upon the other particularly with foodstuffs like ghes and rice. They have been in abundance in other territories, but we cannot get them. These things are not going to help us. That is one suggestion.

Secondly, regarding control, I think the time is past for rigid controls. I submit there are some controls which are essential even to-day, particularly with dollar countries, but I think it is time that these controls should be carefully looked into and those which are not essential—the country should be saved from the expense of having them, they have done no good. I will explain to the Council when I come to rice and ghes how the controls are working.

I would like to mention to the hon. Member for Agriculture and Natural Resources, regarding his Meat Commission—I think enough has been said. Why is it necessary? He has given us every assurance, but I am sorry to say Mon-

bas has suffered far more than the whole country. I fail to understand it. He puts the tax up Sh. 5 or Sh. 6 on each carcass without doing anything whatever. The Somalis do not run any risk at all. The animals are brought here and then control takes the job and puts its foot on top. The butcher comes along and he also puts something on. Four times I had to go to the District Commissioner and beg him that the meat should be made available. These are not things any businessman in the world would do. Only two months ago I requested the hon. Member to see regarding supplies in Mombasa. It is the most extraordinary thing. Sunday is the day every Asian wants to go to the *shamba* and enjoy himself. They say on Sunday you do not eat anything at all—that is the type of Commission that has been appointed. I understand that Mr. Pack, who is in charge, gets £3,200 salary. I would like to be him. (Laughter.) If that is the way the country is going to run, I think, Sir, the sooner the Government will consider the whole issue the better. The country will get fed up. The whole matter should be seriously considered.

With these few words I support the Motion.

Mrs. SHAW: Mr. Speaker, I am not going to waste the Council, or take up much of its time. I mean, as a housewife, would like to rise and support the Motion for the reduction of the cost of living because to-day I feel genuinely sorry for the young people starting out in married life. I do not know how they cope on the family budget, and I know that many of them are very worried indeed and many of them get into debt because they run up bills and, before they know where they are, they are in deep water. I would like to stress, although I do not agree, or rather do not look at the price of maize from the same angle as the hon. Member for Trans Nzoia, because I come from largely a consuming area, and not a growing area—(laughter)—at the same time I would like to say that I think he made one very good point, and I would like to stress that point. That is, that it is the cost of production to-day that is largely responsible in this country for the high costs, and every rising cost of living. That cost of production is largely due to the cost of machinery, and the

(Mrs. Shaw)

cost of machinery is kept up by the cost of agricultural spares, and nobody that I have heard yet in this debate has mentioned, or suggested to Government that we might have the duty taken off agricultural spares.

THE FINANCIAL SECRETARY: There never was any.

Mrs. SHAW: I am sorry. I thought the other day we were agreeing about that. I am sorry if I made a mistake there. There is another point that the hon. Member made which I would like to stress. The reason we have been forced into mechanization is because to-day the labour does not work as it used to work, and that is the reason that we have been forced into mechanization. In the old days we ran our entire farm without any mechanization at all. We ploughed with oxen because we could get given.

To-day the drivers are not to be had—the good drivers amongst even the pastoral tribes are not to be had to-day. In every branch of farming, labour demands higher wages for less work and that is why the farmer has been forced into mechanization, and it is mechanization that has put up the cost of production. I think the hon. Member for Trans Nzoia made a very strong point when he made those two points. I would like to suggest that it would be a good thing if Government could get across to the Africans in any way that they work harder, no one minds giving higher wages and better conditions, provided you get a better standard of work. To-day you give higher wages and better conditions and get a lower standard of work and a lower standard of responsibility altogether.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I wish to make a number of observations on the Motion before the Council. My hon. friend the Member for the Coast, in moving his Motion, made a great many pertinent observations—at any rate pertinent from the point of view of his Motion. He did mention, however, apart from referring to subsidies, refer to means—at any rate means that were fully understood by me—by which he was going to reverse the trend of inflation. Now, Sir, it has been made very clear by my hon. friend the Financial Secretary that most of the inflation that we are suffering from is, in fact, imported inflation. Various con-

structive suggestions have been made by hon. Members as to ways and means of dealing with it to a certain extent, but no hon. Member has claimed that any of those methods can, under present circumstances, be more than palliatives. I am aware, in saying this, that the hon. Member for the Coast will accuse me and my hon. friend and many Members on the other side of being defeatists.

MR. COOKE: Yes.

THE MEMBER FOR COMMERCE AND INDUSTRY: All I can say is the facts must be recognized, but I will tell the hon. Member how it would be possible to deal with inflation, and then it will point to the cost and ask him whether he would be willing to pay it. Sir, it would be possible, to a certain extent, to deal with inflation in this country by limiting immigration. Secondly, it would be possible to deal with inflation in this country by refusing new capital for investment in this country. Then, Sir, it would be possible to deal with demand by rationing it, by having all the paraphernalia of coupon rationing throughout the country and so limiting demand. It would be possible to deal with inflation to a certain extent by stopping capital investment, private and public, in houses, roads and schools and in farm improvements, all of which create an economic activity.

MR. COOKE: It might make things easier if, on a point of explanation, I say it was never my point that you could stop inflation, but my point was to control inflation. The gravamen of my argument was that Government has not taken all the steps in its power to control inflation. It might save him some time in replying.

THE MEMBER FOR COMMERCE AND INDUSTRY: I merely made the point to show it would be possible to stop inflation by paying a price no Member in this Council would wish to pay—that was all. Now, Sir, I accept the hon. Member's point, and of course, neither he, nor any other hon. Member in the Council would wish to take remedies such as those I have mentioned, but I will come to my—

ADJOURNMENT

Council rose at 12.45 p.m. and adjourned until 5 p.m. on Tuesday, 11th December, 1951.

Tuesday, 11th December, 1951
(Evening Sitting)

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 11th December, 1951.

Mr. Speaker took the Chair at 5 p.m. The proceedings were opened with prayer.

MINUTES.

The minutes of the meeting of 11th December, 1951 (Morning Sitting) were confirmed.

REPORTS

THE FINANCIAL SECRETARY: I beg to report that the Committee of Supply continued consideration of Head 2-4, and approved of the remainder of the Head subject to the reduction of £1,000 under item 1 (9) of sub-head 1, and of £325 under item 1 (5) of sub-head 17. The Committee proceeded to consider Head 2-5 and approved all the items subject to the omission of item 6, £3,000. The Committee then gave consideration of Head 2-6 and approved of Part A and Part B down to item 3, subject to the omission of item 3, Part B, £20,000.

THE SPEAKER: I think a Motion was made to reduce item 4 by £5,000, and I think the hon. Member for Kiambu was speaking last.

THE FINANCIAL SECRETARY: Mr. Speaker, we have first to go into Committee, I think.

THE SPEAKER: Council will now resolve itself into Committee of Supply to consider the Draft Estimates.

COMMITTEE OF SUPPLY

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1952.

HEAD 2-6, PUBLIC WORKS—(Contd.)

MR. HAVELOCK: I had moved, Mr. Chairman.

THE CHAIRMAN: I will propose that item 4, that is Athi River—Kajiado Road be reduced by £5,000.

THE DIRECTOR OF PUBLIC WORKS: Mr. Chairman, I beg to oppose this Motion. The hon. Member for Kiambu has asked, I think, for what purpose this Vote of £25,000 was required. Well, Sir,

it is required for replacement of worn-out furniture. This applies mainly in old quarters and offices. Then additional requirements of furniture are needed in existing offices and in extensions to existing offices. Then, Sir, a large part of it is required to bring under-furnished houses up to scale. The scales of furnishing were drastically changed in 1946, and even yet, we have not succeeded in bringing all the quarters up to these scales. Then, again, Sir, some of the money is required for the free issue of mosquito nets which has now been approved. I think, Sir, it may be of use to the hon. Member if I were to give him the estimated breakdown of the £25,000. Of that amount, the replacement of worn-out furniture is expected to be about £4,600. I am, of course, only quoting approximate figures. Additional requirements in offices, etc., £2,600; bringing under-furnished quarters up to scale, £11,000; the issue of free mosquito nets, £1,900; the issues to rented unfurnished houses, £700; and freight and transport charges, £4,200. I might also remark, Sir, the cost of furniture has risen about 25 per cent in the last couple of years. I think, Sir, I might also add a few remarks as to what it has meant in bringing quarters up to the new scales. I will quote for a grade type of house, the lowest grade. Up to 1946, they were allowed one bed, now they are allowed two. Before 1946, no dressing tables, now one. Chest of drawers, one allowed before 1946 and one allowed now. No wardrobe before 1946, one allowed now. Only two dining-room chairs, allowed four now. No bedroom chair, allowed one now. No lounge chair, but allowed four now. No occasional tables, allowed two now. Now that is for the lowest scale house. Now that is quite evident, that it has meant a very, very large increase indeed in the quantity of furniture that is having to be made and supplied and that is one of the main reasons for this Vote.

MR. BLUNDELL: Mr. Chairman, I believe that in this Vote there is an element which is reimbursable in that salaries of officers are mulcted to not more than 2½ per cent of their total emoluments for the miserable appendages which are often offered to them in lieu of furniture. I should, perhaps, withdraw "miserable appendages", but I do feel sometimes the amount of money which officers pay in

[Mr. Blundell] of the form of rent for their furniture is not always consonant with the furniture that is provided to them. We do represent hon. Members opposite—strange as it may seem, Mr. Chairman—and where there is, what I believe, is hardship, I think we should raise it and that is why I am doing so.

MR. HAVELOCK: Will the hon. Member confirm the remarks by the hon. Member for Rift Valley that there is a reimbursing element.

THE ACTING CHIEF SECRETARY: Yes, Sir.

MR. HAVELOCK: Mr. Chairman, again I would like to express my satisfaction at the real grasp that the hon. Director of Public Works has of his job. He has given us in absolute detail the exact requirements of this Vote as to cost and I will withdraw my Motion, in view of his remarks. (Applause.)

THE CHAIRMAN: As there is no objection, the Motion is withdrawn.

The question that Part B—items 1-6 be approved was put and carried.

THE DIRECTOR OF PUBLIC WORKS: Mr. Chairman, I beg to move that Head 2-6, sub-head C, items 1 to 12, be approved.

MR. PATTAN: Mr. Chairman, I would like to know something about item (2), Construction of Headworks and Canals, Taveta. The scheme is £37,000 and during this year £3,000 is to be spent. I would like to know if there accrues any revenue, as quite a large sum has been spent on this project and if I recollect rightly it will be £100,000—and before I vote for it I would like to know if we receive any revenue from these canals at all or not.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I think a good many hon. Members are aware of the circumstances attending this particular expenditure. It is in satisfaction of certain legal obligations that Government has undertaken to construct this canal. The work which was undertaken proved satisfactory through no fault of anybody's really. Water came up underground, and necessitated more expenditure, but there will be revenue, because, when the canal is finished, a

fixed amount of water will be paid for each year and this revenue will accrue to Government under the arrangements made.

The question that Part C, items 1-12, be approved was put and carried.

THE CHAIRMAN: Head 2-4, sub-heads 8 to 16.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, in dealing with these Heads hon. Members will have read on page 72a that there has been a rearrangement, but as they will also read, there are no increases of staff on account of this rearrangement except those which are mentioned below in the note. Page 72a has the note in which I have just referred. Mr. Chairman, I beg to move the approval of the items under sub-head 8, items 1-11, £1-11.

MR. HAVELOCK: Items 1-9, Sir. I understand from the hon. Member and also from the Estimates, that there is no actual increase in staff in African staff, but, of course, they have switched some of these people from. I think the Drainage Section, and hon. Members will remember that the Drainage Section was the subject of a certain amount of attack in the last year. I am not satisfied, Sir, that 22 African staff are necessary under the Hydraulic Branch. It was my reason why they should be switched from the Drainage Branch to the Hydraulic Branch. I do not quite see where the connection lies, and I would ask the hon. Member if he would be prepared to have this particular item reviewed.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: If the hon. Member means by that that I should submit this item to the Standing Finance Committee or to any sub-committee thereof in order to justify the employment of these 22 Africans, I am quite prepared to do so.

MR. HAVELOCK: Thank you.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move that items 2-8 inclusive, on the same page, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Turning to page 74, sub-head (9), I beg to move that item (9) 1, sub-items 1-11, be approved.

MR. HAVELOCK: Would the hon. Member like to move sub-heads (9), (10), (11) and (12), Sir?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Yes, I would like to do so very much.

I beg to move that sub-heads (9), (10), (11) and (12), on pages 74 and 75, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (13), items 1—1 to 1—5, be approved.

MR. MACONOCHE-WELWOOD: Mr. Chairman, item 1—3, Water Balliffs.

I beg to move that this item be reduced by £1,420. I do that, Sir, because I believe that in many cases the work of these Water Balliffs could be done by a smaller personnel travelling about rather more, and I have the authority of the hon. Director of Public Works for the fact that one of these Water Balliffs is engaged, at the present moment, as a storekeeper, which I rather think makes my case.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I must oppose this proposal. I will deal with the whole of this section, if I may, in my remarks. We have just passed a new Water Ordinance, the object of which is to lighten up very much on the use, in many cases illicit use, of the diminishing amounts of water that we have in the recent past had to allocate to an ever-increasing population. That is, quite apart from the other purpose of the Water Ordinance, which was to try to develop greater water resources for the country.

Now, Sir, I submit that to have 12 water balliffs to cover the whole of this country is not a very large staff, and I am informed members of the Water Resources Authority and of the Regional Water Boards, that in their opinion, quite apart from the opinion of my hon. friend the Director of Public Works, that this is the very minimum staff that can attempt to perform the duties that have been laid upon them by the new Water Bill.

So therefore, Sir, I would press that the water balliffs be allowed to remain in.

THE DIRECTOR OF PUBLIC WORKS: Mr. Chairman, may I just add a few remarks as to the work that these water balliffs have to do.

They have to check the applications for water rights and sanctions, and then have to verify that the works are installed as required by the Water Board, and they have to obtain all the information needed by the Central Water Board and the Regional Water Boards. Now, Sir, there are 2,700 existing sanctions which have to be inspected periodically, applications for new sanctions, all of which have to be investigated, have averaged some 70 per month in the past six months, and have now reached 200, and every one of those has to be investigated. There are, at the moment, seven territorial charges, and the number is going to be increased to ten. Twelve water balliffs are actually quite inadequate for the work.

MR. MACONOCHE-WELWOOD: Mr. Chairman, in view of what has been said, I am prepared to withdraw the Motion, if the Member will undertake to look into the posting of the Water Balliffs to see that they do not, in fact, get posted to places where there is very little work. I am quite certain, by more travelling, they could do a larger area.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I will certainly give that undertaking, Sir, and go into it with the Director of Public Works.

THE CHAIRMAN: Anybody object to the withdrawal of the Motion? No objection—the Motion is withdrawn.

MR. MACONOCHE-WELWOOD: Item 1—4, Sir, Water Guards (African).

I beg to move a reduction of £1,000 on this Vote. I believe that this is altogether too large a staff for this type of work. I do not propose to waste time in going into reasons for it, but I think there are too many.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: As far as water guards are concerned, it must be appreciated that they cover the whole of the native reserves, and it does mean a very large area of the country, and I should doubt whether 144 water guards are sufficient for all that work, let alone too many. However, on the water balliffs, I feel very strongly indeed, on the water

(The Member for Agriculture and Natural Resources)

guards I am quite prepared to go into the matter with the Standing Finance Committee and justify exactly whether this is too many or not; provided we can do have the money in the meantime; I do not think, Sir, that 12 water balliffs and 144 water guards is a very excessive staff, if we are going to deal with the water problem which faces the whole country, which is one of the more pressing problems of this country.

MR. MACONOCHE-WELWOOD: After what the hon. Member has said, I am prepared to withdraw the Motion, although I do not believe that these water guards do, in fact, pull their weight. In most cases, I do not think they can be supervised adequately.

THE CHAIRMAN: If no hon. Member objects, the Motion is withdrawn.

The Motion was withdrawn.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (14), items 1—1 to 1—16, on page 77, be approved.

THE CHAIRMAN: Did you move item 2, General Expenses?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg your pardon, I beg to move first that item 2 on page 76, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that the whole of sub-head (14) be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (15) be approved.

MR. HAVELOCK: Mr. Chairman, I would like to ask on this sub-head, Sir, looking at the revenue side, I see that it shows some £4,750, whilst the total expenditure is £6,540, the memorandum states that the increase of expenditure is due to the expansion of this water supply, to increased costs and to increased wages payable to labour. Well if the water supply has been expanded, Sir, surely the revenue should also be expanded, and is it not true that this particular Head should be reimbursable,

completely, and would the hon. Member give reasons why it is not?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I think the explanation is fairly simple. The materials necessary for increasing this water supply are going to arrive this year and may be installed by the end of the year, but until they are installed, we cannot get the increased revenue.

MR. HAVELOCK: Next year make a profit?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Yes.

The question that sub-head (15), be approved, was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move, on page 80, item 1, be approved, which is item (16), Contributions to Renewals Fund. It is the only item on the page.

The question was put and carried.

HEAD 15—10, DEVELOPMENT AND RECONSTRUCTION AUTHORITY WATER SUPPLIES

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, we now turn to the Development and Reconstruction Authority Estimates, and I beg to move that Head 15—10, page 21 of the Development and Reconstruction Authority Estimates that items 6—14, inclusive, be approved. I might add that item 9, Main Water Supply, I understand, is not going to be proceeded with this year.

MR. HAVELOCK: Mr. Chairman, item 12, if no Member has got anything before that.

MR. MATIU: I have a point on page 20, Sir, 15—10, sub-head (1), item 5, Sir.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I am afraid I had my book folded over and I started on the wrong page. I therefore move, Sir, if I may, that Head 15—10, on page 20—1, apologize to the hon. Member—items 1—7, be approved.

MR. MATIU: Mr. Chairman, I beg to move that item 5, Boring and Well Sinking in Native Areas, £30,000, be reduced by £1,000.

Sir, the main purpose of moving this Motion is to elicit from the hon. Member the water boring position in the Mberere Division of the Embu district in the Central Province. In 1949, Sir, I

[Mr. Mathu] wrote a letter to the Chief Secretary, dated 12th November of that year, making representations for the provision of water in the Mberé division of the Embu district by boring, as it is a very arid part of that district, and the hon. Chief Secretary replied to me on 17th November, 1949, and said that he would address a letter to me in due course. Now, I waited for a reply for the whole of 1950, and no letter came. I sent a reminder on 22nd February, 1951—this year—and asked what was the position. My hon. friend replied, if I might quote his letter—it is a very short one—in the following terms:—

"I am directed to refer to your letter of 22nd February, addressed to Mr. Rankine, and to advise you regarding the present position of this water supply. Two sites for boring have been selected. One is most promising, the other not so. In consequence, the Engineer Geologist of the African Land Utilization and Settlement Board has arranged for investigations for a second site. When this has been selected, drilling by contract will be arranged and should commence within the next four months."

Sir, this, as I say, was early this year. I went to Embu this November and, at a public meeting, the Africans there wanted to know when they will have their water in the Mberé division, as nothing has come of the arrangements as I have quoted. I wrote to the District Commissioner of the Embu district about this matter, and he replied as follows in a letter dated 17th November, 1951:—

"Water Supplies for Mberé.—The boring plant at present in Kitul district is meant to be coming in Mberé very shortly. We expected some time ago but it is held up probably by rain."

Well, you see when you have indefinite arrangements such as these, and these people are very hard up for lack of water, and the principle has been agreed that they should have water—two sites have been tried and they have been unsuccessful—the one was said to be promising to the hon. Chief Secretary's letter of 1st March, 1951—that has not produced water. The plant is away somewhere in Kitul. It may not come, because of the rain, and all that. I feel

it is important that something should be done. When it suits Government to produce water anywhere, they produce water in a week. I can quote many cases. But when it does not suit them, you can wait for two years, and not even have a reply to a letter that you have written to them. These people are in a very bad way for water, and I want to impress the Government that something should be done quickly for them. That is the purpose of this Motion.

So, I beg to move that this item be reduced by £1,000.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: It is a strange way of drawing attention to the fact that a particular water supply, desired by the hon. Member, has not yet been put into effect—or that we have not been able to find water there—to try and reduce a Vote which is meant for the betterment of African areas by £1,000.

I understand the hon. Member is going it because, under our Rules on doing into Committee of Supply, he is debarred from moving increased expenditure. Sir, I would suggest that, rather than make accusation that Government only find waters where it suits them, when, as a matter of fact, we have done all we possibly can to improve water supplies in African areas recently, I think we have done a great deal—it might be a wiser procedure to come and see me, instead of moving a reduction in a Vote of £1,000—which I might accept—(laughter)—as a matter of fact, on this occasion, we will not do that—but if I give the assurance that I will see the hon. Member and discuss with him his grievances, if he has any, about this water supply, I hope that he will withdraw this Motion.

MR. MATHU: I never suggested that the Government is not doing all it can to improve water supplies in African areas. I am dealing with a particular case, and I have written to the hon. Chief Secretary about water supplies—who is the highest authority in the country—in fact, who is the highest authority in the country except the Chief Secretary, apart from the Governor? He is the highest authority of the Government, and if the matter has been represented by a Member of the Council, and the principle accepted—I am attacking the delay. It is not a question

[Mr. Mathu] of the principle, and if the hon. Member accepts the Motion about removing £1,000, what difference would it make? Two years! It is simply on paper—in the Estimates. It is not being expended. What difference would it make to the African people in the Mberé district? The money is in the Estimates. That is, Sir, my point, but in view, Sir, of the point raised by the hon. Member that he will see what can be done about this, I am prepared to withdraw the Motion, but wish to emphasize the seriousness of the situation and the urgency of this case.

Sir, I beg leave to withdraw.

THE CHAIRMAN: The Motion is withdrawn.

The question that items 1 to 7 be approved was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (2), 15—10, items 1 to 14, be approved.

MR. HOPKINS: Item No. 1, Sir, does the provision of £80,000 in these Estimates mean that the shortages of material—mainly large sized piping and joints—which have hitherto held up this work, have now been overcome?

THE DIRECTOR OF PUBLIC WORKS: Yes, Sir. The material is all in sight now. Big piping has been ordered from Italy—it is what they call "Eternite" piping—and the target date is January, 1953, and it is anticipated, if nothing else goes wrong, we will be able to meet it.

MR. HOPKINS: I am not quite clear what portion of this work is likely to be finished in 1952. Is the piping here now so that it can be started?

THE DIRECTOR OF PUBLIC WORKS: The piping is quite close, I understand, and the target date for completion is January, 1953.

MR. HOPKINS: Might I say, the piping has been close for quite a long time? But apparently they could not find the joints to join the piping together, and I am wondering if the joints have now been found, or if new piping is coming into the country. Work has been held up for quite a number of years, and I am wondering if this delay is likely to go

on for several more years. Is this piping to be held up for several more years?

THE DIRECTOR OF PUBLIC WORKS: I have already told the hon. Member, piping is now coming from Italy, and it is asbestos cement piping of the type called "Eternite". (Laughter.)

MRS. SHAW: Item 5. On a point of information, could the hon. Member, the Director of Public Works, tell me what work has been carried out in the investigation of the Sotik Water Supply, as I see £68 has been spent out of £1,000, as was estimated for investigation. I do not know of any work carried out in Sotik area, unless in the Kaptagat native centre.

THE CHAIRMAN: Item 5 deals with the Thomson's Falls Water Supply.

MRS. SHAW: Chemagel (Sotik) Water. On a point of information, I am asking what was spent last year for the £68. May I ask a question on that?

THE CHAIRMAN: There is no expenditure involved this year as far as the Estimate is concerned. If you look down the column Estimated Expenditure 1952, there is nothing there.

MRS. SHAW: There is £932 unexpended balances.

THE CHAIRMAN: It is not proposed to spend anything. Still you can argue something ought to be spent if you wish.

MRS. SHAW: Mr. Chairman, with your permission, may I ask the hon. Member, the Director of Public Works, whether something is going to be expended on Sotik Water Supply, as, at the moment, the township is growing and there is no water at all, as far as I know, anywhere?

THE SECRETARY TO THE TREASURY: May I ask what the hon. Member is talking about.

THE CHAIRMAN: Item 5.

THE SECRETARY TO THE TREASURY: It is not an item in the Estimates.

MR. BLUNDELL: With all due respect, there is an item of unexpended balances carried forward, and I do submit that the hon. Member is perfectly in order in asking what the 1932 can be spent on.

THE CHAIRMAN: If hon. Members will pilot their Estimates in this form—(laughter)—I cannot very well restrict a Member from asking for information.

Mrs. SHAW: Mr. Chairman, with your permission, will the hon. Member opposite, who is responsible for this Department, give me an answer as to what has happened to the £932.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I can give the hon. Member an answer in principle. I do not know what has been spent of this £1,000, which is provided for investigations regarding yet another of the innumerable townships we have got to find water for. It is not one that has been rated very high up in priority, but we will do our best incidentally, let me say we are so harassed over townships supplies that the rural supplies of the country, which, in so far as the development of the country is concerned, are very much more important, are just ignored completely. We do our best to deal with townships supplies, but I can only inform the hon. lady that obviously this is one to which we have not given a very high priority, and no money is being spent on it this year.

Mrs. SHAW: May I ask if the surplus balance they have acquired of £932 is still there to be expended?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: It remains there and possibly next year you may find it on the expenditure side—I cannot promise that. It has been allocated for investigation into a Sotik water supply.

MR. BLUNDELL: Do you draw them out of a hat?

MR. MADAN: Item 7, Sir—Miscellaneous—Investigations of New Projects. May I ask the hon. Member if Sawa Sawa and Limuru are included in these investigations? If not, what arrangements are being made to provide water to such places?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I have not got a schedule here, but if the hon. Member wishes to know I will be only too happy to show him the schedule from which he will be able to find out whether these investigations are being done this year or not.

MR. SALTER: Item 9, Sir. In view of the remarks of the hon. Member with regard to item 9, I move that it be deleted from these Estimates rather than that the figure of £833 should be in

italics next year and should be in "unexpended balance".

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: It cannot be deleted. It could only be transferred to moneys which may be spent next year, surely! You can have the item reversed.

MR. HAVELOCK: I am sure the hon. Member for Finance would like even his Development and Reconstruction Authority Estimates in proper order, in which case I suggest that the figure £833 should be shifted from the 1952 Expenditure column and put in the Unexpended balance column.

THE FINANCIAL SECRETARY: Sir, there is no objection; but what difference it would make I do not really know.

MR. HAVELOCK: Ah, wait till next year!

MR. MACONOCHE-WELWOOD: Mr. Chairman, item 12. I want to ask if the hon. Member can inform us whether this (a) is for buckets or purely for a water supply from the central spring at Marsabit to the Boma at Marsabit because if that is the case, if it means piping water from the spring, it will certainly not require a very large pipe, as the quantity there is small, and the item £16,000 seems to be rather curious.

THE CHAIRMAN: We are only concerned with the £8,950 proposed to be spent this year.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I cannot inform the hon. Member precisely what form of apparatus is going to be installed at Marsabit, but what I can inform him is that there has been an increase in the number of persons resident there and, in addition, there has been a very severe water shortage in that part of the world for some two years. Recently, and the drain on the Marsabit water resources has been very, very great and we have been obliged to put in a water supply, a fairly efficient water supply, the details of which I am quite prepared to furnish to the hon. Member. This expenditure would appear to be for something very much greater than a 2-inch pipe from the spring to the nearest house. I think it is for a pump, and a piped supply to the houses there.

The question that sub-head (2), Township Water Supplies, be approved was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (3) and (4) be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (5) be approved.

The question was put and carried.

HEAD 3-5

THE ATTORNEY GENERAL: Mr. Chairman, I beg to move that the Prisons Vote, which is Head 3-5, be now considered.

Mr. Chairman, this Vote, which amounts to the considerable figure of £420,000 on recurrent account alone, would be a very substantial expenditure for whatever purpose it was required, and I have no doubt that when that purpose is the somewhat un inspiring one, and the prime factor unproductive one of Prisons and Detention Camps it will seem to hon. Members exceptionally high expenditure. Hon. Members will, therefore, be anxious to know that the policy of the Prisons Department during the coming year will be such as to ensure that this large sum of money will be spent to the best possible purpose and it will be my endeavour, in outlining the policy of the Prisons Department, to satisfy hon. Members that that will be so. But before proceeding to discuss the policy of the Prisons Department, I would, with your permission, Sir, just pause for a moment to mention two figures which appear in the Estimates, which are of considerable importance. The first figure is the net increase of £90,000 approximately on recurrent account, and the second figure the net increase of over £100,000 on non-recurrent account. The latter item, Mr. Chairman, arises from the fact that the Prisons Department has been asked to undertake stock-piling of khaki drill and other textile materials on behalf of other departments, which the Prisons make into garments and then distribute to the departments concerned; and as that policy is co-ordinated on behalf of all departments and laid down by the Member for Finance, it has been arranged that he, or the Secretary to the Treasury, shall deal with any questions that will arise on that particular

item of £100,000. But the increase of £90,000 on recurrent account is the responsibility of the Prisons Department and that is a matter with which I am concerned and for which I am responsible. I can explain that increase very shortly. Something over £80,000 of that £90,000 is due entirely to the increase in the cost of feeding prisoners, clothing prisoners, the increase in the Cost of Living Allowances for the Prison Officers and staff, and the annual increments that are payable to members of the Prison staff. Therefore, that £90,000 increase is almost entirely due to inflationary pressures of various kinds which are quite outside the control of the Prisons Department. I recognize, of course, that it is cold comfort to the taxpayer to be told that that substantial increase of £90,000 on a total recurrent vote of £400,000 is inevitable and inescapable, and it may be urged that that is an additional reason for exercising the greatest economy and control over the expenditure of money during the coming year; with that proposition, Sir, I would wholeheartedly agree.

But now, Sir, turning to the policy of the Prisons Department, I recognize that the subject of prisons is not one that has a wide or a popular appeal. Indeed, to many people a prison is still a sort of *outré* to which men are sent for a month or a year or ten years, and such people are not usually concerned to inquire what happens to them whilst they are there or what their fate is when they emerge from prison, as eventually they must emerge, to share the common life again. But I venture to think that, if there is that indifference and apathy among the general public with regard to the prisons, it is not shared by hon. Members of this Committee who have, I think, a right in saying "taken an increasing interest in the policy of the Prisons" as it has been borne in upon them that the problem of the prisons has increased in magnitude and complexity in recent years. In 1919, there were 3,000 prisoners in the prisons of Kenya and about 2,000 detainees. To-day, there are still about 2,000 detainees, but the number of prisoners is over 9,000—an increase in the last decade of something like three times the figure of 1939. Quite recently, I have been in correspondence with the

[The Attorney General] Department of Justice in New Zealand in connexion with prison farms, a subject in which that Government is particularly experienced and, in the course of that correspondence, it has emerged that the total prison population of that Dominion could be housed and accommodated quite easily in Nairobi Prison alone. I mention that because it shows, by contrast, the magnitude and complexity, and the difficulty of dealing with the prison problem in Kenya.

Now, hon. Members may ask, and quite rightly so, how the Prisons Administration are seeking to solve this difficult problem, for indeed, it is a difficult problem. There are many people who theorize about imprisonment and the objects and purpose of imprisonment, many of them with very little experience and very often with no responsibility for the administration of prisons. But there is a consensus of opinion, which I personally share, that the primary object of sending men to prison is to see that they are punished and that society is protected from them. It is, to my mind, a confusion of thought to say that men should be sent to prison in order to be reformed. If that were so, then the courts might send people to prison who had not committed any legal offence but were badly in need of reform—civil servants, for example—(laughter)—politicians, without a doubt. (Laughter.) It would be a stimulating sight to see the civil servants and the politicians jostling with one another at the prison gates clamouring for admission in order to be reformed. But, although it may be true that the primary object of imprisonment is punishment and the protection of the society, nevertheless the ideal prison is one which protects society, not only while the prisoner is incarcerated, but, by the treatment of the prisoner whilst he is there, ensures that when he resumes his life in the outside world again, he is no longer an enemy of society. And, therefore, I conceive it, Sir, to be the policy of the Prisons Department to ensure that not only are the prisoners punished by giving them the work and hard work whilst they are in prison and protecting society during that time, but also to bring such influence to bear upon prisoners during their term of imprison-

ment that, when they emerge once more, they will be useful and productive members of society. If that dual objective can be achieved, then, Sir, there is some hope that the total prison population may be reduced and that those who have been in prison will not return.

Now, the next question which may pertinently be asked is what steps the Prison Administration is taking to implement that policy. I can best answer that question by giving two illustrations of what is being done, particularly during the past 12 months. A few miles from here there is the Langata Quarry Camp. It was started just about a year ago by the Public Works Department, erecting a few buildings and dormitory blocks for the prisoners, and throwing up a double barbed-wire fence round the prison. The objective was to develop a quarry there which would supply the Public Works Department with dressed stone. At first progress was slow because there were only a few prisoners there, but during the past few months the numbers have been stepped up very rapidly until now there are 400 prisoners employed at the Langata Quarry Camp. Some 150 prisoners have recently been transferred from the Nairobi Prison, which was overcrowded, where they were not doing a full day's work because there was not a full day's work to be done there. Now they are employed doing a full day's work and a hard day's work at the quarry face humping and breaking stone, and when they have been there some time and graduated to the stage that they are being taught the craft of stone mason, a craft which will give them very good prospects of employment with good pay when they leave the prison after serving their sentences. In addition to giving these men work and training in a trade, this prison is producing a useful commodity for the Public Works Department. Something like 40,000 running feet of dressed stone is now being turned out there every month and 40,000 running feet of dressed stone is worth something like £750 per month, which is a creditable performance for a prison quarry camp which was started scarcely 12 months ago. So that is one practical step that has been taken to implement the policy of giving the prisoners plenty of work to do, useful work which will provide them with a trade afterwards and at the

[The Attorney General] same time is productive work from the point of view of the Government and the Colony as a whole.

The other illustration to which I would refer is the prison farm system, in particular the Kitale Prison Farm which has been running successfully for a number of years, and also a new prison farm which has just been started at Kakamega. The latter has been talked about for years; I am told it was first mooted in 1940, but at least a start has been made about a couple of months ago and although there is not much to be seen there yet—just a hole or two in the ground, and a tent or so—I am convinced that in 12 months there will be a transformation of that site and there will then be capacity in that prison farm for something like 600 prisoners. They will be first offenders, segregated from the old lags, and they will be, for the most part, first offenders of the younger type between 18 and 30 years of age or thereabouts. This new prison farm will be run on the same lines as the farm at Kitale. The farm, at Kitale has, of course, proved a great success during the short time that it has been running. Its produce now is being sold, and sold at good prices. Last year they sold something like Sh. 40,000 worth of molasses seed. They are producing bricks, which last year were worth something like Sh. 20,000 at Kitale and, perhaps, more remarkable still, they are producing maize which last year realized over Sh. 60,000. The maize they produce at the Kitale Prison Farm is, I am told, as good, if not better, than the maize that is produced by Trans Nzola farmers who have been growing it for over 30 years. (Laughter.)

But, Sir, in spite of the excellent quality of the maize that is produced at the Kitale Prison Farm, I regret to have to inform this Committee that the Prison Farm made a loss last year. (Laughter.) Of course, I know that the hon. Member for Trans Nzola will sympathize and understand because he realizes the difficulties with which maize farmers have to contend with in that part of the world; the steadily rising cost of all the implements that we use, the crushing burden of overheads, the heavy transport charges, the rats and the

weevils and all those things, but we hope, that if the price of maize continues to rise and if the cost of production perhaps takes a downward turn, we shall break even next year. (Laughter.) And if we do, then we shall be able to claim that we have throughout the year not only trained 500 men in the craft of agriculture and husbandry, but we have also prepared them so that when they go out to share the common life once more they will be an asset and no longer a liability to the community. Now, those two examples, Sir, I think, show that the Prisons Department is taking active, energetic and practical steps to put into effect that policy, which I have outlined of giving the prisoners work and training there, and at the same time doing work that is useful to the community.

But so far, I have only told the Committee only of the brighter side of the prison work. I have said nothing about the overcrowding which besets and bedevils practically every prison in every province of this Colony. The evils of overcrowding are many, but not the least of the evils of overcrowding is that it is impossible to organize a proper system of work for prisoners when they are confined in conditions such as exist in some of the prisons at the present time. Quite recently, an Assistant Superintendent of a small up-country prison telephoned the Superintendent of the Nairobi Gaol and he told him he had over 300 prisoners in a prison which was built to accommodate only 100 and he asked the Superintendent of the Nairobi Gaol if he could accept the transfer of some of these men. The Superintendent of the Nairobi Gaol had to refuse because his prison also was crammed to overflowing. When you have conditions such as that, hon. Members will readily apprehend that it is impossible to see that all the prisoners have a full day's work, and are kept fully employed in the prisons from morning to night. Indeed, in such circumstances, there are too many prisoners even for the purpose of carrying out the ordinary routine domestic tasks of a prison, and consequently they sit around part of the day, or most of the day, with insufficient work to do, in enforced idleness, because, as I said, even the routine tasks which can be organized in the prison are not sufficient in quantity or in number for the total of prisoners in those prisons.

[The Attorney General] And the great danger of enforced idleness of that kind is that it breeds bad discipline in prisons, and when you have bad discipline you are likely to have insubordination and conspiracy, and when you have conspiracy then the next step is grave troubles which might even lead to mutiny. It is no secret, and I may remind the Committee now that twice in the course of this year there have been grave threats of trouble in one of the large prisons of this Colony, largely due to the fact that it was grossly overcrowded and the prisoners there could not be given a full hard day's labour.

Therefore, Sir, it will be appreciated that this problem of overcrowding in the prisons is an urgent one, and if the work cannot be brought to the prisoners in the crowded prisons, why then, the prisoners must be taken to the work outside the prisons. (Hear, hear.) It was for that reason that a few months ago I sent a letter to all the Provincial Commissioners and to other authorities asking them if they had any public works or other projects on which they considered prison labour could be suitably employed.

MR. HAVELOCK: Have they answered yet?

THE ATTORNEY GENERAL: The response was remarkable, it was even embarrassing. The replies flowed in from all directions asking for prison labour to carry out such works as dam making, bush clearing, road making, soil conservation and public works of that sort. A list of those projects has been compiled and the Prisons Administration are now concerned with the task of assessing the relative priorities because there are not enough prisoners to cope with all the work to be done. (Laughter.) And, of course, in assessing priorities we have regard, surprising though it may seem to hon. Members opposite, to the expenditure that might be involved. Hon. Members opposite will realize you cannot disperse your prisoners to different prisons to cope with work of this nature without having additional warder staff. That is self-evident, but what may not be equally self-evident is that if you have additional warder staff you will have to have additional funds to pay them. In addition to the necessity of assessing priorities from the point of

view of expenditure, there is also the necessity to assess the practicability of erecting a camp near the site where the work has to be done. One such project which I think has excellent possibilities has recently been approved and the work will start in January, that is next month. Some 200 or 300 prisoners will be sent to the Mara district in South Nyanza to start on a big bush clearing scheme which at present is infested with tsetse fly. The scheme is sponsored by the Tsetse Fly Research Institute, and they will undertake to construct the camp; they will also undertake to pay the additional warders whom it will be necessary to send. All that the Prison Administration will be asked to do will be to pay for the feeding of the prisoners and of the warder staff. This project comprises an area of some 185 square miles, and it is estimated that it will provide work for these 200 to 300 prisoners for the next five years. I do not pretend, I cannot pretend, in this case that the work they will do will be fitting them for any particular trade when they have served their sentences. But that cannot be helped. They are at least doing hard work and useful and productive work, because they are bringing back into production, not bringing back into production, but bringing into production for the first time some 185 square miles which hitherto have not been available for cultivation or for grazing. It is the Prisons Administration's contribution to the solution of the agrarian problem, a small contribution maybe, but, like the widow's mite, it should not be despised. That is the first and the most important project which the Prisons Administration are putting into effect. There are, as I have said already, many other schemes under consideration, but it would not be appropriate nor would it, I think, be of interest to the Committee to describe any of those in detail, because I apprehend that all the Committee is concerned to know is that the Prisons Administration have a policy for dealing with overcrowding of prisons, that it is a sound policy, and that they are taking energetic and practical measures to put it into effect.

One thing more, Sir, and then I have done. In this field of Prison Administration there are many difficulties and disappointments and setbacks, but the

[The Attorney General] conscientious and loyal service of the Prison Administration staff stands out, and is a source of encouragement and pride to those who like myself have recently been associated with them. Their organization, Sir, is stretched to the limit—and when I say to the limit, I mean that literally—to control and to supervise the overcrowded, old-fashioned and tumble-down prisons which are under their charge. They work long hours; many of the warders work an 11-hour day, and all of them work much more than a normal working day, and they do so in conditions which sometimes are rather drab and cheerless and even depressing. They work out of sight of the public, and, being out of sight they are very often out of mind, and often forgotten and neglected like the prisoners they look after, and the buildings which are under their charge. But in spite of all this, Sir, the morale of the Prisons Administration is high; the smartness and the efficiency and discipline of the Prisons Administration is truly remarkable and is deserving of the very highest praise. (Applause.) Sir, these men have served the Government and the public well, better than many people know, and I am confident that they will continue to serve them well in dealing with the difficulties and problems which face them during the coming year.

I beg to move. (Applause.)

MAJOR KEYSER: Sir, in order, that I should not forget to express our gratitude to the staff of the Prisons I think I had better do so now, because I might forget it later on. So I will start at the end of the hon. Member's speech and I would like to say, Sir, how very much we appreciate the hard and conscientious work that is undertaken by the Prisons staff and by the warders. (Applause.) Many of us, Sir, visit prisons, or see them working on the roads and we know very well what very long hours they put in, and under what very difficult circumstances often this work is done, but I must say, Sir, hearing the hon. Member speaking about his staff he did leave me with the impression that the Prisons staff served far severer sentences than the prisoners in the prisons.

Now, Sir, the hon. Member started off, and I rather think he spoke with pride of the popularity of the prisons.

However, I shall not congratulate him on that, but he did rather excite my imagination, Sir, when he talked about the attractions of a prison life and I visualized the hon. Member for Education in ten years having a quarrel with my hon. friend the Member for Law and Order over his taking his pupils from school, to his prisons.

Sir, then he went to the other extreme and gave us a most depressing picture of some of the prisoners who are sent to do some of all. I can think of nothing more demoralizing to a human being than to be in a prison with no work to do.

Now, Sir, this matter of the Prisons has been a subject of great debate in this Council ever since I have been a Member, and the reasons for it are, first of all, that its first object is to effect a reduction in crime, but we also think that that reduction in crime should be effected at very little cost. The Prisons Department commands one factor of production, which is not available, in the quantity that it is for the Prisons Department, to other production organizations, and that is labour, and they have free labour, that is, labour without wages, although they do have other costs. But anyhow they have large quantities of labour available, and we have always felt that the Prisons Department should be self-supporting. Now, Sir, there must be some common-sense connection between the Prisons and the Prisons and the two Votes together now amount to the appalling figure of £1,500,000. With the 8,000 prisoners that the hon. Member tells us is the daily total, I feel, Sir, that the Prisons Department should be earning far greater revenue than we know of. Now, he has told us that the policy of his Department is to put prisoners into camps and quarries and by using them on industries to increase the revenue. He has also told us, Sir, that one of his difficulties is lack of staff.

Now if his Department produced a fairly large revenue, then, Sir, it would be easy to persuade hon. Members on this side of the Council to give him a far greater Vote for his services. But, Sir, we have always complained that there is no indication to us of what the true revenue earned by his Department is, and I know, Sir, that that has now set the hon. Assistant Secretary's brain going on his

[Major Keyser]

famous "in and out" scheme, and he is going to tell us in two or three minutes that this is not usual Government accounting practice and therefore it is impossible to perform.

Now, Sir, I say that when we get to the stage of the two Departments—Police and Prisons—costing us £1,500,000 or ten per cent of our total Budget, then, Sir, we should consider whether such little difficulties as changing the accounting system should not be adopted. I believe, Sir, that if we could make it into a revenue-earning department, that that would change completely the whole picture of this Police and Prisons expenditure. And the best way to persuade Members on this side of the necessity for increased staff, and increased expenditure on Prisons is to show that it is revenue-earning, and it will in the end have the effect of reducing crime at very little cost.

I believe, Sir, that one of the deterrents to going into prison would be if the prisoners knew that they were revenue-earning. (Laughter.) Yes, if they went into prison and knew that Government was incurring great expense by them, they would be rather pleased at it and laugh at it. I should be extremely annoyed, if I was a prisoner, to know that I was revenue-producing, at the same time as being in "jug". (Laughter.) I do think, Sir, that is a very great point towards the reduction of crime in the Colony.

Now, Sir, the hon. Member talked a lot about the Prison Farm at Kitale, and I would like to correct him on one point. He said that they earned £2,000, or something, on the production of molasses. I think he means molasses grass seed.

THE ATTORNEY GENERAL: I mean that, I do not mean molasses.

MAJOR KEYSER: I thought he meant molasses, and they may also have been producing rum round the corner from the molasses—(laughter)—but molasses grass seed—this is an excellent instance of what can be done by a Department which has control of large numbers of labour. Molasses grass seed is a very difficult seed to be collected in any way other than by hand, and it has got to be collected by hand and beaten out by hand, and they can do nothing with it in

any other way at present. That is a very good example of when prisoners are put on to the right form of labour. In other words, there is a big revenue coming in. But, I must say, when he went on to tell me he lost money on this Kitale farm with all his free labour, I think that is the greatest justification there is for an increase in the price of maize, because farmers do have to pay their labour.

Sir, I think that this quarry system of using convicts is a most excellent one. Surely there is a terrific scope for it. That quarry at Nakuru is, I believe, also run by the Prisons on behalf of the Railways and must have produced thousands of tons of ballast for the Railways. But, there is scope all round the country for that sort of thing, not only production of stone, but bricks, tiles and everything else, all sorts of building materials, and I would like to suggest to the hon. Member, Sir, that some great strides should be made during this coming year, because it is now, I think, some seven or eight years, that every year we have pressed this particular policy, and while the hon. Member is very proud of the stage that has been reached in the production by the Prisons Department, nevertheless to us, Sir, who have watched it and pressed for it all these years, we think that the progress has been very slow.

Sir, I beg to support. (Applause.)

THE CHAIRMAN: It is now half past six and the Committee will suspend business for ten minutes.

Committee adjourned at 6.28 p.m. and resumed at 6.47 p.m.

In the absence of the Speaker, Sir Charles Mortimer took the Chair.

MR. HOPKINS: Mr. Chairman, I have always felt that the lot of the prisoner in one of our Kenya goals is a very happy one. Anyone who has lived in a Government boma for any length of time, or has otherwise investigated, will, I think, realize that the prisoner enjoys a better diet than any other Government employee—if you can call him an employee. He works rather shorter hours and the output expected from him is considerably less than that expected from anybody else.

Now, in regard to his diet, I believe that is governed very largely by international agreement, and it operates

[Mr. Hopkins]

even when there is a famine or a food shortage in the district, which tends to make the prisons very popular at those times; but another factor which seems to influence the diet is the fact that all medical officers seem to enjoy measuring up and weighing prisoners every week, and they get most awfully upset if the prisoner does not get heavier and more sleek each time they weigh him.

In regard to the length of hours they work, I agree with the hon. Member that the prison warders work considerably longer hours than do the prisoners, and some years ago, when there was a considerable increase in the number of prison warders, we were told this was in order to enable them to supervise the prisoners' longer working hours. It was quite obvious though, that the increase in the prison population has set off this increase in warders.

In regard to the third point, which I thought made prison life rather a happy one—that is, the small output of the prisoner—this, I think, is due to a large extent to the fact that in African society there is no stigma attached to being in prison, and the result is that the prison warders and the prisoners are always the greatest of friends, and they share the conviction that hard work is a rather foolish idea introduced by the European to make life less leisurely and less enjoyable than it ought to be.

Now, I think that something could probably be done in the fact to ensure something could be done—to increase the output. We cannot increase the working hours, so far as I can see, without considerable extra expenditure on warders, but we can increase the output, and I believe that if some system of piece-work or task-work were worked out and applied as widely as possible to all prison undertakings and all prison labour, that we might double, and even treble, the productivity of our prisoners because, if there was a task set, it would be in the interests of both the warder and the prisoners to get their tasks finished, so as not to spend more time than was necessary away from the pleasant precincts of their prison. I believe, also, if Government Departments paid for their labour, that they would assist in seeing that more work was

done. If you were going to get a job done by prison labour, and you paid nothing for it, it really would not matter if it took two, or three, or four days to do it. If they had to say from their Vote so many prisoner days, I am sure they would co-operate in seeing good work was done.

I was quite impressed by the figures in regard to Langata quarry, but I am quite sure in that case there was probably not only piece-work allotted to these prisoners but there was probably also some element of European supervision there. I come down several times a month on a road where there are prison camps, and I have been impressed by how late these prisoners arrive at work, how early they go off and what a small amount of work is done in a day. I sometimes come up and go down in the same day, and it is rather a busy road, and you will find most of the prisoners' time is taken up in watching vehicles pass by. It is an understood thing that any vehicle which passes by means cessation of work, you watch it both arriving and going away. I do think that by introducing some system of piece-work—as I suggested—that we could make prison life a little bit more unattractive than it is at present, because the type of man that is in our prisons is definitely the sort of man who does not want to work for his living.

I beg to support.

DR. RANA: Mr. Chairman, this session I thought was not with a view to congratulating the hon. Members on the opposite side for their various departments under them. I thought we were supposed to move our Motions as far as expenditure is concerned, but the Prison Department, I, as one of the visitors of Mombasa Prison—thank God I have not been an inmate there, I have only visited there—I must say that the discipline and care which the officers and superintendents take of the prisoners—is intended to pay of a compliment to them, and I would request the authorities that the Mombasa Prison—which has been one of the worst in the country for so many years—the time has come that the sooner it is moved from Mombasa Island the better it will be to everybody interested, and I understand that some work is being done, but I am afraid it

[Dr. Rana] It is not being done with the speed which is necessary to complete that work, and I hope that the hon. Member for Law and Order will see, under the Development and Reconstruction Authority, that, if possible next year, this new prison is completed and those poor people who are there, and overcrowded in the most dilapidated type of building, will be relieved of the worries and will have at least some place where they can live quite comfortably.

And also regarding the work which some of the hon. Members have suggested they should do, they will be able to do in more and more comfort.

With these remarks, Sir, I support the Motion.

MR. MATHU: I have just a few points, Sir.

The first one I want to deal with is the employment of prison labour. The hon. Member did say that this is happening, and all I want to analyse—what the hon. Member for Trans Nzoia said—that we should extend this productive labour by prisoners. The hon. Member did say that he has circularized the Provincial Commissioners in this regard, and the response has been overwhelming. I appreciate the difficulty he outlines in regard to scattering these prison camps all over the country. On the other hand, I should like that something should be done in the provinces by prisoners to help out with such public works as roads in African District Council areas—(hear, hear)—because at the moment what happens is that the prison labour is usually confined to the townships. It is easier to deal with them in a township, because the area is small, the supervision is easy and so on, but I do not think we should take the line of least resistance in this matter. In the African District Council areas—as some hon. Members are aware—the roads are in awful conditions, and if labour is the difficulty, I see no reason why certain arrangements should not be made so as to utilize prison labour—at any rate to get one possible road in a district all the year round. It is a very important point, and it would be productive service for the Labour Department.

I see my hon. friend, the Member for African Affairs, smiling. I am sure he is approving all I am saying.

The second point, Sir, I want to make, is in regard to complaints that I have received from certain prisoners with regard to the uniform. I have brought this matter before my hon. and learned friend, the Attorney General, and I have not been satisfied that all avenues have been explored to see that these fellows get a second suit. They have got only one suit, Sir. It will perhaps be a rise in the expenditure of the Prisons Department, but, as he admitted himself, although we have to punish these men (and women when it happens to be them), we do not want to crush their souls completely. We do not want them to become corpses in the prisons. A certain amount of welfare and humanity is necessary, and I think the hon. Member did admit that. One suit, Sir—all the year round if they happen to be serving a twelve months' sentence—is not very comfortable, and does not make very well for the welfare.

I am emphasizing this point, because it is a very important point, and I do not suggest we should go for luxury with prisoners—that kind of thing. On the other hand, from a humanitarian point of view, if you want a fellow particularly—if overcrowding is the rule of the day—it is a point I would like the hon. Member to reply to.

Another point following that is that unfortunately it so happens that some Africans—unfortunately—have been brought up in the British way of life, and have worn shoes since childhood, and at 18 and 19 or 20 years they fall into a bad way—they go to prison. They have worn shoes all their life. Once you are a black prisoner you must remove shoes and must go barefooted. Complaints have been made to me on that score and I have raised this matter with my hon. and learned friend, the Attorney General. I am not satisfied that sandals and medical certificates are being used generously in this regard. Other communities actually lead their ordinary home life. Why they are put inside I do not know. What productive work do they do? Do they do bush clearing? Do they break stones and break the stones in the Lagata quarry? Do they make

[Mr. Mathu] Are they on the Kitala farm or Kakamega farm? If they are prisoners, they are prisoners, and I think they should be punished. What are the Europeans, Indians and Arabs doing? Having a good time—a very good time, too. I suggest something should be done.

My final point, Sir, is a point that was implied by the hon. Member in his speech, when he said, Sir, that there is no reform in prison, it is punishment. But we want to treat the prisoner in such a way that when he gets out into the outside world after his release he will be able to be anti-social and he will become an asset instead of a liability. And I am suggesting to the hon. Member whether he can form a society, or some other people who know their job better than I do, for discharged prisoners—to form a discharged prisoners' society—so that such a society, if it is well organized, could place these men into jobs, because they had, that they will get in touch with the Labour Department so that they know what jobs are going and in that way really get them reformed and become friendly to society instead of going back into the prisons if they do not get adequate employment when they regain their liberty. It is a point, Sir, I am putting forward as a suggestion, that a discharged prisoners' society might be able to help us in getting these people not to go back once they get out of those dismal places, they should never return.

I support the Motion, Sir.

THE SECRETARY TO THE TREASURY: Mr. Chairman, as the hon. Member for Trans Nzoia seemed to think, I am very interested in the remarks he made on the question of the accounting for the Prisons Department. (Laughter.) In my innocence, Sir, I had assumed that I had dealt finally with this matter last year—(laughter)—but I very clearly underestimated the persistence of the hon. Member. I do not think, Sir, that we should lose sight, when considering the matter of prison industries, of their primary object, which surely is to be attempt to train prisoners so that they should be better citizens when they come out of the prison than they were when

they went in, and that they will not become recidivists. Now, we take the example, Sir, of the Kitala farm. The farm, I understand—

MAJOR KEYSER: May I interrupt the hon. Member, Sir—I think we are at cross-purposes. I certainly do not think that the primary object of the prisons is to produce citizens that come out better than when they go in. The primary object of the prisons is to produce a deterrent to crime.

THE SECRETARY TO THE TREASURY: Prison industries, Sir, I think I said—

MAJOR KEYSER: Prison.

THE SECRETARY TO THE TREASURY: However, if we take the Kitala farm, it is a farm of some 500 to 600 acres, and I think my hon. friend the Member for Law and Order said that 500 prisoners were employed on the farm. Well, I know nothing about farming but I doubt whether the hon. Member on a farm of 600 acres would employ 500 labourers to work it. The object, of course, of the farm—as I am informed—is to teach the labourers the proper use of manure, of soil conservation and of rotation of crops, so that they learn something about it.

MAJOR KEYSER: Bricks and tiles, too.

THE SECRETARY TO THE TREASURY: It is not the object to show that the Government could be successful in running a farm. The Government, no doubt, could show that quite clearly. (Question—laughter.) If I were the farm manager, for instance, the first thing I should like to say to the Commissioner of Prisons would be: "I am sorry, I do not want your 500 prisoners this morning, I only want 200, and of those 200, I do not want the ones you gave me yesterday, who were no good at all. I want day, who were no good at all. I want another lot who are much better than the ones you gave me." The Commissioner of Prisons would not be entirely happy with me as a farm manager, with the object of making it a financial success. However, I would be prepared to try. Well, Sir, on this matter generally, I looked at last year's debate when I heard the hon. Member raise this matter again, with a certain amount of, shall I say, trepidation, but I discovered that I had said nothing in the debate last year which would cause me the slightest embarrassment, Sir, this year.

MR. BLUNDELL: Well done! (Laughter.)

THE SECRETARY TO THE TREASURY: But I am still, Sir, a confirmed "in and out" — (laughter) — an allusion, Sir, which I think will be familiar to hon. Members opposite. However, I would be prepared, Sir, to say to the hon. Member that, in view of his obvious interest and sincerity in this matter, the Government would be prepared to set up an *ad hoc* committee to discuss the whole question of cost accounting generally. I fear it is another committee, Sir, but there is no escape if the hon. Member persists. The matter of cost accounting, of course, would embrace all inter-departmental services and not merely the question of the Prisons Department which I think, if I may say so, Sir, is a singularly bad example of what the hon. Member really wants. But I will, Sir, give that assurance. (Applause.)

THE ATTORNEY GENERAL: Sir, the points that were made by the hon. Member for Trans Nzoia have been answered, for the most part, by the hon. Member who has just sat down, but I would like just to add one or two further observations on the argument that he put forward that the Prisons should be made a self-supporting concern. With regard to specific projects which the Prisons undertake, such as the Kitale farm, there may be a different argument to be considered than there would be for the Prisons as a whole. The hon. Member will recognize that many of the projects undertaken by the prisons, though very useful to the community, are not revenue-producing at all. I gave him one illustration of the Trans Mara bush-clearing project. That project, I hope, will produce for all time 180 odd square miles of cultivable and habitable land, but it will not produce any revenue, so the cost of feeding the 300 prisoners employed there and clothing them, which is very high now, and of supervising them, and it needs at least one warder for ten of them and there is European supervision on top of that would have to be carried by the revenue-earning projects which would kill the profit earning prospects of other projects however good they were. So that really, I think, he is putting his case too high when he suggests that the Prisons Department as a whole could be self-supporting. But if he takes a specific

project, I can see that there is a strong case for saying that you should emphasize the responsibility for earning and expanding revenue by promoting revenue-earning schemes on the farm, by growing particular crops, such as molasses seed of which he spoke, which have a good market and can be produced profitably by the kind of labour you have on prison farms. But even then, it would not be fair to compare it with a commercial farm for the reasons which the hon. Member who has sat down has pointed out. One man per acre is obviously too big a labour force. Although it is free labour, as the hon. Member pointed out, it is only free labour in the sense you do not pay him any cast; he has to be fed, he has to be clothed, and he has to have very expensive supervision. Indeed, I may tell the hon. Member that the Kitale farm would have made a profit but for the fact that the Superintendent's salary is just over £1,000, a salary which any ordinary farm could not bear for the purpose that —

MAJOR KHYSER: Sir, as the hon. Member—I did not want to interrupt the hon. Secretary to the Treasury again when he made this point of 300 labourers on a farm of 500 acres—but as the hon. Member for Law and Order has again taken it up, I would like to answer it. Now, Sir, I did not expect him to use 500 labourers on a 500-acre farm, but there is enormous scope all round that farm for the use of that labour. I know that for some five or six years the District Council has been trying to employ those convicts and has never been able to. There, Sir, is a source of increased revenue and there is a very great demand for bricks and tiles which are being made by that prison farm as well. There are a number of ways in which that force can be used and the reason why it is not used to a greater extent than it is to-day is because the Prisons Department require them for all the undertakings that they have—to-day they are fully employed.

THE ATTORNEY GENERAL: We could discuss this at great length and I hope the Member and I will have an opportunity of doing so on another occasion. I do believe the Kitale prison farm is extremely efficiently run and that it is achieving the object of giving the

[The Attorney General] also—and I would ask the hon. Member to bear this in mind—it is protecting society from these men. You cannot let prisoners roam all around the countryside doing work. Hence you have sometimes to keep more men on a particular farm than you would keep on an ordinary farm because they have to be kept in custody. There are several objects that have to be borne in mind and which, indeed, have to be given priority over the revenue one. But I would agree with the hon. Member that the revenue-earning side of the Kitale prison farm or the Langata quarry is one that should be kept prominently in mind with a view to keeping the burden on the taxpayer as low as possible, and, if it be possible, to removing it altogether as regards those projects.

The hon. Member for Aberdare seemed to think that the lot of a prisoner in the Kenya prisons was, unlike that of a policeman, a very happy one. But I would like to join issue with the hon. Member on that. I gave him one illustration of a small up-country prison, and it is not far from the district with which he is familiar, where there were over 300 prisoners accommodated in a prison that was built only to accommodate 100. I do not know whether the hon. Member has had the advantage of going inside a prison of that kind and seeing and inspecting it. Sir, it is a deplorable sight and, one should speak with first-hand knowledge of the conditions of some of these prisoners before expressing an opinion as to whether the lot of some of them in those conditions could possibly be described as a happy one.

MR. HOPKINS: Perhaps the hon. Member does not know that I have been in charge of prisons for over 20 years in the capacity of District Commissioner.

THE ATTORNEY GENERAL: As I pointed out to the hon. Members in this Committee in my opening speech, the present population has increased three times in the last decade and that is why they are overcrowded now to the extent they certainly were not ten years ago, much less 20 years ago. It is overcrowding which is one of the most worrying of the problems with which the Prison Administration have to deal. He complained also that the prisoners that

he was acquainted with did no hard work. There, again, I would commend to him a visit to the quarry camps which are not far from here, where they certainly do a very hard day's work, hard physical labour, humping stones and breaking stone for several hours a day. He also said—and in this, too, his facts are not accurate—that they ought to be given piece-work. They are in fact given task-work in these quarries; so much stone has to be broken per day or so much stone has to be carried per day, that is the sort of piece-work that they are given.

MR. HOPKINS: Sir, what I was asking the hon. Member was would it not be possible to extend this system of piece-work more or less throughout the prison labour and prison undertakings.

THE ATTORNEY GENERAL: As long as the hon. Member acknowledges that task-work is recognized and is given in prisons, then I am content, because it certainly was not made clear in his speech. The hon. Member for Eastern Area referred to the Mombasa prison and he asked if efforts could be made to accelerate the construction of the new prison there this year. He suggested, and rightly I think, that the progress at present was somewhat slow, too slow, considering the urgency of providing alternative accommodation to Fort Jesus. I can assure the hon. Member that everything possible will be done to accelerate the construction of that new prison. The most important limiting factor is the fact we have to depend entirely upon prison labour to quarry the stone, to dress it and then to lay it, apart from the very little supervision that can be obtained from the Public Works Department. So we are training men at the same time as we are building and that necessarily means it is a much slower rate of building, as hon. Members will appreciate, than if the construction was undertaken by skilled and experienced men.

Finally, Sir, the hon. Mr. Mathu raised a number of points which I shall endeavour to reply to. Whilst agreeing with the policy of the Prisons Administration in using prisoners for the construction of public works and roads, he urged that that policy should be extended, and particularly with reference to the construction of roads in native

[The Attorney General] area. I mentioned when I moved this Motion that a number of projects have been submitted by Provincial Commissioners—I think speaking offhand—that the total is 23—but I did not outline the details of these projects; but some of them do cover the very point which the hon. Member raised, namely the construction of roads in native areas, some, I think, in the Central Province, some in the Masai district. So the point is in mind and I hope that next year these will be some of the projects which we shall be able to tackle when the prison camp system has been extended. He also asked—and he has raised this point with me before—whether it would be possible for a second uniform to be issued to all the prisoners. The difficulty at the moment is that if a prisoner wishes to wash his uniform, then of course he has only a blanket to wear whilst it is being laundered and prepared for use again and it is desirable, in principle, that prisoners should have a second uniform. Nor would that arrangement increase the recurrent expenditure of the prisons, because if a prisoner had two uniforms, they should, in theory, and in all probability would, last twice as long. The cost would be about £6,000 initial expenditure but, thereafter, there would be no additional expenditure year by year. Therefore, the hon. Member will naturally ask why we do not do it? The answer to that is that in the overcrowded prisons which we have got at the moment, there is just nowhere that a second uniform could be kept and stored with safety.

MR. MATHU: What about the blankets? Where do they store the blankets?

THE ATTORNEY GENERAL: They sleep on the blankets.

MR. MATHU: What do they do in the day-time? Put the second uniform as a pillow?

THE ATTORNEY GENERAL: At the moment, they have very few articles to look after; their soap and small articles of that kind, they have to keep in their hats. It is the only place where they can keep them. I can assure the hon. Member that there are real, practical difficulties in controlling overcrowded prisoners, and, in arranging for spare clothing to be issued to prisoners, unless you can also

arrange for storage. But let me add this, which I hope will reassure and encourage the hon. Member, that in the new prisons that are being built at Kisumu and Kamili Downs the necessary storage space for a second uniform will be made available.

As for the shoes, to which he referred, it is quite true, as he said, that none of the African prisoners wear shoes, but as I myself have seen, and no doubt the hon. Member has also seen, practically all the African prisoners now wear sandals made from old tyres. They are a covering for their feet. The Commissioner of Prisons makes special purchases of these old tyres—odd lots of old lorry tyres—so that the prisoners themselves can convert them into sandals. So, although, I suppose, the hon. Member would regard it as a second best, at least the vast majority of them, if they wish, can now have a covering for their feet.

I think the last point that he raised was the after-care of prisoners when they are discharged after serving their sentence. There I agree with him that much more could be done than has been done, or is being done at the present time. In the United Kingdom of the Discharged Prisoners' Aid Society is one of the most valuable voluntary, or semi-voluntary organizations, that exists in the country. Very often, when they open the prison doors and tell the prisoner to go and work outside, he does not know where to turn or what to do in order to get back on to the straight road once more. One can imagine that sort of difficulty being accentuated for prisoners in this country if they have been cut off, as many of them have, been from their tribal associations. I believe more can be done to help discharged prisoners, and indeed, it is a corollary of the training that is being given to prisoners, particularly the training in craftsmanship such as stone masonry, to which I have referred, that when they leave prison, the Prison Authorities or the Discharged Prisoners' Aid Society should have some machinery which would put them in touch with employers who would give them employment to enable them to earn an honest living and lead an honest life once more. I assure the hon. Member that special attention will be paid to this aspect of Prison administration and in a year's time, I hope I will be able to

[The Attorney General] report that some improvement has been achieved in that direction.

Accordingly, Mr. Chairman, I beg to move.

The question that Head 3—5, Prisons, be considered, was put and carried.

THE ATTORNEY GENERAL: Mr. Chairman, I beg to move that Head 3—5 (1) items 1 to 1—35, be approved.

The question was put and carried.

THE ATTORNEY GENERAL: Mr. Chairman, I beg to move that Head 3—5 (1) items 2—13, be approved.

MR. OHANGA: Could I have some information on item 8, Prisoners' and Detainees' Clothing? Do I understand that detainees do not have any uniforms at all?

THE ATTORNEY GENERAL: That is correct, and to that extent, of course, the description is not quite accurate. But it is true the detainees have some bedding. I suppose the point the hon. Member wishes to raise is why should they refer to detainees' clothing if, in fact, they are not provided with uniforms. The more correct description would be "Prisoners' Clothing and Prisoners' and Detainees' Bedding".

MR. HAVELOCK: Item 10. I beg to move that item 10 be reduced by £10,000. Mr. Chairman, once again this Vote has been increased, as it has every year. Is the increase due to increase in the price of raw materials? Is it due to increase in the quantity of raw materials and therefore an increase in output? Would the hon. Member tell me if it is due to an increase in price—and what special articles are the ones that show this increase, if it is a matter of increase in price? Without this explanation, I can see no reason why the Vote should be so large.

I beg to move.

THE SECRETARY TO THE TREASURY: Would it be permissible—would hon. Members agree to our talking this item and the non-recurrent item together?

MR. HAVELOCK: There is no objection is there, Mr. Chairman, to an hon. Member referring to another item if he wishes to discuss a Motion?

THE CHAIRMAN (Sir Charles Mortimer): None whatever, it is provided for under the Standing Rules.

THE SECRETARY TO THE TREASURY: On this particular item, there has been an increase in price of khaki drill. You have allowed me, Sir, to mention the two items—to refer to the other item, in discussing this particular question. The two items together total £170,000. The item for £100,000, Sir, under non-recurrent was approved by the Standing Finance Committee in February this year. It appears in the 1952 Estimates because it was known that it was almost impossible that any expenditure could be incurred against the item in 1951. Of the two items of £170,000, the Government is committed to expenditure amounting to £130,000. Orders have, on the authority of the Standing Finance Committee, been placed against the Vote of £100,000 to the extent of £90,000. With regard to the Vote of £70,000, Sir, hon. Members will appreciate that owing to the uncertainty of delivery dates, it is not always possible to ensure on an item of this kind, that expenditure is incurred against the Vote in the year in which the provision is made. We attempt to do that as nearly as possible, but I think if I could tell the hon. Member what has happened over the last four years, the position will be clearer.

In 1948, Sir, the estimate for the corresponding item to the one we are now discussing was £20,000. The actual expenditure was £31,194. In 1949, the estimate was £68,000. The actual expenditure was £55,000. In other words, there was a saving of some £13,000 in that particular year. In 1950, the estimate was £68,000 again. The actual expenditure was £77,000, an over-expenditure. This year, so far, Sir, the provision in the Estimates is £67,000. The actual expenditure to 30th June was £17,000 only. It is expected, Sir, that before the end of the financial year, when of course, the provision under the item lapses, that some £50,000 will have been spent, and there will be a saving of perhaps £7,000 on this year's Vote. But, as far as next year is concerned, owing to the back-log of deliveries of orders already placed, we are committed on the Vote to the extent of £40,000. We are committed to the extent of £90,000 on the non-recurrent item and of £40,000 on the recurrent item, making a total of £130,000. We do, of course, to place orders for the balance of the £40,000, but no new

[The Secretary to the Treasury:] orders, of course, have been placed, naturally, pending the debate on the item in this Committee. (Applause.)

Mr. HAVELOCK: Mr. Chairman, the applause from the Government benches is well deserved, Sir. I would just like the hon. Member to answer a simple question, and that is, this £70,000, I understand, is as near an estimate as he can get, and Government can get to the requirements of the Prison Industries for all raw materials for 1952. Is that correct?

THE SECRETARY TO THE TREASURY: Yes, Sir.

Mr. HAVELOCK: And would the hon. Member tell me, Sir, the question which I asked to begin with, which actual articles, which raw materials are the ones especially affected by the rise in price included in this £70,000?

THE ATTORNEY GENERAL: The answer to the hon. Member's question is that it is textiles, khaki drill and other forms of textiles, which are made up into uniforms for other Departments by the Prison Department.

MAJOR KEYSER: Could we know how much of the £70,000 is khaki drill?

THE SECRETARY TO THE TREASURY: Sir, I have some figures here—whether they give that information, I do not know, but about 80 per cent—the information is not set down here—it is about 80 per cent I should think. It is not necessarily khaki drill, but drill of some kind or other, blue drill, obviously, is used for some uniforms.

Mr. HAVELOCK: Mr. Chairman, in view of the very detailed explanation given by the hon. Secretary to the Treasury, I beg leave to withdraw this Motion. (Applause.)

THE CHAIRMAN: If no hon. Member has any objection, the Motion is withdrawn.

Mr. OJANGA: Item 12, Sir.

Mr. Chairman, in our experience there does not seem to be any after-care services for these convicts. Could the hon. Member please inform me how this £280 is going to be spent?

THE ATTORNEY GENERAL: The answer to the hon. Member's inquiry is that practically the whole of that £280 is ex-

pendent in purchasing tools which are given to prisoners on their discharge, to enable them to start up in a trade; as a carpenter, blacksmith or stonemason or whatever it may be.

The question was put and carried.

THE ATTORNEY GENERAL: Mr. Chairman, I beg to move that Head 3—5, sub-heads (2), (3), (4), (5), (6) and (7) be approved.

The question was put and carried.

THE ATTORNEY GENERAL: Mr. Chairman, I beg to move that Head 3—5, sub-head (8), items 1 (1) to 1 (11), items 1 to 10, be approved.

The question was put and carried.

THE ATTORNEY GENERAL: Mr. Chairman, I beg to move that Head 3—5, sub-head (9) be approved.

The question was put and carried.

THE ATTORNEY GENERAL: Mr. Chairman, I beg to move that Head 3—5, sub-head (50), Non-recurrent, items 1 to 6, be approved.

MAJOR KEYSER: Mr. Chairman, item 4.

Mr. Chairman, item 4 is Purchase of Khaki Drill, £100,000, and I beg to move, Sir, that that be omitted.

Now, Sir, the memorandum note on the opposite page is:—

"On the recommendation of the Standing Finance Committee authority was given to the placing of orders for the purchase of £100,000-worth of khaki drill as a reserve stock. It is not expected that any expenditure will be incurred in 1951, but if it is the 1952 provision will be reduced accordingly."

Now, Sir, the Standing Finance Committee minute which refers to that is No. 30 of February, 1951, and it reads:—

"The Committee recommended that approximately a year's stock of khaki drill and other materials to be used by prison industries for the manufacture of Government uniforms should be ordered to a cost of £100,000. It was agreed that an investigation should be made as to whether there was any leakage to destinations outside Government of drill supplied by prisons."

[Major Keyser]

Sir, as I understand it, the supplies of khaki drill for 1952, or rather the provision of funds for the purchase of khaki drill for departments in 1952 has already been dealt with under each department, and also because there is an item in each department for uniforms, which are made of khaki drill, presumably, unless they are made of serge, or something, but they are made of khaki drill. I say that because the hon. Secretary to the Treasury frowned at me when I say that. But there is an item in each department for uniforms, which I presume are made of khaki; there is also a provision, Sir, as we were told in discussing the item of Raw Materials for Prisons, which also covers khaki material for requirements of khaki drill for 1952, which has already been voted. And this £100,000-worth of drill is for stock-piling, not to be used in 1952, but in subsequent years. Now, Sir, the hon. Member for Finance in this speech, his first speech when the Budget was laid, told us that there was a deficit of £444,000, and that he then proceeded to increase that deficit by a reduction of certain customs duties, and also the increase of certain family allowances in income-tax, and it was increased to somewhere around £555,000. He then told us that in order to meet that deficit certain taxation would have to be imposed, which would give us a surplus of £150,000. Now, Sir, what I want to deal with is the deficit £444,000 that he originally mentioned. Now, this £100,000 here that is to be spent on khaki drill obviously forms part of that deficit of £444,000. In other words, if this £100,000 for khaki drill was omitted, then the deficit would have been £344,000 instead of £444,000. I think, Sir, it is admitting by the hon. Members opposite that this is definitely an expenditure for stock-piling. Now, my point, Sir, and the real point of what I am going to say, is that I do not believe that it is good finance or sound Government finance to impose taxation, increases in taxation, for the purpose of meeting expenditure for stock-piling. This amount of £100,000 is not required in 1952.

Now, I appreciate, Sir, the point that is going to be made (laughter)—which is that it is expected that khaki drill will rise in price, and therefore Government are now becoming speculators. When

anybody else becomes a speculator, I think they are usually called "spec" by Government, but, Sir, they are admittedly becoming speculators in khaki drill, and I have got no objection to that—if it comes off they will be called long-sighted. If it does not come off I am not quite certain what the expression will be, but it will not be that. Anyhow, Sir, I am not objecting to their buying that khaki drill. What I object to is the finance being devoted out of this expenditure here to a short-term project and for stock-piling, and taxation being increased in order to meet that. There are other ways in which this could be met. The hon. Member for Finance told us that the East African Cereals Pool is financed out of the surplus balances of Kenya Colony. Now, Sir, can we not so arrange with this Department that the purchase of £100,000-worth of khaki drill to be used by this Colony—not by the East African Cereals Pool—should be financed out of surplus balances? The hon. Member shakes his head, and I say that he is just obstinate about it. But, Sir, he can shake his head as much as he likes. I say if he can finance the East African Cereals Pool—he told us they were their bankers—surely, Sir, the purchase of khaki drill in this form where you have a security for it is a perfectly sound thing to advance money on. I am not quite sure whether they are quite happy about the security. Where are they going to store this £100,000-worth of khaki drill? I would like to know that one. Khaki drill is a very vulnerable commodity.

Mr. HAVELOCK: Still!

MAJOR KEYSER: It would be interesting to know where they are going to store that £100,000, and perhaps that is why the hon. Member for Finance feels a little bit nervous about his bank advancing the purchase price of it. Sir, they could go to any commercial firm and get a loan to purchase this khaki drill against the security of the drill. If they had some place to store it in. Well, I see he says no. I say yes, so we will leave it at that. Sir, I beg to move. (Laughter.)

Mrs. SEAW: Mr. Chairman, I should like to support every word that my hon. friend the Member for Transvaal has said. I am perfectly certain that Government is indulging in speculation, and I

[Mrs. Shaw] do submit, Sir; that speculation in khaki drill or in anything else is not a proper pastime for our Prison Department. I should also like to say priority of shipping space I gather, has been given to this khaki drill already. I think there are many more commodities that are much more necessary to this Colony, that could take up that shipping space more advantageously than this khaki drill, especially as it is not required this year, and also, that it is—rightly—I gather it is viewed with some alarm and despondency by the Prisons Department who have to store it.

THE SECRETARY TO THE TREASURY: Mr. Chairman, I must object to being described as a speculator. This is not speculation, Sir, but prudence. (Hear, hear.) But, Sir, even if it were speculation then the speculators, Sir, are the hon. Members opposite—the speculators are the Standing Finance Committee who authorized it. The Standing Finance Committee has an unofficial majority in its membership. However, it is not speculation, so we need say no more about that one.

Sir, on the question of the deletion of this item, as I thought I had explained earlier, the Government, Sir, is committed to the extent of £90,000 of this expenditure. It is committed on the authority of the Standing Finance Committee. The item cannot be reduced by more than £10,000. The suggestion seems to have been made that it would be simple to delete this item from the Estimates and make the provision from surplus balances. I get the impression that surplus balances are regarded as a kind of goat bag unconnected with the Estimates at all, a kind of bag in which the hon. Member for Finance can dip whenever he wishes. Fortunately, Sir, for hon. Members opposite, that is not so.

MR. SALTER: Where does the £370,000 for financing motor-cars for Government servants come from?

THE SECRETARY TO THE TREASURY: It is sad, I think Sir, at this stage, after having discussed these Estimates for nearly three weeks or just over a fortnight, after weeks of discussion anyway, we have to turn now to the consideration of what Estimates really are, in other

words of what we are talking about. It might be appropriate if I read out Colonial Regulation 190. It is my melancholy lot to have to deal with matters of this kind which I would have thought were extremely tedious, but hon. Members have asked for it so what more can I do? Sir, the Estimates of Expenditure, Colonial Regulation 190 says, "shall be framed so as to show as nearly as possible the amounts which it is expected will actually be spent during the year. Every head of expenditure shall include as far as possible all the items related to that particular service so as to show clearly the total estimate cost of that service during the year".

We are talking here, Sir, about the expenditure of £100,000. Hon. Members seem to agree, or most of them, I think, seem to agree that this expenditure is desirable. If that is so, Sir, then there is no escape but to put the amount in the Estimates. The only way in which Government can get authority for expenditure, except by putting the item in the Estimates or by moving a vote of supplementary provision. When the expenditure can be foreseen it is the Government's duty to put it in the Estimates of the Colony. This item, Sir, cannot be deleted.

MAJOR KEYSER: May I interrupt the hon. Member a minute and ask him a question? This £100,000 for khaki drill is not required for the service of the year 1952 at all. Will he answer that question? Is it going to be consumed in 1952 because I understood from conversations outside this Committee, that it was not required for 1952, it was stock-piling and would be used in subsequent years. It is therefore not required for the service of 1952. Colonial Office Regulations. (Applause.)

THE SECRETARY TO THE TREASURY: It is for stock-piling certainly, and I doubt if it will be used in 1952.

MAJOR KEYSER: It is not servicing then?

THE SECRETARY TO THE TREASURY: It is expenditure as far as the Government is concerned. The bill will be presented in 1952. The bill will have to be paid, there is no method, Sir, of paying the bill other than providing a Vote in these Estimates on the authority of this Committee or by coming back to the Committee for Supplementary Provision.

MAJOR KEYSER: On a point of order this is entirely unconstitutional. It is not a service for 1952, and is unconstitutional.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, surely if we look at the front page of this we see not services, we see Draft Estimates of Revenue and Expenditure. The Secretary to the Treasury has merely pointed out the money has got to be expended in 1952.

MR. BLUNDELL: Might I ask—

THE SECRETARY TO THE TREASURY: I had not finished, Sir.

MR. BLUNDELL: I will give way, Sir, with pleasure.

THE SECRETARY TO THE TREASURY: With regard to the other point made by the hon. Member for Trans Nzoia and by the Member for Nairobi South, the matter to which they were referring were matters of the use of cash. This is final expenditure. The Government's cash can be used, short term for various services and turned over, but then the cash comes back again, in this particular instance the cash will not return. What will come here is £100,000-worth of khaki drill, and no more can be said on that point.

MR. BLUNDELL: I do think that the hon. Member's explanation is a little specious. He says that the cash will not return. The cash will return in 1953 under the item Uniforms, which will be solemnly voted to this Vote in each Head.

MAJOR KEYSER: Yes, quite.

MR. BLUNDELL: That is obvious. Secondly, Sir, I fail to see why, if he can advance money for the purchase of motor-cars and things to civil servants under loans which do not appear, and secondly he can advance cash for the purchase of maize, which is turned over and consumed in six or seven months' time—will be consumed in 1952, why he cannot also advance money for the purchase of khaki drill which will be turned over and used not in 1952 but in 1953.

THE SECRETARY TO THE TREASURY: I am surprised at ad. hon. Member, Mr. Chairman, of the Public Accounts Committee, making such a speech. (Hear, hear.)

MR. BLUNDELL: Mr. Chairman, may I suggest that the hon. Member wails, Sir,

until the Director of Audit has commented on the item khaki drill in his Audit Report.

THE SECRETARY TO THE TREASURY: One thing is quite certain, Sir, if provision is not made for this khaki drill in these Estimates, the Director of Audit will certainly have a comment to make.

One further comment, Sir, by the hon. Member for Trans Nzoia. He regarded this as a non-recurrent item, which, indeed, it is, and said, therefore, it should not be part of the Colony's Estimates, but it should be borne in some other odd place—rather ill-defined. But there are two types of expenditure—I must say this, Sir—there is recurrent expenditure and there is also non-recurrent expenditure. Non-recurrent expenditure, Sir, has a habit of recurring. The real difference between recurrent and non-recurrent is that under recurrent expenditure provision is made for the same services annually. Under non-recurrent, provision is made for different services. Now, I got the impression, Sir, that the hon. Member thought that the inclusion of this particular item had unduly swelled the non-recurrent Estimate for 1952. Sir, in 1947, the non-recurrent expenditure was 17.5 per cent of the total expenditure of the Colony; in 1948, it was 13.2 per cent; in 1949, it was 11.7 per cent; in 1950, it was 14.8 per cent; in 1951, it is 15.6 per cent; in 1952, it is 12.6 per cent. (Applause.) In other words, Sir, the non-recurrent expenditure for 1952, the expenditure which we are now discussing bears a less proportion to the total expenditure of the Colony than it has done for the last six years.

MAJOR KEYSER: That is not the point I made, I said it was unduly swelling the deficit. This £100,000 went towards swelling the deficit; I said nothing about recurrent expenditure at all. That is my point. But, if that £100,000 is not spent, that deficit of £444,000 would have been £344,000.

THE SECRETARY TO THE TREASURY: I could go on for a very long time, but the horrid truth is, I fear, the expenditure cannot be deleted because of the action taken as a result of the advice given by us, by the Standing Finance Committee.

THE CHAIRMAN: Another horrid truth is that it is 8 o'clock!

LT.-COL. GHERSIE: One final point, Sir. It is purely a question of Government accounting as opposed to ordinary commercial accounting. This item is an asset, really, which will not be expended during 1952—(hear, hear)—and as a result of that, should not be charged to the expenditure of 1952. Now, I will just draw the hon. Member's attention to just one item in the Colony's balance sheet. I may have got this wrong, because the accounts of Government are rather confusing but we have the K.A.R. Clothing Reserve Store, London, £3,750. I do not know if that is merely a store or a clothing reserve, and I suggest if it is a clothing reserve, this khaki should be treated in exactly the same manner and not debited to expenditure for 1952.

THE CHAIRMAN: It will be convenient if we can dispose of these items and so finish the Prisons Vote. If not, and hon. Members do not wish to continue the debate—

THE SECRETARY TO THE TREASURY: I can only repeat, Sir, that this is a commitment to the extent of £50,000, and that if hon. Members think they can delete the item, I fear they deceive themselves and the truth is not in them.

MR. HAVELOCK: There are other Members who wish to speak in this debate. I move that we adjourn now.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Committee do report progress and ask leave to sit again.

The question was put and carried.

ADJOURNMENT

Council rose at 8.03 p.m. and adjourned until 9.30 a.m. on Wednesday, 12th December, 1951.

Wednesday, 12th December, 1951

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 12th December, 1951.

Mr. Speaker took the Chair at 9.35 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 11th December, 1951 (Evening Sitting), were confirmed.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 21

MR. SALIM:

Is Government aware that for a number of years past Produce Control has made approximately Sh. 12 a frasila on every frasila of copra dealt with by them?

If that is so, will Government state what has become of the profit which has so accrued?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: No, Sir. There is however, a margin between the price paid by the Control to Kenya copra producers and the copra price in the price structure of coco-nut oil. This margin is at present Sh. 11/44 per frasila, and over the last three years has averaged Sh. 5/05 per frasila. This margin has been inevitable because under conditions whereby Tanganyika has let Kenya have considerable supplies of copra at a low price we on our part have been obliged to keep the Kenya price for copra in line with the Tanganyika price.

In view, however, of the fact that the Tanganyika and Kenya copra supplies have been insufficient to meet our total requirements of coco-nut oil, supplies of more expensive coco-nut oil have had to be purchased from Zanzibar. The cheaper produced oil from Kenya and Tanganyika copra has been pooled with the more expensive Zanzibar oil and the resultant price has been fixed in Kenya at a non-profit-making level.

The margin on Kenya copra to which I have referred is absorbed in this process.

MR. COOKE: Mr. Speaker, arising out of that, why is the poor producer in Kenya sacrificed to the more wealthy producer in Tanganyika?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I do not think he is, Sir. I think they get exactly the same price—the Kenya and Tanganyika producers.

MR. COOKE: This is not our information.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I am prepared to go into this, Sir, with the hon. Member. I think that is the case. Actually, I am at some disadvantage in the absence of my hon. friend the Member for Commerce and Industry, who has a great deal to do with this.

MR. COOKE: The Committee went into it in conference with the Agricultural Officer at the Coast, and they found that that was the margin. I would be much obliged if the hon. Member would go into it.

DR. RANA: Arising out of that answer, according to my information, Tanganyika is paying more for copra prices and I would request the hon. Member to investigate it more.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I will certainly investigate the matter and let the hon. Member know. I think these facts are correct, but I will let the hon. Member know.

REPORTS

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to report that at the evening sitting of the 11th December, Committee of Supply considered Head 2—6, Head 2—4 and Head 15—10, Development and Reconstruction Authority Water Supplies, and passed those Heads without amendment.

The Committee then proceeded to consider Head 3—5 and its deliberations were unfinished when it was moved and passed that the Committee report progress and ask leave to sit again.

COMMITTEE OF SUPPLY

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1952.

HEAD 3—5, PRISONS—(Contd.)

THE FINANCIAL SECRETARY: Mr. Chairman, we were considering Head 3—5, sub-head 50, when the hon. Member moved the deletion of item 4, with a consequent reduction of £100,000. In moving that Motion, the hon. Member gave certain reasons in justification. Now, Sir, those reasons were answered in a manner which I think would have convinced a whole army of Welshmen but the hon. Member still continued to doubt, and still continued to express dissatisfaction.

MAJOR KEYSER: He still does.

THE FINANCIAL SECRETARY: It gradually became apparent, Sir, that there was some other reason behind the hon. Member's mind, in his deep subconscious, and I have, during the night, Sir, delved into the hon. Member's subconscious and I think that I see the point that he is trying to make.

MR. BLUNDELL: Take your glasses off!

THE FINANCIAL SECRETARY: Now, Sir, before I answer the point, I would like to ask the hon. Member a question. I will ask him to put himself in the position of the Financial Secretary.

MAJOR KEYSER: God forbid!

THE FINANCIAL SECRETARY: I will ask him to divest himself of all bias for political tactics and political manoeuvres, and put himself in the position of the Financial Secretary whose sole purpose is the sound, just and good financial governance of this country. (Hear, hear—applause.) I will ask him now, Sir, to consider himself faced with a Budget of £16,000,000 and the year 1952, the vicissitudes of which no man can foresee. Now, Sir, in those circumstances, I will ask him, faced as he is with those circumstances, what would he think would be a reasonable Budget surplus—a reasonable margin of safety on a Budget of £16,000,000?

THE CHAIRMAN: Are we not dealing with an item to—on a Motion to reduce a particular item?

MR. BLUNDELL: Mr. Chairman, I wish to reduce ourselves once again to Committee of Supply, and not to the policy debate delivered by the embryo Chancellor of the Exchequer.

[Mr. Blundell]

As it is obvious to me that certain conclusions have taken place in the night, I should like to put clearly to the hon. Members opposite the substance of our charges in this matter. The first, Sir, is this: that this is not an item which falls into account in 1952. It is an item which will come to account in 1953 and for which, if normal practice is carried on, there will be provision in 1953; in so far as it has avoided the deficit so far, it has conditioned the necessity for increased taxation in this year, that taxation being on spirits, beer and cigarettes. I am unable to agree, Sir, with the hon. Member in the back row there on the opposite side that this is a cash transaction as distinct, as I understood him then to say, from, for instance, loans to civil servants or purchase of maize. What we are doing here in effect is creating an asset which may or may not be expended in 1953—probably will be—and part of 1954. We do that under many other items, and if we look in the Budget before us we will see on the other pages, under the terms "Assets", Purchase of Maize and Purchase of Wheat, amounting to something like £900,000. Those are, in effect, in exactly the same category as this item.

Now, Sir, I do suggest to the hon. Member that this is an item which can be properly financed from the surplus balances.

I can give him an actual instance of how in the past he has done it. He has applied to Standing Finance Committee for an advance from the surplus balances pending the raising of a loan for housing, and be created by cash from the surplus balances houses which subsequently be refunded from the loan. What he would do in this case is he would create an asset in khaki drill from surplus balances, which subsequently we would refund from the expenditure item in the 1953 Estimates.

Mr. Chairman, the whole trouble with the hon. Member opposite is that he regards the surplus balances much as a widow, who packs her new and shiny coins under her pillow every night, instead of delving into the subconscious of the hon. Member for Trans-Nzania in actual effect every night, like a miser,

he counts those surplus balances and gloats on them. It is impossible, as far as I can see, for the surplus balances to do something which the hon. Member for the Coast so rightly says they should do, fructify. They are not able to fructify. I do press the hon. Member to give us straight answers. We are not—despite his remarks about the Public Accounts Committee, and about possible comments from the Director of Auditors—we are not convinced on this side that it is equitable to raise taxation on our necessities in the way of drink and tobacco to pay for an item which will only come to account in the future.

Mr. COOKE: I was delighted to hear my hon. friend the Member for Rift Valley supporting a view which I have held for the last few years and which the hon. gentleman opposed with just as much eloquence two years ago. I oppose this proposal for two reasons. Number one. I was a member of the Standing Finance Committee when we sanctioned this expenditure, and I sanctioned this expenditure with my eyes open and I take full responsibility for doing so. It is not in any measure a speculative proposal. It was a prudent proposal, that was to lay in stock this khaki drill against a rise in price. Now my hon. friend, I think, was also a member of the Standing Finance Committee which sanctioned that particular expenditure, and so was my hon. friend on my right, and I have not heard yet what reasons they can adduce for going back on the recommendations they made a few months ago. I am going to say a hard word now. I think this proposal on this side of the Committee is rather a deceitful proposal, because it will give the impression to the country at large that we are saving expenditure of £100,000. Of course, it is no such thing. That £100,000 will have to be expended at any rate within the next year or two. I do not think it is a proper charge myself on surplus balances, any more than the hidden reserves of a company or a big corporation could be drawn upon for current expenditure.

In the United States of America and Great Britain a good deal of stock-piling is going on and, of course, it is all done from current expenditure. Therefore, I am very sorry I have got to oppose the line taken by the hon. gentleman on this side of the Committee.

Mr. SALTER: Mr. Chairman, putting myself in the position of the hon. Member for Finance with all the responsibilities to which he has referred, I would unhesitatingly omit this item. We are told that the Standing Finance Committee sanctioned this particular item. I have yet to be told, Sir, that they sanctioned it for 1952. (Hear, hear.)

THE FINANCIAL SECRETARY: Mr. Chairman, on a point of explanation, they certainly did so, and it was fully understood by that Committee that this item would appear in the 1952 Estimates. I deny all negation, Sir. What is more, Mr. Chairman, the hon. Member for Finance was actually congratulated by the Unofficial Members on his foresight in putting the matter forward.

Mr. SALTER: There appears to be an issue as to whether it was voted for 1952 or not, because although the hon. Financial Secretary has said that that was his understanding, I understand from those who attended the Committee and from the minute that that may be open to doubt.

Mr. COOKE: No, no doubt.

Mr. SALTER: Anyhow, it does seem that this is a perfectly proper item to be paid from surplus balances. The hon. Member told us when he opened his Estimates in his speech that surplus balances are used every year at the peak period to the extent of £4,000,000 for the purchase of the principal cereal crops in this Colony. I understand, I am open to correction, that £370,000 is used on a cash basis—is it?—I do not know—for the provision of motor-cars for civil servants under a hire purchase system which bears no interest. Now, Sir, the hon. Member for Rift Valley has shown how this sum will come back. It comes back under the Vote to every Department Head in the Estimates under the item of uniforms, which I believe amounts in a round figure this year to something like £50,000, or it may be £80,000, I have not added it up completely. Therefore, Sir, bearing in mind that we should use this surplus balance properly and not bury our talents, and as it will come back, and as it is not in my submission a proper burden to be placed upon the taxpayer, I support this Motion.

THE FINANCIAL SECRETARY: Mr. Chairman, assuming that the hon. Members

with were gratified, that is to say, that this item were cut out of the Estimates (and my hon. friend in the back row, as he is referred to by the hon. Member in the front row over there—has explained quite clearly to anybody who wishes to listen and wishes to understand that it is not possible to cut it out of these Estimates)—assuming that it would be possible, what is the effect? It would simply increase the surplus for 1952, the Budget surplus of £157,000 to £207,000. Now does the hon. Member opposite think £267,000 is an excessive surplus on a Budget of £16,000,000? I deny point blank that there was any question of this £100,000 of itself involving increased taxation. I deny it. There is no question of this whatever. Let the hon. Member reduce the finances to figures of a magnitude bearing some relation to personal accounts. It means in effect that on a personal budget of £16,000 he would keep a margin of £261. A surplus of £267,000 on a Budget of £16,000,000, it is equivalent to £26 on £16,000. I ask hon. Members opposite, can it really be said that taxation is inflated because of a surplus of that magnitude?

It has been made quite clear that this item appears here on the instructions of the Standing Finance Committee, (Hear, hear.) On the instruction! Now, Sir, if that Committee gives that instruction, and its recommendation, I intend, I am *remissus* to an instruction—if it gives that instruction and the Government acts on it by putting this item into the Estimates, but when we get into the Budget debate this Committee turns round and says "take it out", I maintain this is not administration but *tidily wink*! (Applause.)

LT.-COL. GREASIE: Mr. Chairman, I would like to answer two remarks made by the hon. Member for the Coast because I also happened to be a member of the Standing Finance Committee and accept full responsibility for approving this particular expenditure. Now, Sir, there is no question of going back on what the Standing Finance Committee agreed to. We agree, even, that it is prudent finance. Again, I might say all we are trying to do is to educate certain Government officials in ordinary elementary accounting. (Question.)

Now, Sir, the note reads: "On the recommendation of the Standing Finance

[Lt.-Col. Gherrie]

ance Committee authority was given to the placing of orders for the purchase of £100,000-worth of khaki drill as a reserve stock"—mark those words—"as a reserve stock"—"It is not expected that any expenditure will be incurred in 1951." So there is an element of doubt that it might have been expended in 1951, "but if it is, the 1952 provision will be reduced accordingly".

Now, Sir, had that money been expended in 1951, what would have been the result? It would have been deducted from the surplus for 1951 and the balance would have been carried into reserve balances. In other words—

THE FINANCIAL SECRETARY: The fact is it was not expended in 1951. It has, therefore, got to be spent in 1952. It is no use arguing on a hypothetical case. You have got to face facts. Are hon. Members prepared to face facts?

MR. BLUNDELL: You are not listening.

LT.-COL. GHERRIE: I will expand my theory on proper accounting. What we will be faced with. We find in the other item of khaki that that amount was expended and presumably reimbursed to the Prisons Department for uniforms made. Now, we are confronted with the position where in 1952 we are confronted with £100,000 expenditure. Why should that not be shown to reimbursement as well, if you prefer not to place it into stock? The position will result in that we will find in 1953 we shall have no expenditure on this item whatsoever, but a tremendous reimbursement presumably for an expenditure we are being confronted with now. It is purely a question of accounting and it is quite wrong to approach it in this way.

MR. COOKE: I propose that the question now be put—

THE CHAIRMAN: I have not yet given leave for the closure of the Motion. I do not know how long this matter was debated last night, but it has only been debated about 20 minutes this morning. Unless some reasons are given for moving the closure now, I do not think it is right to move it.

MR. COOKE: There was a very long discussion last night. I should think 20 minutes at any rate. Another 20 minutes

to-day, that is three-quarters of an hour approximately.

THE CHAIRMAN: Sometimes we spend a long time over small accounts but this is £100,000 and I think the Minister or quasi-Minister in charge should be heard at least before giving leave.

THE ACTING CHIEF SECRETARY: I only want to add one further remark to the remark of the hon. Member for the Coast and my hon. friend the Member for Finance. When this matter was considered by the Standing Finance Committee it was agreed to, and the hon. Member for Nairobi North has made it clear—that he takes full responsibility for that agreement. (Hear, hear.) The point has also been made by hon. Members on this side, and by the hon. Member for the Coast, that it was made perfectly clear at that time that this provision would be made in the 1952 Estimates—(hear, hear)—and that was part of the recommendation unanimously made by the Standing Finance Committee. Now, Sir, a very important principle arises over this matter. The Standing Finance Committee is constituted as is this Council with an Unofficial majority. If, Sir, that Unofficial majority or any Members opposite when we come to this Council are going to repudiate advice which they have given in that Committee, then, Sir, we must face the fact that the Standing Finance Committee is utterly and completely useless—(hear, hear)—and that every item of additional expenditure that may be necessary which comes up for consideration between Budgets would have to be brought to this Council for a vote of this Council. If the Unofficial majority in this Council is going to disregard decisions taken by its Standing Committee of this importance then the Committee might just as well be wound up here and now. (Hear, hear.)

MR. HAVELOCK: Mr. Chairman, I would like to reply to the hon. Member who has just spoken. I was a member of the Standing Finance Committee at the time when this matter was discussed, and the Standing Finance Committee agreed that £100,000 should be spent on stock-piling of khaki drill and I support that. (Hear, hear.) The hon. Member for Trans Nzoia when he moved this Motion last night supported that. There is no possible idea of going back on the Stand-

[Mr. Havelock]

ing Finance Committee's recommendation, but the doubt is this, the doubt is that the Standing Finance Committee recommended that this money should come from the 1952 Estimates and that is a doubt, a very great doubt in my mind. I certainly do not remember such a discussion. The minute does not refer to such a thing and if it had been decided by the Standing Finance Committee that such would be the case, why was it not minuted by the Standing Finance Committee at the time? (Hear, hear.) Another point on this, I would like hon. Members to study and to look at the memorandum on page 107A, as regards this particular item, and it says, the last sentence which was quoted by the hon. Member for Nairobi North—"It is not expected that any expenditure will be incurred in 1951, but if it is the 1952 provision will be reduced accordingly". If expenditure were incurred in 1951, how would it have been financed?—by a supplementary warrant—no other way—in the 1951 expenditure, not the 1952. I suggest therefore that at the time the Standing Finance Committee discussed this matter it was by no means decided definitely that the expenditure should be put into the 1952 Estimates, otherwise there would have been no such note in the memorandum. If this money has been expended in 1951, through a supplementary warrant, as I contend, that the Standing Finance Committee thought it was going to be, the point raised by the hon. Member for Nairobi North would have been made, that £100,000 had been taken away from the 1951 surplus and the surplus balance would then not have been so swollen by £100,000 at the end of 1951. And it is our contention that that is how this money should be paid. It should be paid this way and the surplus balances should therefore be reduced by £100,000.

I have a right, I believe, to refer to other items in these Estimates. I would like hon. Members to refer to stock-piling of another type in the Medical Department Estimates. There the Standing Finance Committee recommended £104,000 of drugs and appliances should be stock-piled for the Medical Department and they recommended, and it is minuted in their minutes in April, 1951, that that amount of money should be supplied by supplementary warrant, not

anything to with the 1952 Estimates. That again, will show hon. Members what was in the mind of the Standing Finance Committee on the whole principle of stock-piling, that it should be done from the surplus balances of 1951.

THE FINANCIAL SECRETARY: Mr. Chairman, I understand the hon. Member's argument is this, that if this khaki drill, in fact, had to be paid for in 1951, then it should have been debited against the 1951 Estimates.

MR. BLUNDELL: Supplementary Surplus balances.

THE FINANCIAL SECRETARY: Debited to the accounts of 1951 is precisely the same thing.

MR. HAVELOCK: Accounts, not Estimates.

THE CHAIRMAN: Hon. Members should address the Chair and not one another and then, possibly, we will get along a little faster and there will be less inclination to interject.

THE FINANCIAL SECRETARY: I beg your pardon. The hon. Member's point is that had this khaki drill had to be paid for in 1951, it should be debited to the 1951 account. Now, Sir, it has to be paid for in 1952 and *ex hypothesi*, therefore, it has to be debited to the 1952 account. How can we get away from it? Now, Sir, since the hon. Member's memory of what happened in the Standing Finance Committee is apparently a little bit hazy, I will refresh his memory. This item was brought before the Standing Finance Committee at that stage because it was realized as being highly probable that this quantity of khaki drill, in that state of the world market, would not come forward before 1952, and it was to get the recommendation of that Committee at that stage; it was to get the recommendation that an entry should be made in the 1952 Estimates that it was, in fact, taken to the Standing Finance Committee.

Now, I will appeal to this Committee to appreciate the words of the hon. Member for the Coast, that if it is supposed that in these circumstances it is an economy to cut this £100,000 out of the Estimates then hon. Members are deceiving themselves and deceiving the country!

Mr. Chairman, I beg to oppose.

MAJOR KEYSER: Mr. Chairman, the hon. Member for the Coast and the hon. Member for Finance have missed the whole point of this—(laughter)—Motion to omit this item.

The hon. Member for the Coast, two or three times in this debate on Committee of Supply, has talked about deceit. Well, Sir, there is no question of deceit at all over this. Yesterday, I explained exactly what was meant by this Motion, and that is this. An item has been put here of £100,000 which is not for the service of the Colony for 1952, and because that item is there, it necessitates increased taxation. Now that is the point, Sir. I am not trying to deceive the country into thinking that there will be a decrease of expenditure, all I am trying to tell them is that there will be a decrease of expenditure out of this Budget for 1952 and that they will not be taxed for that particular item. There is no deceit about that at all.

The hon. Member for the Coast: then went on to say, with his great knowledge of companies and the way they worked, that no commercial company would stockpile out of its reserves. Sir, a commercial company will stockpile out of its profits, and will put those down as an asset, which is exactly what we are asking you to do here. Now, Sir, if the hon. Member will look at the Appendix I on the last page of these Estimates, he will find the item referred to by the hon. Member for Nairobi North yesterday.

MR. COOKE: I said that no properly conducted company would spend its hidden reserves—quite different from its ordinary reserves.

MAJOR KEYSER: I do not know what the hidden reserves of a company are, Sir. When I was a director of a company, all the reserves appeared in the balance sheet, so what the hidden reserves are, I don't know. Perhaps these are some of the companies known to the hon. Member for the Coast which the rest of us do know about, (laughter.)

Sir, to go on with my Appendix I, there is an item in Suspense, K.A.R. Clothing Reserve Store, London, appears as an asset, and why cannot Khaki Reserve Nairobi, £100,000, similarly appear as an asset?

Now, Sir, the hon. Member for Finance has told us on several occasions

since he arrived in this Colony, that he considered that the correct manner in which to use the surplus balances was as short-term loans. He instanced the manner in which Government purchased crops from farmers as soon as they have been put into store. What difference in the world is there, I should like to ask him, in buying crops that the country is going to consume in the coming year and reimburse surplus balances, what difference is there between buying £100,000 of khaki which is going to be consumed the following year and surplus balances reimbursed? No difference at all, Sir. But in any case, Sir, to go back to the Colonial Regulations quoted by the hon. Secretary to the Treasury yesterday, the latter half of it reads "Every Head of Expenditure shall include as far as possible all items relating to that particular service so as to show clearly the total estimated cost of that service during the year". Now, Sir, this is not an item of expenditure for the service for the year 1952. Hon. Members opposite have admitted that it is an item that is going to be consumed in 1953, and it is not for the service of this department in 1952. They have admitted that, Sir. Therefore, Sir, in my opinion, it is entirely out of order for it to be included in these Estimates of Expenditure.

MR. BLUNDELL: Mr. Chairman, I just want to take up one point which arose out of the comments which have been made about the Standing Finance Committee. Will the hon. Member for Finance opposite tell me whether, in the Memorandum which went before that Committee, it specifically stated that the result of the acceptance of this policy would be a debit in the 1952 Estimates?

THE FINANCIAL SECRETARY: Mr. Chairman, unfortunately I was discussing something while the hon. Member was speaking, but I think I have got his point. What he wants to know is when this matter was brought before the Standing Finance Committee, whether in the Memorandum it was stated that there would be a debit to the 1952 Estimates. The hon. Member, Sir, is well aware that owing to the urgency of the matter, this case was brought up by mention, a procedure well known in the Standing Finance Committee in regard to urgent matters. Therefore, there was no Memorandum but it was made quite clear that

[The Financial Secretary]

the reason why the matter was brought up before the Standing Finance Committee was because it seemed probable that the debit for this commitment would come forward in 1952, and therefore provision would have to be made in the 1952 Estimates. The Committee not only accepted that, but actually, as I say, congratulated the hon. Member concerned for his foresight.

MR. BLUNDELL: Mr. Chairman, I am not interested in the congratulations which were given to the hon. Member at the time. The point I am interested in—and it is important, and the hon. Member is not able to answer it—is that at the time that this was raised, no specific reference was made to the 1952 Estimates. I therefore deny the imputation which the hon. Members opposite have made. In my view, the Standing Finance Committee were perfectly at liberty, as the hon. Member for Kiambu said, to grant £100,000 for the stockpile of khaki drill, the subsequent placing of that in the 1952 Budget is entirely a matter which rests on the shoulders of the Member for Finance and not the Standing Finance Committee.

MR. COOKE: Mr. Chairman, as the memory of the hon. gentleman is obviously at fault with regard to—he has alleged that papers had been put up when this particular matter was discussed—I think we may assume that his memory is just as much at fault as to what took place at that meeting. It stands to reason, and would have been brought up at that time in those circumstances unless it was referring to the 1952 Estimates. I think it is useless to continue this argument any further and I am going to propose again that the question be put.

THE CHAIRMAN: I grant leave for you to move the closure.

MR. COOKE: I beg to move that the question be now put.

The question was put and carried.

The question that Head 3—5, sub-head (5), item 4, be omitted was put and on a division negatived by 17 votes to 16 votes. (Ayes: Messrs. Blundell, Chemallan, Lt.-Col. Gherrie, Messrs. Havelock, Hopkins, Major Keyser, Messrs. Ohanga, Patel, Pritam, Dr. Rana, Messrs. Salim, Salter, Sbatry,

Lady Shaw, Mrs. Shaw, Mr. Usher, 16 Noss; Mr. Carpenter, Major Cavendish, Benlock, Messrs. Conka, Davies, Hartwell, Hunter, Jeremiah, Matthews, Sir Charles Mathison, Messrs. Padley, Pika, Roddan, Taylor, Thornley, Trim, Vasey, Whyratt: 17. Absent: Messrs. Hope-Jones, Maconochie-Welwood, Madan, Mathu, Nathoo, 5. Total: 38.)

The question that sub-head (5), Non-recurrent, was put and carried.

HEAD 6—2, LABOUR

THE LABOUR COMMISSIONER: Mr. Chairman, I beg to move that Head 6—2, Labour Department, be now considered. I do not propose to make a policy speech in the accepted form, but rather one which will bear some definite relation to the indications which have been made by hon. Members opposite as to where certain savings might be made in the Labour Department Estimates for 1952. I hope thereby, Sir, to save the time of this Committee when it considers the actual items themselves.

Before I refer to these aspects, I would like to remind hon. Members that during the past three or four years, they have passed a number of Ordinances. These Ordinances reflect the labour policy of this Legislature. It is Government's policy, it is Government's duty, to give effect to their provisions through its Labour Department. The second item of the Labour Department as reflected in the Estimates before us, I can assure hon. Members, is the bare minimum which Government can employ to carry out its statutory obligations. There are in addition, services provided which, though they are not statutory services, are ones which the country cannot do without, especially a country in which a rapidly growing industry requires an increasing amount of labour, both skilled and unskilled. I refer particularly to free employment, exchanges, and also to the trade testing and apprenticeship scheme which the Department has in being. In the case of the former, the Colony long ago subscribed to an International Convention, to institute free labour exchanges as soon as that became practicable. This particular service was accepted by this Council in Sessional Paper No. 10 of 1945; I will deal with the trade testing aspect in a moment.

[The Labour Commissioner]

In the light of their suggestions, I would like hon. Members opposite to focus their attention for a few minutes on certain aspects of the Department's work. If they do this, Sir, I think it will dispel any fears that they have that the Department may be over-staffed, or inefficient, or both.

First of all, it is suggested that the Labour Officers and Assistant Labour Officers are too many. There is no increase reflected in the Estimates before you over those of 1950 or 1951 in the case of Labour Officers or Assistant Labour Officers. Hon. Members will recall that certain specialized posts in the Department were reclassified, as far as it was possible to do so, as Labour Officers and Assistant Labour Officers. There has been, therefore, a certain amount of reshuffling, but I can assure hon. Members this reshuffling has not been made the occasion to add to the establishment.

For instance, the 1950 Estimates show a Labour Control Officer. The 1951 Estimates absorbed that officer into the Labour Officers. The present Estimates, 1951, show a Statistical Officer. The 1952 Estimates have absorbed that officer into the ranks of Labour Officers. It has not been possible to find a technically qualified officer as a Statistical Officer, and we have made do with a competent Labour Officer.

As regards the establishment of five Assistant Labour Officers, this provides for one at Mombasa, two in Nairobi, one on leave, and one who is specially engaged, at the moment, on the trade testing organization, and in passing, Sir, I may say, the Labour Officer in the field is having to do the work of his former Assistant Labour Officer as well as his own.

In these Estimates also, the Assistant Labour Officers specifically concerned with resident labour remain 11. They are unaltered. They are based on one for each district council area and four for the Usain Gishu. Next year, the Labour Officer in charge of this section will have to undertake one of the areas himself, in addition to his work of general control.

During the present year we have been fortunate in only having three officers

away. In succeeding years the average will be between five and six. My hon. friend the Member for Finance will tell you he had to disallow a relief officer.

Hon. Members have already been told about the trade testing organization. At the moment it consists of two officers, one of whom is on temporary terms, and these two have to come next year out of my establishment of Labour Officers in the field. Trade testing has been categorized as a new service, and with all other new services has had the same treatment. Its two new officers, which were originally recommended, received the attention of the blue pencil. In this case, however, Government recognized that there was a degree of commitment, and therefore have allowed the insertion of £1,500 towards the expenses of the start of the scheme, and they have also agreed to the diversion next year of two Labour Officers from the field Labour Officers for this particular purpose.

On the question of the general work of Labour Officers, I need say very little. Hon. Members are very well aware of their increasing responsibilities. In the last year or two much additional work has been caused by the implementation of the Workmen's Compensation Ordinance. No less than £11,500 has been paid out through the officers concerned.

Then, Sir, we have a large number of Ordinances passed by this Council which they have to give effect to: The Employment Ordinance, The Factories Ordinance, The Essential Services Ordinance, The Regulation of Wages and Conditions of Employment Ordinance, The Resident Labourers Ordinance, The Women and Young Persons Ordinance, The Trades Union Ordinance and The Domestic Servants (Registration) Ordinance.

Hon. Members will be aware of the amount of money and time which has been lost all over the world through stoppages of work and strikes. In 1950, there were 63 stoppages of work. In this year, so far, there have been 50, and the average duration of those 50 strikes has only been 8½ hours each. Now, Sir, on each occasion, on each of these occasions, the Labour Officer was called in and was able to settle the dispute. I think, Sir, this is a record with which we, in this country, can be well satisfied, and I think it reflects the confidence which employers

[The Labour Commissioner]

and employees have in the officers of the Department.

I think, at this stage, I might be allowed to pay a tribute to those officers for the efficient and loyal work which they have carried out during the past year. (Applause.)

Quite apart from these major disputes, the employers and employees, in urban areas particularly, bring their countless troubles to the Labour Officer. Perhaps hon. Members are unaware, that last year, at Mombasa alone, 48,000 complaints were dealt with during the course of the year by that office, an average of over 4,000 a month. In Nairobi, some 36,000 were dealt with, an average of 3,000 a month. I think, Sir, that that gives you an idea of the amount of work that is carried on in these offices. In the past, the field work and inspection work could be carried out satisfactorily, but to-day, owing to the increased amount of work in offices, the amount of inspection work has had to be curtailed. The demands of the public have outstripped the increase in staff in the Department.

Now, Sir, there is another sphere where the officers of the Department have done a tremendous amount of work. We have agreements which have been drawn up setting out the wages and conditions of employment offered by various employers, and which already involve a total of some 12,000 employees. These agreements are specifically recognized under the Wages and Conditions of Employment Ordinance. They have meant many hours of discussion both with the managements and also with the employees. The importance of this side cannot be overestimated. In addition to the 90,000 employees in the public services—Government, High Commission, Railway and the like, we now have these 12,000 and the like, we now have these 12,000 employees who join the ranks of those whose conditions of employment are laid down in writing, and these two categories together form a very large proportion of those Africans who are permanently out at work.

I think you will agree, Sir, hon. Members will agree, that the work of the Department, particularly in these directions, has been worth while. Again, I assure hon. Members, if they reduce the

Department by but one or two officers, this work cannot be carried out.

I would like to say a word, Sir, about the Factory Inspectorate. In this Colony there are some 4,000 premises that come within the definition of the word "factory". In these factories there are some 60,000 workers; 83 per cent of these are Africans, 14 per cent are Asian and 3 per cent are European. The Ordinance I designed that these workers shall work in reasonably safe and hygienic conditions. Unless this Ordinance is effectively administered, and it cannot be effectively administered without sufficient qualified staff, these workers will continue to be without the protection which the law has designed to give. In this connexion, Sir, with your permission, I would like to read a paragraph of the Select Committee's Report on this matter. Paragraph 28 reads as follows:—

"In connexion with clause 68 (Appointment of Inspectors), we wish to place on record our conviction that the enforcement of the provisions of this Ordinance, to be at all effective, must be carried out by persons fully qualified for the work. Much of the evidence given before us has been directed to this point. We recommend that, so far as possible, inspectors appointed under the Ordinance shall have qualifications similar to those required of H.M. Inspectors of Factories in the United Kingdom. We make no recommendations as to the size of Inspectorate—since that must necessarily depend on such factors as a financial provision and availability of suitable staff." (Hear, hear.) "We note, however, that the present intention is to build up over the next few years, an establishment consisting of a Chief Inspector, three Factory Inspectors, and one Boiler Inspector."

MR. HAVELOCK: Too much.

THE LABOUR COMMISSIONER: Any further comment I will reserve, should this item come up later on.

Government, Sir, has often been accused of pursuing a policy of divide and rule. As Government Whip, Sir, I am still a bit touchy about the word "divide". Hon. Members opposite have been repeatedly crying out "divide", and have thereby insisted on ruling themselves. I hope they will be

[The Labour Commissioner] less dictatorial when his Estimates come up in a moment.

Finally, Sir, I would like to find in the ranks of hon. Members opposite such a doughty champion as my hon. friend the Member for Law and Order found when moving his Estimates. Perhaps the hon. and gracious lady, the Member for Nyanza, will feel disposed to do the same for me.

If there are any other points on which hon. Members require clarification I will endeavour to satisfy them during my reply later on.

Sir, I beg to move.

MR. USHER: Mr. Speaker, I just want to make two points. The first one is in regard to labour, as I see it, at the Coast, and before making this point I should like to say how deeply appreciative I am of the work of the Department here this year. (Applause.) I cannot say what that work has meant to the country at large. We have there, Sir, an Advisory Committee on Labour, and I want to say one or two words about that, because I feel that perhaps there has been some lack of liaison between Nairobi and the Coast in that respect. The point which I wish to make particularly are these—that whereas the establishment of new minimum wages and rise in the Cost of Living Allowances to Government servants may depend upon movements in the prices of foodstuffs and so on, and therefore have to be kept very secret, I do feel that these movements in wages and in allowances are something due to general matters of an economic or political kind on which the advice of those on the Coast should be taken as early as possible. In other words, I wish that the Committee set up for that purpose may be kept as closely in touch with the Government from the beginning as is at all possible. (Hear, hear.)

Now, Sir, anybody who flies as I do quite frequently between Mombasa and Nairobi cannot help being struck by the tenuous nature of the communications. As you pass over Muzupa you see a tiny thread which connects Mombasa with the rest of Kenya, and it makes one think, really, what Mombasa means to the rest of Kenya, what severance of that tenuous thread might mean. The labour

there, which works the ships is a very large body of labour indeed, and it is, I think, doing its work magnificently. The unit by which such work is judged shows that Mombasa is far in advance of England in this matter, and I cannot praise too highly the work that has been done. I think, therefore, it is all the more important that bodies of labour of this kind should not be exposed to an influence that perhaps is liable to upset them, without explaining to them what is the true nature of the situation in which they are. We have recently had a visit, Sir, from certain gentlemen belonging to the International Federation of Trade Unions. I was able to meet these gentlemen and to get a very clear view of their objective, and I know that employers there very freely allowed their men to be interviewed by these visitors, and at the end, I believe that to have done that was sensible. The whole thing was conducted very sensibly, although I understand that these gentlemen did not, perhaps, keep some of their appointments, and therefore were not very much *persona grata* to the employers, but only for that reason. But I was very much struck by the fact that these gentlemen were not interested really in the relations between employers and employees as such, and when one discussed with them whether they thought that the half-way house to a complete system of trade unionism here was a good one, they merely indicated that they were not in the very least interested in anything of the sort. They wanted to see the establishment of full trade unionism, and how that was come to was a matter of indifference to them so long as it was come to very quickly. Well, Sir, all I wish to say on that point is that I feel that it is of the utmost importance that the Government should be careful in exposing bodies of labour to influences that are not, perhaps, altogether responsible, and I do hope that an assurance of that kind can be given.

Sir, I beg to support the Motion.

DR. RANA: Mr. Chairman, I rise to support the Motion moved by the hon. Member for Labour, and support the remarks which have been mentioned by the hon. Member for Mombasa. I would like to join him in the tributes which he has paid to the well-organized labour department of the Coast; and also

[Dr. Rana] I would like to say that I attended once at the meeting of the Committee, the Labour Advisory Committee of the Coast, and they had a serious grievance in that the Commissioner, or his Department, do not consult the Advisory Committee on any matter regarding the minimum wages; or any other important decisions which are being made, and I would suggest, Sir, that in future, in a place like Mombasa, where there is a very big labour force employed, and all the various agencies who are employing them are doing their best to keep the relations between employers and employees in the best condition, the Government should be most sympathetic and at least should give them the chance to hear.

With these few words, Sir, I will support the Motion.

MRS. SHAW: Mr. Chairman, I just rise to support the Motion with a few words by endorsing what my friend the hon. Member for Mombasa has said. The Labour Officers, as far as the Nyanza Province is concerned, have in the past been most helpful and co-operative. I say that because I have not yet had the pleasure of meeting our new Labour Officers, and I do not know, therefore, of course, what their work will be like. In the past possibly the accusation may have been levelled against this Department that they had their heads in the clouds and particularly, possibly, against the late Head of this Department who, although when you met him behind the scenes, appeared a most reasonable and realistic man when he got on the platform, whether it was the ruffled air of that platform, I don't know, that went to his head, but the schemes he put up became completely "Utopian". However, to-day I do not think any such accusation can be levelled against the officers of the Labour Department, who seem to me to have their feet completely on the ground. I should like just to make that point by saying that in a recent wage dispute in our area, when the larger tea companies were opposing against a new deal of opposition throughout the Province, to put up the signing-on wage, the Labour Department urged moderation; and they came in on the side of the majority, who were for keeping that wage down to a reasonable

level. Also throughout the Province they have Committees set up, Committees which co-operate with the farmers in making relations between employer and employee work smoothly, and with those few words, Sir, I should like to support the Motion. (Applause.)

MR. OTHMANO: Mr. Chairman, I should like to congratulate the hon. Mover on his speech, which was so much to the point, and also to join with the Members on my right, who have spoken, in praising the services of the Labour Officers wherever they be found. In the Nyanza Province, wherever I come across them I must say they have always been helpful. They always do their best to make sure that the man aggrieved gets the best justice possible, and I should like to congratulate them on that particular point.

There are only three points of policy, Sir, which I would like to refer to, which were not mentioned by the Mover, but since this is a policy debate, I should like to refer to them in order that I may get some reply or explanation.

First of all, the hours of work. Reference was made in another debate to certain officers in the Prison Department who put in more than ten hours a day every day, looking after prison labour. I have been approached by certain people who do similar kinds of jobs, but not under the Prison Department. I refer to watchmen, particularly in Nairobi and in Nairobi. There are quite a number of watchmen who do about 14 hours a day, and I should like to know if the hon. Labour Commissioner has something to say about them, because it seems to me that although they are supposed to watch overnight, it might be useful to give them times of work that are reasonable, but not as long as 14.

The second point is in regard to the rewards which the labour receive for their work. First, payment in kind. It has been a custom for a long time in this country to pay labour, not all in cash, but partly in cash and partly in kind. In fact, it has been such a practice that people have forgotten that it could be done without. But it seems to me that paying people *posho* instead of cash is a method which could be well outdated at the moment. *Posho* is a kind of

[Mr. Ohanga]

food which Africans eat quite a lot. But it is wrong to feel that it is the only kind of food which the African eats. In their own homes they eat *posho*, but also several other things. Nowadays, an African receives so much in cash per month, and so many pounds of flour per day or per week, and, by so doing, the man is forced to eat only one particular kind of food, whether he likes it or not. Actually, I do not really think that the people who provide *posho* make any savings on it, because *posho* is just as expensive as any other form of food, and I should like to suggest that a method be found by which the labourer, particularly those who live close to the shops, could be allowed to buy their own food, including *posho*, and to get the whole of their wages in cash. I can see, in the case of those people who live in remote areas, particularly on the farms, certain kinds of labour who work for many hours a day, perhaps, may not find it easy to get to the shops. But for those who live close to shopping centres and so on, it should not be impossible to pay them the whole of their wage in cash and not partly in kind.

The last point is with regard to wages. The low wage structure which obtains in the country for labour has been a point of disagreement for a long time, and some time ago suggestions were made that we might change the weekly wages in order that people who are hard hit at the bottom of the wage scale may find it possible to buy their food—once weekly. Well, I should like to know what steps have been taken to implement that, or whether it is impracticable and has been discarded as such.

With those few words, Mr. Chairman, I beg to support.

THE LABOUR COMMISSIONER: Mr. Chairman, first of all I would like to thank all the hon. Members opposite for the very kind remarks they have made about the help the Labour Department has been able to give to the public. I am quite certain when I pass that on it will be very much appreciated.

On the point raised by the hon. Member for Mombasa—the matter of liaison with the Coast Labour Committee—I should like to make it plain the Wages Advisory Board (and the Minimum

Wages Advisory Board) is not a creature of the Labour Department at all. It is a statutory body. It is intimately concerned with the Department, but in no way does it come under my jurisdiction at all. However, the Senior Labour Officer at the Coast is the Secretary of the body and, as far as the Department is concerned, keeps that body informed of everything that goes on.

I think I might speak, Sir, for the hon. Member, Sir Charles Mortimer, and give the assurance that, in fact, a member of that Coast Labour Committee, at present residing in Nairobi and representing them, is now being fully consulted wherever possible on all the matters that have been raised by my hon. friend, the Member for Mombasa.

I think my hon. friend, Dr. Rana, will also accept the same assurance.

I should like to thank the hon. and gracious Lady, the Member for Nyanza, for coming up to scratch and assisting us with what she has had to say. We have our feet on the ground and, on the point she made about wages, as a Department it is time, we do not encourage sudden rises or sudden falls without due notice to be round to all the persons concerned, because that sort of thing may create alarm and dependency.

Now, Sir, with regard to the three points made by Mr. Ohanga: first of all, he raised the matter of hours of work of watchmen—14 hours a day, or night, I suppose, watching. Well, Sir, I am not at all disposed really to sympathize over-veryly with watchmen. I think that their task is not very onerous, and that the watchmen I know are not always awake. A Government officer is supposed to be 24 hours on that duty, and during that time he goes to sleep.

THE FINANCIAL SECRETARY: Twenty-five!

THE LABOUR COMMISSIONER: I think, Sir, that this is a matter for the employer and the employee. If the property to be watched is very important then no doubt the watchmen will be employed in twos and can take an hour or two off to sleep.

As to payment in kind—the law is quite specific on the payment of wages. I take it the hon. Member refers to the question of providing wages and food. He considers that the food element

[The Labour Commissioner]

should be translated into cash. Well, Sir, as regards the urban areas that has largely been done already. In Nairobi there are very few employers who provide food. They do provide the cash in lieu. On the other hand, Sir, there is another aspect where you have a constantly rising price of your staple food commodities. Where the employer provides food he has generally found in the past few months that his labour is more contented, because he has taken up the burden of the extra increases and it has not come to the notice of the employee at all, so that at the moment, personally, I would not advocate an employer changing over to substituting cash for food in the town.

MR. OHANGA: The employer should increase the cash wage.

THE LABOUR COMMISSIONER: Increases in the price of food have been taking place, as hon. Members appreciate, almost month by month. That, of course, is the trouble.

The third point made, I think, was weekly wages. Well, Sir, that has come up in this Council quite a number of times, and I think all we can do is to persuade employers, wherever they can find it possible, to make a fixed weekly advance to their labour, and many employers do that already—weekly or fortnightly—but to translate the economy of this country—put it on a weekly basis—would, I think, be an undertaking which would cost the country a lot of money. I do not think it is necessary. I think I would urge the whole conception of the monthly contract. It would upset also the idea of trying to stabilize labour and encouraging it to stay with one employer at one job for a reasonable length of time. I believe, with weekly contracts, the movement of labour would be even more rapid than it is to-day.

I think, Sir, that answers most of the questions.

The Committee adjourned at 10.53 a.m. and resumed at 11.17 a.m.

The question that Head 6-2 be considered was put and carried.

THE LABOUR COMMISSIONER: Mr. Chairman, I beg to move that sub-head 1, items 1 to 10, be approved.

MR. HAVELLOCK: Item 1-7, I beg to move that item 1-7 be approved by £720.

£720, Sir, is the increase over last year for this particular item. The hon. Member has already referred to the fact that there is a Factory Ordinance which has to be implemented and therefore that is the reason why presumably there is this increase in Inspectors of Factories. On the other hand, Sir, hon. Members on this side of the Committee feel that although the Factory Ordinance in principle is a very good one, and it has been passed and accepted by this Council, that the actual implementation of it—and these remarks were made during the debate on the Factory Ordinance—should be done slowly and judiciously, and the inspection of factories should be a matter of inspecting those more important factories first and not a lot of little ones which really do not affect the issue very greatly. We believe with one Chief Factory Inspector and one Inspector of Factories that procedure could be covered fully sufficiently to warrant the implementation slowly of the Ordinance, as I have just suggested. The centre, Sir, as we see it of factories in this country will, of course, be Nairobi on the one hand and Mombasa on the other with a certain amount of factories to be inspected in Nakuru, Kisumu and possibly one or two of the smaller up-country towns. Even with that fairly wide spread of factories such as that we believe one man stationed in Nairobi and another one dealing with the factories elsewhere would be quite sufficient, anyway for the time being, and therefore one Chief Inspector and one ordinary Inspector would be sufficient for the purpose.

I beg to move.

THE LABOUR COMMISSIONER: Mr. Chairman, I must oppose this Motion very strongly. I think I made it clear we have no less than 4,000 of these factories and no less than 60,000 workers are employed in these factories. One of the points made by the hon. Member for Kiambu was that we should inspect the big factories first and the little ones afterwards. That was one of the very points that the Select Committee considered exactly the other way round. They considered this point and the point was made that there should be an even inspection throughout, because if you inspect the larger ones first you put a premium on the larger employer,

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and you let off the smaller employer and therefore he is at an unfair advantage. The Select Committee was of the opinion that the Inspectorate should take place on as broad a basis as possible. Now, Sir, the obtaining of a suitably qualified officer has been a very difficult thing indeed. We have not yet got the Factory Inspector which is down in this year's Estimates. I am hoping, Sir, to hear very shortly from the Colonial Office that they have obtained such a person. We are going on to try and get the second one, but even then we may not be able to get him till the second half of next year. If this is cut out it means we may well be without a third Factory Inspector for the year 1953 and possibly 1954. It is absolutely essential that we make every effort to try and get the skilled staff necessary. When the Ordinance was being considered, the Chambers of Commerce and, indeed, industries all round, made a special point that if there was to be an Ordinance there must be skilled persons to implement it, persons qualified on His Majesty's Factory Inspectorate level; they would not be satisfied with Labour Officers who had been trained *ad hoc* out here, so, Sir, I think we cannot possibly agree to the omission of £720 for the Factory Inspector.

Mr. BLUNDELL: Mr. Chairman, I rise to support the Motion. Your contention, Sir, is that the extra body is not necessary. Our contention is not that the officer concerned should be unskilled which the hon. Commissioner for Labour seems to imply. It is known, Sir, these Factory Inspectors have to inspect such things as smaller coffee factories and look over coffee pulpers. I submit that is unnecessary. We would never have had—if the economy of the country had not advanced beyond the stage of coffee pulping factories—we would never have had a Factory Ordinance. These officers are wasting their time when they do that. There are other much more important matters to which they should devote their attention. Our contention is that two are sufficient.

THE LABOUR COMMISSIONER: May I ask the hon. Member for Rift Valley to which Factory Inspector he refers. We have not got any.

THE ACTING DEPUTY CHIEF SECRETARY: There is only one Chief Factory Inspector at the moment. It is the hon. Member for Rift Valley referring to him?

Mr. HAVELOCK: Mr. Chairman, whether the Chief Factory Inspector or any other Factory Inspector has actually inspected small mills and coffee factories and so on I am not in a position to state, although I have heard he has done so, but presumably this man is concerned with the registration of factories. Is that not correct? And if so, he presumably is doing a lot of work registering all sorts of little factories dotted all over the countryside, which we maintain is unnecessary at this stage.

THE LABOUR COMMISSIONER: The duty of doing actual factory registration is falling on Labour Officers all over the country. If anyone has visited the hon. Member's coffee farm, or anyone else's farm, it has been the Labour Officer and not the Factory Officer, in order to assist the owner to fill up the necessary required forms.

Mr. COOKE: While I agree with my hon. friend on my right that the Factory Inspector's time should not be wasted in inspecting such places as coffee-pulping stations, yet I do feel if the hon. gentleman says that there should be one Chief Factory Inspector and one assistant, who would go round most of the time, what is going to happen when someone goes on leave? It seems to me that the inspection of factories will fall down considerably if any one of the two was on leave. Therefore, at the present moment, I am not inclined to support the Motion.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, since I was the Chairman of the Select Committee which considered the Factory Bill, and since this matter was discussed in considerable detail at the time that Select Committee was doing its work, I should like to refer to that particular aspect of the matter in more detail. As Mr. Carpenter, the Labour Commissioner, has already said, this point was raised by a number of witnesses who appeared before the Select Committee, and it is true that many of them emphasized the necessity for having a proper staff and a properly qualified staff to administer this Ordinance, if it was to be enacted. When the Select Com-

[The Acting Deputy Chief Secretary] mittee came to write its report, it said the following:—

"Para. 7. We do not consider it practicable to apply the Ordinance at this stage, to all factories in the native land units and other native areas such as Turkana and the Northern Frontier District. As regards factories in such areas, we recommend that the application of the Ordinance be postponed indefinitely (i.e. without limit of date), except as regards—

- (i) factories in gazetted townships; and
- (ii) factories, outside gazetted townships, in which ten or more persons are employed."

Then they went on to say:—

"On the question of postponement of application of particular provisions of the Ordinance, witnesses before us have expressed conflicting opinions. While some have pressed for implementation by stages, in the interests both of the convenience of industry and of effective enforcement, others have advocated full application from the outset, with the exercise of administrative discretion when full compliance appeared to be not immediately practicable."

Now the Committee says:—

"We are satisfied that the enactment of this Bill is urgently necessary, and that its provisions have been designed to meet risks and needs which either already exist in the Colony, or are likely to arise in the near future. For these reasons, we are opposed, in principle, to any suggestion of piecemeal or 'stage by stage' application. We consider that the only factor that should be taken into account, in considering which, if any, of the Bill's provisions should be postponed in application, is practicability. In our opinion, there are relatively few provisions that can legitimately be deferred on this ground."

Then they went on to say which those were and those provisions have been deferred. In paragraph 28 of the Report, the Select Committee said:—

"In connection with Clause 68 (Appointment of Inspectors), we wish to place on record our conviction that

the enforcement of the provisions of this Ordinance, to be at all effective, must be carried out by persons fully qualified for the work. Much of the evidence given before us has been directed to this point. We recommend that, so far as possible, inspectors appointed under the Ordinance shall have qualifications similar to those required of Chief Inspectors of Factories in the United Kingdom. We make no recommendations as to the size of inspectorates—since that must necessarily depend on such factors as financial provision and availability of suitable staff. We note, however, that the present intention is to build up, over the next few years, an establishment consisting of a chief inspector, three factory inspectors and one boiler inspector."

At the present moment we have a Chief Factory Inspector, and we are taking for granted that report was signed by myself, Col. Gherrie, Mr. Mathu, Mr. Obanga, Mr. Pike, the late Mr. Preston, Mr. Pritam, Mr. Shatry and Mr. Usher, and it was adopted by this Council.

I submit that the proposal now to provide two posts of Factory Inspector is quite consistent with the recommendation of the Committee which was approved by the Council at that time.

Mr. HAVELOCK: Mr. Chairman, I was interested to hear the extract the hon. Member read out and especially interested in the recommendation of the Select Committee, which was accepted by this Council, that the staff, or the organization necessary, should be built up over the next few years, meaning, presumably, two, or three, or four years. If that is the case, I suggest that the total staffs are to be one Chief Inspector and three Factory Inspectors, it is starting rather high at the beginning of the next few years to have one Chief Inspector and two Factory Inspectors. I suggest it would be quite sufficient at this period to have one Chief Inspector and one Factory Inspector; and over the next few years, according to the conditions, another two Factory Inspectors might be added. I believe that is the intention of the Select Committee.

Mr. BLUNDELL: Mr. Chairman, might I ask the hon. Commissioner for Labour—the point that we are advancing is that

[Mr. Blundell]

in effect one Chief Factory Inspector and one Inspector will be sufficient. I understand that these Factory Inspectors do not exist; am I right? If that is so, then the supposition that two are necessary is, in fact, only a supposition. We are suggesting we shall go for one Chief Inspector and Inspector to begin with.

THE LABOUR COMMISSIONER: I did explain that the Colonial Office, I hope, will manage to get one Factory Inspector, the one which is in the 1951 Estimates. We cannot, of course, ask for the second one till you give us approval to do so. It might be a long time before we get the second. That does not mean, it is not necessary, to inspect 4,000 factories. I suggest it is essential to have a large Factory Inspectorate to start with, a larger one now than possibly eventually. It will take a long time to put our house in order. Once it is in order, we may well be able to reduce the Inspectorate.

The question was put and on a division carried by 17 votes to 16 votes. (Ayes: Messrs. Blundell, Chemallan, Cooke, Lt.-Col. Gheraise, Messrs. Havelock, Hopkins, Jeremih, Major Keyser, Messrs. Patel, Pritam, Dr. Rana, Messrs. Salim, Salter, Shatry, Lady Shaw, Mrs. Shaw, Mr. Usher, 17. Noes: Mr. Carpenter, Major Cavendish - Bentinck, Messrs. Davies, Hartwell, Hunter, Matthews, Sir Charles Mortimer, Messrs. Ohinga, Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 16. Absent: Messrs. Hope-Jones, Macochoche-Welwood, Madan, Mathu, Nathoo, 5. Total: 38.)

MR. HAVELOCK: Mr. Chairman, I beg to move that item 8 be reduced by £650.

Again, Sir, this reduction is the amount of the increase over 1951. In the note at the bottom of the Estimates we have seen to the effect that last year's statistician has now disappeared and become a Labour Officer. Is he still doing a statistician's work, or is he doing Labour Officer's work. Is he merely the same rose under a different name, or is he a Labour Officer and doing a Labour Officer's work, and a statistician's work is no longer necessary? If it is the latter, we suggest, the hon. Members on this side suggest that 12 Labour Officers should be sufficient.

THE ACTING CHIEF SECRETARY: The hon. Member's reference is to item 1—8 and not item 8?

MR. HAVELOCK: Yes.

THE LABOUR COMMISSIONER: I would like to assure the hon. Member for Kiambu that the officer concerned is doing precisely the same work as he was before. A statistician was put in a special scale for special qualifications. We have not been able to find a statistician and we have been able to make do with a competent Labour Officer in that post. He does precisely the same work as a statistician did before.

MR. HAVELOCK: Would the hon. Member agree, Sir, to this post being submitted to the Standing Finance Committee?

THE LABOUR COMMISSIONER: Yes, I would not mind that a bit.

MR. HAVELOCK: Mr. Chairman, I beg to withdraw the Motion.

THE CHAIRMAN: If there is no objection, the Motion is withdrawn.

LT.-COL. GHERSAIE: Item 1—13, Sir.

I beg to move a reduction of £195. The reason for my doing so, Sir, is that I cannot imagine that this post is really essential. When we look at the footnote it states: "Additional post required for administration of Factories Ordinance, 1950". I cannot imagine £195 per annum being really attractive to a European clerk. I can only suggest that the duties are of such a nature that they can be undertaken by some other members of that Department.

THE LABOUR COMMISSIONER: Mr. Chairman, we do require this extra clerk. We are only allowed to pay him £195 because that is the lowest point of the scale. The hon. Member is perfectly correct, we are unlikely to obtain somebody at £195, but that is all we can put in. I must oppose this, Sir. The Factory Inspectorate side has made tremendous demands this year on my present staff, and we cannot go on having the work done by the headquarters pool staff.

MR. BLUNDELL: Mr. Chairman, I rise to support the Motion.

In view of the reductions which have been made by this Committee in the Postal Votes applicable to all departments and the Stationery, if those econo-

[Mr. Blundell]

gies are to be effected, there will be less paper work falling upon the clerks in other parts of the departments and who can aid in the additional work which will now fall upon the Department arising out of the Factory Inspectorate.

THE LABOUR COMMISSIONER: One point I would like to make is that a lot of correspondence in this connexion is highly confidential to the factories concerned, and it would be a great pity, I think, that that section should suffer by not having an adequate staff.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, would the hon. Member agree that this post should be referred to the Standing Finance Committee? Full details could then be given of what the clerk does actually do and there will be an opportunity of discussing whether in fact this post is necessary. Would the hon. Member agree to that arrangement?

MR. COOKE: I would like to support that. It is impossible for us to judge by a snap decision here.

LT.-COL. GHERSAIE: In view of that suggestion, with your leave and the leave of the Committee, I beg to withdraw the Motion.

THE CHAIRMAN: No objection—the Motion is withdrawn.

MR. HAVELOCK: Item 1—16, Sir.

I beg to move that this item be reduced by £880. The note at the bottom of the page, Sir, says, "Two posts transferred from Employment Service Organization" and it seems to hon. Members on this side; that if the clerks are not needed in the Employment Service Organization, there is no reason why they should increase, the number of clerks here.

I beg to move the reduction.

THE LABOUR COMMISSIONER: Mr. Chairman, all I can say is that they are doing work which concerns both the Employment Service Organization and headquarters, and it seemed proper that, under the circumstances, they should be taken into the headquarters staff, rather than with the Employment Service Organization staff. It is merely putting right what was wrong before. They are very definitely needed.

MR. USHER: Sir, in rising to support the Motion on the ground that under the new regulations all these clerks would be required to do one-tenth more work a week, there are now two clerks, so cannot their work be covered by that which is supposed to be done by the 247

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, in the first place, it was made perfectly clear by the Member for Finance, when he was talking about the increased office hours, that that they are designed to absorb the increase of work which will occur in all departments. The office hours will not make it possible to reduce the clerical staff, as the Member appreciates perfectly well, I think.

The Labour Commissioner has explained that these two clerks are fully employed, and this merely transfers them from one place to another in the Estimates, because it is a more appropriate way of showing them. I do suggest it would be most unreasonable, merely because that has been done, to cut the provision.

We will be quite prepared, if Members wish, to give full details to the Standing Finance Committee of the duties performed by these clerks. If that is done, surely that should be sufficient and the Motion might be withdrawn.

MR. HAVELOCK: Mr. Chairman, I am sorry I did not get to my feet before, Sir. There is only one point that puzzles me. The reduction on the Employment Services Organization is of £650 and the increase on this side is £880, which seems rather peculiar. However, if the hon. Member will put this before the Standing Finance Committee, I am quite prepared to withdraw the Motion.

THE ACTING DEPUTY CHIEF SECRETARY: I will certainly do that, Sir.

THE CHAIRMAN: The Motion is withdrawn.

The question that Head 6—2, sub-head (1), items 1 to 10, be approved, subject to a reduction of £720, was put and carried.

THE LABOUR COMMISSIONER: Sir, I beg to move that sub-head (2), items 1 to 6 be approved.

MR. HAVELOCK: Mr. Chairman, I would like the hon. Member to confirm—I think I gathered from his remarks

[Mr. Havelock]—when moving that this Head be considered, that these actual people here, some of them are doing the work of trade testing. I would like to know if that is correct, Sir.

THE LABOUR COMMISSIONER: No, Sir. I said in my speech that one of the five Assistant Labour Officers under sub-head (1) was acting as trade testing officer, not any of the Assistant Labour Officers under this Head.

The question that sub-head (2), items 1 to 6, be approved, was put and carried.

THE LABOUR COMMISSIONER: Mr. Chairman, I beg to move that sub-head (3), items 1 to 9, be approved.

MR. HAVELOCK: Mr. Chairman, I beg to move that item 1 be omitted.

Mr. Chairman, hon. Members on this side are very doubtful that the Employment Services Organization, especially for Europeans and Asians, are necessary, unless they are self-reimbursing. One realizes the necessity, I think, under the Ordinances such as the Voluntarily Unemployed Persons Ordinance, for the Employment Services Organization for Africans. I understand it is a commitment. But, it seems to us that fees could be charged to cover the expenses of the Employment Services Organizations for the other races, and if they are not sufficiently—I mean: if fees are charged and people do not then make use of said Employment Services Organizations, surely it must show that the public do not really place much value on them. And, unless an assurance can be given, Sir, that it can be self-reimbursing and will be self-reimbursing, we believe that this organization should be deleted.

MR. BLUNDELL: Mr. Chairman, before the hon. Member answers may I ask him if he has got figures of the number of persons by races who have applied to these bureaux, and the number, for whom positions have been found. I think that would enable the Committee to assess at once whether they are paying too much for the service and whether it is a wise one.

THE LABOUR COMMISSIONER: In regard to the items the hon. Member for Kiambu has asked to be deleted, the

Labour Officer in the non-African Labour Bureau is in charge of the whole employment exchange set-up. He incidentally is also acting as Deputy Director of Manpower. On the question of these exchanges generally, in the European Labour Exchange the officer, during the current year, has already interviewed some 2,191 persons; 713 of these were people seeking employment; of these 713, 209 were found employment. Quite apart from this activity, Sir, the Principal Immigration Officer sends over many, many files almost every day to the Officer concerned in order to be able to be satisfied that the Immigration Passes—the Temporary Employment Passes—which the Principal Immigration Officer issues, can be issued and that there is no person in the country who can fill the particular job concerned. A lot of work is done by him in that respect. As regards the Asian Exchanges, so far this year there are 1,096, and out of those 1,096, 365 jobs were found. I think, Sir, myself it would be a very great pity to deny these services to persons who are really out of work, persons who would find it otherwise extremely difficult to find out where work is obtainable. I may say the European Employment Bureau deals in part with the older type of person, the type of person who finds it very difficult to get a job, and but for this Employment Exchange, I believe we would have quite a number of the older persons out of a job altogether. Hon. Members are well aware we have no old age pensions—there is nothing of that sort yet—and it is Government's duty, to my mind, to see that every effort is made to put these people into jobs. If you get down to the financial side of this organization it is true on a *per capita* basis both European and Asian it comes out somewhere near £4 per head, so that any fee which could be charged would have to be a high one, and I think that were the charge made a fee not commensurate with the expenditure, then it would not be any use. That, I think, is quite true. Hon. Members must satisfy themselves that these services are really needed. As regards the African exchanges, he is quite right—they are being increasingly used, and the percentage of those for whom jobs are found is rising every year. Last year, out of 37,000 applicants, 20,000 places were

[The Labour Commissioner]—found. This year out of 23,000 applicants so far we have already found 18,000 jobs. I think hon. Members will agree that is a very good percentage.

MR. BLUNDELL: Mr. Chairman, if I might just pursue my first question, would the hon. Member be of the opinion that if the African section of the Bureau were not continued, the 18,000 Africans would not have found employment?

THE LABOUR COMMISSIONER: I think the 18,000 Africans might be found employment, but it would have taken them a very much longer time to do so, walking round this town and adding to the already numerous spivs and people who are hanging about the place. I do not think that hon. Members would wish with Africans or anybody else to go hunting for jobs from door to door. Almost every country in the world has already decided long ago that that is a most uneconomic way of finding employment for people. (Hear, hear.)

MR. COOK: It must be remembered, Mr. Chairman, that these bureaux have been of advantage to employers as well as to employees, which is not an unimportant point. I should like to see the Labour Office go on, because the poor white problem is one which in this country we have got to have dealt with. I would be against anything which might create more people—unemployed—in this Colony.

LADY SHAW: It seems to me we have two points here to consider. There is the one which is under consideration now and three places down, Head 1—4, is Assistant Labour Officer, European Employment Bureau. As the hon. Member for the Coast says, it is perfectly true that it is an advantage to the employer as well as the employee, and it is surely not beyond the wit of man to discover some means whereby people who take advantage of these services should pay towards them. (Hear, hear.) I am not defending the employers' cause in any way—far from it—but I am thought for one moment, I am perfectly certain, when it was moved by the hon. Member for Kiambu and he mentioned that the services should be self-reimbursing services, he undoubtedly included the employer in the sum that should be paid.

Now, Sir, I entirely agree with the hon. Member for Kiambu that these are expensive services. So far as I know at present no fee is paid—am I right? No fee is paid, and I do suggest if this service is maintained—I am not referring to the African, but the European and Asian—that it should be, if not totally reimbursing, at least largely self-reimbursing.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Chairman, we will certainly, since hon. Members seem to wish it, consider the possibility of charging fees in the case of European and Asian exchanges. As the Labour Commissioner has already explained, if they were to cover the full cost of the organization, the fees would have to be very high, but it might be possible to charge a fee to cover at least a portion of the expenditure. I do not know whether that would satisfy hon. Members, if we undertake to explore that possibility and report the matter to the Standing Finance Committee.

MR. HAVELOCK: I am satisfied, Sir, if that course of action may be taken, and I beg leave to withdraw the Motion.

THE CHAIRMAN: No objection—the Motion is withdrawn.

MR. BLUNDELL: Item 2. I wish to move that item 2 be reduced by £500. I have examined these Estimates of the Labour Department, and there is great provision for travelling in departments which, I should have thought, were static. In what respect does the Employment Services Organization require approximately 15,000 miles or more of travelling in the year?

THE LABOUR COMMISSIONER: Sir, we have 14 main African labour exchanges throughout the Colony, and in addition at the district headquarters there are also African exchanges. The officer in charge of the African section is required to travel at least twice a year to make quite certain that the organization is doing its work properly. If there is no liaison between the outlying exchanges and the central exchange, a large amount of the good done by the exchanges would be lost. There is another point, Sir; we try and keep in touch with school-leavers and the duties of this officer include travelling round to schools and trying to tell them what openings there are in in-

[The Labour Commissioner] :
dusty, and in commerce, with a view to persuading them to enter into apprentice schemes. Up to now there has been very little done that way. We hope, in the next year, we shall do a very much more, and we hope to persuade the suitably educated school-leaver to go straight into an apprentice scheme where he can be of some real use to the community. I hope, Sir, the hon. Member will withdraw his Motion on that account. I can assure hon. Members opposite that not a single mile is travelled without due care. Each province, each district, each officer is allocated a certain amount of mileage and he does not exceed it without specific permission.

MR. BLUNDELL: With the leave of the Committee I will withdraw the Motion.

THE CHAIRMAN: No objection—the Motion is withdrawn.

MR. HAVELOCK: Item 9. I understand, Sir, from previous discussions on other items that there are officers employed who undertake trade tests and they are put away under other Heads. I would like the hon. Labour Commissioner to give me his comments—saying I want to know exactly how much trade testing is costing us. I am not saying I want to delete posts—I think it is quite a good thing—but it is once again a new department, and it may become a little empire of its own, and unless it is shown what officers are employed in this particular aspect we, on this side of the Committee, have no idea, have no opportunity to criticize the expenditure of it.

THE LABOUR COMMISSIONER: I think I did explain to hon. Members that this scheme was a pilot scheme. If this pilot scheme is successful, then in next year's Estimates, Sir, I have no doubt my hon. friend the Financial Secretary will agree that the two specific posts should be shown as trade testing officers. At the moment I have given an undertaking that I will make a saving in the administration side of the Department in this connection. I think the scheme is so important that, once having started, we should not let up, so I have offered some saving elsewhere. The Trade Testing Assistant Labour Officer, as I have said, at the moment comes out of one of the five Assistant Labour Officers of the establishment, and the Labour Officer, who

is in charge of the show, is on a temporary month-to-month basis and paid for out of savings with the approval of the Treasury.

MR. HAVELOCK: That may be, Sir. The hon. Member has put up his case, but I do emphasize the fact that it is still hidden from us as far as the Estimate is concerned. We do not know what amount of the travelling expenses, housing, all the rest of it, may be debited to this particular item, and we surely are entitled on this side of the Committee to see the exact cost of these sort of services, so we can make our comments thereon—whether we think they are extravagant or necessary—at the cost they are put down in the Estimates. I do feel the way it has been dealt with this year is most unsatisfactory from the point of view of hon. Members on this side of the Committee.

THE ACTING DEPUTY CHIEF SECRETARY: I can assure hon. Members there is no intention whatever to disguise the amount that has been spent on this trade testing arrangement. The only reason these specific posts do not appear is that it was decided, in consultation with the Financial Secretary, there should be no new services shown, and therefore we have had to provide the personnel from the existing resources. We will make a report to the Standing Finance Committee showing precisely the salaries of the people concerned and this item here for £1,500, and an estimate of the cost of the travelling they will have to do, if any. I think it is doubtful whether they will have to do very much. The Standing Finance Committee, at any rate, will then be in full possession of the details of the money which will be spent on this particular matter.

There is one thing which I do not think the Labour Commissioner mentioned, which ought to be recorded. This scheme was brought to the attention of the instance and with the full concurrence and approval of the Labour Advisory Board which has been considering this question of trade testing over the matter of the last year or two. They have advised very strongly that some arrangement of this kind for trade testing should be made.

THE LABOUR COMMISSIONER: If I might underline what the hon. Deputy Chief Secretary has said, we can

[The Labour Commissioner] :
only provide this service at the expense of another service. That is what it comes to.

MR. HAVELOCK: Tell us, show us.

The question was put and carried.

THE LABOUR COMMISSIONER: I beg to move that sub-head (5), items 1 to 7 be approved.

MR. SALTER: Item 5, Sir, I would like the hon. Member to elucidate the note on page 167 with regard to items 1—5 and 1—7. If one looks at page 168 it would appear that £6,950 was voted last year or this year in respect of expenses in connection with the registration of all races, and I would like to ask the hon. Member whether those expenses have now become permanent expenses in the way of increases of staff. In item 5, and again item 7, there would appear to be a permanent staff on a pensionable basis. If the hon. Member could tell me that first—

THE LABOUR COMMISSIONER: The £6,950 appearing on page 168 was a one-line Vote and out of that the various persons necessary to carry out registration of all persons were paid. It has now been omitted. The necessary current expenditure has now been reflected, as we have shown on page 167, in these Estimates. No one-line Vote appears at all and the minimum of persons concerned with the extra number of persons to be registered—Asians and Europeans and the growing African population as well—accounts for the increase which we see.

As regards the Asian clerks, the finger-print clerks. They are specialists, Sir, and when we lose a specialist, Sir, it takes us a very long time indeed to train another one, and out of the ones we have in training only 50 per cent reach a standard where they are any good to us. 50 per cent of those we take on to train by the end of the year have finished, and are no good to us, so that we do have to have two or three extra clerks to cover this wastage. We cannot turn just anyone on to a finger-printing. Members will appreciate it is a skilled job and can only be done by persons specially trained.

MR. SALTER: In view of the hon. Member's remarks, I would move a reduction in item 1—5 of £650, namely the increase

shown in the Estimates. Now, Sir, I do submit there is no justification for this increase. Ever since this somewhat controversial Ordinance was passed we have been led to believe that the process of finger-printing has proceeded unobtrusively on a sort of volunteer basis, and we are told, apparently to the satisfaction of the Government. It has never been apparent and it does not appear from these Estimates, that there is any need to accelerate the fulfilment of this measure which is so unpalatable to a lot of people, and certainly not to complete it by the end of March, 1952, which I understand is the suggestion underlining the increase of staff. One asks what the extra personnel are going to do—I say the extra personnel are going to do after March, 1952, when the compulsory process is expected to be completed. I would suggest, Sir, that the same staff which has existed should continue with this unattractive work, but please do not let us spend any more money on it!

THE CHAIRMAN: Before you reply, may I ask Mr. Salter if that date in the Ordinance of March, 1952, compulsory or is it an administrative matter.

MR. SALTER: I think it is an administrative matter.

THE LABOUR COMMISSIONER: Under the Ordinance the date has been prescribed.

THE CHAIRMAN: Well, then, we cannot discuss anything more than administration.

THE LABOUR COMMISSIONER: On the point raised, I would like to make it plain when these Estimates were framed, no decision had been taken as to the period during which registration should take place, and the Principal Registrar has only recently given me an estimate of the extra money he will require to carry out the compulsory registration during the next three months. This will be in the order of about £400. This is in addition to the permanent staff here which is required all during the year to carry out the provisions of the Ordinance.

The question was put, and on a division, lost by an equality of votes. (Ayes: Messrs. Blundell, Chemallan, Cooke, Lt.-Col. Gherrie, Messrs. Havelock, Hopkings, Major Keyser, Messrs. Obanga, Patel, Pritam, Salter, Salm, Shetty, Lady

Shaw, Mr. Shaw, Mr. Usher, 16. Noes: Mr. Carpenter, Messrs. Cavendish-Bentick, Messrs. Davies, Hartwell, Hunter, Jeremiah, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 16. Absent: Messrs. Hope-Jones, Maconochie-Welwood, Madan, Mathu, Nathoo, Dr. Rana, 6. Total: 38).

MR. HAVELOCK: On a point of order, Sir, and custom, is it not usual for the Chair to rule the case of an even division for a *status quo*?

THE CHAIRMAN: There is no alteration of the *status quo* by this Motion. The law has been passed. It has to be implemented in things like that. I do not consider that it is a case in which I should give a casting vote.

MR. SALTER: Mr. Chairman, I beg to move a reduction in item 1—7 of £1,265 for the same reasons that apply to the reduction that I moved in respect of item 1—5.

THE LABOUR COMMISSIONER: Mr. Chairman, under last year, under a one-line Vote, we were employing many more Asian clerks—in point of fact—than are reflected in the increase shown here of six. These six are the absolute minimum, I think I explained before, this particular section can do with and produce efficiency. Even now the work of these clerks is stretched to the utmost. If the hon. Member wishes, I am quite willing for the Efficiency Committee to go into the whole subject and satisfy themselves there is, in fact, work for the extra six. As far as I am concerned, anyone can go and look at what they like.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: On a point of order, Mr. Chairman, sub-items 7 and 8 are bracketed in the Estimates, 34 Asian Clerks, and 21 Asian Clerks. Should not, Sir, the hon. Member be therefore moving a joint Motion on 7 and 8 and not on 7 alone.

THE CHAIRMAN: The item as I understand it, is £1,628, and it is proposed to reduce it by £1,265.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Except that on a point of order, sub-items 7 and 8 are bracketed in the figures itemed there, and the hon. Member referred to 7 only.

THE CHAIRMAN: It has to cover the two.

MR. SALTER: Then with your leave, I will make it apply to 7 and 8. Items 7 and 8.

Sir, in view of what the hon. Member has said, that this would be submitted to the Standing Finance Committee, I, with your leave, would be willing to withdraw this Motion.

THE CHAIRMAN: The Motion is withdrawn.

THE LABOUR COMMISSIONER: I beg to move that sub-head 50, Non-recurrent, items 1 to 3 be approved.

MR. BLUNDELL: Mr. Chairman, item 1. May I ask the hon. Member for Finance whether the proposal to stock-pile identity cards, went to the Standing Finance Committee for mention.

THE SECRETARY TO THE TREASURY: No, Sir. (Shame.)

THE LABOUR COMMISSIONER: I think I can answer that better, Sir. The answer is "No", Sir. (Laughter.)

THE CHAIRMAN: Doubly so.

THE LABOUR COMMISSIONER: Half the sum of £6,500 for the year 1952, and half the sum for 1953. There is an intention to stock-pile. Our information was that the cost of these cards was going up extremely rapidly, also we would have to order the cards for 1953 in 1952, in order to have them in sufficient time to make use of them in the beginning of 1953. We should therefore have to order these cards and possibly pay for them before the end of 1952.

MR. BLUNDELL: I only raised the point because I am surprised that while it was necessary to get the approval of Standing Finance Committee for khaki dress, this could be done, as it were, *sub rosa*.

THE FINANCIAL SECRETARY: How is it *sub rosa* when it is in the Estimates before this Committee?

THE LABOUR COMMISSIONER: The order has not been placed.

MR. HAVELOCK: I beg to move item 1 be reduced by £3,300. I need add no comments, Sir, except that I see no reason at all for stock-piling, and certainly

[Mr. Havelock]

I do not think the hon. Member can say that the expense of the cards in two years' time will be any more than it is to-day. It might well be less.

THE LABOUR COMMISSIONER: I did explain we have to make the order and get the cards here before the end of 1952 in order to have them here at the beginning of 1953. I suppose we can go through the motions of asking the Standing Finance Committee to allow us to do this year.

MAJOR KEYSER: I support the Motion because I think the hon. Financial Secretary should devise some means for financing stock-piling other than by the method he is adopting here.

THE FINANCIAL SECRETARY: I think the hon. Member in charge of this case has made it quite clear these cards must be in the country and in his office before the end of 1952, so that they will be available for us in 1953. What could be plainer?

MR. SALTER: Can they not be printed locally and be carried on as required?

THE LABOUR COMMISSIONER: No, Sir. We have gone into that very closely. We cannot have them satisfactorily printed locally. It is cheaper to have them printed in the United Kingdom.

LADY SHAW: It does seem to me also, what could be plainer than that we are not going to register the same number of people every year? The origin of this registration must cost more money and employ more people than year by year. It does seem to me as plain as plain can be. It is perfectly ridiculous to say it is going to cost as much every year to register a whole lot of people. What could be plainer?

THE LABOUR COMMISSIONER: I can make it quite plain, Sir. (Laughter.) The cards we have in the country to-day are to deal with the tremendous rush of people we expect during the next three months. This figure here represents the normal increase year by year, as far as we can calculate it. It does not represent anything abnormal at all.

The question was put and on a division was negatived by 17 votes to 15 votes. (Aye: Messrs. Blundell, Cooke, Lt.-Col. Gherrie, Messrs. Havelock,

Hopkins, Major Keyser, Messrs. Jeremiah, Patel, Pritam, Salim, Salter, Shary, Lady Shaw, Mrs. Shaw, Mr. Usher, 15. Noes: Mr. Carpenter, Major Cavendish-Bentick, Messrs. Chemallan, Davies, Hartwell, Hunter, Mathews, Sir Charles Mortimer, Messrs. Ohanga, Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 17. Absent: Messrs. Hope-Jones, Maconochie-Welwood, Madan, Mathu, Nathoo, Dr. Rana, 6. Total: 38.)

The question that (50), Non-recurrent, items 1 to 3, be approved was put and carried.

HEAD 5—1, OFFICE OF THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5—1, Office of the Member for Agriculture, Animal Husbandry and Natural Resources, be considered.

As I have a number of departments, Sir, coming up one by one, I do not know whether hon. Members would wish to have a policy debate of any kind on this Head. I have been through a number of the items with some of the hon. Members opposite, and I gather they felt that that was unnecessary. So therefore, at this stage, I will content myself by merely moving that this particular Head be considered by the Committee.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5—1, items 1—1 to 1—12, be approved. There is an increase, a considerable increase, which is purely accounted for by Cost of Living Allowances.

MR. BLUNDELL: Mr. Chairman, I do just like to draw the hon. Member's attention to the fact that £200 are due to cost of living.

MR. COOKE: Mr. Chairman, I oppose, as I have opposed all along, sub-item No. 2, Secretary for Agriculture, £200. I oppose that because I do not think the increase is justifiable when you compare it with other responsible posts in Government service. It is, I know, opposed by the Civil Service Advisory Board.

I know it will not have any effect, but I oppose it to register my protest.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I must, of course, oppose this Motion. I think that I can say without contradiction that the officer, whoever he may be, in fact, who has to fulfil this post has a very great amount of responsibility to shoulder. He has indeed to deal with a number of heads of departments on behalf of the Member, and he has to take decisions, and if we are going forward to what is in fact the ministerial system, it is absolutely essential that the quasi-minister, or however you may term the person who is in charge of a portfolio of this magnitude, must have somebody who has to shoulder a very great responsibility, has to deal direct with the Provincial Commissioners, heads of departments, and other senior officers. I submit, Sir, that there is every justification for this increase of £200 in salary.

MR. BLUNDELL: Mr. Chairman, I am in some difficulty over this Motion for this reason, that I agree in principle with the hon. Member for the Coast. I have objected right through this Budget to the way in which these posts have all been up-graded at once. I believe that the posts should have been considered on their merits and on the individual holders thereof, and personal allowances given. I am utterly unable to believe that some of the secretaries who have been given this advance in their positions are worth it. I do frankly feel that this method, just because one man goes up, everyone has to go up, or else they will be unhappy and frustrated and jealous. It is the worst possible tribute to the Service. I hope the hon. Member for the Coast will withdraw his Motion, because we have made our point. I agree with him on principle. This one post, which I would myself have agreed to for a personal allowance, on the grounds of the width of the portfolio—in my view it is because of this post and its necessity that all the others have had to be jostled and jockeyed upwards.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I must just say one word on that; that may be the hon. Member's view, but it is not the view of the Government.

MR. BLUNDELL: Take the whip off and see!

THE ACTING CHIEF SECRETARY: When the hon. Member says that these post should have been considered on their merits, they have been considered on their merits and they have been discussed, and they have been considered on their merits in this Council, and any suggestion that any other reason has been adduced for these decisions is wrong. The decision of this Council has been recorded on the individual merits in each case.

MR. COOKE: The hon. Member has put me in a difficult position, because I do not want to mention personal posts, but I will remind the hon. gentleman that there are at least two other posts of equal importance to these secretaries, and they are not getting any advance in their salary. That is the difficulty it causes.

As suggested by the hon. Member for the Rift Valley, I will withdraw my Motion.

THE CHAIRMAN: If there is no objection the Motion is withdrawn.

The question that Head 5-1, sub-head (1), item 1. (1) to 1. (12) be approved, was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5-1, sub-head (1), items (2) and (3), be approved.

...The question was put and carried.

MR. HAVELOCK: Mr. Chairman, the next Head is 5-4. Would the hon. Members opposite be prepared to take 5-4 after 5-3? That is, at the end of the Departments concerned with the Member for Agriculture and Natural Resources?

HEAD 5-6, VETERINARY SERVICES

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Yes, Sir, I am perfectly willing to take the Forest Department last, which I understand is the desire of hon. Members opposite.

Mr. Chairman, I beg to move that Head 5-6, starting on page 152, be considered.

Again, I do not propose to make a policy speech—more or less by arrangement with hon. Members opposite—but no doubt if any hon. Member wishes to raise a matter of policy, I will do my best to reply in due course.

MR. BLUNDELL: Mr. Chairman; there is one matter of policy to which I should like to refer. I apologize to the hon. Member, as I think, we have not given him notice of it. It is this, Sir: he knows I feel very strongly that agricultural stations and veterinary must, wherever possible, be juxtaposed so that in effect, the animals in the veterinary station can get the services and be provided with the food from the agricultural stations, and the agricultural stations, in the conducting of experiments with regard to animal husbandry, food crops and pulses, etc., can make use of the animals next door. Now, the hon. Member knows we have got stations where only the agricultural services function, and some miles away is a veterinary station. That, Sir, inevitably lands us in a great deal of expenditure. The hon. Member did give an assurance that whenever possible he would combine them together so that the co-ordinating functions of the land and the animal can work easily and well together.

Will the hon. Member give me a few words as to how far he has been able to carry his—at least my—policy out?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I think the hon. Member is aware that I fully share his views, and always have done, but it is not always very easy to enforce this policy without a certain amount of time-lag, and a certain amount of tact. I have every belief that we are making headway to a far greater degree of co-operation, complete collaboration, I may say, between the Veterinary Department and the Agricultural Department than perhaps we have ever had in the past few years. I think in fact unified as far as their work is concerned.

The question that Head 5-6 be now considered, was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5-6, items 1 (7) to 1 (8), be approved.

LADY SHAW: Mr. Speaker, item 9. Sir, here there is Assistant Storekeeper, a new post. A note over here on the other side says "Provision formerly made under Field Services, Non-African Areas, have been consolidated to one item." It does

seem a little odd to have an Assistant Storekeeper when a Storekeeper—anyhow; a large storekeeping arrangement is there for Field Services. Surely these stores must be distributed in the various districts?

I would like to ask, Sir, before deciding what to do on this subject, if a little fuller explanation could be given to us on the subject of this storekeeping with regard to Field Services.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I think the hon. and gracious lady has quoted from item 1 (16) as far as the note is concerned, but I understand that what she is really desirous of having is an explanation of why, on this occasion, we have got a new post of Assistant Storekeeper under item 9.

Mr. Chairman, I think there is a very good reason for this, but I may take a little time in explaining it. The Veterinary Department is a very large Department which also has to administer a very large number of stations. It also has to deal with such matters as stock routes and so on. And thus it comes on that side of its activities a Department which has to look after and issue, and so on, a very large quantity of stores. Now, in addition to that, the Veterinary Department has a laboratory for the manufacture of biologicals, and also has a diagnostic service; in that respect it has to issue every day and receive every day orders for vaccines and so on, send them out, make sure they are correctly packed and addressed to the right person, and it also has to receive materials for diagnostic purposes. Now, Sir, that does mean it has a very large amount of that kind of work to do, and it has to be done quickly in order to satisfy the public and, indeed, to carry out the purpose for which this Department is set up. Now, we have, Sir, a post of an officer in charge of stores and accounts, which was created in 1949, and it became evident that a single office superintendent was unable to deal with the volume of work for which he is responsible, and it was hoped that we would be able to obtain, to help us with the accounting side of the work, an officer seconded to the Department from the Accountant General's office. That post, too, will be provided for but we have not been able

[The Member for Agriculture and Natural Resources].

to obtain that office. The two storekeepers that appear under item 8 have entirely separate functions, as I have already explained. One is responsible for the packing and dispatch of an average number of 45 to 50 parcels a day, together with the correspondence associated therewith, and in some cases very large consignments for other territories.

He issues vaccines to the amount of £60,000 a year. The second storekeeper is the one responsible for the departmental stores. There have been very accumulated arrears of work owing to lack of accounting facilities. For that reason, we will have to provide for an Assistant Storekeeper (European) who is in fact mainly assisting in this work.

LADY SIWAU: Thank you.

MR. HAVLOCK: Item 15, Sir, 1—15, Clerical Assistance.

I beg to move that this £590 be omitted.

I see the explanation, Sir, on the Memorandum, and I believe there is a misprint there. It should be Clerical Assistance, item 15, they have got (16). But I cannot see that there is any real necessity for these temporary clerks, and surely the accountant to be seconded from the Accountant General's office had better be seconded quickly and get on with it. The longer he delays, the bigger the mess is going to be—if there is one—and I propose that this item be omitted.

THE CHAIRMAN: It is time we reported progress.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Committee do report progress and ask leave to sit again.

The question was put and carried.
Council resumed.

ADJOURNMENT

Council rose at 12.37 p.m. and adjourned until 5 p.m. on Wednesday, 12th December, 1951.

Wednesday, 12th December, 1951
(Evening Sitting)

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 12th September, 1951.

Mr. Speaker took the Chair at 5.05 p.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 12th December, 1951 (Morning Sitting), 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 July to 30th September, 1951.

By THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT:

Report of the Commissioner for Local Government for the years 1948, 1949, 1950.

By THE MEMBER FOR COMMERCE AND INDUSTRY:

Exchange of Notes between the Governments of the United Kingdom and the United States of America regarding Economic Co-operation, which the Government of Kenya has agreed may extend to Kenya.

The Mutual Defence Assistance Agreement between the Government of the United Kingdom and the Government of the United States of America.

Estimates of the Geographical Income and Net Output for the years 1947, 1948, 1949 and 1950.

REPORTS

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to report that at the Morning Sitting of the 12th December, the Committee of Supply continued its deliberations on Head 3—5, which Head was finally approved without amendment. The Committee then considered Head 6—2, and approved that Head subject to a reduction of £720 against item 1 (7) sub-head 1. The Committee then

[The Financial Secretary]

considered Head 5—1 and approved that Head without amendment. The Committee then proceeded to consider Head 5—6 and its deliberations were incomplete when it was moved and passed that the Committee report progress and ask leave to sit again.

THE CHAIRMAN: The Council will now resolve itself into Committee of Supply. We were dealing with Head 5—6 and it had been moved that Head 1—15 be omitted.

COMMITTEE OF SUPPLY

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1952.

HEAD 5—6, VETERINARY SERVICES—
(Contd.)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I must of course oppose this Motion. The clerical assistance for which provision is made in these Estimates is for the purpose of employing temporarily two clerks pending a further examination of the accountability of the Department and pending the arrival of the long-promised officer from the Accountant General's Department. Immediate clerical assistance is required and I can assure hon. Members it is quite essential, but I was not allowed to include, as I wanted to do, additional posts for this year which I thought could be justified. Therefore, I had to be content with putting in this clerical assistance for the time being. I can assure hon. Members it is very urgent we should have these people. There is an additional difficulty which arises at Nairobi, that is, of course, the lack of housing, and the distance from the town. Although that is not directly concerned with these particular posts nevertheless indirectly it does have an effect on the possibility of obtaining clerical assistance when we need it very urgently, as we sometimes do from day to day.

MR. HAVLOCK: Can the hon. Member tell me first of all when the accountant from the Accountant General's office can be expected? And secondly, if when he does arrive will this clerical assistance be necessary, or is it only a temporary thing?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: A good deal would depend on what the accountant from the Accountant General's office can achieve in, I hope, reorganizing to some extent the office. I do not say by that by now I am entirely satisfied with the working of Head Office in the Veterinary Department, I am not. There was a time when I was very worried about it, but I think that it is ship-shape now. I should imagine when we get it, if we do get it, I hope we are getting this accountant, that we shall certainly not need both and possibly not need either.

THE FINANCIAL SECRETARY: On the first part of the question asked by the hon. Member I can assure him that the Treasury is extremely keen on an accountant going to the Veterinary Department. It is only the lack of staff and the difficulties in the Accountant General's office which has precluded posting an officer hitherto. It is hoped, however, we shall be able to make arrangements in April or May, 1952.

MR. HAVLOCK: I understand that it is merely temporary clerical assistance, I suggest that is how it should be described. If that is the case, Sir, I would be prepared to withdraw my Motion.

THE FINANCIAL SECRETARY: It is in fact temporary clerical assistance and we will give the hon. Member the assurance it will be regarded as such.

THE CHAIRMAN: The Motion is withdrawn.

The question that items 1—1 to 1—15 be approved was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5—6, items 2 to 10, under Other Charges, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5—6, sub-head 2, items 1—1 to 1—24, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that Head 5—6, sub-head 2, items 2—8, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that Head 5-6, sub-head 3, items 1-1 to 1-14, be approved.

LADY SHAW: Item No. 1-6. Farm Assistant. This Assistant, I understand, is for the Naivasha Farm. I am proposing an abolition of this post with a consequent reduction of the sum of £340, because there is already a Farm Manager as well as a Livestock Improvement Officer on this Farm. The Livestock Improvement Officer is engaged in looking after pigs and poultry, the Farm Manager, presumably, looks after the rest. There are artisans and lorry drivers on farms so the man will presumably not have to do a great deal of manual work, and in view of the number of cattle and the size of the farm, I myself think this is an excessive staff. There is a large staff of technical people on the farm; but I am looking at it from the purely farm management point of view. Therefore, Sir, I beg to move that this post be removed from the Estimates.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I actually oppose this Motion that this post should not be there. I do not know to what extent hon. Members appreciate the work that goes on at the Naivasha Farm, or rather farms. Hon. Members are probably aware that we have now got money under the Colonial Development and Welfare Vote for the establishment of the Naivasha Research Station on what I hope is going to be a satisfactory basis to relieve largely diseases, but it will also have the headquarters of a pig and poultry centre, and also it is dealing with ornithology and various aspects thereof, and, indeed, it is carrying out quite a responsible programme of great value, especially to the adjoining areas, very valuable investigational work. But in addition to that there is an area involved of 5,480 acres. It is divided into three separate sections, but other farms intervene which makes it very difficult to run this particular farm or series of farms. Now we have 850 cattle, 700 sheep and 96 pigs on the farm, and a number of—quite a lot of—poultry, and we have 290 acres under crops, of which 135 acres are growing lucerne used for the maintenance of an average population of 220 cattle at the Kabete Laboratory and, of

course, all artificial insemination. You can hardly compare this to an ordinary farm because you cannot treat these cattle as an ordinary farmer treats his cattle, as a number are undergoing experiments and have to be kept apart and have to be carefully watched and notes taken very often every day. Experimental work does call, therefore, for the maintenance of a larger number of separate head units than would necessarily be run on a normal farm and for that reason a relatively large labour force is necessary. As regards lucerne production, the total output in 1950 was 28,000 bales and that is done with 30 labourers. And at the same time, you need a considerable amount of fencing and reclamation of swamps which would be necessary due to the Lake coming up. That is a considerable amount to do, Sir, and I do not think anybody could suggest we are using an undue amount of labourers for that quantity. Admittedly, Members may consider that staff is excessive, but I can assure hon. Members that that is not the case. The Livestock Improvement Officer is often not there, and he has to do his job going round the country to a certain extent, which really leaves one farm manager and one farm assistant to deal with the three separate things.

LADY SHAW: Would the hon. Member be willing for this post to be examined by Standing Finance Committee?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Certainly.

LADY SHAW: In that case, Sir, I will withdraw my Motion.

THE CHAIRMAN: If there is no objection, the Motion is withdrawn.

LADY SHAW: No. 12, Sir.

Mr. Chairman, I propose that this item should be reduced by £500. Sir, I am not criticizing the hon. Member's figures for his lucerne-growing. I know very well that lucerne-growing probably does take a considerable staff, but that leaves 70 other African labourers on the farm. As it is largely a cattle farm, once the lucerne has been accounted for, I do feel, Sir, that it is a very large staff—too large, as I hope, Sir, the hon. Member will see his way to reducing that staff. Everybody believes that it is highly important to try and economize in one's ordinary daily labour—the average

(Lady Shaw) farmer cannot possibly afford to carry a staff of this size in addition to tractors and tractor drivers. I hope, Sir, the hon. Member will agree to this reduction.

I move a reduction of £500.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The hon. Member will appreciate that we have reduced this on last year's Estimates, but I am quite prepared if the hon. Members press to try and get away with the £500 reduction, but I may have to come to you for more money during the course of the year. I am quite willing to accept £500 reduction there to see how we can get on.

The question that Head 5-6, item 1 (12), be reduced by £500 was put and carried.

The question that Head 5-6, items 1-1 to 1-14, as reduced by £500, be approved was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5-6, sub-head (3), items 2-6, be approved.

MR. HAVELOCK: Mr. Chairman, item 5. On examination, Sir, of these Estimates, it did seem to hon. Members on this side that £900 was rather high for maintenance, repairs and renewals for a farm of this sort, and I would like to move a reduction of—anyway, a token reduction, so that the hon. Members may ask the Manager to economize in this way, and I would like to move a reduction of £100 in this item.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, hon. Members may be aware that this figure has already been reduced. We put in more this year, and we have cut it down to what it was last year. Hon. Members may have been to this farm and realized what a very bad state—I am not talking now of the new buildings going up, the new fences put in—what a very bad state the farm is in, quite one of the worst states of any farm I know under Government care.

Again, if hon. Members press, I will try and get away with £800. I am quite prepared to try and do it.

The question that Head 5-6, item 5, be reduced by £100 was put and carried.

The question that items 2, 3, 4, 5, and 6, Other Charges, as reduced by £100, be approved, was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5-6, sub-head (4), items 1-1 to 1-16, be approved.

MR. HAVELOCK: Item 1-13, Sir. I am sorry I have got the wrong Head, (Laughter.)

The question that items 1-1 to 1-16 be approved was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5-6, sub-head (4), items 2 to 8 be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5-6, sub-head (5), items 1 (1) to 1 (22), be approved.

MR. HAVELOCK: This is the right Head, Sir; item 1 (20).

Mr. Chairman, this matter of African staff is again worrying hon. Members on this side of the Council and we do feel that every economy should be made, especially as wages go up, as they quite rightly should under the present conditions, and in order to effect that, I beg to move that item 1-20 should be reduced by £400. This would be, Sir, really only a token reduction and represents something in the region of twenty Africans, but it is in the right direction and will be an instruction, we hope, and an example to other Government employers of African staff of this sort. I beg to move it be reduced by £400.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I made certain inquiries about this item, as I realized that it was probably going to be brought under question. Now the figures, the sum of 619 African staff includes all the labourers employed on the pipe animal breeding centres at Barotse, Sangalo, Maseno, Kisii, Kabanga, N'gong, Marimba, Machakos and Marikani.

It also includes all labourers employed as porters, mail runners, lorry boys, messengers, sweepers and so on; and in the 28 veterinary stations in the African area, so that it is nine stations and 28 stations. It also includes all African

[The Member for Agriculture and Natural Resources] scouts employed as inoculators, quarantine guards, escorts and dip attendants at salaries which are below the minimum of the African Civil Service scale. For example, in Masai, there are 28 Veterinary Assistants, and 80 African staff, that have to do all the work which is connected indirectly with 800,000 head of cattle, and I do not think, Sir, that this staff is a very unreasonable number.

If the hon. Member wishes to have a gesture, I will try and do with 600 instead of 619, but I do not like the idea of cutting this particular Vote to the extent which the hon. Member has suggested, because I do not think it is fair on the officers who have to run these stations.

MR. HAVELOCK: Mr. Chairman, when I moved this Motion, I said it was a token cut, hoping that it would strengthen the hand of the hon. Member in introducing an economy in African staff for this station, and I am prepared to accept the suggestion that the number should be cut by 19. I am in a little difficulty here, Sir. Is it in order for me to move a reduction in the number of staff, without moving a reduction in the amount of money?

THE CHAIRMAN: We have not done it that way so far, so I think it should remain a sum of money. If you withdraw £400 and substitute £200 that might meet the case.

MR. HAVELOCK: Would the hon. Member agree, in order to establish the principle, that a reduction of £200 be acceptable, in which case I beg leave to withdraw my Motion?

The question that items Head 5—6, 1 (1) to 1 (2), Personal Emoluments, as reduced by £200, be now approved was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5—6, sub-head (5), items 2 to 10, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that Head 5—6, sub-head (6), items 1 (1) to 1 (13), and items 2 (f) to 2 (7), be approved.

I am taking them all because, as hon. Members are aware, this is a self-reimbursing service.

MR. BLUNDELL: Mr. Chairman, I beg to move that item 1—I be omitted.

Mr. Chairman, hon. Members will recollect that, earlier this year, a Motion was moved in this Council placing a cess upon hides and skins of Sh. 67 per 100 lb. dry hides, on the grounds that the money so provided would provide for the service which is before us, and of which the deletion I have moved refers to the Heads of that Service. Hon. Members on this side of the Committee expressed the opinion that the amount of money which it was then desired should accrue for those services was excessive and, as a result of our representations, hon. Members opposite investigated the matter with the adjoining territories, and the cess was reduced to Sh. 31/55 in September of this year.

Now, the situation has now arisen that if one calculates the amount of moneys under this Head, and relates them to the numbers of hides, one will, in effect, find that this money represents Sh. 9/47 per 100 lb. of dry hides, and yet hon. Members opposite are mulcting the industries—mainly poor, ignorant, illiterate Africans—who have not, possibly, persons to represent them personally acquainted with the picture of Sh. 31/55. In addition, Mr. Chairman, the hon. Member has got a surplus of revenue over expenditure within the Hides Improvement Fund of no less a sum than £224,000, so that, in effect, he would be able to run, Mr. Chairman, the whole of this service without further mulcting of the industry—from the surplus balances which he now holds.

On those grounds, I move the omission of this item.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I naturally oppose this. I am afraid I am a little bit out of my element with regard to the details of this matter, as I am afraid I did not expect this was coming, and I have not got with me the details of how this account stands. I do not believe my hon. friend, or anyone here, has, but I do not really see how one could possibly expect Government to agree that the Senior Hides and Skins Improvement Officer—the senior one

[The Member for Agriculture and Natural Resources]

which appears in these Estimates—should be abolished by a stroke of the pen, for the reasons given by my hon. friend. Therefore, I must oppose the Motion.

If my hon. friend would like to discuss the matter further with me, I am naturally only too anxious to go into details, but I really do not know—to be perfectly honest—really what he is driving at.

MR. BLUNDELL: I have great pleasure in trying to make it clear. I have two points of principle, and I wish to raise them by moving this Motion. The first point of principle is: by what manner of right have we got to build up a surplus balance of £224,000 for this service, and I should like to know from hon. Members opposite what use is to be made of that money? That is the first point.

The second point, Sir, is that we have no right to take Sh. 31/55 from an industry per 100 lb. of dried hides and only return to that industry Sh. 9/47 in terms of services. If the hon. Member will give me an assurance that he will examine those two principles and report back to us to what use, or what purpose, the £224,000 are going to be put, and the justification for charging Sh. 31/55 when in effect he is only using Sh. 9/47 I will withdraw my Motion.

MAJOR KEYSER: I will support the Motion, because, Sir, when earlier in the year the proposal was made for the higher cess of Sh. 67 on dried hides, we were all on this side of the Committee very much opposed to it, and the hon. Member was kind enough to bring some experts to meet us and discuss the matter with him. We had a very long discussion on it and there, Sir, we were constantly told that the whole of the matter had been very clearly investigated, and it was considered this amount of money was needed. However, the hon. Member, when it did come up before this Council, did say he would take steps to consult the other territories, and see whether a reduction in the cess could be effected. That was done. Finding that even the reduced amount is not required, and that there is a very great surplus balance of £200,000, the hon. Member for Finance seizes the opportunity of

putting an export tax on hides, because he thinks now the hides people are getting away a little bit too lightly. This, Sir, is after very careful examination of the whole matter, and an assertion that an amount of cess was surely required.

It shows the value of these very careful and lengthy examinations into items of expenditure or taxation!

MR. BLUNDELL: Mr. Chairman, might I perhaps, to avoid a red herring swimming away, might I stress, Sir, that in moving this Motion, I have no connection whatsoever with export taxes. The point the hon. Member for Trans Nzoia made is correct, Sir, but in moving the Motion I wish to establish two principles.

What use is going to be made of the £224,000, and the principle that the cess should be no greater than the cost of the service?

If the hon. Member will give me an assurance that he will report back to us his proposals for the disposal of the surplus balances, and accept the principle that the service should be covered by the cess and no more, I will withdraw the Motion.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I think we have debated this before in this Committee and I can almost give the assurance the hon. Member asked for, with this exception, that one has to have certain money in hand when the service is expanding. We have just taken over Samburu and part of Masai, and I understand from the District Officers concerned their visits will be with work that is being done. I think it is rather a complicated subject, and I have a great deal of sympathy with the principles laid down by the hon. Member, and I will certainly give an assurance that I will go into that, and bear his principles, which I very largely agree with, in mind, and come back to this Committee with a detailed statement of what we are going to do with any balance in hand, and try and keep the cess down to the barest possible limit to cover our costs. That I will certainly undertake to do. I cannot do more. I do not see the sense, if I do give that undertaking, in trying to destroy and wreck the service which on the whole, I believe, has done good work, in order to make a gesture

[The Member for Agriculture and Natural Resources] possibly a very justifiable one, I grant you, by cutting off the Head of a service in a debate of this kind.

MR. BLUNDELL: Might I clear up one or two points?

The first is, it is perfectly legitimate to move a Motion for purposes of discussion on a particular Head, and it seemed to be the most suitable on the Head of this service.

Secondly, I would like to emphasize, in my view the service provided has recompensed those who provide the cess far more than the cess in itself, because it has resulted in an improvement in the standard of hides.

Lastly, as I do not want to deface the Committee, I will accept the hon. Member's assurance, on the understanding that his statement that he is largely in agreement with me, and is, indeed, a very large agreement.

THE CHAIRMAN: I take it the Motion is withdrawn.

The question that items 1 (1) to 1 (13) and items 2-7 be approved was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5-6, sub-head (50), items 1 to 13 be approved.

The question was put and carried.

DEVELOPMENT AND RECONSTRUCTION AUTHORITY 15-9

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I now move the examination of the Development and Reconstruction Authority Estimates for consideration and that Head 15-9 on page 19 of the Draft Estimates of Expenditure, Development and Reconstruction Authority, be considered.

LADY SHAW: Mr. Chairman, I am anxious to ask a question on this policy question which is in this list of items here—is the Konza scheme included? And how much money is included for the Konza scheme?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The hon. and gracious Member will find that on page 18 of the Report of the Planning Committee there is a scheme of Livestock

Improvement and Veterinary Development. In addition to the provision of £15,000 made under Scheme No. (2), we recommended a further £72,000 for expenditure on veterinary projects. The following summary indicates the way in which it is proposed to spend this allocation, and under (a) there is the Konza Livestock Improvement Centre, £20,400. That £72,000, I think, is repeated here—item 6.

LADY SHAW: But only a part of it is there.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Of £33,400.

LADY SHAW: My point, Sir, is this. I know the figure in the Planning Committee Report and I know the total of £72,000, but there is a different figure here which is £33,400 and I am anxious to know how much of that appears in this year's Estimates as against the Konza scheme. That is what I am trying to find out.

THE CHAIRMAN: I think we had better proceed with details.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I was under the impression that there was a schedule explaining in detail these provisions—page 19—but I am afraid I cannot find it and I am unaware how much of that does cover the Konza scheme, but I take it that some of it is for the Konza scheme, if not quite a lot. I know that the hon. and gracious lady wishes to air the Konza scheme. I have stated that it is there and it must be part of it.

LADY SHAW: Yes, Sir. Well, that was my difficulty. I want to move on that particular item, but I dare say somebody else wants to speak before that, in which case—I know it is the policy debate. I have been trying to find out about it for that reason. Sir, I do not think I need discuss this policy. In view of what the hon. Member has said, I will bring it up under the item.

The question that Head 15-9, Development and Reconstruction Authority Estimates, be now considered was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move, that under Head 15-9, sub-head (1), Veterinary, items 1 to 5, be approved.

The question that items 1 to 5 be approved was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I now propose that item 6 be approved.

LADY SHAW: Mr. Chairman, I have to thank the hon. Member for having made it easy for me by having it done this way, I am not going to treat this Committee to another dissertation on the whole of the ups and downs and pros and cons of what I described as veterinary farming in a previous debate, but I am extremely disturbed and anxious about the whole of this particular proposition—in other words about the Konza Livestock Improvement Scheme. I am not alone, Sir, in my sense of disturbance and anxiety on the subject. There is a great deal of opinion against this scheme in this country not only in the district in which Konza is situated, and I feel very tempted, Sir, to move a reduction in this Vote, but as I have no idea how much is voted to the Konza scheme, I find it a little difficult to move such a reduction. However, I feel that the hon. Member may have sufficient sympathy with my difficulties to agree to investigate this question, perhaps to give it further consideration and to hear the points of view of people who perhaps approve and of people who disapprove of the whole idea, particularly in view of the fact as he, I am sure, does know the Settlement Board has under consideration the continuance of the present scheme at Konza, and I wonder whether the hon. Member could hold this up, return it to the Planning Committee—do something or other of that kind—to defer the decision upon Konza as a veterinary station.

THE ACTING CHIEF SECRETARY: Mr. Chairman, my hon. friend has indicated to me that he will be glad to discuss this matter further with the hon. Member who has just spoken, and as Chairman of the Development and Reconstruction Authority, I can certainly give an undertaking that no expenditure will be incurred under this particular Head on the particular subject to which the hon. and gracious lady has referred, until these discussions have taken place.

LADY SHAW: Mr. Chairman, I have to thank both the hon. Members.

The question that item 6 be approved was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (2) of Head 15-9, items 1 to 12 be approved.

Mrs. SHAW: Mr. Chairman, I would like to tell the hon. Member for Agriculture that we are very grateful for what is being done under the Tsetse Control and we have a great deal of faith in the measures that are being taken, but, at the same time, there is a little disturbance on the Head that the Control posts are not working altogether satisfactorily, and I would very much be grateful if he would take that point up that the Control posts—coming in from fly-infested areas—they are not keeping a check on them to the extent that they might and we feel, in some cases, that they really are not functioning at all well. Otherwise, as far as the bush-clearing goes, it is being very well done and the resettlement areas, which are most important, are also being thoroughly carried out by the Service. I see they have reduced the Service in expenditure. There is a decrease in the Administrative and General—£1,400, and in the Field Services—£1,187. I would like to know if those Field Services are being cut down in consequence, or if it is because a certain portion of the work is completed.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I think it is because a certain portion of the work—certain works are in fact no longer—they are finished. I will certainly go into the matter which is mostly under item 9—go into the question of Control posts referred to by the hon. Member. As she knows, I have been down there myself. If the Control posts are not working, I am very grateful for the information.

LADY SHAW: Mr. Chairman, I want to ask a question about an item that is not there. What do I do now? De-flying the trains by machines—Kiboko and Mackinnon Road.

The hon. Member is well aware of the fact that flies are brought up by trains up the railway and that there are farms alongside the railway which are more or less in permanent quarantine for fly as a result of the fly which is brought up by the railway. It has been a question of considerable interest to the people of the districts which go up from Mima up through Kiis and on to Konza as to the

[Lady Shaw] control of flies on the railway, and when Mr. Hammond was in Machakos the other day he was asked about it. He explained that the tunnel which had been at Kiboko had been removed. We asked him why it had been removed. He said because it was ineffective because of the fog which was produced in this very small tunnel was not sufficient to kill the fly. We asked why and he immediately said—because the engine drivers would not go slowly enough through the tunnel to kill the fly. Now, are we in control—can we not control engine drivers as well as anybody else? If there is a threat—and it is a threat and a very serious threat—for there are farms there in quarantine, who cannot sell their cattle, big farms and very important farms in contact with the railways, and these farms are infected by fly, because the railway engine drivers will not go slowly enough. Are there not some means that can be taken to insist that trains passing through areas which are a public danger if the fly is carried by the trains—as far as Limuru—can nothing be done to control the pace of the trains, and if I may say so, to replace the tunnel. All that is going to be done as far as I can make out is that the tunnel is going to be put so far down the line that the farms will not be protected at all. They are going to collect a whole mass of fresh flies before they get there. I would like the hon. Member to tell me what is going to happen.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: There again, I think I must apologize for not being more *au fait* with some of these things, although I should be as I am Chairman of the Committee which goes into these matters. We did discuss this at great length earlier in the year. As far as I can remember at Mackinnon Road and Kiboko and also we have had various experiments, both at the station just beyond Sultan Hamud—Email. The difficulty about these mechanical methods of de-flying with pumps with tunnel spray is, it is not only the fact the engine driver will not go slowly, passenger trains do carry quite a number of fly actually inside the train, and it has not been found altogether satisfactory and I believe the recommendation is now instead of trying to de-fly trains—we do a good deal of that now by a good deal of hand work which

has been found effective although I did not think it would be—to try to do away with the actual danger spots where the flies are collected. You will see here there is a bush-clearing at Kiboko and that is one of the danger spots where we are trying to relieve the danger of picking up flies by removing the bush so there will be no flies to affect passers through. It is one of the first places where the trains pick them up. That I understand has now been recommended by Dr. Wilson as being more effective than what we have been trying to do in the past.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that Head 15—9, sub-head 3, item 1, be approved.

The question was put and carried.

HEAD 5—3

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that Head 5 (3), Agricultural Department, be now considered.

MR. BLUNDELL: Mr. Chairman, I do wish to speak for a brief moment on certain matters of policy in this Department. I think it would be more suitable if I did it under the Head than under an individual item on reduction.

In speaking, I would like to emphasize I do so, because my own constituency is certainly one of the larger and more developed agricultural areas, and secondly I am representing in another capacity, the pyrethrum industry, which provides something like £750,000 a year, mainly in dollars to the national income of the Colony. There are under this Head two matters about which I am extremely worried. They are these. First of all, the gradual departure from the ranks of the Agricultural Department of the more senior officers to other territories, leaving the Department with a very bare skeleton of senior and experienced men, and I attribute this largely to a differential in scale in, for instance, the Assistant Directors, between ourselves and Tanganyika and Uganda, though of only £50. Our own Assistant Directors of Agriculture are on a scale up to £1,385, whereas those in the adjoining territories are on a scale up

[Mr. Blundell] to £1,435. I would like to suggest to the hon. Member for Agriculture and the hon. Member for Finance that they should confer on this matter because in effect I believe the agricultural problems in Kenya are more wide and complicated than in the neighbouring territories, and I believe we are very unwise to establish a position whereby the salaries of the Assistant Directors of Agriculture in our territory run at a slightly lower scale than those in the neighbouring territories.

The second point about which I am seriously concerned, much more so than the one to which I have referred, is the salary scale of Specialist Officers. It came to my notice, through the pyrethrum industry, that we use the research services, especially for men such as Plant Physiologists and Plant Pathologists and Mycologists—we use them in combating disease in the industry. The thing which concerns me is that the salary scale of Specialist Officers, to keep and attract the quality of man necessary in my view for our own local research services, is too low. That is further complicated, Mr. Chairman, by the fact that the East African Agricultural and Forestry Research Organization, in its set-up at Maguga is of necessity in competition and I can best illustrate that by pointing out that a man who is investigating a plant disease in pyrethrum under the hon. Member on the other side, will secure £300 a year less than his counterpart who may be working on the same problem in the East African Agricultural and Forestry Research Organization. Now, Sir, that is a serious matter. We cannot afford to lose our high grade Specialist Officers on our own local research within our own industries in order to move across 25 miles away to the East African Agricultural and Forestry Research Organization for a wider interterritorial examination. I believe, Sir, it is necessary for us to have some liaison with the East African Agricultural and Forestry Research Organization in matters of this sort so that our salary scales are not competitive, because it would be disastrous to do fundamental research successfully at the East African Agricultural and Forestry Research Organization and I can think of a very suitable word,

but I will not use it, muck up the whole of our industries in the meantime, because our local research is suffering. Now I know it is right throughout the debate on the Budget this year we have consistently on our side urged a reduction in expenditure, and the suggestion I am putting must of necessity mean the salary scales will be raised—the choice is simple, we either must keep our Specialist Officers, good qualified men, pay for them, and keep our industries going or lose them and lose our industries, and I wish to underline this really for the hon. Member for Finance.

In putting this forward, Sir, I am doing so on behalf of a large agricultural area and a very valuable industry. I would far rather have less officers in the non-specialist area, in the non-specialist field, and pay the specialist men on these specialist problems a rate which will keep them, than lose the Specialist Officer and clutter the place up with officers who eventually will have nothing to administer because we have killed the industry. In putting this forward I want to make it perfectly clear to the hon. Member for Finance that if the scales have to be raised I would support a policy—a policy of quality over quantity—and if there has to be a small pruning of the Agricultural Department—I hesitate to use the word pruning, because the hon. Member for Law and Order did not like the gardening simile—but if there has to be a small pruning at the bottom of the scale in the Agricultural Department, I would rather do that and keep these Specialist Officers than lose them to competitive industries—let us call them—such as the East African Agricultural and Forestry Research Organization.

MR. HORNBY: I would like to make a few comments on the policy pursued by the Field Services Branch of the Agricultural Department under which some 15 per cent of the Senior Agricultural Officers are relegated to what are virtually office jobs at Provincial Headquarters. In the past, when Members on this side of the Council have urged that there should be decentralization from Nairobi, what they have meant is that there should be a delegation of more authority to the executive officers in the field, the main ones of which are Agri-

[Mr. Hopkins] agricultural Officers and District Commissioners. This has not happened. What has happened instead is that the delegation of authority has gone to Provincial Headquarters with the result that the executive officers in the field have been shorn of much of their initiative and authority owing to the necessity for having to refer constantly to Provincial Headquarters. Sir, to make a comparison, one can quite see how Provincial Education Officers serve a good purpose because in the case of education, the various African tribes in this Colony have no preconceived ideas and in every district you have to start from scratch, therefore there seems to be considerable justification for the appointment of a Provincial Education Officer to co-ordinate a policy which can be started at the same time right throughout all the districts. When you come to agriculture, however, it is quite a different story. Each tribe, every tribe in this country is steeped in agricultural tradition. They all have different ideas and different methods of how they should pursue agriculture, and it is therefore extremely difficult, in fact quite impossible, to lay down an overall policy for all the different tribes and all the different districts. This is made more difficult by the fact that climate, soil, rainfall, etc., vary from district to district and I think it is really quite impossible for a senior Provincial Agricultural Officer, sitting at Headquarters to co-ordinate. Such co-ordination as is desirable can be, I am sure, more easily achieved at the meetings that take place yearly under the chairmanship of the Provincial Commissioner between District Commissioners and Agricultural Officers and various other departmental officers. These Provincial Agricultural Officers are men of outstanding ability. They are men who have built up their reputation by sound work in the field, and in the field it will be much more useful if these Provincial posts were washed out and the holders were returned to some of the important work which has to be carried out in the various districts.

There is another reason why these Agricultural Officers in the provinces should be returned to the district. During

the last few years there has been a very great increase in the number of African assistants employed in the districts. I refer to agricultural instructors, levellers, terracers, soil conservation assistants and the like. The majority of these men are good sound workers who are learning their jobs and getting more and more efficient, but some of them of course are not quite so efficient. Experience has shown that when these less efficient African officers have not sufficient supervision, one of two things is very liable to happen. Either they cease to do any work at all or they do a minimum of work, or alternatively they abuse their authority and throw their weights about, with the result that they engender opposition to the policy of the Agricultural Department which sometimes manifests itself in active opposition and even riots. These jobs, Sir, of agricultural instructors are very much sought after by Africans. They carry a reasonably good salary, the men are provided with uniforms, they carry a certain amount of prestige as well, but there is the impression on the part of quite a lot of them that once they have gone through their course which generally takes place at the nearest agricultural farm, have qualified, and have been put into these posts, that they then have them for life, whether they continue to be efficient and keen or not. I think, Sir, that in addition to the extra supervision which might be provided by putting these provincial agricultural officers back into the field, it is necessary that we go a little bit further. I suggest some cuts in the field. Agricultural Instructors would have the desired effect, because it would enable Agricultural Officers to dispense with the services of the less efficient, making it perfectly clear that those who are retrenched are retrenched because they are not as efficient as they should be. Sir, I hope that what I have said will not make anybody feel I am not appreciating the great work which is being done in the native reserves by the Agricultural Officers. I have reason to know what has happened in the native reserves in the past. Much of the success now is due to sound work which took place in the past and is now beginning to fructify. More of it is due to the enthusiasm and efficiency of the District Commissioners and Agricultural Officers who are carrying out the work, but, Sir, I am quite

[Mr. Hopkins] the progress we are making sure that the policy to the stable policy now is mainly due to the stable policy which has been laid down by the Member for Agriculture and Natural Resources himself and for the steadfast way in which his policy has been pursued. I, who have seen so many changes of agricultural policy in this country, realize what a great thing it must be for every officer to know what the policy is and where it is going. Nevertheless, Sir, I believe that if the two suggestions which I have made were carried out, that even greater progress could be made. My suggestions to repeat them, are, firstly, that these provincial agricultural posts should be washed out and the holders of the posts transferred back to important work in the district, and, secondly, that there should be some small reduction, say 5 per cent, in the Vote of the Agricultural Instructors so that the less efficient could be weeded out. I am sure if that were done it would be an example to those who remain and would result in more efficient and more zealous work on the part of those who remain. Sir, I beg to support.

LADY SHAW: Mr. Chairman, I beg to support every word that has been said by the previous speaker on the subject of Provincial Agricultural Officers. I have for many years past held strong convictions which I have occasionally voiced on the subject of provincial teams. Like the hon. Member for Aberdare, I believe a Provincial Education Officer is absolutely necessary. I am absolutely certain in my own mind that a Provincial Agricultural and Provincial Veterinary Officer are not and would be better employed directly working in the field. When there is a gathering of the clans in a place like Maktuni, when everyone consults for several days—people come from Nyeri and all over the shop every so often; whose advice is no doubt listened to; I cannot really believe it can be of very great value as compared with that of people who live and have their work there and know all the problems, both agricultural and provincial, which exist in those places. I would like to support very strongly what the hon. Member for Aberdare has just said.

MR. OMBANGA: Mr. Chairman, before the hon. Member replies to the points raised by the hon. Member, I would like

to add one or two points. First, about Field Officers. If you go about in the African areas at the moment you come across a very large number of people that have to do with agrarian services. One never knows what the other is doing; but, perhaps, one or two together in a camp, one, say, an Agricultural Officer, one a Soil Conservation Officer, another one a Marketing Officer, all come under the same department. I can see a beginning to wonder if there is not a certain amount of duplication and overlapping in some of these districts. I know the areas over which they have to go are extensive and perhaps rather scattered, but it seems to me that there have been certain very, very definite overlappings and perhaps overduplication of certain things. That is one point.

These officers seem to me to be handicapped somehow. The amount of travelling that Field Officers have to do in the country is quite extensive, but of necessity, they have to keep to the main road. Now, you do not have roads everywhere in African Land Units, so you can see although there is going to be supervision and direction, and so on, the people who do not live close to the main road do not get all the necessary attention that they deserve. Because of this, it seems to me, that a method should be found by which some of these officers could get further away from the main road so that they can see some of the things that happen elsewhere. There is a great deal of concentration on improvements close to the main road, and you see a lot of conservation work done along the main road, or you see experimental plots along the main road, and it is not one's impression that people only live along the main road, and nowhere else. I think that is a wrong impression and if something could be done to check it, that would be a help.

Now the second point is about cash crops. Complaints have been made several times, that Africans in the country ruin their land by planting maize and maize only, year after year. But it seems to us that we have not been given very much assistance to depart from that. Maize, as you know, Mr. Chairman, is the staple food for most Africans in this country, and apart from that, it is also the main cash crop for those people who can produce it, and because of that there

[Mr. Ohanga]

is a lot of natural inducement to grow it, and to grow it more and more, and it is very difficult to get out of it. Now, if maize happens to be bad for the soil, is it not possible to get something that would replace maize? In such an area as Nyanza, people try to plant cassava, but medical authorities feel that cassava is not as good a food as maize, or as other things would be. But if not maize, then what? It would be useful if some proposal could be made as to what crops might be experimented with in order to get an alternative to maize in order to get rotation that would help preserve the soil.

Now, cash crops generally. You have sisal in which now a lot of Africans are interested. It has been grown without any plan at all as fences or for the demarcation of lands, and you come across a good deal of it in the African Land Units as you move about. Now, the future of sisal, at the moment, seems to be a little dark. Already, Africans are very enthusiastic about it. They would like to grow it if they could, but the limitations which are in force at the moment are such that they do not get the necessary encouragement. In my opinion, it seems to me that sisal could be made a very important cash crop on the African Land Units. First, because it is a kind of crop that will grow where no other crops may grow. All round the Lake shore in Nyanza, you come across certain mountains which are very rocky and acid, and if you try to plant anything else with the little rain that is there, it could not grow properly, but sisal would do very well. It would be impossible to encourage the Africans to cover some of these mountain areas and arid lands with sisal so that we have production which would increase the natural wealth of the country.

Coffee. Already coffee is being grown, but on a restricted scale. It would be a great help if the Coffee Rules or Regulations, whatever they are called, were treated more liberally, so that more and more Africans had opportunity to try and grow some. Already, in Nyanza you have the Kisii Coffee Corporation, which does very well, but still you have a lot of mountains in South Nyanza and coffee of a hardy type could be grown there. It would be a great deal of help if these

people have the necessary encouragement to grow more of this particular crop.

Now, prices for African produce. We are particularly grateful to the Government for having allowed the same price for African maize as that paid for maize grown by other communities. But, although you have that adjustment, that maize is the same price, unfortunately, it is not quite the same with the African, and the process by which the African receives less than what he really should get, is not always clear to us. Now the system of Betterment Fund, the system of Agricultural Betterment Funds practised at the moment is such that there are ever so many other small costs and commitments included with it, that it becomes an enormous sum. Although the price of maize generally is Sh. 30/30 a bag, I do not know any one African, at the moment, who receives that. Those who do receive anything between Sh. 22 and Sh. 23, but no more. Now the marketing system by which the African receives so much less per bag should be explored more and more, with a view to making it simpler so that reductions do not go much beyond those which are taken off for betterment reasons. At the moment, they lose anything up to Sh. 7 or Sh. 8 a bag to other sources which are not always clear and ought to be eliminated.

The last one is one which we have talked about many times in the Council, but I should only like to mention it, that is, credit to African farmers. It is true that a sum of money is included in the Budget of this year—and has been included for the last three years for African Assistance. But the number of African farmers who have benefited from this sum is very limited, and anyhow, they have received such meagre sums that it is impossible really to see any real improvement on the agricultural systems. Would it be impossible to increase this in such a way that they do not go into waste as they do at the moment? Sh. 1,000 per farmer, per year, is nothing. What can be done with that? He cannot even buy sufficient implements to work his land, and it seems to me that it is a waste of public money unless very, very drastic increases are made. I think this gesture of Sh. 1,000 per farmer, received by one here and two there, all over the country, will be

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come a real waste of our funds. Perhaps it would be better to have nothing at all because the results are very difficult to see. Whether a man receives Sh. 1,000 or he did not, it makes very little difference to what one would see on his farm. I should like to see an increase in this or do not give it at all.

I beg to support.

The CHAIRMAN: The Committee will now interrupt business for ten minutes.

Committee adjourned at 6.30 p.m. and resumed at 6.48 p.m.

In the absence of the Speaker, Sir Charles Mortimer took the Chair.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, a few points have been raised on policy, in connexion with this Head.

The hon. Member for Rift Valley touched on the subject of certain officers, mostly technical officers, whom it is becoming increasingly difficult to get, due to their value as technicians. In some cases, the rates of pay offered by Kenya were possibly less than those of neighbouring territories. Well, I must admit this problem has caused me very acute anxiety. Hon. Members were kind enough to suggest that I had played some part in perhaps the betterment of agricultural practices in this Colony, but what I would like to say is that I was fortunate, throughout the war, and since I have become a Member, in having inherited a very remarkable Department, and officered by very remarkable persons, and it is to the Agricultural Department generally that I submit this Colony owes a very great debt. (Hear, hear.)

However, the fact that our Agricultural Department was, at any rate as good as—if not better than—other agricultural departments, did not escape notice, and even during the life of this Council—even during the last four years—we have lost 11 senior officers. They have been called upon to provide at least three territories with Directors—the Groundnut Scheme with a new Director, and we have been called upon to provide a lecturer to one of the leading Universities—and although that is a compliment to the Department it has been a very great blow to this Colony. It means, Sir, we have been left with only three Agricul-

tural officers in the field at the present time with more than ten years' service, and in one of those cases the officer has spent a very long period of time serving with great gallantry in the Royal Air Force, so we have been very short of senior officers indeed. It is the very paucity of experienced officers that, in my submission—and I am afraid I must differ from my hon. friend, the Member for Aberdare—my submission is that we do need what he chooses to term "these Provincial Agricultural Officers who are inclined to become post officers and sentries", and not go out in the field.

Now, Sir, I have been one of those who have played a great part in trying to create what I call the "provincial team". I can quite appreciate the point of view of the hon. and gracious Member for Ukamba, who happens to represent a district that is rather isolated, when she says she does not think possibly the provincial team does—as much as it might do—as, for instance, the hon. Member quoted Makutu. Nevertheless, Sir, I believe that the idea of forming provincial teams has been of immense benefit and an immense contributory factor to the progress that is being made, especially in African areas. It has brought together in a way nothing else has, in my submission, the technical officers and the administrative officers, with the idea that they are all doing the same job, and they are all cogs in the same machine. I can assure hon. Members that when, some few years ago, when I was very much mixed up with these difficulties of administration, there was a tendency for various officers to put their loyalty to their heads of department, in preference to the job they should be doing in the field—in the provinces—and I believe we have got over that by means of this provincial team idea.

Now, we are calling Provincial Agricultural Officers—it is the name, I think, hon. Members do not like. They are really only Senior Agricultural Officers that have always existed, and they may interest hon. Members to know that this year Provincial Agricultural Officers have spent over one-third of their nights in the field, so it cannot be said they are really only post officers in provincial centres. They are, in fact, going round the provinces doing precisely what my

(The Member for Agriculture and Natural Resources) hon. friend, the Member for Aberdare, thinks they should be doing.

I think, Sir, the only other point that was raised by the hon. Mr. Ohanga, who first of all suggested that there was a good deal of overlapping in some of the Agricultural Department services. Now, I have in this Council had to defend the policy of bringing in, for instance, the Soil Conservation Services, and maintaining them under the Agricultural Department, and I do not think that there is very much overlapping in the set-up that we have here to-day. I think that all the various branches that come under the Director of Agriculture—all the different activities—do realize that it is all part and parcel of the same machine, and I hope that we have no longer got the overlapping that so distresses the hon. Member.

The Member also referred to prices, and she suggested that in the reserve—especially in Nyanza Province—that Africans, in fact, do not get the same prices as other persons. Well, Sir, I do venture to question this, because the build-up of African prices has been published again and again, and the hon. Member must remember one has got to make allowances for quality, and one has got to make allowances for storage, and, above all, has got to make provision for transportation. I am not, of course, referring to what is deducted for Betterment Fund, because to an ever-increasing extent we hope that that deduction will be a decision of the Africans themselves, rather than one which is imposed upon them by the Central Government.

He also referred to credit for African farmers and the fact that we were not progressing as fast as he had hoped in providing facilities for Africans, but I would suggest to the hon. Member this does raise an excessively difficult and complicated question, and at least we have made a start, and to say that Sh. 1,000 is a mere bagatelle to the ordinary African small farmer is, I think, a mistake. It is not a mere bagatelle. It is quite a considerable sum of money and would have been considered a considerable sum of money to any European a few years ago, when attempting to start farming in this country.

Therefore, Sir, I would ask him to have patience and remember we are trying—and trying very hard—to provide, so far as it is possible, credit facilities to help Africans to develop their holdings in the same way as we try and assist members of other races.

I have touched on a few of the major points that have been raised.

MR. OHANGA: Would the hon. Member please comment on my point regarding sisal on mountains in African areas?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The hon. Member did say that he felt that there should be more encouragement given for the growing of sisal in African areas. Well, Sir, I think, there again, we have got to treat that question with considerable caution. The sisal that has been grown in African areas has given us considerable headaches in various directions, and I should not regard it as a very satisfactory or remunerative, in the long run, cash crop for growing by Africans, especially in very over-populated areas where we have to bear in mind the food requirements of populations.

The question that Head 5-3, Agricultural Department, be considered was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5-3, sub-head (1) —

MR. HAVELOCK: And (2), Sir.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: And (2)—sub-heads (7) and (2), be approved.

The question was put and carried.

MR. BLUNDELL: Mr. Chairman, the hon. Member for Kiambu rather took me by surprise. Under item 2, Sir, may I ask the hon. Member for an assurance that he will raise this matter—the Specialist Officers—with the Member for Finance. It would seem an appropriate moment just to press for that, because it is a matter on which I feel very strongly.

THE CHAIRMAN (Sir Charles Mortimer): Item 2 of which Head?

MR. BLUNDELL: Sub-head (2)—the Research Services, Sir—page 131. Have we not bounded forward? Mr. Chairman, I am speaking to sub-head (2) and I understood that the hon. Member moved both at one go.

THE FINANCIAL SECRETARY: Yes, but you said item 2.

MR. BLUNDELL: I feel inclined to say, at this time of the night, I am not responsible for what I say, but, Mr. Chairman, I wish to speak to the Scott Agricultural Laboratories.

THE CHAIRMAN: If no hon. Member wishes to raise any item on sub-head (1)—Administrative and General—the hon. Member may proceed.

MR. BLUNDELL: Thank you, Mr. Chairman.

Mr. Deputy Chairman, I did ask the hon. Member, when I was bringing to his notice this problem of Specialist Officers, for an assurance that he would raise it with the Member for Finance. I do wish to stress again—it is really an absolutely vital matter for industries such as the pyrethrum industry. My eagerness in bringing this forward arises from my connexion with that industry. It is essential that these Specialist Officers should be retained and, if they cannot be retained on the salary scales, they must be adjusted.

THE DIRECTOR OF AGRICULTURE: If I may, Sir, speak on this before I am told what to say from the Front Bench, I would like to say how much I welcome what has been said by the hon. Member for Rift Valley. He may be interested to know, Sir, that I have been pressing this question, and my predecessor before me, this question of salaries for Assistant Directors, I think, for four and a half years, and I have tried in all honesty to find any justification of why these Assistant Directors should not be on all fours with their opposite numbers in Tanganyika and Uganda. I give it up, Sir—I just cannot understand it.

MR. HAVELOCK: Cracking in the ranks!

MR. BLUNDELL: How do they go on all fours?

THE DIRECTOR OF AGRICULTURE: On the question of Specialist Officers, I have also taken this matter up and I have put proposals to Government which, I take it, are under consideration for improvement of their terms (Application) I very much hope, Sir, in view of what has been said by the hon.

Member for Rift Valley that considerable strength will be added to the case I have put to Government. (Laughter.)

MR. HAVELOCK: Divided rule!

THE FINANCIAL SECRETARY: Mr. Chairman, the hon. Director of Agriculture will make a second speech later in the evening, on instructions from the Front Bench! (Laughter.)

MR. HAVELOCK: On a point of order, Mr. Chairman, I think the Committee should address you as Mr. Chairman and not as Mr. Deputy Chairman.

MR. BLUNDELL: Mr. Chairman, I apologize.

THE CHAIRMAN: That is quite correct.

The question that sub-heads (1) and (2) of Head 5-3 be approved was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (3) of Head 5-3, items 1-1 to 1-9, be approved.

MR. SHAW: Mr. Chairman, I am in a little difficulty, rather the same difficulty as the hon. Member for Ukamba, because I want to speak on a subject that I cannot find under this Head, though I believe it belongs here. I cannot find its number. It comes under Investigational Work and it is Tea; and I had better give it its name because I cannot find its number. I have searched through these pages and cannot find Tea anywhere, but what I am alluding to is the experiment in growing tea for Africans at Nyeri and I was given to understand the other day that it was to cost £40,000, and I merely am asking for a little information. If that does come under this heading I would like to know exactly what is being spent on it and where that money is coming from.

THE CHAIRMAN: I do not see any item under that sub-head, if it is in, but perhaps some hon. Member can give us guidance.

MR. SHAW: I am merely asking for information because I was told it came under this and I cannot find it anywhere.

THE DIRECTOR OF AGRICULTURE: Mr. Chairman, the item appears somewhere in the Development and Reconstruction Authority Estimates, page 18 of the Development and Reconstruction Authority Estimates.

THE CHAIRMAN: Item 34 of 15-7, Development and Reconstruction Authority. That has not been taken. The hon. Member will have an opportunity of raising that question later.

The question that sub-head (3)—General Investigational Work—items 1-1 to 1-9 be approved, was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that Head 5-3, sub-head (3), items 2 to 4 be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that under Head 5-3, sub-heads (4), (5) and (6) be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (7), items 1-1 to 1-8 be approved.

MR. BLUNDELL: Mr. Chairman, one small point on Plant Breeding Services. Sir, I am very concerned at the inability to fill the post of a second Plant Breeder. Now, Sir, I do raise it because, if anything was to happen to the present Plant Breeder, I think, Sir, we would be in extreme difficulty over the production of vital foodstuffs such as wheat. Now, Sir, that does not only affect myself as a farmer, it also affects hon. Members on this side of the Committee who are interested in milling, because, without wheat, we cannot mill, and without the mills, we cannot grind flour. I do not wish to waste time on it—I would like at this juncture to pay tribute to the Plant Breeder. The undoubtedly great increases we are getting in the production of wheat are due to his efforts, but it is absolutely essential we should get a second officer.

THE DIRECTOR OF AGRICULTURE: Mr. Chairman, once again I find myself very much in agreement with what has been said by my hon. friend the hon. Member for Rift Valley, I do not think there is any problem at the moment which worries me more than the filling of this vacancy. The best the Colonial Office can do is to promise us a recruit in 1953. We are trying hard to find temporary substitutes for this post, but Plant Breeders are extremely difficult to get.

They are the rarest category in the United Kingdom at the moment, and it comes back to the point the hon. Member made earlier on, that the salaries we can offer to Plant Breeders are not attractive. It arises not only in Plant Breeding Services. We are trying to recruit chemists. Offers have been made to four chemists in the short time since I have been here. Never a chemist has turned up. If I may, Sir—I may be ruled out of order on this one—but I would like to enlarge a little bit more on this problem—

THE FINANCIAL SECRETARY: Him, hm! (Laughter.)

MR. BLUNDELL: Carry on!

THE DIRECTOR OF AGRICULTURE:—to bring home to certain Members on this side how very strongly I do feel on this point.

When I joined the Service some twenty odd years ago, I was offered a post by the Ministry at home on a salary of £230 a year. I took a Colonial Service job on £480 a year—the financial difference in the Colonies than at home. To-day, that gap has been completely closed. Equal financial terms are offered to a similar man at home as are offered here to-day, and I am extremely worried about the future of the research services in this country. We are doing what we can to fill this vacancy, but I have no great hopes of finding a man to fill this job in the near future. We had Sir Geoffrey Clay, who, as you know, is the Secretary of State's Agricultural Adviser, and recently, I brought all the pressure that I could to bear on him through the Kenya National Farmers' Union and other interested parties to impress on him the importance of finding a Number Two for the Senior Plant Breeder, because, as you have so rightly said, the whole wheat industry hangs on his shoulders at the moment, an industry which is worth something like £3,000,000 a year to this Colony.

MR. BLUNDELL: £3,000,000. I beg your pardon—I thought the hon. Member said half a million.

THE DIRECTOR OF AGRICULTURE: I do appreciate how serious this vacancy is and I am doing everything I can to find someone to fill it.

MR. HAVELOCK: Mr. Chairman; on this particular item, may I ask the hon. Member to tell me—I understand that only one of these Plant Breeder posts is filled. Is that correct? If that is correct, why does the amount of money £1,905 appear—is that the salary of one man?

THE DIRECTOR OF AGRICULTURE: The answer to that is, there is one Plant Breeder there now on his maximum salary which is £1,320. You add to that the minimum provision for a new man, which is £585.

The question that items 1-1 to 1-8 of sub-head (7) be approved was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that sub-head (7), items 2, 3, 4 and 5 be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (8), items 1-1 to 1-13 be approved.

MR. HOPKINS: Sir, I too would like to refer further to an omission than to an item here. In recent months this Colony has had the good fortune to have the services of a very distinguished pasture research authority, Dr. William Davis, to tour the country and report on what he considered the pasture set-up for the Colony should be. I had the advantage of meeting him and—I was able to bring up the point of view which I have put up each year—that is, the necessity for some research organization in the mixed farming-cum-ranching area, which covers so large a portion in this Colony, both native reserves and settled areas—and that is why I have not referred to this matter again. I think that Dr. William Davis had the most remarkable grip of what our problems were and I, for my part, am quite satisfied to abide by whatever his recommendations may be in regard to the type of country to which I have referred. I understand, however, that while Dr. Davis has not yet completed his full report, he has reported sufficiently to Government to indicate what he thinks are the minimum essentials for the pasture research set-up of this Colony. Now, Sir, nothing appears in these Estimates about it, and that, of course, is

because the report of Dr. Davis came in after the Estimates had been framed. Now, I am informed that while his recommendations do not involve any increase in capital expenditure, they do involve some increase in recurrent expenditure. I believe they are very small, to the extent of two European Laboratory Assistants and 15 African assistants. Sir, I am sure that the hon. Member will agree with me that it would be most unfortunate if the recommendations of this distinguished officer had to be put off—the implementation of his recommendations had to be put off—for another year because there was nothing in the Estimates. I should like him therefore to inform me how he proposes, as I am sure he does propose, to see that this report is implemented in 1952. Whether he thinks he is able to make savings under other Heads to cover the officers that are necessary under recurrent expenditure, or whether he thinks that supplementary estimates will have to be applied for or how otherwise he proposes to deal with the implementation of this report.

THE CHAIRMAN: I have allowed the hon. Member a good deal of latitude.

MR. HOPKINS: Thank you, Sir.

THE CHAIRMAN: As I have no doubt he recognizes, the subject-matter of his address surely should have been raised in the policy debate. However, it is a matter of general interest—I will allow the debate to proceed.

THE DIRECTOR OF AGRICULTURE: Mr. Chairman, we have for pasture research a given capital sum and a recurrent Vote. We have also a plan for the development of a Pasture Research Organization in Kenya prepared by Dr. William Davis. His plan has been forwarded by me to Government and I have no doubt it will be accepted *in toto*. We can implement his recommendations within the financial provision available, but we can within the financial provision implement his recommendations. That, as the hon. Member probably knows does include the development of the Pasture Research Station at Naru Moro.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I would like to confirm what the Director of Agriculture has said. I saw Dr. William Davis

[The Member for Agriculture and Natural Resources] myself in England, and had a long discussion with him on his proposals, and we cast fit them into the provision made in the Estimates.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that sub-head 8, items 2 to 4, be approved.

THE CHAIRMAN: Is there a misprint there?

THE FINANCIAL SECRETARY: If the hon. Member moves sub-head 8, Other Charges, that would make the position quite clear.

THE CHAIRMAN: There is a misprint there. It is proposed that sub-head 8, Other Charges, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that sub-heads 9, 10 and 11 be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head 12, items 1—1 to 1—18 be approved.

MR. BLUNDELL: Item 10, I beg to move that item 10 be reduced by £630. Mr. Chairman, in moving this reduction I do so for two reasons. It is obvious from the note at the bottom of the page that the posts are so insignificant and unnecessary that they were overlooked in 1951. One cannot therefore say they made a great impact on the officers concerned who were drafting the Estimates.

Secondly, I have a query to raise on it. If the posts were not provided in 1951 and were omitted and were carried forward on savings, how was the asterisk provided for—the pension element?

THE DIRECTOR OF AGRICULTURE: Mr. Chairman, I rise to oppose this Motion. I think in fairness to hon. Members I should first of all explain what these Asian clerks are for. They are stationed at District Offices as distinct from Provincial Offices, and they work for District Agricultural Officers, District Agricultural Officers and Provincial Agricultural Officers have been, criticized by

various Members opposite for not getting off the road, and there may be something in that. Possibly they are a little bit too chair-bound, but consider what these officers have to deal with in the way of finance and stores. In addition to the ordinary departmental correspondence that goes on, they have not only departmental stores and finance to deal with, but they have African Betterment Funds, African District Councils Funds, certain African Land Utilization Boards Funds and, in addition to that, they have considerable marketing duties where a large number of records have to be kept, and it is surely false economy to keep a highly paid officer unnecessarily tied to his stool, when he could get out and do his correct job in the field. I consider that all these posts are essential. I have gone into this matter quite thoroughly because I knew this matter was being raised, and I consulted Provincial Agricultural Officers and others concerned, and am quite convinced in my own mind that it would be false economy to reduce the number of posts.

MR. BLUNDELL: I wish to press my Motion. In 1951 the posts were apparently so insignificant they were not included in the Estimates. If the posts are not in the 1951 Estimates I can understand a person being paid out of savings on a temporary basis, but I fail to see how his pension in the future could be paid out of savings because his post did not exist. What right has the hon. Member to pay out of savings for a post that did not exist, and thus incur a commitment?

THE FINANCIAL SECRETARY: The fact that the asterisk appears against a post does not necessarily mean every member under that item is pensionable. If, in fact, as stated, these two clerks were paid from savings, they were employed in the first instance on a temporary basis, and they are still temporary. Until this Council votes this Estimate as stated in the Estimates here they will not be made permanent, and therefore no pensionable commitment is incurred.

MR. BLUNDELL: If in these posts last year an asterisk appeared, these asterisks were masquerading.

THE FINANCIAL SECRETARY: Mr. Chairman, I give it up! (Laughter.)

The question was put and on a division lost by an equality of votes. (Ayes: Messrs. Blundell, Chemallan, Cooke, Lt.-Col. Gherrie, Messrs. Havelock, Hopkins, Jeremiah, Major Keyser, Messrs. Maconochie-Welwood, Ohanga, Patel, Dr. Rana, Mr. Salter, Lady Shaw, Mr. Usher, 15. Noes: Mr. Carpenter, Major Cavendish-Bentnick, Messrs. Davies, Hope-Jones, Hunter, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 15. Absent: Messrs. Hartwell, Madan, Nathoo, Pritam, Salim, Shatry, Mrs. Shaw, Mr. Mathu, 8. Total: 38.)

MR. HAVELOCK: Mr. Chairman, under Standing Rules and Orders have you a casting vote?

THE CHAIRMAN: Under the ruling instructions, the person occupying the Chair in the absence of the Speaker has a substantive vote, but no casting vote.

MR. HAVELOCK: Yes, Sir. You voted, Sir.

THE CHAIRMAN: I used my substantive vote. Therefore the Motion is not carried. Consequently it is lost. (Laughter.)

I think the hon. Member for Aberdare wishes to raise a point.

MR. HOPKINS: Item 12, 461 Agricultural Instructors, £35,175. I beg to move the reduction of this item by £1,750, that is approximately five per cent, for the reasons which I have already set out very fully. Sir, it is quite obvious that I cannot win this Motion on a division, so I hope that the hon. Member was convinced by my argument and that he will be generous enough to accept it.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I am afraid I cannot accept this suggestion. We do want very badly to build up and encourage our staff of African Agricultural Instructors, and I do not quite understand the hon. Member's argument, that by reducing the numbers, or by reducing the item the numbers, or by reducing the item which has already been very carefully pared down, we are thereby going to improve, either the quality, or get sufficient of these officers to fulfil our needs. I can give the hon. Member an assurance that if these people are not up to standard, they will be got rid of, but I do not see, that in order to raise this

standard, it is necessary to pare down what we consider the minimum requirements of the country in this particular office. Furthermore, Sir, I do attach very great importance to having this number of Agricultural Instructors, African Agricultural Instructors in the present Vote.

MR. HOPKINS: Sir, in view of the explanation and with the leave of the Motion, I would like to withdraw my Motion.

THE CHAIRMAN: If no hon. Member raises any objection, the Motion is withdrawn.

The question that sub-head (12), items 1—1 to 1—18 be approved, was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (12), Field Services, items 2 to 7, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (13) be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (14), items 1 to 3 be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (15), Soil Conservation, which will be seen it, at the moment, paid for from the Development and Reconstruction Authority, but the posts appearing in our Estimates, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (16), items 1 to 4 be approved.

MR. BLUNDELL: Mr. Chairman, I wish to raise one small point of policy. I wish to ask the hon. Member to give serious consideration to the setting up of the metes which has already been a Board of governing institute with a Board of Governors. If that was effected, the Board of Governors, I believe, Sir, it would be wise to extend the range from which it is drawn, and also to come to an arrangement with the hon. Member

[Mr. Blundell] for Finance, by which a grant-in-aid is made to that college. The disposal of the money so granted would then lie within the jurisdiction of the Board of Governors.

Lastly, Sir, I know the hon. Member for Agriculture and Natural Resources will forgive me for raising this. I believe it is a very invidious position, whereby a college of this nature has, as the Chairman of its Board of Governors, as it is at present constituted, the Director of Agriculture. In effect, it does mean that if the Principal of the School strongly feels, on behalf of his pupils, that certain action is necessary, it is possible that that action will never come to the Board of Governors at all, because his immediate superior officer, who might—not in this case, Sir, but who might, in a less fortunate choice—block all the wishes of the Principal, and the Board itself might never know it. It is, in my submission, quite a wrong position, that the Chairman of the Board should be the immediate superior of the Principal. I therefore wish the hon. Member to give consideration to those three points, the setting up of this College under statute with a self-governing Board of Governors, the possibility of a grant-in-aid, over which they will have complete jurisdiction, and lastly, Sir, the composition of the Board itself.

LADY SHAW: Mr. Chairman, I wish, as another member of the Board, to support those points that have been raised by the hon. Member for Rift Valley, and I would like to suggest to the hon. Member for Agriculture and Natural Resources that if he can agree to the substitution of another Chairman for the Director of Agriculture, he should consider the appointment of a person, of a man who lives somewhere within fairly reasonable close distance of the College. I do believe, Sir, that to have a local Chairman of the Board of Governors for that College, who has a very considerable local knowledge of the farming circumstances and is also in a position to take an interest in the welfare of the College, must be of benefit. When I say this, Sir, I am casting absolutely no aspersions on the Director of Agriculture, who is with us now, or the one who worked with us before, who did great service to the College, but I think the points that have

been made by the hon. Member for Rift Valley are very valuable. It would be of the greatest value to have a local man, if we could get a local man, who is suitable, to be Chairman of the Board of Governors.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, this is a subject which has been under discussion for some time, and in principle I have a great deal of sympathy for the idea, as I think hon. Members are aware, but it has some difficulties in practice. I believe that plans are being put up which will be discussed with my hon. friend the Member for Finance, to see to what extent we can implement the suggestions that have been made. In principle I do agree that it is far better for an institution of this kind, which I regard as a permanent institution in this Colony, to become a semi-independent body under a Board of Governors run in the same way as institutions of a like nature have been run in the past—

MR. BLUNDELL: I want more than sympathy from the hon. Member. I feel a little bit like the oysters with the walrus.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I may say the plans are actively being prepared at the present time.

The question that sub-head (16), items 1 to 4, be approved was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move, Sir, that Head 5-3, sub-head (50), items 1 to 6, be approved.

The question was put and carried.

DEVELOPMENT AND RECONSTRUCTION AUTHORITY 15-3

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move that Head 15-3, which appears on page 13 of the Draft Development and Reconstruction Authority Estimates be considered.

MR. BLUNDELL: Mr. Chairman, I think the matter I wish to raise under this Head is best raised as a general policy matter, rather than under the items. I am a little concerned, in my Estimates, at the large amount of money which is mounting up every year in what one might call, which are called,

[Mr. Blundell] "Approved Individual Schemes". I am speaking on the wrong Head.

MR. HAVELOCK: 15-7 is the one you want.

MR. BLUNDELL: It comes under the general Development and Reconstruction policy of the Member. I do not mind when I raise it.

THE CHAIRMAN: The proposal before us concerns only 15-3. If what you are about to say concerns 15-7, I think it should be deferred.

MR. BLUNDELL: I will wait, Mr. Chairman—something for the hon. Member to look forward to!

The question that Head 15-3, Agriculture, be considered was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that under Head 15-3, sub-head (1), items 1 to 8, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that sub-heads (2), (3) and (4) be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that sub-heads (5), (6) and (7) be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that sub-heads (8) and (9) be approved.

The question was put and carried.

DEVELOPMENT AND RECONSTRUCTION AUTHORITY 15-7

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 15-7, appearing on page 17, be considered.

MR. BLUNDELL: Mr. Chairman, I think that possibly it would be best if I raised this matter under the general policy. I am a little concerned, Mr. Chairman, over the way in which we are expending considerable sums of money each year on this sort of small individual pilot scheme, something like £271,000 a year. What concerns me is this. I am a little worried that we may, in the end, venture our money on a host

of little matters, and possibly not have enough at the end of that time to carry any individual scheme to its proper fruition. In agricultural matters, I would say, the greatest key to success is persistence and pertinacity. I am not raising this in any way as criticisms of the Member, but I am a little worried, if we may spend our money on all these things, £250,000 a year now, and in effect we shall have disseminated our resources over a large and nebulous mass of small subjects, rather than concentrating on one or two immediately effective answers to our problem. I know the hon. Member will say, of course, that he is putting this money out with caution, to find its best use. I know that is his intention, and I know he has, I believe, in certain cases, got success in that method. Nevertheless, I am a little concerned as to many little schemes. I am worried whether the supervision of them is correct; I am worried whether the supervision of money for them is properly looked after, and I am worried whether so many schemes can be prosecuted with pertinacity. Unless there is concentration of effort behind an agricultural scheme, it may involve one in considerable losses of expenditure for many years; unless there is that concentration of effort, the whole thing will fall to the ground and vanish into a sort of vapour. I do want to stress, I am not raising this as criticism of the hon. Member, but raising it as a matter of some doubt on my point.

MR. MACNOCHIE - WELWOOD: In support of what my hon. friend for Rift Valley has just said, I will quote one particular scheme, which is the Lambwe Valley scheme. That scheme has gone on for four years as far as I know with some attempt to move elephants out of that valley at considerable cost. I know efforts have been made to kill the buffalo, so that people could move in, when in fact the inhabitants would have moved into it despite the buffalo. If they really wanted to go there, it seems to be the clearest waste of money you could possibly imagine. In fact those Jalu who live adjacent to the Lambwe Valley have always owned any land, if they wanted to, and yet the Member is engaged in shooting animals in order that people should enter into it. They have not gone into it, because, in my submission, the people of that country are not anxious

[Mr. Maconochie-Welwood]

to go into it. It is swampy and undesirable land, and I speak from experience.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: We have been provided with a very large sum of money for reconditioning of the African areas into African settlement schemes. I do suggest that when we were given this large sum of money for the general betterment of Africans, the only thing we could do was to try and use that money for the greatest benefit of the greatest number. I do not think that, with due respect, that in view of the purposes for which this money was allocated, it would have been right for us to have been too much inclined to spend this money on one or two big schemes. I will go further, Sir, and I believe that by the expenditure of this money on these various, appearing to be very large numbers of schemes, we are compiling an immense amount of information, and we are gradually instilling into a very large number of people, living under very different conditions from each other, ideas of helping themselves to an extent which it has not been done in the past.

Now, Sir, do not let me, by these remarks, give the impression that anybody, or any District Officer, or even any team, provincial team, that has a settlement scheme, and puts it forward, necessarily gets the money for it. That is very far from being the case. These schemes are very carefully pruned, and I can satisfy any hon. Member who would like to go and visit the officers of the African Settlement and Land Utilization Board, that we have an immense number of schemes that we consider might be a waste of money and are turned down.

One hon. Member, I think the hon. Member for Uasin Gishu, suggested that the Lambwe Valley Settlement was a waste of money. Well, Sir, I can only inform the hon. Member that we have gone into that scheme several times. It is largely a fly scheme, as a matter of fact, and we are assured by all concerned that in fact we are not wasting our money. I believe that if the hon. Member went there himself he would probably find that we are not wasting very much money there.

Sir, I do not think I have anything else to say, except that I will again stress

the fact that we are trying to do a number of pilot schemes covering a whole host of problems under very different conditions with very different types of people, and I believe that was the purpose for which this money was allocated.

MR. BLUNDELL rose—

MR. HAVELOCK: On a point of order, Mr. Chairman, this is a debate on the policy of the Estimates.

THE CHAIRMAN: Yes, this is a debate on policy, on which according to the rules, only one speech is allowed.

The question that Head 15—7 of the Development and Reconstruction Authority Estimates be considered, was put and carried.

THE CHAIRMAN: It is now about two minutes to eight. Is there likely to be much discussion on any of the individual items? Would it be the wish of hon. Members to dispose of this Head?

MR. BLUNDELL: Mr. Chairman, I just have one point to raise, it would not take a moment, we could then dispose of it.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, there may be something raised on some of the items, but meanwhile, Sir, I would like to move that under Head 15—7, sub-head (1), items 1 (1) to 1 (42), be approved.

MR. BLUNDELL: Mr. Chairman, I move that item 42 be omitted.

THE ACTING CHIEF SECRETARY: As there is to be some discussion on the items, and it is eight o'clock, I think it would be fair that I should mention that notice was given earlier to-day that there was to be some discussion on item 34. I think probably the hon. Member will agree.

THE CHAIRMAN: Yes, the hon. Member is absent.

THE FINANCIAL SECRETARY: Mr. Chairman, in those circumstances, I beg to move that the Committee do report progress and ask leave to sit again.

The question was put and carried.

Council resumed.

ADJOURNMENT

Council rose at 7.58 p.m. and adjourned until 9.30 a.m. on Thursday, 13th December.

Thursday, 13th December, 1951

Council assembled in the Memorial Hall, Nairobi, on Thursday, 13th December, 1951.

Mr. Speaker took the Chair at 9.30 a.m.

The proceedings were opened with prayer.

MOTIONS

DISSATISFACTION WITH HANDLING OF COST OF LIVING PROBLEM—(Contd.)

THE SPEAKER: We will continue the debate on the Motion moved by the hon. Member for the Coast. Was anybody speaking when we adjourned?

MR. COOKE: The hon. Member for Commerce and Industry was speaking last.

THE MEMBER FOR COMMERCE AND INDUSTRY: To make my second point, which I was prevented from making by being counted out on the first round, I would observe that, to achieve equilibrium in regard to inflation and deflation is very difficult—in fact, almost impossible. Just as with a business it is almost impossible to achieve a state of affairs where neither a profit nor a loss is made, so in the economic life of a community such as this such a state of affairs is also difficult to achieve. I do not want to waste the time of the Council labouring that point, and I would move to my third point, which is that, just as we are not prepared to pay the immense price of economic stagnation for complete deflation so, by the same token, it does not mean that measures may not wisely be taken which will have the effect of slowing down the course of inflation, and also easing the shoe where it pinches most in respect of those groups which suffer most from an inflationary situation.

MR. COOKE: Hear, hear!

THE MEMBER FOR COMMERCE AND INDUSTRY: Now, Sir, to refer to the Motion in the name of my hon. friend, the Member for the Coast, I suggest that the Motion in the form set down on the paper does not recognize that the Government has, in fact, taken many steps to attempt to ease the shoe where it pinches most. This Council has already indicated a measure of approval towards increased family allowances under the Income Tax

legislation. Surely, Sir, that is one way of easing the shoe where it pinches most? (Hear, hear.) This Council has also, through its general approval of the efforts of price control, to deal with unjustifiable profits—no justifiable profits—indicated general support for those actions of Government, I could give a further list of efforts on the part of Government.

No hon. Members on this side or myself will say that these measures are the complete answer to inflation, but they are palliatives. They are efforts to deal with a situation that we all find trying, and that some groups find very difficult indeed, and I would suggest to the hon. Member, when he replies, that I personally would be very grateful to hear from him suggestions, because we are open to suggestion on this matter, to deal with the undoubted distress of some of these groups, particularly in towns such as Mombasa and Nairobi, irrespective of which race they may belong to.

There are these black spots in our economic life, people it may be, who are living on fixed incomes, or whose wage rates lag behind rising prices; it may be that such economic groups are not in a strong bargaining position, and inevitably some of those groups must suffer. I suggest that the hon. Member, instead of condemning the Government out of hand and so I hesitate to say this—covering up the paucity of his own ideas, making up suggestions to deal with some of these difficulties which we all recognize and all admit.

—Mr. COOKE: I have done so.

THE MEMBER FOR COMMERCE AND INDUSTRY: Now, Sir, as I have said, any such suggestions are, in my opinion, bound to be palliatives. But because they are palliatives is no reason in itself why they should be rejected, or why they may not make a contribution to a partial solution of our difficulties.

Mr. Speaker, I beg to oppose.

—Mr. MACNOCHIE-WELWOOD: Mr. Speaker, I rise with some reluctance to speak in this debate which, to me, appears repetitive of debates that have gone before which have never produced anything useful in the world situation which exists to-day. It seems to me that people are approaching this matter—invariably

[Mr. Maconochie-Welwood] approaching it—from the wrong angle. The real trouble—the root cause—of the thing is the gradual and progressive devaluation of the value of sterling which has taken place, not only in this generation, but has been a gradual process which has gone on almost—I might say—for hundreds of years, and receives its greatest acceleration after major wars. That is a root cause that makes it impossible for us to deal with this problem. It has even been suggested in some quarters that we can save the East African currency with a declining sterling outside. That, obviously, must be impossible.

The effect of the controlled economy with which we live in the world to-day, is that people of all countries have got used to the Government "tempering the wind to the shorn lamb". To a certain extent, that can be done, and to a great extent, it is the duty of Government to do it to the maximum of this capacity. Nevertheless, it cannot be done entirely. In the old days, when these forces to which I refer, economic forces, brought pressure on some sections of the population, there was nobody to blame. To-day there is always the Government to blame, and it is very easy to say—

MR. COOKE: On a point of explanation, I have already drawn attention to the fact that these economic forces of imported inflation cannot be dealt with in this Council. I wish hon. Members would confine their attention to reply to the points I have made in my speech, it is much easier for me to reply then.

MR. MACONOCHE-WELWOOD: Mr. Speaker, I propose to confine my attention to the point of the hon. Member. These points are preliminary, but they are bound up with the whole matter.

The hon. Member appears to consider that you can deal with food prices internally without reference to outside forces. One of the greatest forces in the production of anything to-day is steel, and in that connexion I would like to quote for the benefit of the hon. Member certain steel prices which were given yesterday by the Railway. The price of steel since 1939 has risen three times. Now, that means inevitably that every machine that is used in production must also go up three times. If we compare

(as he has compared) the position in the United Kingdom, where they have endeavoured to subsidize food with varying success, he omitted to state that they have failed totally to control other cost of living items of equal importance to the people of Great Britain, one of which is coal. Coal has risen to a point where it is almost impossible for the poorer sections of the population to deal with it. Now, why have they left coal out of their subsidy structure, which the hon. Member believes in? I suggest that there is one very cogent reason for it. That is, that if one of the main products in a country is rising in price, that is the one product which you cannot subsidize; and in Great Britain coal is one of the main products, and to subsidize it is impossible—completely impossible. The same must, therefore, apply in an agricultural country where the bulk of the people are producing certain cash crops, such as maize, which is a cash crop (it must be remembered) as well as a crop consumed by the whole of the population; the majority of Africans do grow their own food. This debate is really designed to see if we can find any method of assisting the poorer members of every community to meet cost of living, but let us remember that this is the smaller proportion of the community—and, in an agricultural country, very much the smaller portion—the vast bulk of the Africans are not suffering from the price of maize, because they grow it.

There was one subsidy which was tried by Government, which was called a mechanized subsidy, to meet some of those factors which I tried to go into at the beginning of this speech. That form of subsidy apparently is repugnant to the hon. Member for the Coast. Still, it was an honest attempt. Since that subsidy was removed it is true that the price of maize has had to rise. I should have thought that the hon. Member would have disapproved of its removal.

MR. COOKE: I did disapprove of its removal—very much so.

MR. MACONOCHE-WELWOOD: He mentioned Southern Rhodesia and South Africa, where the price of maize is lower than here. There again, that is inevitable where their economy is based on mining and not on food production. They have their mining industry with which to subsidize (to a great extent) the

[Mr. Maconochie-Welwood] production of food, and I am perfectly certain that the hon. Member for Agriculture will be able to explain to us some of the reasons why South African maize is below the cost in this country.

MR. COOKE: Mr. Speaker, will the hon. Member give way? I think he has misunderstood me. I was using an argument *ad hominem*. I was replying to the claim by the hon. gentleman that prices in this country—prices of the staple food of this country—were less than in South Africa or Rhodesia. I was not making any point as to why they were less in South Africa or Rhodesia. I was merely replying to a particular point made by a particular speaker in this Council.

MR. MACONOCHE-WELWOOD: I understood it, Sir. The hon. Member did suggest that the cost of production must be much lower in those countries. I do not propose to dwell on that matter, because I feel that other speakers will answer it better than I can.

There is one point which I think must be made in this debate, and that is that whether there are, or are not subsidies, there is a very great danger of putting primary produce—that is, food crops—too low, and I would instance what has happened in Australia, where they have fixed the price of wheat for local consumption at a very low price indeed. The effect of that has been to reduce the production of wheat in Australia by a very large extent, and that is not only serious for Australia, but will undoubtedly be serious for the world. I mention that because I think it is important that people should recognize that you cannot depress these essential products for the consumer, without definite danger to the consumer.

MR. HAVELOCK: Like sugar in Kenya!

MR. MACONOCHE-WELWOOD: Sugar, of course, is an example I was coming to, but that has been mentioned so often that I will not waste the time of the Council in going over the question of whether sugar should have been increased in price to produce more sugar. I would, however, mention the rather curious fact that the hon. Member, while he seemed to suggest it would be possible, as it were, to nationalize sugar by putting in an officer to run the industry,

yet when the Meat Commission was set up, he took a singularly poor view of it. Coming to the question of meat, there is one remark by the hon. Member, Mr. Mathu, who I am sorry is not here, which I must take up and that is his suggestion that if the Meat Commission was abolished it would help people to get cheaper meat. I must say this, that every African producer at the present time in the reserves is not bound to sell to the Meat Commission, and what actually happens in effect is that he sells his meat at far higher prices than anyone can sell to the Meat Commission. So much is this so, that in the Nandi reserve where very high prices are paid at meat auctions the Meat Commission admits it is unable to compete in price with the African buyers. As a matter of fact, that is, in that case, an excellent thing, because it does mean a measure of destocking going on there which is very important to that area.

In fact, Sir, what we are really trying to cope with here in this important matter of inflation is partly a shortage of raw materials and it is also a rising standard of living, a rising standard of living of the producers of those commodities which we must import here to produce food, and that is a process that has gradually gone on and cannot possibly be stopped. This, apart from the question of raw materials, is an even more vital factor. There is only one way in which we can reduce the cost of production of food, and that is if we go back to the earlier systems of husbandry which were not mechanized which used oxen, and I for one would not mind going back to it, but one thing militates against it, and that is that African labour to-day is not prepared to do the type of work it did when that type of farming existed. For that reason it is quite impossible, as indeed in other countries, to put the clock back. The African has got used to mechanization just as the farmer has got used to mechanization and we have to face it, and that is the whole structure of our economy to-day.

MR. SPEAKER, I beg to oppose the Motion.

MR. HAVELOCK: I only wish to take up about five minutes of the time of Council in order to make my position clear. I also will oppose this Motion because of the wording of it. I do not

[Mr. Havelock] believe that Government has taken every possible step to combat the cost of living problem. On the other hand they have taken quite a number of steps and I am not prepared, on this particular subject, to associate myself with what might be called a vote of censure of Government. As the hon. Member mentioned, the Cost of Living Commission which has been a nightmare and which is now behind us—

MR. COOKE: Stick to your guns.

MR. HAVELOCK: I will say this, of the recommendations that were made by the Cost of Living Commission a very great number indeed have been adopted by Government, in fact the only one that has not been adopted of any real importance was that of subsidization. That, of course, was a minority opinion of my own. I was against it. No doubt that is the reason why Government have not adopted it. I would like, Sir, to remind hon. Members what I said at that time, which I still feel is right:—

“Mr. Havelock records his dissent to this recommendation” (which was subsidization) “on the grounds that if the principle of subsidizing, for example, the price of maize were accepted it would be very difficult to resist demands for subsidies on commodities, such as wheat, meat, milk, etc., and possibly clothing.”

I would remind hon. Members when the hon. Member moved this Motion he mentioned other articles. Other Members have only touched on this subsidization of maize—the hon. Member for the Coast was thinking further than maize.

MR. COOKE: No.

MR. HAVELOCK: It continues. “It is Mr. Havelock’s opinion that the finances of the Colony could not stand such a burden. Although appreciating—that if subsidies are not granted wages may have to be raised, Mr. Havelock believes that the effects of higher wages could be counteracted by people working harder for the increased pay and that all means should be employed to persuade all the Colony’s inhabitants to work and to produce more per head than at present”. That, Sir, I am certain is the basic cure, if there is such a thing to the cost of living problem. The hon. Member for the Coast need not rise. I know what he has said and has always said—all must

work, and he has always said Government is doing everything they can.

MR. COOKE: I am not rising for that particular reason at all. The hon. gentleman has conveyed to me he will not be here when I reply. Will he deal with stabilization of prices as well as the subsidization of maize prices, because he was in favour of the stabilization of prices in the report.

THE SPEAKER: With great respect to the hon. Member, that is not quite in order. That is a way of getting the other Member to give way. I have deprecated that before. The Member who has the floor at the time is not bound to give way. If you cannot get him to give way you have got to wait until he finishes his speech and get him to give way then.

MR. COOKE: I accept that. The hon. gentleman was saying that I was going to say such and such a thing. He did not give me the opportunity of saying I was not.

THE SPEAKER: You will have the opportunity, when he sits down, to rise on a point of explanation.

MR. HAVELOCK: The hon. Member for the Coast has had at least four replies to this Motion already. As far as the stabilization of prices is concerned I believe that should be done and can be done within the industries themselves.

MR. COOKE: Is that your recommendation?

MR. HAVELOCK: I do not consider, Sir, that Government have done everything to keep the prices of maize down, because that is the one commodity that hon. Members have specially directed their attention to, to keep the prices of maize, or shall we say, *posho*, down to the lowest level they can without in any way interfering with the cost of production and the profit of the producer. I have my very grave doubts, and I am awaiting with very great interest the detailed statement that the hon. Member for Agriculture and Natural Resources has promised to give us on the cost of maize distribution and *posho* distribution and Maize Control, and all the other allied subjects. I am sure we ought to be able to reduce the price to some extent in that direction. Now there are three particular aspects of this problem

[Mr. Havelock] which I do consider the Government have not yet tackled with sufficient drive. The first one I have mentioned before in this Council, quite lately; that is I still consider that Government capital investment, is not being done as wisely as it might have been. I still believe that the investment should be directed much more to direct wealth-producing developmental projects. The other two items have been mentioned by the hon. Member for Trans-Nzoia and whilst I am on my feet I would like to say that the speech that the hon. Member for Trans-Nzoia made to this Motion the other day, I think was one of the wisest I have heard him make, and I support everything he says, but there are two aspects which I hope an opportunity will be given to this Council to discuss in detail at a later date, in which the Government have not taken as many steps as they could, that is to relieve the matter of housing shortage and the cost of transport. When I say that, I do not mean only transport for the towns as has been indicated by other Members on this side of the Council. I mean transport all over the Colony, which is one of the basic expenses of production and living in the Colony and I feel we can do more to reducing these costs. The hon. Member for the Coast is not satisfied with innumerable interruptions, he is also whispering at my side, and says there is another Motion coming up on this matter. I know that there is, that is why I am not going into the details of it. I want to make it clear as far as these two aspects are concerned. I do not think Government has taken as much action as they could. I think the wording of the hon. Member for the Coast’s Motion is too strong in view of the efforts Government have made, and I therefore beg to oppose.

LADY SHAW: Mr. Speaker, like the hon. Member for Kiambu, I wish to make my position clear. I warn the hon. Member for the Coast, as I am only going to speak for two minutes—that I am not going to give way to him. I wish to make it quite clear I oppose this Motion because it is in fact a vote of censure on Government which I regard as unfair. (Hear, hear.) I think Government is being censured for failing to achieve something which I believe is impossible—impossible anyhow beyond a very

limited extent. The hon. Member for the Coast’s particular criticisms were addressed to the hon. Financial Secretary and the hon. Member for Agriculture, and again I do not think that these criticisms were fair or justified. It is so easy to talk about doing the impossible. I dare say the hon. Member for the Coast thinks he has occasionally done the impossible, he seems to think it quite easy to do now, but I would like to remind him that even King Canute got his feet wet. Sir, I beg to oppose.

MR. JEREMIAH: Mr. Speaker, I also rise to speak a little about this very interesting Motion. I may say I am not very much concerned with the subsidization of stabilization, but I am very much concerned with the rising prices especially with regard to essential commodities.

Now, Sir, referring to the Motion, I am surprised to see that the Government, especially the hon. Member for Finance, opposes it very strongly, but now, Sir, in my view, I think we are very much dissatisfied with the way Government has handled the cost of living problem. Now, who can say that we are not dissatisfied with that way? Take the case of Africans being prohibited from moving their foodstuff from their home to their place of employment. If that was free, Sir, I think it would help a lot, it could help the worker very much because it would augment his food by bringing stuff from the reserve. This is not allowed, and if it is allowed at all, it is by going through a very complicated channel, that is, either the District Commissioner or the Chief, in order to get a permit to take a very little food to your place of employment.

Another fact is that those who have some farms in the reserves could help the people in the township by bringing in to their friends some of the food they grow. But, this is not allowed because there are controls. Now, Sir, when one desires to impose control, in my view, he should impose it and then take the whole foodstuff, or anything which he controls, and market it himself. In my view, I say that Government, as it imposed control, has created more expense to the citizen and caused more difficulty to the people by introducing two middlemen to act between the producer and the buyer. Now the middlemen, the men who buy

[Mr. Jeremiah] the produce from the producer, and the controller, have also got to get their profit. When it reaches the consumer the price is too high. I would suggest for the consideration of the Member for Finance that the commodities which are under control should be marketed by the controllers and not by the traders. That is with regard to maize and other food-stuffs.

Now, Sir, with regard to meat, it is just the same. There is the Meat Commission, they perhaps send their people to buy the cattle from the producer and when the stock are slaughtered, they do not sell them, they offer them to the trader for selling. Now the Commission has got to make a profit and the merchant has now got to get a profit, and what the consumer now pays is double what he should have paid. For that reason, I think there must be dissatisfaction, among the consumers especially. I do not mean that the producer is receiving a very high profit, that I do not agree, but due to these two middlemen, which have been created, the price goes up that way and becomes very high.

The hon. Member for Finance states that you cannot control the rising of price, because it is not confined to this country. I think, Sir, if we are trying to avoid the controlling of prices, because it is beyond our control, we should then try to increase the wages proportionately. The wages at present, in my view, are too little to afford a worker a good living, or reasonable living. It is possible, Sir, that the Motion may be very strong, but dissatisfaction is there. I wonder if the hon. Member would delete the word "grave," then the Government would accept it—(laughter)—because I personally think that nothing very much has been done, that Government has power to control the prices, and the Government, if they find they cannot do that, I think the best way to do is to abandon all control, because the controls, in my view, have increased the prices. And, therefore, Sir, I beg to support the Motion.

MR. CHEMALLAN: Mr. Speaker, as some hon. Members have made reference to the Kenya Meat Commission, and as I am a member of the organization, I might as well say a few words,

with particular reference to meat prices. It is a fact, Sir, that the Kenya Meat Commission tries its best to keep down the prices of meat to the consumer. (Cries of "Question.") I think several Members have been trying to confuse the question of meat supplies handled by the Kenya Meat Commission and the prices charged for meat which goes to the consumer. (Hear, hear.) Those are two different aspects. Sir, of the whole question.

Now, it is a fact, Sir, that the Kenya Meat Commission pays a bigger price to the producer for his beef, but at the same time, it pays very much less to the butcher who sells it to the consumer. I might just give a few figures. Sir, if I may, to illustrate exactly what I mean. During these last few months, Sir, the Kenya Meat Commission has been buying cattle, slaughter stock, at 85 cents per pound for first grade, 75 cents per pound for second grade and 55 cents per pound for third grade. That is to the producer, Sir. Now the prices of meat to the butcher are 78 cents per pound for first grade, 69 cents per pound for second grade and 55 cents per pound for third grade.

Now, I must say the second half of the prices which I have just mentioned could not be effected by the Commission, because of three difficulties, and for which, I am sure, Government shares the responsibility. The first one is because railway freights, which the Commission has to pay for transporting slaughter stock from various outside districts into Nairobi and finally into the abattoir where they are slaughtered, have been raised very high. Now the Railway, Sir, or the High Commission, is exactly the same as Government, and if they have raised the freights for ralling slaughter stock, well that, Sir, certainly has to raise up the price of meat.

The other question, Sir, is the question of the very high cess for hides and skins. That has to be taken into account. The other question, Sir, is that after all, it is the Governor in Council who fixes the prices, and very often it is not only the Kenya Meat Commission. Now, if, at least, Government was going to see to it that what the Kenya Meat Commission is trying to do by paying more to the producer, and getting less for meat

[Mr. Chemallan] when it went to the consumer, if Government was going to see and appreciate the fact of the Kenya Meat Commission to carry out such proposals, certainly, the question of the price of meat to the consumer would be very much less. One of the things I think they could have done was to see to it that railway freights, the increased rate, anyway, should have been exempted for slaughter stock, but remain for any other stock for breeding.

That is all, Sir, I wish to make clear. (Applause.)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, this debate has covered a very wide field and, I may perhaps add, has taken up a very long time, and in replying thereto, on behalf of Government, I shall have to cover also a pretty wide field.

But before I commence my reply, and by way of a preamble to any remarks I am going to make, I do wish to stress that neither I, nor any Members on this side of the Council, in any way, wish to minimize the problems of rising costs and their repercussions. We are fully alive to the difficulties that arise therefrom, and we are fully aware of the hardships, and the hardships, occasioned thereby to persons in all walks of life, and persons of all races, especially perhaps those on the lower salary scale, and indeed, Sir, I think I can claim to speak with some experience, as during the last, many years, no individual hon. Member of this Council has had more to do with the repercussions of rising costs than I have.

Having said that, Sir, I shall open my remarks by referring to the Motion itself, more especially, to the wording of the Motion itself, which I consider, if I may say so, has little merit in that in purporting to cover a very intricate and major problem, it is rather obviously disingenuous and completely unspecific.

MR. COOKE: Completely what?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Unspecific. More-over the resolution, as worded, carries no conviction that it is otherwise, or that its supporters have given more than some what superficial consideration to the root causes of the problem. The debate in its

earlier stages, I will except some of the contributions made this morning, has so far in its earlier stages, reinforced the impression in that a number of hon. Members, in discussing this very real problem, have tended to restrict their observations to somewhat parochial aspects.

Of course, a Motion worded as in the one which we are now discussing, is bound to get a certain amount of support. Rising prices cause hardship, are therefore to be deprecated, and obviously Government must be to blame. Normally any Government becomes accustomed to this sort of attack, and is therefore apt to remain unperturbed by vague Motions of this nature, but on this occasion, in view of the fact that Government is falsely accused of being apathetic to the problem, and in view of the fact that this Motion is being interpreted, or could be interpreted, as a vote of censure, I feel the Motion, and allegations made during this debate, have got to be answered and refuted, and I am therefore going to speak at some length in opposing this Motion.

Sir, having been somewhat caustic and critical about the wording of the Motion, I must substantiate the attitude I am taking in regard thereto. I am quite aware, as has already been mentioned this morning, that the hon. Member maintains that he is not, in his Motion, referring to what he terms "imported inflation," and that in consequence, if I attempt, in making my general remarks, to cover a wider field, the hon. gentleman will no doubt rise and say that my remarks have no bearing on the subject under discussion. Now, Sir, that I am afraid, I cannot agree to. I have had to listen to the hon. Member for a very long time, and he has now got to listen to me. (Hear, hear.) (Laughter.)

MR. COOKE: You have got to listen to me, too.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Now, Sir, I maintain that no responsible person can attempt to deal with a problem of this magnitude piecemeal. So far in this debate, with the exception of the hon. Member for Uasin Gishu, there has been very little allusion to the basic causes which really underlie what we are pleased to term rising costs, or inflation,

[The Member for Agriculture and Natural Resources]—or what, for many reasons, I would prefer to term the problem of decrease in value of the token that we, in the sterling area, use in our international and domestic monetary transactions. It has already been pointed out by one hon. Member this morning, the value of the pound sterling has probably been gradually falling in relation to other currencies, and that for a number of reasons, possibly for some half a century. But the effect of the first world war in this regard was, of course, fairly calamitous, and various changes were forced upon us after the first world war, and it will be within the recollection of many present here of the attempt then made to stick to the gold standard and of the various monetary steps that were taken at that time, and of the resulting or, as some people say resulting, terrible depression that hit the world, and certainly, Sir, the sterling areas of the world, about the years 1929 to 1933.

But that, Sir, is nothing as compared to what happened to the world and to the sterling area after the second world war. The world literally emerged, from this second catastrophe, shattered into small fragments, and each piece that was not overrun by the Soviet Republic tried to do precisely what it looks as though Kenya is trying to do to-day, judging from the remarks from my hon. friend the Member for Rana, who said that "we are not concerned with all over the world, we are only concerned with this country".

In fact, Sir, after this last war every remnant of what was left, certainly of Western Europe, tried to make itself self-sufficient, despite shattered communications, shattered buildings, shattered economies, currencies, and decimated populations, and this could only have led to utter chaos and total collapse, not only in Western Europe, but of most of the Far East as well, but for the intervention of the United States giving us American aid, conveyed through the medium of the Marshall Plan. I do not think, Sir, that most persons appreciate the terrible crisis through which we have passed during the last few years. This Marshall Plan alone cost America \$6,100,000,000 in the

first fifteen months, \$3,800,000,000 for the second year, and \$2,250,000,000 this year, that is 1951, and America is planning and thinking of providing, under some similar plan, a further \$200,000,000,000 annually possibly for several years, in their interests to keep what is left of the world afloat, and to help it to rebuild itself, but, nevertheless, do not let us forget the extent to which we are indebted to America for our reconstruction. (Hear, hear—applause.)

Now, Sir, the United Kingdom, or the British Commonwealth, call it what you will, stunned though it was, was the only other country or group still standing on its feet after the war, but despite crippling taxation—and crippling taxation was imposed on all those who had incomes or property—we had very little in money to contribute to the rebuilding of what was left of the world. The only way in which we could effectively help in this rebuilding both of what was left of the world and of ourselves was by devaluation. In 1948, and do not let us forget this, the United Kingdom devalued the pound sterling and it is acknowledged publicly by the United States that it was the devaluation of the English pound which gave the United States the opportunity to clear a new path through the tangled undergrowth to European trade by forming the European Payments Union. It is possible that we may have to devalue still further, I hope not, but it is by no means impossible.

Now, Sir, the object of these remarks is to impress, if one needs to impress on it, on those who are taking part in this discussion, that wars have to be paid for, that that generation, which is the same as that of some of the other Members of this Council, have been through two of these wars. We have seen all our friends killed, and we have seen terrible catastrophes, but we have got to remember that those who come through wars and escape death or mutilation, do not entirely escape unscathed, because they and their immediate successors have to pay the bill. Those who have money and have property have seen it taken away from them, and those who are not so happily placed have also got to pay by suffering a decrease in the value of their earnings and pay in that way. That is

[The Member for Agriculture and Natural Resources]—The Member for Agriculture and Natural Resources? I must refer to devaluation and to the fact that the token which we use, the measure of exchange, call it what you will, is not worth as much as it was before, and that is really one of our fundamental problems. But that is not the only one, let us also remember this, that while we have that side of the picture, consequences of payment for these two wars, there is another side to it, another force that is erupting, that has repercussions on this same problem and that is, desirable though it may seem, and desirable though it is, we must not shut our eyes to the fact that although the value of our token is decreasing the general standard of living, education, clothing, amusements, and of everything else, has risen immeasurably during the last few years. So, we therefore find ourselves in discussing a way out of the difficulties in which we find ourselves wedged between two forces. One I have just referred to, the other the pressure for more spending, better conditions and a general increase in the standard of life. It is, of course, very difficult to expect the ordinary citizen, especially those who are living more or less on a marginal income, to appreciate these world forces.

MR. COOKE: We are not so clever as you.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I think those who have the effrontery to produce these sort of vague, very vague, resolutions, should, at least, not say they will not have their basic subject discussed, but should sometimes pretend, at least, that they understand them too. (Hear, hear.) The hon. Member has already said he does. I understand all this, but nevertheless, I would stress, it is against the background I have outlined, that we must face our local problems, and I am coming to those now.

Now, Sir, in listening to this debate so far, and casting aside for the moment details that have been alluded to in the debate, and trying to extract from the contributions to this discussion what are the remedial measures advocated that could be taken locally—

MR. COOKE: Hear, hear, now we are getting to it.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I only heard two. The first is a proposal for subsidization, either of one foodstuff or—

MR. COOKE: Maize.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Or of a number, and the second is the more rigid application of price control, in other words keeping down internal prices and, possibly, some people would suggest forcing the production of primary products to continue to an increasing extent to subsidize the rest of the community. This second point I will deal with in a minute.

First, I would like to deal with the suggestion of subsidization. As has already been pointed out by my hon. friend the Member for Finance, if you are proposing to subsidize food you have got to find a means of paying for the subsidy. I will allude to the hon. Member's suggestions in this regard in a minute, but one of them is increased taxation, that is one method of payment. I am aware that the United Kingdom, South Africa and various other countries do subsidize to a very great extent. The United Kingdom in the year 1949/50 subsidized food to the extent of £527,000,000, in the year 1950/51 the subsidies which the United Kingdom had to find amounted to £410,000,000. South Africa does it on a more modest scale, it has a more modest population, and according to their Member for Agriculture South Africa subsidizes wheat and maize to the tune of £150,000, fertilizers to the tune of £750,000, butter to the tune of £100,000, or more than that, margarine and milk and a whole host of other foods. South Africa has very big mineral wealth to fall back on. England found herself in difficulties and still finds herself in difficulties through her subsidies and can only do it through the imposition largely of a purchase tax and, secondly, by cutting down the amount of food below what it is desirable to allow, especially to the younger generation, to eat, because they cannot afford to subsidize enough. (Hear, hear.) That is the sort of mess one gets into when one jumps into subsidies too readily.

Now, Sir, the hon. Member entered into a complicated argument regarding ways and means of financing subsidies in this country. I think the hon. Member was eventually confining himself to the

[The Member for Agriculture and Natural Resources]

and possibility of subsidizing maize. If that is so, I would point out that maize does affect very greatly the African population, and does affect the cost of living, to some extent, of the European, but that is not the only food which hits the population very hard. The hon. Member suggested that money could be found, firstly, by taxation and, secondly, by giving back the £150,000 Mechanization Grant which he says was cut out this year because it was unfair. It was not cut out; on the contrary everyone has got it this year; everyone gets the same price. He suggests that export profits or export margins should be taken to subsidize the consumer, and he also talked about a differential of Sh. 15 as between the cost of the maize and the cost of *posho*. Now, Sir, as regards taxation, I was under the impression from this rather lengthy session we are engaged in at the moment, that hon. Members opposite were not particularly enthusiastic about further measures of general taxation. (Hear, hear.) As regards the Mechanization Grant, I do not see where he is going to get that from now, unless he proposes to force-down the general price everybody is paid for maize, and take part of that towards subsidies. I will deal with export profits in a minute on another subject, and as regards the differential of Sh. 15 the hon. Member is, I think, slightly mixing up his figures, because that Sh. 15 includes, of course, the cost of the bag which does not really enter into the differential.

MR. COOKE: On a point of explanation—

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I am not giving way to the hon. Member. The hon. Member has now spoken eight times this morning and, as I have already informed him, I am going to speak this morning.

MR. COOKE: Cut it short though.

MR. BLUNDELL: Carry on.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The differential of Sh. 10 is a matter which has been mentioned by the hon. Member for Kiambu, and it is one which will come up for discussion, but it is, in fact, not greater,

but less than that which exists in both our neighbouring territories.

Another difficulty about subsidies, is that having once embarked upon them, it is very difficult to get out of them. (Hear, hear.) More especially at a time when you have an immense and growing gap between internal and external prices and values, I maintain, Sir—it is only a personal opinion—that although subsidies sound an easy way out, they are in fact a snare and a delusion, more especially at this late date for the Government in this country, and they are bad for the producer and bad for the consumer, because it tends to obliterate a realization of what the true position really is.

Now, Sir, the other remedy that has been discussed is a more rigid keeping down of prices by means of price control. Now, Sir, I would like to say that we have done a very great deal in this regard for a good many years. We have tried to keep prices down by means of price control, and nobody has done so with greater, shall I say, rigidity than my hon. friend the Member for Finance. (Hear, hear.) So it is most unfair to suggest that Government has not done so. We have all done so, but here again I think we must face certain realities and we must clear our minds of too much wishful thinking. The system of price control was originally devised to meet the difficulties which are the outcome of shortages of essential commodities, and in consequence, of course, the tendency that those goods in short supply should be sold at exorbitant profits. It is not so easy to adapt price control to a situation where the commodities in question are in plentiful supply.

Secondly, there is a limit to which in face of rising costs occasioned by world circumstances one can pare down costs and profits to merchants and distributors. I am dealing with them first, as I believe that that limit in some cases has been very nearly reached. I know, just as many hon. Members know, that certain importers in this town have made very big profits, but I also suggest that the income tax law can take care of that. But I also know that there are a number of distributing houses in this town that, if some greater margin is not allowed them, are likely to cease business in the coming year, and I do not believe that that is good for the country. (Hear, hear.)

[The Member for Agriculture and Natural Resources]

Now, in so far as home-produced food and materials are concerned, which is one of the things the hon. Member has been talking about, let me first of all say that I believe that the outlay in home-produced food, the amount of home-produced food consumed and the cost of it represents about 36 per cent of a family "food" budget. I must admit I am mostly talking about European and possibly Asian budgets. Whereas 60 per cent of the rise in the cost of production since 1949 have been due to rises beyond the control of the producer, so it is only 36 per cent of the "food" part of a family budget that we are dealing with, not that that fraction is not worth trying to do something about.

Now, another thing we should bear in mind, another reality, is that farmers have been induced—I grant you by a measure of *quid pro quo*—to take some measure of *quid pro quo*—to take lower prices than world prices for a very long time past, and to that extent have subsidized the rest of the community, and they have done so quite willingly. But again, we must face the reality that there is a limit to the differential that people will stomach as between what they get for their produce and what they know they can get for it if it goes overseas. They are willing, in my experience, to take a lesser price, but there is a limit to the differential, and when you reach for instance, the present state of affairs—admittedly I am only quoting it not as a regular differential, but as an indication of where we are getting to in these directions—of Sh. 35/30 for maize internally and Sh. 62 free on board for maize exported, in so far as one particular parcel is concerned, I maintain, Sir, that you are getting to a differential which it is very difficult to hold, in fact, impossible to hold, and the same thing, Sir, applies to a number of other commodities. Tea was another case in point, and I can quote a whole host of others.

Now, Sir, another thing I wish to stress is that it is generally accepted, and this is a fallacy I wish to destroy, that all farmers are very rich since the war, and have had a terrifically good time. Now, I showed this graph the other day. They are not having such a good time at the present moment, or they would not

be borrowing money to that extent. I know certain planters are having a very good time, but again, income tax can deal with those. But it is sometimes forgotten what bad times they have had in the past. It is sometimes forgotten that some of our friends who may, for instance, have these very paying crops of coffee, have in the past had to make great sacrifices to bring up their children and not go home for 18 or 20 years, and now that they have had their first decent crop for years the rain is spilling it.

MR. COOKE interrupted—

THE SPEAKER: Can the hon. Member refrain from continual interruptions?

MR. COOKE: He is really commenting on arguments which I never made.

THE SPEAKER: The hon. Member must realize that the hon. Member has a right of reply, and it is part of his duty, as it is everybody's duty, to listen to the hon. Member.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I realize it is a sorry duty, both for me to have to speak, and other Members to have to listen, but there it is, we have to bear it!

Another point is that if you depress producer prices to too great an extent, and I want to stress what an hon. Member has already said this morning, you will set the country back. You will probably reduce production instead of increasing it, because you are not giving any incentive towards production. In this manner again, if you are going to check the development of a young country by trying to achieve the impossible, I maintain you are doing more harm than good.

And lastly, Sir, I want to say something in regard to what Government has done or not done, towards the clamping down, the holding down of prices. It has been alleged, it seems to be considered and indeed has been alleged, that we allowed increased prices to go through too easily. Well, I can assure hon. Members that that is not the case, and just to cheer them up, I have seven more demands on the plate at the present moment that may see the light of day within the next month or so. In short, in general terms in regard to the second paragraph that has been advocated, I maintain Government has done all that it can

[The Member for Agriculture and Natural Resources] do with the goodwill of farmers, and you must have some goodwill to be able to achieve anything in keeping down producer prices, and to reduce the cost of living in that particular way.

Now, Sir, I would like to touch on one or two of the details that have come up in the course of speeches. My hon. friend the Mover started, of course, with a good many objections or clichés, call them what you will, about a Government governing and so on and so forth, and he then went on to intimate that the Government in governing must clamp down on prices, but nevertheless they must give generous prices to producers and then, in the same breath, he quoted Baraza to the effect that Government failed to hold them down. Well, it is no use playing hot and cold; either he means clamping down on producer prices or he means we should give fair and general prices. I maintain Government is doing neither. Government is doing its best to follow a middle course by keeping down prices and to give a fair price though, in some cases, I think, rather a skimpy one, to farmers.

Sir, then the hon. Member accused me of the biggest gaff I have ever committed in regard to my statement that the cost of food in this country was lower than in most other places. Well, Sir, I do not admit to a gaff. I have an enormous list here of foods in different countries, and cutting out subsidies. I do not think the Kenya list compares badly with those of other countries.

MR. COOKE: You did not say anything about cutting out subsidies.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: He then went on to say he was going to take to show the iniquity of Government—to take three commodities, maize, sugar and meat, and deal with them serially. He started with maize. He stated that maize was cheaper in South Africa and Uganda, which, I admit, I can give him exact prices, and also that the cost of production of maize, according to a farmers' paper in this country, was three times more in this country than in South Africa, and twice as much in this country as in Southern Rhodesia. Now, Sir, it is rather dangerous to play too

freely with figures in debate; the hon. Member can make these statements; I possibly can refute them; but perhaps a little bit more substantiation than he had behind him when he made them. But, nevertheless, figures are dangerous things. I admit that, and I hope my hon. friends will admit it too.

Maize in South Africa is cheaper. Actually, maize meal is 17s cents a pound, in the big towns, as against 23s cents a pound in this town. But I have already pointed out that there is a small matter of £11,000,000 that goes into subsidies for maize and wheat in South Africa. It also is true to say that, call it "gross return," or call it "cost of production" in Nyanza per acre are somewhere well over Sh. 250, and in South Africa about Sh. 78; but those again are not figures that I wish to pin down as being precise. But you can roughly say that one is three times the other. But when you can discuss such figures, you have also got to bear in mind what is produced by the cost per acre. The average yield in Kenya that we use in assessing prices is eight bags per acre. The average yield in South Africa is 2.8 bags per acre. Thus, if you divide the first figure, that is the cost, by the second figure, which is the bags per acre, you do not get such a very wide margin as all that, and it must be remembered that they are different types of farming, applicable to different types of land, at different costs with correspondingly different results, and so it is only too easy to submit this one cost three times the other and that it is disgraceful. First of all you have got to find out what you get for the three times costs. It is all very well for the hon. Member to laugh. He gets support for his contentions in the Press, and is very pleased with himself. But I assure the hon. Member it is much more important to get these facts correct.

MR. COOKE: If the hon. Member will give way—

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The Member talks about wasting the time of Council. I think possibly other people might have something to say on that point!

Now, Sir, the hon. Member also suggested that Southern Rhodesia was a case in point. Southern Rhodesia gets 4.9 bags to the acre as against our 8; and the cost of the maize in South

[The Member for Agriculture and Natural Resources] who no doubt my friend the hon. Member would very much enjoy the paying, is Sh. 40 a bag at the current time, as against Sh. 35/30 here.

It also may interest the hon. Member to know that the wheat price in Southern Rhodesia is Sh. 65 a bag, 50s in shore. Sir, although I admit the hon. Member's figures about cost of production, I must draw the Council's attention to the fact that although such figures can be easily quoted in that sort of loose way, they must be carefully inspected and carefully gone into before conclusions are accepted at their face value; and also, Sir, that this Government is fully aware of the cost of production in other countries, and does not easily give prices to farmers without going into these aspects, as well as the local considerations that are placed before them.

The hon. Member then went on to deal with sugar—I am taking rather a long time, so I must try and be quicker—he said Nyanza could produce very much more sugar; or double, with proper encouragement from Government. I have already discussed this in this Council with the last week or so, and I can assure the hon. Member that the state of those plantations when they were taken over by the present company which is operating them is very very bad indeed; and that it is quite impossible to rehabilitate a large sugar estate within the time factor that he has suggested.

He also suggests that proper encouragement should have been given by Government to sugar—and was not—and that encouragement as far as I can make out, should have taken one of two forms—either increased prices or some method of forcing labour on to the estates. He does not, for instance, mention that, in my capacity as Member for Agriculture, I have frequently, rightly or wrongly—in my opinion rightly—suggested rises in price, which I think were advisable. They are not always accepted. I am not complaining about that, but I do say that very often, had my suggestions been accepted, in my opinion shortages to some extent might have been obviated, had feeling might have been avoided and the paying of, far, higher prices very shortly afterwards, might also have been obviated, but, Sir, the hon. Sir Galahad

opposite, who is so keen on helping the sugar producers, has not shown himself one of those politicians who encourage me when I suggest a small and timely rise in price.

The other panacea, of course, of forcing labour out is one that has long ago been given up in this country—such action is not tolerated in this country.

Thirdly, the panacea of putting an Agricultural officer—trained presumably in an agricultural college to supervise a very recent and out-of-date sugar mill, which is a very complicated piece of machinery—I suggest is not going to do much good. Well, I leave it to the imagination of hon. Members! Incidentally, I would say—much as I regret to have to say it—that the type of sugar we grow in this country is not very good. We have just recently had a visit from one of the best-known sugar experts in the world and—I hope he was to some extent pulling my leg—he said he had mistaken our sugar for very inferior Napier grass.

Nevertheless we have started a sugar investigation station, and we have encouraged growers to pull in better types of cane, and are doing all we can reasonably do to increase sugar production. Other Members have suggested that part of our trouble in sugar production is only in Nyanza but the Coast—lies in the hand of communication. I think the hon. Mr. Patel suggested that, and I must admit that that is the case. It is certainly the case as regards Nyanza, but, therefore, Sir, it is a question of money, and it is very easy to advocate that we take money from the Road Authority and force a road through, but it may be that if you look at all the demands that are made on the Road Authority, you might find that the available money is better spent as it has been spent. I personally am very anxious to try and get improved communications, and I am doing my best to try and get them.

The next item the hon. Member touched on was the Kenya Meat Commission. Of course he attacked it; it is usually well attacked by everybody as this has already been mentioned in this Council, it was an unfortunate coincidence that an inevitable rise in the price of meat—which would have had to be given anyway—did coincide with the actual institution of the activities of

[The Member for Agriculture and Natural Resources] The Meat Commission. We have just got to swallow that, but it does give people still greater ammunition to attack it. I am quite unrepentant about the Meat Commission. Not only am I unrepentant, but I believe—it has still got its teething troubles—but I believe it has already shown its possibilities, and is already doing a great deal of good.

Before I deal further with the points raised, the hon. Member asked for an answer to his allegation that the Meat Commission lost about £1000 by faulty concreting, or faulty building, or something of that kind: Now, Sir, I would like to refute this, because that statement was given a good deal of publicity and it is very unfair on the Commission that that should be given publicity, but that equal publicity should not be given to the facts. The method of insulation adopted for the cold storage chambers is a system of insulating cork slabs. A number of tenders were asked for, and eventually an order was placed with a very, very well-known firm which supplies this material—called the Mundet et Cia in Portugal. This was done through London agents. A great many other firms had tendered, but this was the tender that was accepted, and the price quoted at the time was a low one and, as compared with present-day prices, a very low one indeed. While the insulating reinforced concrete buildings certainly faults are bound to develop, and it is the normal common practice to order 5 per cent more of the insulating material than is strictly required, to make up any difficulties that may arise due to faults developing in the new concrete and causes of that kind: This is common practice, and is invariably allowed for in the costing of the building. In point of fact, this building is now practically completed, and we have used to date not more than 2 per cent of the reserve—that is, 2 per cent of the 5 per cent extra which is ordered. It is the most successful example of successful insulation of a large building that has been done in this part of the world for a very long time. There remains in fact a very large reserve of spare cork lining and insulating material, which will be sold and which will, far from increasing the cost as alleged by £10,000, will in fact

reduce the building costs. So it is quite untrue to say that due to faulty electric equipment or insulating material or due to faulty adhesive material with which the cork slabs are put in, that there has been that alleged loss.

Turning now to another subject, there have been a good many complaints about meat shortages in various parts of this country. There have, of course, been meat shortages, more especially in regard to third grade meat. But here again, the problem is price. It is all very well hon. Members saying that if we went back to the old idea and allowed traders to buy this meat that we should get meat cheaper. I can see no reason for the suggestion that we should do so or that the African would sell his meat any cheaper than he is doing at the present moment. I have here a list of the average prices paid by traders who are allowed to go to sales and buy, as compared to what the Meat Commission can afford to pay, making no profit whatever out of African meat. And this difference is very marked. That is, of course, because the Kenya Meat Commission can only issue meat for sale subject to a very rigid price control of consumer prices, whereas meat bought by traders is sold in reserves at high prices subject to no price control. The difference is so marked that it is hardly worth my boring Council with a long list of figures, but we have bought comparatively very few native cattle this year because traders in the reserves buy at very much higher prices and despite what my hon. friend Mr. Mathu said, there seems to be in the reserves quite a lot of money at any rate for the purchase of meat at exorbitant prices in that these traders seem to have no difficulty in disposing of uninspected poor quality meat at prices ranging from Sh. 1/50 to Sh. 1/75 a so-called pound.

In regard to first and second grade meat there is no shortage whatever provided the Mombasa butchers are prepared to order what the public require.

Now in regard to sheep and goats and the alleged shortage of small stock. The traders buy these on behalf of the Commission largely at sales held at Garbatulla and Garissa, and they bring them down and they are distributed in Mombasa. This arrangement is working very smoothly but it now appears that the traders claim and, I think with some

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justification, so does the Commission, that the prices at which they can buy for sheep and goats have gone up very considerably and they can no longer bring sheep and goats down to Mombasa, from the Northern Frontier, and come out on it at the existing price, and they have asked for what would amount to five cents a pound or a few shillings an animal increase. They can get higher prices on the way down by diverting to various African reserves. I repeat they are working in considerable harmony at the present time. The Price Control and the Administration are of the opinion, however, that some of these traders are some of the bigger regular traders are, in fact, making a very good thing out of it; they even go so far as to say rather than give into them to the extent of an extra five cents a pound they would rather that Mombasa Island and its neighbourhood went short of this type of meat for the time being. That is a domestic matter over which I have no control. It is unfortunate that due to the Mombasa Price Control itself, we cannot supply a sufficient quantity of sheep and goats and the result is that people go outside Mombasa and pay fantastic sums for sheep and goats in the sub-market. I may say this matter is the subject of consideration by the Administration and the Price Control Authority and the Meat Marketing Commission and I think the temporary shortage will be overcome.

As regards Sunday sales, I understand that for the convenience of Asian meat shops and in view of the representations that have been made by the Commission that days of supplies of meat are slaughtered for Asian consumption on Fridays, Dr. Rana raised this before and I immediately took steps to do what I could to remedy the situation. This is what was done. These supplies are made available for Asian shops for consumption on Saturdays and Sundays. Difficulties have been experienced in arranging for a post-mortem inspection of two days' supply on one day, but the difficulties of the Municipality carrying out this inspection for a double kill has now been overcome. I was not able to arrange for this double kill as early as I would have liked. Thus, on the question of

meat shortage, I have informed hon. Members what the position is.

Council adjourned at 11 a.m. and resumed at 11.15 a.m.

In the absence of the Speaker, Sir Charles Mortimer took the Chair.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, I was still on the subject of meat supplies in Mombasa and I think I had explained that we have done what we can to meet the complaint of the hon. Member, Dr. Rana, about Sunday sales of meat.

There is, however, one other aspect of meat supplies to which I would like to draw the attention of the Council, although I think probably most hon. Members are aware of it. In the European areas we do not allow the sale of cattie off farms into native reserves. Such meat as is offered, and more especially such low grade meat as offered off European farms, is taken at the laid down comparatively low price and is resold strictly in accordance with the laid down and consumer's price. In the case of African areas, however, traders are allowed to attend the sales and the prices that are obtained by producers or sellers of cattle from traders are far in excess of those which the Meat Commission can pay despite the Meat Commission making no profit whatever on the purchases. That, of course, presents a difficulty when it comes to furnishing the requirements of third low grade meat compounds of third low grade, of the towns. I think we shall get over this to some extent as and when these sales are more readily attended, and to implement certain plans we have and in the fact that these high prices are received has given the African the impression that his low grade cattle are worth far more, than as meat, they economically are worth. The hon. Member also, in his remarks, did suggest that we were unwise in allowing under the Ordinance, the chairmanship of the Kenya Meat Commission, the duties of the chairmanship, to be undertaken by a person who was himself a producer of person on a very large scale. Now, Sir, cattle on a very large scale. That when you my reply to that is this. That when you are going to inaugurate a business, and are a very big business, under great difficulties, I suggest that it is wise to put in charge of that business a person who is conversant, fully conversant, with all the

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difficulties that may arise. And it is far wiser to do that than just to obtain the services of somebody who is completely out of his element in that particular line of country. If there was any vestige of suspicion that the person who had these interests was serving his own interests in any way, I should, of course, not put forward this plea. But as this remark has been made, I would like, publicly, to pay tribute to the gentleman who at the moment has shouldered this very considerable responsibility and especially for this reason. The person concerned was an opponent of the idea of the Meat Commission for quite a long time. He eventually, I think, was persuaded that there was a great deal to be said for the idea, and since he has taken upon himself the very onerous duties which he has accepted, I can say without any doubt whatever, that he has completely forgotten any interests he ever had and I have never had to work with anybody who has given so much time and so much work to try to get this particular organization through its teething troubles. (Applause.)

Now, Sir, I have taken up an immense amount of time and I am afraid I have overlooked quite a number of points which I wished to make, but nevertheless, Sir, I have made some replies. I would like in conclusion to say that we all recognize that in many respects, in many respects, this is not a really very cheap producing country. There are a number of reasons for this, one of them, of course, being at the present time the cost of labour—the cost of labour in this country is expensive.

Nevertheless, Sir, although the per acre cost is high, and I hope by experience will be considerably reduced, the potential returns per acre in this country are not exceeded anywhere in Africa. We have immense possibilities for development and I would like to end on that note.

I know, Sir, that in my reply I have not provided any precise answer to the problem of the cost of living or of meeting these costs of living difficulties.

MR. COOKE: Hear, hear.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I am fully aware of it. The Cost of Living Committee, Sir,

in its report, I think, finally—I am afraid I did not entirely agree with it—I think it finally condensed its recommendations to three, which amounted to very little more than I have been able to offer today. The first was subsidies, provided that this Legislative Council as a body felt that it had the means to meet the subsidies; the second was reduction of customs duties, which, of course, meant a reduction in the revenue of the Colony, and the third was the reimposition of price control, a very rigid price control on all sorts of commodities that might be in short supply at the time. Now, Sir, those are not very much more helpful at suggestions. I repeat, Sir, that this Government is not complacent about this matter. It is a source of constant worry to everybody on this side of the Council, and any concrete suggestions that are made are not only examined, but if possible, they are put into effect. I repeat, Sir, that as far as price control goes, within reasonable limits, and I have outlined what are those limits, we are doing what we can.

I think, Sir, that really in the light of the background, I gave in the beginning, of world conditions, which do affect us and we cannot get away from that, that the real answer is increased output, increased production and, possibly, in the words of the hon. Member who moved this Motion, less consumption. In other words, tightening our belts and trying to develop this country which has the immense potentialities to which I have just referred. If we do that, then I trust that those who come to a new part of the world—Africa—should be able, I think, to earn more provided the output is increased, and in developing our country, to earn more and thus to some extent compensate for the real trouble which is the loss in value of the currency which we are used to dealing with.

Sir, this may not be a very helpful ending, but we have got to face the position which we have inherited. We are lucky to exit; we are lucky to be alive; we are lucky to have the opportunity of developing a new part of Africa, but unfortunately we have got to pay the price! (Prolonged applause.)

MR. BLUNDELL: Mr. Speaker, I feel that I owe the hon. Member for the Coast an apology in rising to speak, because, certainly, for the last 40

[Mr. Blundell] the words of his reply have been bubbling and boiling within him (laughter) and I feel any further delay may cause the lid to blow off the pot. I know, Sir, he will not mind my saying that, and when I signified to him my intention of speaking he called upon the Almighty, and I did give him an assurance that I would only deal with specific points that he had raised.

Now, Sir, I am opposing this Motion, but I am doing so for this reason. It is not that I am personally antagonistic to the Motion, it is because I think a much more constructive Motion is coming up from the hon. Member for Mombasa on which I shall have certain remarks to make. That being so, Sir, I am not going to deal largely with a world-wide view of the problem, but just to take certain points which the hon. Member has raised.

Now, Sir, the first I wish to refer to is the question of the hon. Member for Trans Nzoia. When the hon. Member says, "All must work" does he envisage, and is he prepared to back, such a set-up as the National Direction of Labour, as happened in war time in Great Britain? I should like a specific answer to that.

Secondly, Sir, I am opposed to this Motion because I am inflexibly opposed to subsidies, and I would like first of all to quote this from the Cost of Living Report on subsidies. It appears on the last page, paragraph 110. "It is unlikely that any of these steps should be accepted as other than temporary ones, particularly that which deals with the direct subsidization of food." The body of the report has been directed towards the principle of long-term effect. Now, I do suggest that the subsidy of food, as a result of very deep investigation by that Committee, was marked as only a temporary relief. Now, Sir, the questions I wish to ask the hon. Member for the Coast in his advocacy of the food subsidies are these. Does he envisage in the subsidy on maize a strict form of rationing so that there is no waste of the element of subsidy provided by the tax-exempt of subsidy provided by the taxpayer? Does he envisage—am I going too fast for the hon. Member?—does he envisage a ceiling beyond which the cost of the subsidy will not rise? Will he out-

line to us, if he meets the cost of that subsidy by taxation, the exact and specific form of the taxation? For these reasons, Mr. Speaker, if the taxation is to be levied by indirect methods, we are merely robbing poor Peter to pay poor Paul. If it is to be levied on the lower income tax groups, we are duplicating the process again. If it is to be levied on the highest income tax groups, it is to be at the rate of £500,000 a year, to be at the rate of £500,000 a year, then the income tax rate—(MR. COOKE: £600,000)—£600,000 a year, then—the income tax rate on those groups will have to rise to that of the United Kingdom. That is a fact which can be proved from an examination of the incomes. And, in effect, such a measure of levying the cost would debar further private capital, in all probability, from entering the Colony.

Lastly, Sir, on these four questions on the subsidy, will he tell us in his advocacy, exactly what is the element in the cost of living structure indices which is represented by maize. There must be an exact figure in that index which we can have brought to us so that we can assess, by this measure, more or less the exact amount of relief.

There is one matter, Sir, I must express strong opposition to. The hon. Member suggests that he should finance this by arbitrarily forcing the producer to sell to the Government at low prices, and allowing the Government to sell the surplus overseas at world price. In other words, he arbitrarily slashes the producer, in order to make a profit for the country as a whole. I believe that would be completely immoral.

MR. COOKE: I never said any such thing.

MR. BLUNDELL: Mr. Speaker, he did—I have his words here and he has carried on a running figure of interjections the whole of this morning, so I am going to deal with this one. It is a method of financing this subsidy was by method of financing in the world market at selling maize and pocketing that money export parity and pocketing that money which he has only got by forcing the producer to sell to him at a cheap price to finance his subsidies.

Next, Sir, I have another point which I would like him to answer. He said this—"he stands that the farmer, brought maize from the squatter and then cashed

[Mr. Blundell] in "on the pig's back" were his words, by selling it at a higher price to the Government. Now, Sir, there are only two implications there. If a farmer buys maize from a squatter, he can only sell it by law at a fixed price which covers the cost of handling it—the handling, the bag and the transport of the Maize Control—no other price than that is laid down by the Government. Therefore, it is impossible for a farmer to profit on that transaction. If the hon. Member means that farmers buy maize from squatters and sell that maize in the black market and cash in, in that way, then, Sir, either he knows it, in which case he should report it to the police, or he is merely voicing a suspicion, which it is unfair of him to voice.

Again, Sir, he has accused hon. Members opposite of not doing anything about the cost of living.

MR. COOKE: Not doing enough.

MR. BLUNDELL: Well, Sir, I consider hon. Members opposite have done a considerable amount. They have made quite considerable reductions in indirect taxation on the lower articles, lower-priced articles, which affect the more hardly pressed. We have, at their instigation, been asked to vote each year £200,000 to a Maize Rehabilitation Fund. That, Sir, must inevitably result in a higher yield per acre with a consequent reduction in the cost.

Now, Mr. Speaker, I raise these specific points because in making his case for subsidies and that all must work, etc., I feel the hon. Member must be tied down to actual facts, and not the airy flowing of ideas across the floor of the Chamber. (Hear, hear.)

There are two points, Sir, which I wish to deal, one which arose from the Member for Nairobi North. Sir, he did say that in the case of locally produced foodstuffs, he could not understand why overseas conditions affected them. I, only for the purpose of record, wish to note that out of the total cost of wheat production, 65 per cent is due to the cost of imported items, and in maize, 43 per cent.

The second point, Sir, arising out of something the hon. Member for Mombasa said is this: Sir, I appreciate the hon. Member for Mombasa's concern

with this problem, and I believe he has a genuine and a sincere desire to attempt to meet the pressure of the cost of living to townsmen. I really say this, because I do not think it is quite right to say that Mombasa has no objection to helping agriculture. In effect, agriculture is helping Mombasa. I will give two specific instances. Ever since August, the butter industry has been selling butter to the consumer at 91 cents a pound less than the amount which the Price Controller authorized, as a contribution, by that industry, to the cost of living. Secondly, Sir, when railway freights were raised, as they have been recently, as far as I know, the Meat Commission has absorbed that increase in the cost of transporting meat in the price to the producer, so that no additional burden for that particular amount has fallen on the consumer.

Now, I mention those points, Sir, to show that agriculture, and I must sometimes speak in this Council for agriculture, agriculture, Sir, is not unsympathetic to the problems of the townsmen. But we are caught, just as townsmen, in the same pincers.

I would suggest, Sir, just to close, that possibly the hon. Member for Agriculture opposite might convene—on this rather pressing problem—might convene an unofficial conference with the agricultural industry generally, with a view to examining in what way, the total cost of production can be reduced in the production of any item. I think, that, possibly, agriculture, itself, may be able to assist him by some suggestion. It would, at least, be a constructive effort to achieve what the hon. Member for the Coast, in my submission, rather destructively is attempting to achieve. (Applause.)

THE DIRECTOR OF AGRICULTURE: Mr. Speaker, Sir, just before the hon. Member for the Coast replies, I would like, in a very few words, to try and dispel some of the gloom that surrounds the sugar industry. We have a very small allowance for this industry, I think, some £3,000, but within that limit we are doing, in fact, quite a lot. We have, at Kiboni, an experimental sugar station, where we have something like sixty different varieties of sugar cane which have been imported from many parts of the world, which are being bulked up to

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replace the Napier grass referred to by my hon. friend the Member for Agriculture. These new varieties are being cultured. These new varieties have been built up on the farm, and have been introduced on the Indian farms and on the Miwani Sugar Estate. In addition to the material that the varieties of sugar trying to improve that a considerable number of cane, we have a considerable number of fertilizer and manure trials going on experimental stations and on farms. We are carrying out trials with herbicides or weed killers, but the weed problem is a major one in the sugar industry. In the Coast too, I had a visit from Dr. Turner, who is probably the best sugar agronomist in the West Indies, and on his advice, we have in operation trials with fertilizer, filter press mud, and molasses, and, again, on weed controls. So we are doing something in this matter.

MR. COOKE: Mr. Speaker, I do not know whether the other side tried to wear me down by their irrelevancies, but I think they have not succeeded—at least I hope they have not—because I am going to give them as far as in my power exists a Roland for their Oliver. I would like to thank hon. Members on this side of the Council who supported my Motion, for the eloquent and forthright way in which they did so, and as they did so I could see signs of pain passing over the handsome countenance of my hon. friend, the Member for Finance. Then there came a wistful look on that classic countenance, and I looked around and I found that the gallant Major, the hon. Member for Trans-Nzoria, had risen to his feet. And, Sir, then I understood a lot that has been puzzling me for a long time. It was a question of "Arcadians both"—deep had been crying unto death for the last few months, and at last they had met together in this wonderful harmony. Or, Sir, to put it in more plain words, the good-old-war-horse of the Trans-Nzoria was running in double harness with the young colt of the Secretariat. (Laughter.) Well, I hope, Sir, neither horse will stampede. The old pot says something about "adversity gives us strange bedfellows"—or strange stable companions, might be more appropriate!

I am going to deal, and I am going to do so with a good deal of relief, with my hon. friend the Member for Finance.

My hon. friend said when he got up that he expected that when I got to my feet I would produce rabbits from a hat. Well now, the hon. gentleman could have expected nothing of that sort at all, because in great generosity of heart I had given the hon. Member the notes of my speech about three days before, so he 'knew precisely what I was going to say! So I suggest the hon. gentleman knew with inexorable logic and knew perfectly well what I was going to say. If my hon. friend will just wait a moment he will find out that what I am going to say will at any rate answer a good many of the points he brought up. He said he was disappointed with my speech. Well, so was I—very disappointed but not dismayed in the same sense as the hon. gentleman, but I am sorry now, when I used those epithets of defeatist, and shameful, and untrue, that I did not use very much stronger epithets!

I will deal with the point which the hon. gentleman has brought up. He says, before we could pay a subsidy on maize that the price of maize must be standardized. I hope I have not misquoted the hon. gentleman—but contrary to my hon. friend, the Member for Agriculture and Natural Resources, I am already ready to give way—

THE FINANCIAL SECRETARY: Will the hon. Member give way now, Sir? I did not say positive action would have to be taken to stabilize the price of maize. I said conditions would have to be such that stability could be foreseen.

MR. COOKE: Yes, I apologise to the hon. gentleman. It meets my point that stability could be foreseen. When the subsidization of foodstuffs in England was decided upon, stability could not be foreseen, and at the present moment, as we have been reminded here this morning, the subsidization of food in England is paid to the sum of £410,000,000 in propose, for two years at any rate, that we should put aside the sum of £600,000 for the subsidization of maize—not for any other food. As I explained, that would give a subsidy of Sh. 10 a bag to the consumer. Now supposing maize went up Sh. 2 in price, I would not suggest that that fund should be increased, but that subsidy to the consumer, of course, naturally would be reduced to Sh. a bag and it might be—I do not think it will be—that the price of maize

(Mr. Cooke) will go on rising, but even if it did go on rising and the whole of that subsidy of Sh. 10 was swallowed in the rise in the price of maize, it would still be Sh. 10 less to the consumer, although he might be paying exactly the same to-day as he would be paying a few years hence, so I hope that answers the point of my hon. friend. He talked about credit restrictions and central banks and all that sort of economic jargon, about which all of us who read the *Economist*—we know perfectly well, but I am not going to take up those points, because really they are academic, at the moment—not that central banks and restriction of credit has not been touched on by me time after time, but the hon. gentleman on the other side has not apparently thought they were necessary.

Now, Sir, he compared the conditions in England with the conditions here. I think conditions here make it much easier to stabilize prices, because most of the food consumed in Kenya is produced here, whereas in Great Britain it is the other way about—it is about fifty-fifty, therefore it follows we can take much more effective action here with regard to the control of prices of locally produced goods. I have never said—not have any other hon. gentleman on this side of the Council who has supported me—that subsidized food would be a panacea. We have never said any such thing. We know perfectly well it would not be a panacea. All we are trying to do is to help the poorer classes in this country and give them a certain amount of relief from the present high cost of living. We perfectly recognize it is not going to be a panacea. One might even describe it as only the lesser of two evils. I agree subsidies are an evil, but I think they are the lesser of two evils. All we say is—we know inflation cannot be stopped but we think it might be controlled. It is like a great dam when the headwaters of some tremendous cloudburst are running into it. The dam controls the water and then lets it out by the spillway. There is no overflowing of the dam. That is what we would like to see in this country so far as inflation is concerned. When the hon. gentleman talks about irresistible forces—of course, if Mr. Churchill had talked about the irresistible forces of Hitler during the war—we would all to-day not be sitting

here but would be the economic and the physical slaves of Germany. So I think it is pathetic when an hon. gentleman on the other side of the Council, who ought to be the leader and lead public opinion in this country, can get up and say the forces are irresistible. They are not irresistible and anyone who says they are, I shall say to him it is completely untrue.

In answering my hon. friend, the Member for Trans Nzoia, if I may say so, although he disagreed with me, I think he made a very fair-minded speech. I will answer at the same time a few of the arguments put up by my hon. friend, the Member for Rift Valley. My hon. friend talked a lot about imported inflation and this, that and the other thing—all arguments I had already granted—so a good deal of his speech was really strictly irrelevant, because I had granted you can do very little about imported inflation, yet a lot of hon. Members in this Council have made a big point of that. I granted, Sir, and grant still that the only possible remedy is to produce more and consume less. I grant my hon. friend must obtain generous prices for cereals—that is granted—yet we heard my hon. friend, the Member for Agriculture and Natural Resources, talking something like half an hour to try to explain to me what I had already granted to him. If that is not wasting the time of this Council, Sir, nothing is. My hon. friend asked me—and I am going to give a perfectly frank answer to his frank question—where the money was to come from for these subsidies. I have already answered that question when I moved the Motion.

Mr. BLUNDELL: Would the hon. Member give way—this is rather important. What I asked the hon. Member was to state specifically the form of taxation—not where the money would come from—because he put up certain proposals about money. One of them was the balance of taxation. I want to know where that taxation is coming from.

Mr. COOKE: I can answer that. My hon. friend asked me where the money was to come from. I am going to ask my hon. friend himself, the Member for Trans Nzoia, to answer that question. I am going to ask him a question which is susceptible to a fair answer. I am going to ask him this. When, within the last

(Mr. Cooke) the Prisons Department applied for £40,000 more in a supplementary Estimate on account of the increased price of potato—my hon. friend knows that—and when the Government on the other side of the Council asked for an increase of several hundred thousand pounds in order to pay the Cost of Living Allowance—I ask my hon. friend this simple question—where does he think that money came from? Will it sit down if my hon. friend will answer it, or perhaps he would rather answer it sitting down.

MAJOR KEYSER: Taxation.

Mr. COOKE: Yes, of course, taxation.

Mr. BLUNDELL: I asked the hon. Member the question.

MAJOR KEYSER: We both did.

Mr. BLUNDELL: The point, Sir, I wish the hon. Member to tell me, and not to evade my question by asking others, is perfectly simple. In the event of his having to place taxation on the community to find the subsidy, what taxation is he going to place?

Mr. COOKE: Mr. Speaker, I have already assured the hon. gentleman I am going to answer that question. I have got it written down here. I am trying to save the time of the Council a little bit. I do not mind interruptions a bit so long as they are relevant. (Laughter.)

Mr. BLUNDELL: I should have thought it was very relevant.

Mr. COOKE: I will answer if you will have patience. The hon. gentleman has very fairly replied, taxation. That is exactly the source from which I am bent to get the subsidies—taxation. I am beginning to think, and a lot of my hon. friends will probably say "Hear, hear" to this, I must be very indistinct of very this, I must be very forward in my theories stupid in putting forward my theories from this side of the Council, because they do not seem to be comprehended by everybody. May I explain this again. Wherever the money comes from to cover the rise in price of foodstuffs in this country, the payment must come from the National Income of this country. I say that is an indisputable fact. Would my economic friend that? Yes, Members for Commerce admit that? Yes. It must eventually come from the National Income of this country,

whether you pay it through taxation or whether you pay it from Government funds when the price of food goes up, or Cost of Living Allowance has to be given, it is all coming from the same source, it is from the taxpayer's pocket, but my contention is that if you have subsidies it will not only come from the taxpayer's pocket, but it will come in the form that will cause the least disturbance to the economic life of this country. (Hear, hear.) We saw in to-day's paper that the Municipality is considering putting up the wages of African labour. That is happening every two or three months, and it must cause a great deal of disturbance to the economic conditions in this country. Not only that, Sir, it must have psychologically a very bad effect, because we are dealing with ignorant people who do not really understand, although they have got empty stomachs, why Government is giving these increases and think that Government is yielding to threats. That is the danger. My point of view, rightly or wrongly, is that these increases would not be necessary, certainly at such frequent periods, if maize, the main food of 95 per cent of the people of this country, were subsidized. It is not going to cost the country any more. Now, I want to make this point, as one or two people have said this only applies to Africans; of course, that is completely untrue, because it applies to every European and every Indian in this country in the form of wages and the sort of thing. Maize being the staple food influences every economic activity in this country. It is not only the question of a few hundred thousand Africans. Now I agree entirely with my hon. friend the Member for Trans Nzoia, that the majority of Africans are subsistence farmers and they eat their own maize—it is perfectly true, and a good thing it is true, because we have not got to subsidize them as some of my hon. friend because now he will probably see why a subsistence farmer is able to see why a subsistence farmer is able to see in the build-up of the National Income of this country. He is beginning to see light. There is this question of the source from which this money should come. The hon. Member for Trans Nzoia and the hon. Member for Rift Valley seem to be slightly—I will not say jealous—as so when I will deal with

(Mr. Cooke) first—(laughter)—so if you will forgive me I will leave that point at the moment and deal with it when I come to my hon. friend the Member for Rift Valley.

MAJOR KEYSER: Mr. Speaker, it seems to me, Sir, you will also be jealous, as he is addressing me all the time!

MR. COOKE: Now, Sir, we heard a lot about the disadvantages of maize subsidy in that a good many people gain from it, who really do not deserve to gain—for instance, a lot of well-off people, as a certain number of people are in this Council, will also have to pay less for their maize, whereas, of course, our motive is to help the poorer person. It is an anomaly I cannot see any way of getting rid of. I understand the Ritz Hotel in London pay the same amount for potatoes as "the widow in lonely Chester"—the same price. There is very great difficulty in smoothing out these anomalies. I have heard no protest whatsoever about other anomalies; I never heard a protest in this country—and I have been in this country a considerable number of years now—against a flat rate for maize on the railways, although at that time it was benefiting certain farmers far more than it was benefiting others. Nor to-day, this very day, have I heard any protest against the fact that the man who is growing 12 bags an acre is making a fortune in order that the man who grows eight bags an acre can have an economic existence. That is an anomaly as well. I have heard no protest against that anomaly—why should I? One man happens to have better land.

Now, Sir, we come to my hon. friend, the Member for Commerce and Industry. He only made one point which I want to deal with. As a matter of fact I have already dealt with it. He asked me, how do I propose—I think this is what he said—to deal with the poorer classes in places like Mombasa. If the hon. gentleman will explain—someone coughed when he spoke.

THE MEMBER FOR COMMERCE AND INDUSTRY: What I asked the hon. Member was to make constructive suggestions as to how to deal with these classes—then I quoted an example—groups of people in places such as Mombasa and Nairobi who suffer most from inflation.

MR. COOKE: That is the gist of what I thought he said. I thought I had already explained, by the fall in the price of maize, etc. Would that not help those people?

MAJOR KEYSER: Very little, Sir, would the hon. Member tell us—he has made a great point of the difference it would make in the cost of living if there was subsidization of maize to the tune of Sh. 10 per bag. Would he tell us to what extent it would affect the cost of living of the lower income groups, the European income groups. I think it might be somewhere in the region of Sh. 3 per month or Sh. 6 per month, that is all.

MR. COOKE: Contrary to the hon. gentleman, when I speak of the people of Kenya, I mean the Africans of Kenya, the Indians of Kenya, and the Europeans of Kenya—put them in what order you like.

MAJOR KEYSER: Taking one section.

MR. COOKE: If the hon. gentleman read *Baraza* last week, he would have seen, so far as the Africans were concerned, a number of Africans writing and saying how much this Sh. 10 rise had affected them, very considerably indeed. How does it affect, he says, the Europeans? He says it may only affect them by Sh. 6 per month. I cannot tell how much it would affect them. Even if we can affect them by a little amount, we are doing something—that is so far as maize is concerned. I am sure my hon. friend will not deny that so far as sugar is concerned, it would affect the Europeans of Nairobi and Mombasa, my suggestion, and I am sure he will not deny my suggestion—he may deny this—about meat, would surely affect the people of Mombasa, but my sole contention here in the two days this debate has gone on, is the rather unfairness, especially of certain gentlemen on the other side of the Council who spent most of their time combating arguments which I had already admitted, and did not deal sufficiently with the arguments I put forward in my Motion. (Hear, hear.) I will let that pass.

My hon. friend, the Member for Uasin Gishu, did a lot of economic preaching. A lot of it I could not understand though I am supposed to have

(Mr. Cooke) taken an honours degree in economics at the University, but I could not catch what my hon. friend—

MR. BLUNDELL: It must have been a long time ago.

MR. COOKE: It was a long time ago. But unlike the hon. gentleman I have not got the vacant mentality so many agricultural people have! The hon. Member twisted me, or tried to twist me about my inconsistency, he called it, about saying that the sugar mill in Nyanza should be nationalized, whereas I criticized my hon. friend for what he said about the nationalization of meat. Well, of course, there is no analogy between the two at all. What I suggested for Nyanza was that Government should temporarily take it over if they were satisfied the estate was running it inefficiently and sugar being of such importance to this country, they should temporarily take over the running of that particular sugar factory. This nationalization of meat is quite a different thing; it is on a permanent basis, and I am not at all in favour of nationalization. I would accuse my hon. friend, the Member for Agriculture and Natural Resources, as being an apostle of nationalization in this country. But I do think there are certain industries that can be nationalized, and if that nationalization is efficient, and if it reduces the price to the consumer, then I am always prepared to grant that nationalization of a particular industry is a good thing. My hon. friend indulged in a lot of shadow boxing and I prefer to see a man who hits his out. There was not a great deal of which I, at any rate, am capable of criticizing—perhaps I have not got the ability.

The hon. and gracious lady talked about somebody's feet getting wet.

LADY SHAW: Perhaps you have not heard of King Canute.

MR. COOKE: I have heard of King Canute! I do not mind a bit getting my feet wet if I can do some good by it, and if I can achieve anything. I do not suffer from cold feet at any rate!

THE MEMBER FOR COMMERCE AND INDUSTRY: The hon. gentleman said that he did not find what I said particularly exciting. I would point out to the hon. gentleman that when one is trying to be

constructive it is not always exciting. (Laughter.)

MR. COOKE: I could not agree more. Sir, I wish hon. Members on the other side of the Council would share that excellent axiom!

My hon. friend, the Member for Agriculture, spoke for something like an hour and a quarter, and it seemed to me more like some kind of dissertation on something no one on this side of the Council had ever said! It reminded me of those wolves in sheep's clothing, Sir, to which Mr. Churchill referred—certain Labour Members at some—ad the whole tenor of what he said was repulsive to me. My hon. friend accused me, when he got up, of being ingenious. Well, I may be, but I seem to express my opinions to this Council, from what I hear from people, almost too frankly. I suppose the hon. gentleman may have a definition of ingenious which is not plain to me. I would have preferred it more if he had made an honourable withdrawal of his remarks in this Council when he said the price of food here was less than it was in any other part of the world. He tried to skim over it by saying that certain places food was subsidized, but the not say it was not subsidized, but the hon. gentleman said, in spite of the subsidy, food in this country was cheaper than in any other part of the world—that is a very good argument for subsidization. So I have got the hon. gentleman on my side! It is completely untrue to say that of the price of foodstuffs in Kenya, when the hon. gentleman knows perfectly well that the price of maize in Kenya, which concerns over 95 per cent of the population, is a good deal more than the price of maize either in Uganda or in South Africa. Subsidies do not enter into it at all. With regard to these prices which appeared in one of these leading local papers of this country, what I said was this, that the paper said was this: that if the Kenya price of maize was considered a fair price, then the only inference was that it cost three times as much to produce maize in Kenya as it does in South Africa. The hon. gentleman went and shake his head. This is exactly what I said—that it costs twice as much to produce maize as it does in Rhodesia if the prices were fair prices.

LADY SHAW: Do you mean per acre or per bag?

MR. COOKE: Per bag. This has appeared several times recently in this leading Kenya paper, and the hon. gentleman has had every opportunity to contradict that statement if it is untrue, and so far as I know he has made no attempt to contradict it, although he accuses me on this side of the Council of making exaggerated statements and so on. If they are exaggerated, let the hon. gentleman reply to them in a logical manner. Now, with regard to the differential between Sh. 10 a bag—what the consumer pays for the bag of maize and what the producer gets, the Sh. 15—it was not I who said that a reduction of Sh. 4/15 could be made. It was said and passed unanimously at the Kenya National Farmers' Union Meeting. It was they who said it, not I, and I built my argument on that—the hon. gentleman made no attempt to upset my statement—I built my argument on that, I say now, and I still say that the price of maize could be reduced at least Sh. 10 a bag and possibly Sh. 14 a bag, which would make it one-third less than it is at the moment. If I have not dealt with any points, I hope hon. Members will remind me.

Now, with regard to the sugar estates in Nyanza, I still say, Sir, that Government showed that they had not governed: If they had been governing and they found that such an important product as sugar was being under-produced, then they should have taken very drastic steps. They did not do so, with regard to the sugar estate, referred to by my hon. friend, Mr. Patuk. With regard to the bridge on the Ramid River, the hon. gentleman knows full well that nothing was done about that matter until I saw the Governor personally about it. And with the intervention of His Excellency the Governor it is probably going to be built, that bridge of the Ramid River, whereas the hon. gentleman for four years was completely unwilling, apparently, to do anything. Now, if that is not negligence towards a very important industry, well, what is? I do accuse my hon. friend of not taking enough interest in matters outside the cereal farmers and that sort of thing, and he has not taken enough interest in the production of sugar and copra and various important

articles which have a very important effect on the economy of this country.

Now, I think it is time that I dealt with my hon. friend the Member for Rift Valley.

MR. BLUNDELL: Mr. Speaker, I asked my questions nicely!

MR. COOKE: I know you did; yes. (Laughter.) I am going to give very nice replies!

The first one, I think, was "all must work." Well, I did not invent that slogan "all must work"; it was invented by—the hon.—gentleman on the other side of Council, so I am not responsible. But I am a very strong supporter of the injunction that all must work. Now, I think my hon. friend chose the wrong person, when he put direct questions to me, because there is nothing I like more than direct questions, and I like, if possible, to give direct answers to those questions. Now, he wants to know if I would agree with the national direction of labour. Sir, I most certainly would. I think where important matters are concerned and when the cold war is going on, we must mobilize all the forces we have, to deal with the Bolsheviks and the Communists, and people like that. I believe that if you can take the European youths of Kenya and put them into the Army and send them down to Southern Rhodesia for training; then we should be prepared to take the young African and young Indian, if necessary, and put him on works of national importance. I hope that is sufficiently clear.

Now, subsidy on maize; strict form of rationing. There is no rationing required by subsidizing maize. I have already answered that question. Maize was subsidized up to this year—my hon. friend said the consumer was subsidized?

MAJOR KEYSER: Yes.

MR. COOKE: All right, I will grant the consumer was subsidized for the sake of argument. The consumer was subsidized at the rate of Sh. 4 a bag. Was it necessary then to have rationing? No, Sir, it was not. Why should it be necessary to have rationing when the subsidy is of the amount of Sh. 10 a bag?

MAJOR KEYSER: Because the amounts involved are different. If there is a very big amount of money involved, obviously the amount that is going to be called on

[Major Keyser]

is going to be more, if the amount of the subsidy is Sh. 10 a bag. The more bags which are consumed, the more Sh. 10 are going to be paid.

MR. COOKE: That is not the question. The point is, would rationing be necessary?

MAJOR KEYSER: Yes, in order to keep down the number of Sh. 10 used.

MR. COOKE: I am afraid I do not understand the hon. Member, that is not what the other hon. Members meant when talking about rationing.

I was asked, do I envisage a ceiling? Well, I do envisage a ceiling, as I have already explained, of 2,600,000. I think, as in England—I am not committing myself for more than a year or two now, but I have admitted that it may mean if the price of maize goes up that the consumer may be getting less of a subsidy.

Now, he asked me what taxation I think should be used—I think he thinks he has caught me out completely!

MR. BLUNDELL: No, I want to know.

MR. COOKE: Yes, well, I am going to tell him.

The taxation I am envisaging at the moment—I am only mentioning three sources of taxation. One would be excess profits tax. Now, I have already explained, Sir, that whether it is paid from taxation or not, it comes from the taxpayers' pockets, this increase in prices. Number two, I would even be prepared to agree with my hon. friend the Member for Education that this subsidy should be paid from an export tax. I am granting this for the sake of argument. It might be paid from the export tax. Now, Government are determined, I understand, in spite of opposition from this side, to put through this export tax. I am one of those who believes that if the tax is going to be put through, it would be much better to devote it to the subsidization of maize than to devote it to the capital development of this country, because I think that funds for capital development can be taken from surplus balances.

Now, I have got another method which will not be quite so popular. That is, it might be subsidized as the Africans are subsidizing maize and farming in general, it might be subsidized by a cess

on all who produce maize to the extent of what we say, more than ten bags an acre. That is a suggestion on my side. Now, I could probably go on and make more suggestions, but I hope my hon. friend, whether he agrees or not, will welcome those three suggestions.

MAJOR KEYSER: All rather absurd.

MR. COOKE: Well, they may be absurd, that is a matter of opinion.

MR. BLUNDELL: He has answered them.

MR. COOKE: Arbitrarily selling maize is one point he raised. I think what he meant by that was my suggestion that surplus maize which comes into the Cereals Pool should be sold at export parity. Well, we have already heard a few weeks ago from my hon. friend the Member for Trans-Nzania that he regards that maize as Government property as it soon as it gets into the Pool. Well, if it is Government property, I cannot see why Government should not make use of its own property and sell that maize at export parity and pay a certain proportion of the funds obtained to help the subsidization of food.

MAJOR KEYSER: There is an answer.

MR. COOKE: Well, there may be an answer.

MAJOR KEYSER: Would you like it?

THE DEPUTY SPEAKER: Hon. Members, we must try to observe the rules of debate—the hon. Member for Trans-Nzania has already spoken once. I think he might give the answer to the hon. Member for the Coast privately afterwards.

MAJOR KEYSER: The hon. Member has given way, Sir.

MR. COOKE: I am perfectly prepared to give way if it is relevant.

Now, I think the fifth or sixth was—my hon. friend was annoyed with me over this—

MR. BLUNDELL: No, I was not at all.

MR. COOKE: Well, my hon. friend appeared to be over—I will not say annoyed—excited at my charge; that annoyed—excited as purchasing maize from farmers and making a good thing out of it. Now, I repeat that charge, Sir. They are, I do not say, all farmers, I think the majority of farmers in this

[Mr. Cooke] are good farmers, and they are honest farmers, but I do say that that is what a certain number of farmers are doing, and if I am wrong I will withdraw, but I do make that definite allegation that a certain number of farmers do that. And if my hon. friend does not know that, he should know it, and I will give him the source of my information.

MR. BLUNDELL: Mr. Chairman, as it is a serious allegation, the point I made is this, that if he makes an allegation like that, he must either know it and therefore take it to the Police, or he supposes it, and he has no right to make an allegation like that unless he has proof positive.

MR. COOKE: I can assure the hon. Member that I have taken it to an authority very much higher than the Police, and I think and hope investigations are being made.

Now that, I think, has dealt with all those matters.

I think time is getting on now, and I am sure the patience of the Council will be exhausted after the long morning we have had, I am not going to withdraw my Motion. I know it is bound to be lost. I am not going to make the mistake that I made in May, when I allowed the Government on the other side to bring in a perfectly innocuous Motion into this Council. At that time, I was prepared to bring in the Motion I brought into the Council yesterday. At that time I had a certain understanding with the hon. Members on the other side of the Council that they would do more about this cost of living problem. That is the exact reason that I brought this Motion in to-day, that so little has been done. I do not say, nothing has been done, but the majority of the people in this country think so and they are anxious, and indeed, they are becoming resentful at Government's apparent lack of interest in one of the most vital problems of this country.

Sir, I beg to move. (Applause.)

The question was put and negatived on a division, by 22 votes to 15 votes. (Ayes: Messrs. Chemallan, Cooke, Lt.-Col. Gherie, Messrs. Jeremiah,

Madan, Mathu, Nathoo, Ohanga, Patel, Pritam, Dr. Rana, Messrs. Salim, Salter, Shary, Usher, 15. Noes: Messrs. Blundell, Carpenter, Major Cavendish-Bentuck, Messrs. Davies, Hartwell, Havelock, Hope-Jones, Hopkins, Hunter, Major Keyser, Messrs. Masonochie-Welwood, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Lady Shaw, Messrs. Taylor, Thornley, Trim, Vasey, Whyatt, 22. Absent: Mrs. Shaw, 1. Total: 38.)

MINUTES

THE DEPUTY SPEAKER: Before Council proceeds to the next item on the Order Paper, it will be convenient to consider the minutes of last night's session, which have now been placed in the hands of Members.

The minutes were confirmed.

REPORT OF COMMITTEE ON INDIAN ELECTORAL REPRESENTATION

MR. PATEL: Mr. Deputy Speaker, I beg to move: That this Council approves the recommendations contained in the report submitted by the Committee on Indian Electoral Representation which was appointed on the 18th June, 1948, under the Chairmanship of the Hon. W. K. Horne, the Speaker of this Council, and resolves that in any event the Bill entitled "An Ordinance to Amend the Legislative Council Ordinance," be not introduced into this Council until 14 days after the said report is laid on the Table of this Council, thus affording an opportunity to Members of this Council and the people of this country to study the recommendations thereof.

Mr. Deputy Speaker, the report which was laid on the Table of this Council on the 6th December, only a few days back, deals with one of the most important questions which affect, not only, the Asian community, but the whole country. It is argued in some quarters that it is a quarrel merely between Members of the Asian community and does not concern others. Sir, if the hand of a living human being is to be amputated, and if somebody says the leg has no concern whatsoever, it would be nonsense.

In the same way, to suggest that whoever is taking the role of the Indian community in this country, that the others in this country have no concern, is pure nonsense.

[Mr. Patel]

Sir, the adoption or rejection of this report will have very far-reaching effects to the political development of this country, and generally, the relations between the various communities. Considering the importance of this question, I crave the indulgence of this Council if I speak at some length. At the same time, I would like to appeal to the Members to give their very earnest attention and serious consideration to this problem and not merely consider that it is a quarrel between Members of the Asian community. I would also appeal to the Members of this Council to judge the issues involved on merits free from preconceived notions or prejudices based on insufficient information or thought. I propose, Mr. Speaker, to speak in favour of the report and the recommendations therein. I will reserve my remarks in regard to the separate roll completely until the time when the Bill will be discussed in this Council. I am going to speak merely on the recommendations of this report which have been made by the Committee of which the Speaker of this Council was the Chairman. Occasionally, I may have to make some remarks which may concern the separate roll, but I shall exclude, as far as possible, any observations on that subject.

Sir, I propose to divide my speech into three parts. Firstly, I propose to give the background which led to the appointment of this Committee, and then I would refer to the work which was carried out by this Committee, and the recommendations made, and thirdly, I would state why these recommendations should be accepted by this Council.

Firstly, Sir, I would refer to the circumstances which led to the appointment of the Committee, and for that purpose a brief reference to the events will be necessary.

Since the application of the elective principle to this Colony, in the year 1924, there have been provided three separate rolls, which were racial rolls, namely for Europeans, Indians and Arabs, provided in this country. Then the Indians, among whom the Muslims took a very prominent part, objected to the provision of racial rolls and urged that there should be a common roll for

all races. No one among Asians in his wildest dream then thought that within three decades there would be discussions on the rolling of the Indian roll itself. But it appears that they are obliged to do so by the force of events which have taken place during the last three decades.

Mr. Speaker, there are in my opinion two main reasons why this has taken place. One, I must admit, was a weakness within the Indian community itself. A large number of voters on the Indian roll did not care to exercise their votes on merits of a candidate and were often influenced by the caste, religion or section of the candidate concerned. That was one of the most unfortunate reasons which created difficulties. And as events in India became worse, and the relations between the two major sections of the Indian community became worse in India, the position here became more and more difficult, and the candidates exploited the situation by appealing to the religion, caste or section of the voters, and, unfortunately, most of the voters succumbed to such appeal.

After the partition of India on 15th August, 1947, the situation became still worse, and this Council passed a provisional Ordinance in 1948, making provision for the reserving of two Muslim seats. That was done as a temporary measure during the circumstances when the feelings were excited. It generally happens in human affairs that when feelings are excited and the emotions are aroused, the reason becomes a back-bencher, and prejudice and hostilities decide important questions without giving consideration or adopted thought to the merits or demerits of the action taken of attitudes. In this particular case, as religious feelings were aroused, fanaticism played a great part and reason abdicated completely and therefore the situation was examined without applying reason at all. Many reasonable Indians on both sides felt responsible about this, but they were intensely anxious to prevent the course of events. At that time, Sir, certain Sikhs in India were also advocating for a separate Sikh state, and the result of that was that certain members of the Sikh community demanded a separate Sikh seat and a separate roll in this country. As Members are aware, there are five

(Mr. Patel)

Indian seats, and the Muslims being 30 per cent of the total population, demanded that there should be two seats reserved for them on a separate roll. At the same time, the Sikhs, who were 14 per cent of the total population, demanded that there should be one seat reserved for them on a separate roll, and the 56 per cent of the population, namely, Hindus and Christians and Parses, were asked to accept two seats out of five on a separate roll.

In this difficult situation, it was felt that if a division was to come, it should not come on the religious line, but should be on the basis of India and Pakistan. It was felt by many many Indians in this country that if division was allowed on religious line, then some day other small minorities also will demand division, and there will be no end to it. But if it was divided on some geographical basis, then further division could be stopped.

But, as the majority of the Muslims in this country came from an area which is now India, they objected to the division of the roll on India and Pakistan basis, though there were certain Muslims in this country who were prepared to accept division. Then, Sir, the suggestion was made to divide the roll into one for those whose attachment lies with India, and the other for those Asians whose attachment lies with the Dominion of Pakistan. A delegation of the East African Indian National Congress, of which I was a member, went to interview His Excellency the Governor in June, 1948, when this suggestion was put forward to His Excellency the Governor who suggested that there should be appointed a committee of this Council with the Speaker of this Council as Chairman. That is how, Mr. Speaker, this Committee came into being.

The terms of reference of this Committee are included in the report. But for the purposes of explaining my point of view, I would like to refer to those terms of reference of the Committee. They were:—

"1. To consider the desirability or otherwise of retaining the system of Asian electoral rolls provided for by the Legislative Council Ordinance, 1935.

2. Continuing as part of the permanent system the arrangement provided for by the Legislative Council (Amendment) Ordinance, 1948."

And thirdly, which was a suggestion which was put before His Excellency the Governor, was:—

"3. Instituting a new system of Asian electoral rolls by dividing them into two—'A' and 'B', i.e. one for those Asians whose attachment lies with the Dominion of India, and the other for those Asians whose attachment lies with the Dominion of Pakistan."

Now, this was included as one of the terms of reference included, because the deputation had suggested to His Excellency the Governor that once the roll was divided on a religious line, there will be demands in future for separate rolls by the Sikhs, and even by the Christians later on if their population increased. At present the Christians in this country, either by birth or otherwise, are very small in number, but the roll are very small in number, but as the members of the Goan community will increasingly become British subjects will increase slowly, and the deputation had pointed out to His Excellency the Governor that the only way we could prevent further division and further demands for separate rolls and separate seats would be by dividing the Indian roll on the basis of India and Pakistan. That was why this was included in the terms of reference.

THE DEPUTY SPEAKER: It is now 12.45 p.m. I take it the hon. Member will require a considerable amount more time?

MR. PATEL: Yes, Sir.

THE DEPUTY SPEAKER: This will be a convenient time for Council to adjourn.

ADJOURNMENT

Council rose at 12.45 p.m. and adjourned until 5 p.m. on Thursday, 13th December, 1951.

Thursday, 13th December, 1951
(Evening Sitting)

Council assembled in the Memorial Hall, Nairobi, on Thursday, 13th December, 1951.

Mr. Speaker took the Chair at 5.05 p.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 13th December, 1951 (Morning Sitting), were confirmed.

PAPERS LAID

The following papers were laid on the Table:—

By THE ACTING CHIEF SECRETARY:

The East-African Veterinary Research Organization Annual Report, 1950.

By THE FINANCIAL SECRETARY:

The Report of the Director of Audit on the Accounts of the Colony and Protectorate of Kenya for the Year 1950.

The Certificate of the Director of Audit on the Accounts of the Colony and Protectorate of Kenya for the Year 1950.

NOTICE OF MOTION

MR. BLUNDELL gave notice of the following Motion:—

That the Report of the Director of Audit on the Accounts of the Colony and Protectorate of Kenya for the Year 1950 be referred to the Public Accounts Committee.

REPORTS

SIR CHARLES MORTIMER: I have to report Mr. Speaker, that the Committee of Supply last evening completed consideration of Head 5—5 and approved of all items, subject to the reduction of item No. 1—12, of sub-head 3, by £500, of item 5 of sub-head 3 by £100, and of item 1—20, of sub-head 5, by £200. The Committee then considered and approved without alteration Development and Reconstruction Authority Head 15—9, Head 5—3, and Development and Reconstruction Authority Head 15—3. The Committee then began consideration of Development and Reconstruction Authority Head 15—7 and

its deliberations were incomplete, with it was moved and passed that the Committee report progress and ask leave to sit again. The position now is, Sir, that consideration of Head 15—7 of the Development and Reconstruction Authority Estimates is proceeding.

COMMITTEE OF SUPPLY

Council resumed in Committee of Supply consideration of the Draft Estimates of Expenditure for 1952.

DEVELOPMENT AND RECONSTRUCTION AUTHORITY 15—7

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I think it was approved that Head 15—7 Development and Reconstruction Authority should be considered, and, Sir, I believe that I had moved that items under Head 15—7, sub-head 1, items F to 42 should be approved.

I think in order to assist the hon. Member for Nyanza, that the Head she wanted to discuss, I think, appears in item 34.

MRS. SHAW: Mr. Chairman, the hon. Member is referring to tea. I merely wanted to ask for some information on the subject of the African Tea Growing Scheme, which I believe has been started at Nyeri, and which is under the charge of Mr. Gamlin; who was sent to India and Ceylon for six months for training in small tea cultivation, and I merely want to ask the extent of the scheme. If the hon. Member would be good enough to give me some details as to the extent of the scheme and from what source the money to pay for such a scheme is derived.

THE DIRECTOR OF AGRICULTURE: Mr. Chairman, on the extent of the scheme, we have now in a tea nursery sufficient seedlings to plant up about 40 acres. We hope eventually to be able to plant something between 250 to 300 acres, possibly more, depending on how people take to the crop. That stage will be reached somewhere in the next two or three years. We hope to plant out about 40 acres in the coming long rains. The source of the money is the Development and Reconstruction Authority. It is being provided from the funds available to the African Land Utilization and Settlement Board.

MR. BLUNDELL: Mr. Chairman, I am not sure whether the record will not show I had already moved the omission of the Abattoir, Isiolo. If it is on the record I wish with your permission to withdraw it.

THE CHAIRMAN: It is not on the record.

The question that Head 15-7, items 1 to 42 be approved was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, I beg to move that sub-head 2 of Head 15-7 be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that sub-head 3 of Head 15-7 be approved.

MR. NATHOO: Mr. Chairman, I beg to move that item 1 of sub-head 3, of £3,000 be reduced by £100. Mr. Chairman, in support of this I would like to say that I understand that part of this money is being spent in giving a subsidy to the students who attend the Agricultural School at Morogoro. Recently, Sir, we had occasion to visit the place, but even before that serious complaints had been made by the students that the purpose for which the school had been established is not carried out, for the simple reason that in the initial period not sufficient attention has been paid to the school inasmuch as they have not a single acre of land under that school. I submit in the past not sufficient attention has been paid to this scheme and it was only at the insistence of Members in this Council, over the period of the last few years that the Kenya Government along with the Tanganyika Government proposed the scheme and promised to get it going. We visited the buildings and I must say it is a matter of disgrace the way the place has been schemed, designed and run, and I want to move we reduce this item by £100 so the Government can tell us what they know about this place.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I naturally oppose the reduction, which I understand has been made for the purposes of discussing this particular subject. Now, Sir, for some years past, as the hon. Mover has said, we have had under discussion an Agricultural Estab-

lishment to educate and give experience to Indian students, and it was agreed with our neighbouring territory, Tanganyika, that they would build this school and that we should pay for the students we sent to it. There was a very considerable delay, as hon. Members will be aware, before this school was opened. It was rather unsatisfactory, the explanation was they were unable to get a suitable teaching staff. Now, Sir, recently, we have had a number of students at this school; indeed, one of the few Kenya students is, I believe, the star turn at the school and has done extremely well. But, nevertheless, we have had a good many complaints. Two Members of this Council, I think I am right in saying, accompanied by a Senior Agricultural Officer, went to examine this school, more or less on behalf of this Council and on my behalf, and from the report I have received, Sir, although I think there have been exaggerations in the complaints made, from the report I have received, I think there is a great deal to be said for the contention that at any rate the syllabus and the subjects taught are, not really satisfactory, quite apart from certain other complaints.

For that reason, Sir, I propose to endeavour to consult with the Tanganyika Government and see whether we can get some amelioration in those respects. As the school is in Tanganyika and is operated by the Tanganyika Government, hon. Members will understand, at this stage, I cannot do more than give that undertaking.

MR. NATHOO: Mr. Chairman, I would like to apologize to the hon. Member for not having given him notice because I did not know this was coming up. But, Sir, I wanted the assurance now, because for the simple reason that we will not get an opportunity of mentioning this subject later on in the year, and that was the reason for moving my Motion.

In view of the hon. Member for Agriculture's assurance that he will give this matter his personal attention, I beg leave to withdraw my Motion, with your leave and the leave of the Council.

THE CHAIRMAN: No objection—the Motion is withdrawn.

The question that sub-head (6) be approved was put and carried.

HEAD 5-5, GAME DEPARTMENT

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, the next Head for discussion is Head 5-5 on page 148 of the Estimates, Game Department, and I beg to move, Sir, that Head 5-5 be considered.

The total increase, Sir, proposed in the 1952 Estimates for the Game Department, over 1951, amounts to a sum of £5,705. But the Cost of Living Allowances alone amounts to an additional £6,300, to except for Cost of Living Allowances, there would be a slight saving in 1952 compared with the expenditure of 1951, and this, I must admit, is largely accounted for by a reduction in the non-recurrent expenditure.

Sir, I do not propose to discuss policy, but if hon. Members raise any points I naturally will do my best to reply.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5-5, sub-head (1), items 1-1 to 1-12, be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5-5, sub-head (1), items 2, 3, 4, 5, 6, 7, 8 and 9 be approved.

MR. NATHOO: Sir, I want to inquire about item 7, "Ivory and Confiscated Trophies". I should have thought we should get some money out of that and not spend money on this item. (Laughter.)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: There is a revenue item which my hon. friend is trying to find, which amounts to £20,000. The £550 is provision for rewards and for transportation, where the ivory is found. (Applause.)

The question that items 2-9 be approved was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5-5, sub-head (2), items 1-1 to 1-7 be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (2), items 2, 3, 4, 5 and 6 be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5-5, sub-head (3), items 1, 2, 3 and 4 be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-heads (4) and (5) be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (6) be approved.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that sub-head (50), Non-recurrent Expenditure, items 1 to 3, be approved.

The question was put and carried.

HEAD 5-4, FOREST DEPARTMENT

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5-4, Forest Department Expenditure, be examined.

THE FINANCIAL SECRETARY: Considered.

MR. BLUNDELL: Have you become a schoolmaster? (Laughter.)

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, here again I do not propose to discuss policy, because I am aware that, possibly, certain comments on policy are going to be made by other Members. We are taking this order last of my departments, in order to suit the convenience of Members opposite.

I beg to move.

MR. MACDONALD-WELWOOD: Mr. Chairman, I want to make a few observations on this Head, which concern the policy of the Forestry Department, or rather the absence of policy that has existed for some little time. In the last two years, the Forestry Department has been managed by three different Commissioners. There has been some conflict of opinion between these different Commissioners, with the result that no settled policy has so far been arrived at.

[Mr. Maccoochie-Welwood]

A report was produced two years ago, or a year and a half ago, known as the Hiley Report, which was to discuss the whole of these policies to which I refer. It was stated by the first Conservator, to whom I have referred, that there was overcutting of *podo* in this country, and we were in danger of running short of that timber before the young plantation came into full maturity. The Hiley Report then came in and produced a totally different theory, that much of the indigenous forest was valueless or relatively valueless, and should be cut out rather more rapidly and replaced by more valuable timber. Now, I believe, that policy has again been reversed and I do think it is a matter of utmost importance that a decision should be reached on this matter because although trees are slow of growth, it is a pity that the policy which covers their planting should be almost equally slow. There is another point which requires, to my mind, the most immediate and urgent attention. That is the taking over of certain forests in the native areas, notably the Masai forest area. This is a protection forest as well as being a valuable forest, as it is of the utmost importance that it should be looked after, and, if cut, should be replanted. I know that it is a very delicate matter—the taking over of a forest which, in fact, is in a native area but, under these circumstances, something should be done at once to reach agreement with the tribes concerned on the proper management of that forest. At the present moment it is being wasted and destroyed by pit-sawyers and others, and there is no provision for properly looking after this rich and extremely valuable asset—an asset not only valuable to the Masai but valuable to the whole country.

Recently the royalty on timber has been doubled—a step which I, personally, approve, and these Estimates do show that already forests are becoming not a drain on revenue, but very much a help to it. I hope that money, incidentally, will be spent not in general revenue, but returned to the forests as a forest fund either on the provisions of the Hiley Report or in some other way, but money from the forests should be earmarked in my view to return to the forests.

I have the highest appreciation of the work that has been done in the past by

the Forest staff, particularly by the foresters, who quietly and very often under difficult conditions, and understaffed, did an immense amount of planting in the last 20 years, but I am perturbed at the rising costs of the forest programmes, and I am not by any means certain that the rising costs entirely reflect a greater amount of planting relative to the amount. In fact, I am afraid that the Forest Department—like other departments—is tending at the moment to become rather over-mechanized. I noticed that in the Development and Reconstruction Authority Estimates there is, I think, £15,000 or £16,000 to be spent on more vehicles and more tractors. A lot of those vehicles do not have full utilization to my certain knowledge, and Forests is one of those departments which has forest grazing and forest squatters, and where the change-over to complete mechanization has been expensive, and, in my view, often wasteful. In the past the planting of trees was carried out by the carting of boxes in ox carts, and not lorries. There is no reason why that should not go on to-day. They have the grazing, they have the oxen and they have the labour.

Now, Sir, before coming to my closing remarks, I should declare an interest in the timber industry as such, because I am a Director of the Timber Co-operative Society, but I think this matter is so tied up with forests that it would be wrong to discuss the Forest Vote without saying a few words on timber and the timber industry. It is one of the most vital importance, and I am sure everybody will agree with me here that the industry should work hand in hand with the Forest Department, which plants the trees. It is essential that harmony should be preserved between the two sides of forestry. Recently—I am sorry to say—relations between the industry and the forests have changed very much for the worse, and largely due to the fact that methods of assessment of royalty have been arbitrarily changed without reference to the industry, and without consultation with the Forests Committee which was set up for the special purpose of establishing that harmony between the Forest Department and the timber industry. I am not referring to the rise in royalty. The Forest Committee agreed that rise in royalty, but

[Mr. Maccoochie-Welwood]

they did not agree that arbitrary changes in method of assessment of royalty which have an enormous bearing on the industry and the payability of timber should take place. I think it is necessary to mention this, because it is so important for the industry to arrive at some means of assessment of royalty which would be fair.

The Forest Committee was there specifically to liaison between the industry and the forest, and it was laid upon them by the Member to see all new issues of licences, and to advise thereon. This has not been done. The Committee recently sat, I think, two or three times in the last year—less, in fact—and that, I think, is a most deplorable thing, because they could advise even though they have no statutory powers on these vital matters to which I refer.

One other final remark which I hope Government will decide upon in the near future, is the question of the tenure of forest concessions. It is very important if you are going to have a prosperous industry, that some security of tenure—certainty of tenure—should be given to the sawmillers, otherwise they are quite unable to buy the modern machinery, without which the best quality timber cannot be produced. At the present time they are operating under the greatest difficulty. In the past it was said that old-established mills would be given some right of tenure, and would be given a prior consideration over the temporary mills which were formed during the war at a moment of national emergency. That policy is not entirely being carried out, and I think it is important that it should be carried out. To assure hon. Members that, unless a great deal more capital—tens of thousands of pounds' worth—more capital can be raised and poured into the milling industry, we shall never establish the quality of timber which is absolutely essential to overseas markets as soon as the present world shortage of timber dies down. That is a matter of the most vital importance.

The second point is this. Unless tenure can be given to mills, inevitably they must capitalize out of profits—and to capitalize out of profits means a con-

stant rise in the price of timber—it is inevitable—and that in my view is not fair either to the industry, nor is it fair to the consumer of timber. (Applause.)

Mr. MATRU: Mr. Chairman, I have four points to make in this policy debate on the Forestry Department. The first is the question of the constitution of the Forestry Advisory Board. At the moment the Forestry Board does not include any African representation, and in reading the Timber Export Bill in this Committee, we raised this matter, and my hon. friend, the Member for Agriculture, did say that he will see to it that African representation is made in the Forestry Advisory Board. That has not yet been done and, on behalf of my colleagues I interviewed the Forestry Adviser to the Colonial Secretary during his last visit here, and I tried to impress on the Adviser and the Conservator of Forests the imperativeness of African representation on the Board. The African, Sir, has a direct interest in the forest assets of this Colony, and—as I am going to say later on, on one of the four points—I am going to make—it makes it absolutely necessary that his interests should be represented on the Forestry Advisory Board. The Adviser to the Secretary of State on forests did see the importance of this, and in fact, he did agree with me that this must be done, and I would like to hear from the hon. Member for Agriculture in his reply, what is the delay in making the necessary appointment to the Advisory Board—one African on the Forestry Advisory Board.

The hon. Member for Usain Gishu did say that the timber industry and the Board that I am discussing now required—closer—liaison,—understanding—and so on, but at the moment the composition of the Forestry Advisory Board is dominated by timber interests and naturally the policy of the Forest Department is influenced by the timber interests, and I say, Sir, the Government viewpoint is almost discouraging, and I would like to submit that we cannot continue with the present state of affairs as far as the composition of that Board is concerned, and I would like to emphasize the importance and the urgency of direct African representation on the Forestry Advisory Board.

[Mr. Mathu]

The second point, Sir, which I have already raised with the Conservator and the Forestry Adviser to the Secretary of State, is the African personnel employed by the Forest Department. You have at the moment forest guards and forest rangers—I think they are called—and of course, the labour—the manual workers who attend the trees, plant the trees, tend them and see that in due course the trees become timber, and bring wealth to this Colony. My suggestion has been—I have said this before—that we want some higher person—a higher position in the Forest Department—to be occupied by the African civil servant, and the question is that before you can get such well-trained and responsible African servants in the Forest Department, you must give them the necessary training. Hitherto, the Europeans do go to Natal, I think, for a forestry course. They get their forestry training there. My suggestion is if not Natal, Africans who have got the inclination to this work of forestry administration should be trained. I would like to put to the Member, as I did to the Forestry Adviser to the Secretary of State, that Africans should be trained for higher positions in the Forestry Department to a position of administration. Because the rangers and the guards are in very minor positions, Sir, and I suggest, we are in a position now where we can train Africans to take higher positions, positions of responsibility in the Forestry Department.

I would like to hear the views of the hon. Member on that account. I have put it to him before but I would like to emphasize its importance, if the Forestry Department is going to contribute towards the economic health of this project.

The third point is in regard to exploitation of the forest assets of the Colony. As I mentioned, Sir, the timber industry dominates the Forestry Advisory Board, and there are European and Asian interests there. I have raised this question before, Sir, that the African also should be given facilities for the exploitation of the forestry assets of the Colony. Pit-sawing is the simplest thing that most of the Africans can do, and I have raised this matter before. I have been told that it is a wasteful method of the exploitation of timber, but I have been

assured by some people who know something about timber, that it is not wasteful, it is quite economic and can be encouraged by the Forestry Department, and the Africans or any other people who can exploit the forestry assets of the Colony by pit-sawing would be doing a service to the Colony. But the policy of the Forestry Department is either to prohibit in certain areas this method of exploitation, or where they allow it, to control it in such a way that those who undertake this method of exploitation cannot make any profits out of the work, and I would like, Sir, to suggest that the hon. Member should think about this and remove obstacles which I know, and I think the hon. Member also knows, which are placed in the way of a pit-sawyer in the country.

Sawmilling is another form of exploitation and I do know, in two or three cases, where the Africans have come forward and made representations to the Forestry Department that they should be given a concession to set up sawmilling in particular areas, and they have been refused. I can give three instances, if the hon. Member wishes, on this matter. I have brought them before the Conservator of Forests and he cannot give me any satisfactory explanation why the Africans that I am referring to should be debarred from setting up sawmills in these areas that I am referring to—Mount Kenya forest areas, Thomson's Falls and the Mau in the Masai area, and I would like the hon. Member to say—ask him to inform the Committee why this stumbling block should be placed in the way of the African.

The red light has come, Sir. The final word, a final word of praise. It is—out of the whole of the Government set-up the Forestry Department has done one thing that I do not think any other department has done in the urban areas, that is to look after the welfare, the squatter welfare—it is a first class achievement. I should like to praise the Forest Department in taking the lead in this direction. Schools, health centres, everything has been put up from the maize cobs grown in the forest area in Elburgon and I would like to give not only my own appreciation, but the appreciation of the Africans concerned in this matter.

Sir, I beg to support. (Applause.)

Mr. BLUNDELL: Mr. Chairman, I simply rise—first of all to endorse what the hon. Member for Uasin Gishu said about timber. It does not only affect his own area but it affects other areas. Secondly, Sir, I wish to draw the attention of the hon. Member not only to the deterioration in relationships, to which the hon. Member for Uasin Gishu referred, but also the deterioration in relationship between some officers and the public. I feel that some officers in the department tend to put their devotion to trees before the ordinary duty of good manners and co-operation to the public itself.

Lastly, Sir, I wish to give a word of warning. I have had some experience of pit-sawing in the forest and I do counsel the hon. Member that it is apt to be extravagant, wasteful and destructive. I think if we do not say that and accept it, we may well do a lot of harm to one of our assets.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, there have been a number of points raised to which I will endeavour to reply.

The first was about the Hiley Report, and I admit, Sir, that that Hiley Report has been made a very long time ago and nothing much has been done about it. It is a very contentious report on which various people feel very strongly, and it is now, I believe, being commented on by the Adviser to the Secretary of State, who is also a new Adviser. It has been difficult to come to any conclusions on the Hiley Report recommendations until we had given the new Conservator an opportunity of seeing this country, the conditions of the country, and making his recommendations. And that is why there has been such a long delay over this report.

Now, Sir, it has been alleged that there is an absence of policy with regard to forestry matters generally, and, as an instance, it was quoted that, at one time, it was alleged that we had overcut our indigenous timbers, more especially podo, it was then said shortly afterwards that these trees were becoming rather obsolescent, old and overgrown, and we should really do more cutting, and that now the policy has been reversed again. Well, Sir, the truth of the matter is that we have never yet had a

proper survey or proper plans prepared of this territory, and during the past two years we have had an officer engaged in making working plans, and the new Conservator, since he has arrived, has endeavoured to assess the amount of indigenous millable timber that remains in all the areas that are now under the control of the Assistant Conservator. He has only just finished that report which he only gave to me a few days ago, and on that report, I think, which is a result, as I repeat, of some years of work, we shall be in a better position to judge to what extent we have overcut or not. It may sound very easy to hon. Members to make such a survey, but I can assure them that it is not, that it requires a very great deal of work.

The hon. Member then went on to suggest that there were certain areas of native forests that should be taken over and protected in some way or other. Now, Sir, I could not agree with him. I would like also to say that latterly we have had a great deal of co-operation from native councils in regard to their attitude towards forests, co-operation which was not evident a few years ago.

Mr. MACDONALD-WELWOOD: Masai!

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: The Masai forest has been a classic example. I grant the hon. Member, of destruction, but, at the moment, we now have more or less taken over some form of protection of the Masai forest, and we have, with the European officer in that forest, an agreement of the Masai themselves, a European officer in that forest. I can assure the hon. Member that that particular area, which is terribly important, will not be allowed to be destroyed as it has been in the past. (Applause.)

The hon. Member then said that another example of lack of policy was evident in the method of assessing royalty which had been changed several times recently and in the lack of a policy as regards tenure of concessions and possibly also in the matter of giving out concessions. Now, as regards double royalty, hon. Members are aware that the royalty has not been increased for many years past and I think everybody agreed that the time had come to double royalty on indigenous forests, and that was done—it was perhaps done a little

[The Member for Agriculture and Natural Resources.]

hastily, because in some areas, there have been changes in the method of assessment of royalty which meant that when the royalty was doubled, it did not quite have the effect that was anticipated. But I can give hon. Members an assurance that the Conservator is fully aware of that now and that he has frozen all methods of assessment to precisely what they were before the double royalty was brought in, pending a decision on the part of Government which, I hope, will be taken in the very near future, of a new possible method of assessing royalty, which I am inclined, very strongly inclined, to believe should be a uniform method throughout the country.

As regards tenure, the new Conservator has made a survey of the timber that lies behind all existing mills, and that report is not quite completed, but it is practically completed and will enable us to place before the Forest Advisory Committee a picture such as they have not seen in the past, and when we know what is behind the mills, I think a proposal will be made by Government to give the appropriate cases a much more satisfactory tenure than has been obtainable in the past. I would, however, give a word of warning about this, and that is as regards plantations—that is a subject which will have to be discussed with the advice of the Forest Advisory Committee, because plantations are now being planned as mill units, which means that once they become mature and the cutting takes place in them, a mill that is placed in one of these mill units can practically operate almost indefinitely in rotation, and as that will not happen for some years to come, I think, in the interests of the people in this country, you have got to be rather careful as to exactly what promises we are going to make as to the tenure as regards plantations. I have not come to any conclusion on this. I am merely explaining to hon. Members that this is a question that will have to be put before Government before we get any opinion. It has not come up before because, of course, plantations were not in a stage when decisions had to be made.

Now, Sir, the hon. Mr. Nathoo made representations about the Forest Advisory

Board, and the hon. Member for Uasin Gishu complained that this body had not been consulted on certain matters on which it should have been consulted, and the Board was not called together as frequently as it should be called together.

First of all, as regards the composition of the Boards, I know that the Conservator of Forests, and I do too, and I think most members of the Board do too, that the composition of that body has got to be widened. Possibly at the moment there is a shortage of (fiddible)—interests and it is possible, as I have before informed hon. Members, it should have African representation and it is proposed to widen the basis of the Board on those lines.

The hon. Member also suggested there should be an avenue of promotion for African forest employees in the department. Well, I agree with the hon. Member on that and he may remember that we did try and start a school for African foresters a few years ago. I am sorry to say that that school was not a great success. I am not saying because the class of person who went there was not good material, but for a number of reasons that school was not a great success, and I am proposing to try and start a new school to train Africans in forestry work as soon as we possibly can. The hon. Member again brought up the case of pit-sawyers who, he alleges, are forbidden in certain areas and the African is not getting a fair chance for a concession of operating a sawmill. I had this argument with the hon. Member before. I do not think there has been any good reason for forbidding pit-sawing operations in areas where in the opinion of the Forest Department pit-sawyers can operate without doing undue harm. On the contrary, I can inform the hon. Member—of certain places where pit-sawing is carried out on a very big scale and I think a considerable amount of money has been made out of it. The fact remains it is a wasteful method of conversion and somewhat dangerous method of conversion unless exercised under control. Sawmills do require a considerable amount of capital and they do require a certain amount of skill to operate them satisfactorily. There has been as far as I am aware, no case in which an African company or a number

[The Member for Agriculture and Natural Resources] of persons who wish to operate a saw-mill have been treated differently from anyone else.

Mr. MATHU: I am obliged to the hon. Member for giving way. What about the Masai Company, Ltd., which had applied for the concession in the Masai, the Masai forest, and they have been put into tremendous difficulties. The capital is there. What about that?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: That is in a native forest and I will certainly make inquiries. That is a matter of administration but I will go into the matter, as the Member has brought my attention to it. I have not heard of the Masai Company. I know there is one case which is well known, which happened during the war and that particular case has been referred to again and again in this Council and I still maintain the African Forest Department in that particular case was quite—(inaudible).

In conclusion, Sir, on the Forest Department at any rate I would like to show my appreciation of the remarks of the hon. Member as regards the attempts made to deal with the welfare of the very large African population which is working in the forest service.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 5—4, sub-head 1, items 1—1 to 1—37, be approved.

MR. HAYLOCK: Would the hon. Member like to put the whole Head? I do not think there is any matters hon. Members on this side wish to raise.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that Head 5—4 be approved.

The question was put and carried.

DEVELOPMENT AND RECONSTRUCTION AUTHORITY 15—6

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I beg to move that Head 15—6, which appears on page 16 of the Development and Reconstruction Estimates be considered.

MR. HAYLOCK: On a matter of policy, I would like to ask the hon.

Member—I believe it has been the practice in the past and I want to know if it is the practice still, that all buildings in the Forest Department under this Head of Development and Reconstruction Authority are built actually by the Forest people themselves and using their own timber. Is that still the practice, because I certainly hope it is, because it is a very much cheaper way of building than to contract out to the Public Works Department.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I cannot give a categorical assurance without going into it, but I can assure the hon. Member in most cases a great many of the buildings the Forest Department puts up are built by themselves. I think the Public Works Department have a look at the plans. They are built by the Forest Department.

The question was put and carried.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I beg to move that Head 15—6, items 1—9, be approved.

MR. MACONOCHE—WELWOOD: Mr. Chairman, I beg to move that item 4 be reduced by £1,520 which is 10 per cent of the amount there. I do this, Sir, for reasons that I explained in the policy debate on forests as I consider forests are becoming over-mechanized and I am quite certain that a lot of this type will go to waste—whatever to the Forest Department but will signify the views of this Committee on over-mechanization.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, this item may include a type of vehicle which may be difficult to do away with, for instance, fire-fighting appliances. I am afraid I cannot inform the Committee off-hand as to exactly precisely what this provision is for in detail, but—I do not know whether the hon. Member would accept an explanation in detail by the Standing Finance Committee or some appropriate body. If he will do that, I will be willing to submit it for examination. I find it difficult to accept a cut. I do not think it is very fair for me on behalf of the Department, to accept a cut when I have already cut them so drastically when the Estimates

[The Member for Agriculture and Natural Resources] were presented to me, because I may be cutting out something which is of very great importance to them.

MR. MACNOCHIE - WELWOOD: I am afraid I must press my Motion in this matter. Although there may be included essential items such as fire-fighting appliances I am quite certain there are other items which they can do without. I am perfectly aware Iories in the Forest Department do practically nothing except for one to three months in the year.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: For the reasons I have said, I cannot accept this and therefore must oppose the Motion.

The question was put and on a division carried by 20 votes to 16 votes. (Ayes: Messrs. Blundell, Chellan, Cooke, Lt.-Col. Ghersi, Messrs. Havell, Hopkin, Jeremiah, Macnochie: Welwood, Mathu, Nathoo, Ohanga, Patel, Pritam, Dr. Rana, Messrs. Salim, Salfar, Shatry, Lady Shaw, Mr. Shaw, Mr. Usher, 20. Noes: Mr. Carpenter, Major Cavendish - Bentlick, Messrs. Davies, Hartwell, Hope-Jones, Hunter, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Roddan, Taylor, Thornley, Trim, Vasey, Whyatt, 16. Absent: Major Keyser, Mr. Madan, 2. Total: 38.)

The question that Head 15-6, Development and Reconstruction Authority, subject to a reduction of £1,520 be approved, was put and carried.

HEAD 4-8—SUBVENTIONS

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that Head 4-8 of the Colony Estimates, Subventions, be now considered. This is a composite Head, Mr. Chairman, which does not lend itself to a policy debate and I therefore make the Motion a formal one. My hon. colleagues on this side, with regard to individual items, will do their best to answer any questions which hon. Members opposite may find it desirable to put.

I beg to move.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that sub-head 1, Items 1, 2 and 3 be approved.

MR. NATHOO: Mr. Chairman, I would like to inquire on item 1. I do not think the memorandum gives sufficient information. We appreciate on this side of the Committee, I am sure as everyone does in the country, the value of museums to us and particularly to our children and their education, but it seems rather an enormous increase and I would like to have a little more information about it.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I do not know exactly the hon. Member wants me to go into long detail about this particular item on the expenditure of the Coryndon Memorial Museum. The members of the Committee will remember; Sir, that some years ago the case for an increase in the increments and salaries of the members of the staff of the Coryndon Memorial Museum was considered by this Council and was at that time approved. The grant was based upon a four-year period. The grant was placed at a level, whereby in the first year of the four-year period the Trustees of whom I have the honour to be Chairman, and so must, I suppose, declare to that extent an interest, the Trustees were enabled to have in the first year of the period, a substantial surplus, but by budgeting over the four-year period they were faced with a deficit at the end of that period which was met by the surplus in the first year. Now, the end of that period has come, Sir, and the Trustees of the Museum approached Government to ask for consideration over another four-year period and the same policy has been followed. The grant is a little higher than is absolutely necessary in the first year in order that in the last year of the period when a deficit would otherwise be faced; the Museum Trustees will be assured of their income. That is the principle that has been followed. (Laughter.) The hon. gentleman is endeavouring to make me sit down, but as my hon. friend Mr. Nathoo has called for an explanation, I think an explanation is due to the Committee. (Applause.) As my hon. friend is well aware, this Council agreed that Government should assist to the extent of £1—£1 to £3 on the capital expenditure—(Order!)—and that has resulted in a substantial extension of the buildings. If the hon. Member will wait a moment, I will finish quickly. Those extensions are now nearing com-

[The Member for Education, Health and Local Government] completion. They call naturally for an extension of staff, an extension for over-extensions in such as electricity, etc. and all these have been taken into account in the four-year period. If the hon. Member wishes any more details, Sir, I shall be ready to supply them. (Laughter.) (Applause.)

MR. NATHOO: I am sorry to have raised such a red herring, Sir.

The question that items 1, 2 and 3 be approved was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that item 4 be approved.

MR. USHER: One question on item 4. Would the hon. Member please say—

MR. HAVELLE: Shortly. (Laughter.)

MR. USHER: Shortly, whether this contains any element in respect of Fort Jesus for which there was a suggestion that £10,000 on preliminary work should be provided. I rather think it is in the Development and Reconstruction Authority, but I am not quite sure. I have become confused.

THE FINANCIAL SECRETARY: The provision referred to by the hon. Member is in the Development and Reconstruction Authority.

MR. MACNOCHIE - WELWOOD: Mr. Chairman, I should also welcome a brief answer from some hon. Member as to why this very greatly increased expenditure has taken place. I know there is a memorandum on this, but it does seem to me that the National Parks are going in for tourism on too lavish a scale for entertainment for visitors. I am also concerned that they are responsible for national reserves which are just as important to the wild life of this country as the parks themselves. I believe that should probably be the responsibility of the Game Department and I think the National Parks are spending too much on tourist traffic and too little on that other branch of their activities.

THE FINANCIAL SECRETARY: Mr. Chairman, I can assure the hon. Member that the expenditure of the National Parks was very carefully gone into by myself,

personally, I, too, was concerned at the way which this figure has risen but, after the most careful consideration, I concluded that unless the activities of this most important national asset were to be unduly restricted, this was the minimum figure which should be provided in the Estimates for 1952. I should perhaps inform the hon. Member that the Trustees themselves felt that a significantly higher figure should have been provided, but after detailed examination and personal negotiation, it was concluded that we could just get by on the figure provided in these Estimates. The intention, Mr. Chairman, is to have further discussions in the coming year to see whether or not a fixed grant of £40,000 a year can be agreed in which case the figures in these Estimates will not, in future years, go up. I can make no promise of that, go up. I think, Sir, it is essential to maintain the activities of this most important national asset to this country, but an endeavour in that behalf will be made. (Applause.)

The question that item 4 be approved was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that items 5 and 6 be approved.

MR. HAVELLE: 7, 8 and 9, say.

THE FINANCIAL SECRETARY: Mr. Chairman, I understood hon. Members wanted to make certain points on certain items. If the hon. Member which I will move that items 5 to 13 be approved.

MR. MACNOCHIE - WELWOOD: Mr. Chairman, item 10, Port Captain's Office, Mombasa. I beg to move the deletion of this item, not because I do not believe that the Port Captain is not only a useful, but a vital personality, but I do consider that this item properly belongs under the budget of East Africa: Railways and Harbours. (Heat, heat.) I therefore move that it be deleted, and I trust to be instrumental in placing it in another budget which I have the honour to consider to-morrow.

THE SECRETARY TO THE TREASURY: Mr. Chairman, this matter, Sir, was the subject of consideration—

MR. BLINDELL: Deep consideration. THE SECRETARY TO THE TREASURY: Does the hon. Member wish to inter-rupt?

Mr. BLUNDELL: Mr. Chairman, I thought the hon. Member ought to say, "deep consideration".

THE SECRETARY TO THE TREASURY: I am quite sure it was very deep—of deep consideration by the Standing Finance Committee in May this year. It would appear that this payment used formerly to be made by the Ministry of Transport, but it was decided some time ago that Mombasa was the only port in the Colonial Empire in receipt of a subvention from the Ministry of Transport, and that Kenya and Uganda should be asked to bear the cost. The whole matter was placed before Standing Finance Committee in May and Standing Finance Committee agreed to bear it. I am informed, Sir, that as far as the point raised by the hon. Member is concerned, that the terms of the East African Railways and Harbours Act, 1950, preclude the Railway Administration from being responsible for this service, which is a social service. I, Sir, have referred, and I must confess I have found no provision in it, under which this could be paid. This, too, Sir, was reported to the Standing Finance Committee, who accepted the liability, and hence its inclusion in these Estimates. (Applause.)

MR. MACONOCHE WELWOOD: Mr. Chairman, in view of that explanation I must withdraw the Motion, although I intend to pursue it further.

MR. HAVELOCK: (Hear, hear.)

DR. RANA: Mr. Chairman, I wanted to ask regarding item 12, Nyali, Ltd., Contribution towards... Reduction of Tolls, this item is coming every year, Sir, and we do not know what is the position. On one side, the survey is going to be done next year, on the other side this item is put in just to satisfy the people of Mombasa that something is going to be done. I would like to know before I move any Motion, if the Government has got any latest information about it.

THE FINANCIAL SECRETARY: Mr. Chairman, it is quite untrue to state that this item has appeared every year. If it is a question of hope, the hon. Member's hopes must have been raised in 1950, they must have been heavily

dashed in 1951 and now they are going to be raised again in 1952! The position, as hon. Members know, Sir, is that negotiations were started with this Company in 1950, with a view to some subsidization of the tolls. Unfortunately, those negotiations came to nothing. Agreement could not be reached and the negotiations were dropped. Now, Sir, in reply to a question, I think it was by the hon. Member for Mombasa in the May Sitting of this Council, my hon. friend the Acting Chief Secretary gave an undertaking that negotiations would be reopened, and in fulfillment of that undertaking, an item has been included in the Estimates at the same level as the original figure in 1950.

Now, I can assure the hon. Member in further discharge of that undertaking, negotiations have, in fact, been reopened and these negotiations are at a very advanced state. The hon. Member will not wish me at this stage to go any further in a matter so delicate. At that, Sir, I will leave it. (Applause.)

The question that items 1 to 13 be approved was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that sub-head (2), items 1 to 9, be approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that sub-head (3), items 1 to 12, be approved.

MR. HAVELOCK: Item 5.

MR. MATHU: Item 3, Sir.

Mr. Chairman, I beg to move that item 3 be reduced by £200. Sub-head 3, item 3, "MacMillan and Rural Libraries", £800. I would like this item be reduced by £200.

My reason for moving this Motion, Sir, is that this library does not cater for all who are interested in reading books, it only caters for a section, and I do not think that the Colony Public Funds should be expended on a service which is very discriminating, as the MacMillan Library is.

Item 6, the Desai Memorial Library, comes later. It is open to all who like to browse at books and look at things so I would not have anything against that.

[Mr. Mathu]

But this one, to which we all contribute, only caters for some, and I do not think that we should be forced to pay for a service which we cannot all enjoy, and I move that this item be reduced by £200.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, at the risk of being waded down by the hon. Members on the other side, I would say, of course, that the hon. Mr. Mathu has got hold of a somewhat deep, long and contentious argument at this particular stage.

MR. BLUNDELL: Not too long, I hope!

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: The question that he has posed, Sir, is in fact whether the Government should deny grants to bodies, corporations or trustees, which do not make their services available to all races. I suggest, Sir, that that is a very dangerous principle to institute, and to discuss at this particular stage.

The MacMillan Memorial Library, Sir, has appeared for many years in the Estimates of this Colony in recognition of the fact that it does provide a certain portion of the community with its objective, cultural in its intention and its objectives. It has received assistance from such funds overseas as the Carnegie Trust and has done undoubtedly a valuable work in the collection of a reference library, and making that available to one section of the population to which the hon. Member has referred, that is, the European population.

Now, Sir, irrespective of whether one agrees with the principle that this should be restricted to one race or not, one has to bear in mind the conditions of the trust, and I understand that the conditions of the trust which provide these amenities for a large section of the population, particularly in Nairobi, lay down the principle to which the hon. Member has referred. Now, Sir, when Government takes into consideration the question of whether a grant should be made or not, it weighs the value of that particular service, and having weighed the value of this particular service, the Government has, and I would remind the hon. Member that this Council has, over a period of years, given a grant to this particular object.

The hon. Member is quite right when he talks about the Desai Memorial Library being open to all races. I had the honour to be a member of that Desai Memorial Library Committee for many years. Of course, a lot of the literature that they make available would not be suitable in many cases, because of the languages that are used, to quite a number of other races.

But, Sir, the grant is not made to the Desai Memorial Library on the grounds that it is open to all races. The grant is made to the Desai Memorial Library on exactly the same ground that it is a service which is valuable to the community, and under those circumstances, Sir, I trust the hon. Member will see that trying to reduce this particular Vote is not the way to achieve the object at which he is driving, and I trust he will see that, having raised this matter in public, and drawn attention to it, which I think is what he wanted to do, it would be perhaps a good gesture to withdraw his Motion now.

MR. BLUNDELL: Mr. Chairman, I wish to draw the attention of the hon. Member who moved the Motion, to a previous item which he has already agreed to, marked "British Legion, African Section". It, Sir, of course, is tarred with the same brush as the item to which he is referring, and then also in the Budget, Sir, and then also in the African Students to the United Kingdom. I did raise, last year, very much the same reasons as the hon. Member on this item, which is specifically tied to Africans, and I do suggest that what is "saucy for the goose" is "saucy for the gander".

MR. MATHU: Mr. Chairman, to reply to the hon. Member for Local Government.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: On a point of order, Sir, in this case, Education! (Laughter.)

MR. MATHU: Well, I think I will give him the whole title, the hon. Member for Education, Health and Local Government. Now, early in his speech, Sir, he alleged that I did say that there should be an abolition of the item, it is not the abolition, I only reduced it by £200, recognizing that the service must

[Mr. Mathu] be provided. I did not move that the Vote should be abolished. It is true that this Vote has come before the Legislature for years, as he says, and I have acquiesced and not voted against the item, Sir, but I have gone into this, and I have put it up before the Unofficial Members' Organization, as the Chairman will bear me out, and also I have discussed with some Government senior officers in this matter, and this is the time to raise it. But, all these preliminary inquiries have not satisfied me. The reasons given and the reasons given by the hon. Member for Education are not convincing at all, and that is why I feel, that although we have brought it to this Committee before, this is the time to reduce and to draw the attention of the Committee to the importance of providing the service for all contributors. On their side, the Africans contribute equally as other races in this £800. And I do not see why they should be denied an opportunity to look at the books and to really make use of the library.

The hon. Member says that the Desai Memorial Library is not given the grant because it is open to all races, and I agree. On the other hand, my hon. friend would not say that the MacMillan Library is granted the money because it serves only one section of the community. It is a question of why should they prevent those people from using that service.

My hon. friend the Member for Rift Valley talks about the British Legion, African Section. We have not debarred all the British from coming into the African Section. Actually, we did not form it, it was the British Legion itself that segregated my own people who have served so loyally for the service of the Empire. They are the fellows who put the section.

MR. BLUNDELL: What about the African students?

MR. MATHU: I am coming to that in a moment. This is an important matter. We are not responsible for the British Legion, African Section. When that section was formed, I was mainly responsible in encouraging my Africans who were in the service, in 1945 and 1946, to join and pay a life subscription of Sh. 5. I said not only to the Press,

but I wrote throughout all the areas of war—the spheres of war—to the African communities, telling them, "Come and join", but what?—colour bar, even to those fellows who serve and die together. That is the thing. It is not ourselves who formed the British Legion, African Section, we never asked for it. We wanted all of them—as they died together in the field, they should in peacetime work together. But all you get is an African Section.

My hon. friend the Member for Rift Valley talked about the African students. It is not the African students, it is the visit of the Africans to the United Kingdom. He raised it last year, I never invented the phraseology, but why should there not be other people going? I am not objecting to that, if this Council can vote the money for the hon. Member for Rift Valley to go to England, I will support it. I am not objecting to that, therefore, the question does not arise.

The final point, Sir, is this, and we feel very strongly about it, Sir. My hon. friend says that the Desai Memorial Library does not produce the service that would be required by other races, the books produced would perhaps be in Hindustani, Urdu, Gujarati and Swahili. Well, that is all right. If those who are interested in Hindustani could go into the library and learn Hindustani, why should we prevent them? On the other hand, if I am an African and I want to go to the reference library for books that I cannot possibly pay for, why should I be prevented from going into the MacMillan Library? Why? I pay the ordinary fees. I pay everything that they require. Why should I be prevented? Why?

The hon. Member did not produce the answer—

THE CHAIRMAN: The hon. Member is not speaking to his Motion and is dealing with a large number of irrelevant matters, and when he rises again, I must ask him to confine himself to the matter in question.

MR. MATHU: Mr. Chairman, naturally, I agree to your ruling. I confine myself to the relevant matter of the Motion, but I did not answer any question, that was not raised by previous speakers. My Motion is that this item

[Mr. Mathu] be reduced by £200, and I press that that should be done.

I beg to move.

The question was put and, on a division, negatived by 27 votes to 8 votes.

(Ayes: Messrs. Chermalian, Jeremiah, Mathu, Obanga, Patel, Pritam, Salim, Shatry, 8. Noes: Messrs. Blundell, Carpenter, Major Cavendish-Bentick, Messrs. Cooke, Davies, Lt.-Col. Gherrie, Messrs. Hartwell, Havelock, Hope-Jones, Hopkins, Hunter, Major Keyser, Messrs. Maconochie-Welwood, Matthews, Sir Charles Mortimer, Messrs. Padley, Pike, Rodan, Salter, Lady Shaw, Mrs. Shaw, Messrs. Taylor, Thornley, Trim, Usher, Vasey, Whyatt, 27. Absent: Mr. Madan, 1. Did not vote: Mr. Nalho, Dr. Rana. Total: 38.)

MR. HAVELOCK: Two minutes.

THE CHAIRMAN: I make it after quarter to seven; what does Mr. Mathu make the time?

MR. MATHU: The time, Sir, is just fourteen minutes to seven.

THE CHAIRMAN: I have to put the Head under discussion, that is, Head 4—8.

I will put the question that sub-heads (3), (4), (5), (6), and (50), Non-recurrent, under Head 4—8, is now approved.

The question was put and carried.

THE CHAIRMAN: I also have to put that the following Heads be now approved:—

Head 1—1; Head 1—2; Head 1—3; Head 1—4; Head 2—3; Head 3—1; Head 3—2; Head 3—3; Head 3—6; Head 4—1; Head 4—2; Head 4—3; Head 4—5; Head 4—6; Head 4—7; Head 5—2; Head 6—1; Head 6—3; Head 6—5; Head 6—6; Head 6—8; Head 7—3; Head 7—6; Head 7—7; Head 7—8; Head 8—3; Head 8—4,

and any others that I may have omitted by accident—(laughter)—be now approved.

The question was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Committee do now report back to Council.

The question was put and carried.

Council resumed.

REPORT STAGE

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to report that the Committee of Supply, having completed its deliberations, passed the following Heads of the Colony's Estimates with amendments:—

Head 2—1; Head 2—2; Head 2—4; Head 2—5; Head 2—6; Head 4—4; Head 5—6; Head 6—2; Head 6—4; Head 6—7; Head 7—2; Head 8—2; and Part "C".

The remainder of the Heads of the Colony's Estimates were approved by the Committee without amendment. As far as the Development and Reconstruction Authority Estimates for 1952 are concerned, the Committee approved Head 15—6 with amendment, and approved all other heads of those Estimates without amendment.

Mr. Speaker, I beg to move that the report of the Committee of Supply on the Estimates of the Colony for 1952, and of the Development and Reconstruction Authority for 1952 be adopted.

THE ACTING CHIEF SECRETARY seconded.

Council adjourned at 6.48 p.m. and resumed at 7.03 p.m.

THE SPEAKER: It has been proposed that the report be adopted.

MAJOR KEYSER: Mr. Speaker, during the last three years the European Elected Members have consistently opposed the creation of many new posts, and have advocated an economy in Government expenditure, and we have, Sir, been singularly unsuccessful in effecting this, because of the lack of Government co-operation in this matter. The introduction in 1951 of the Cost of Living Allowances has very greatly emphasized the costs of these swollen services.

We were told, Sir, that the Cost of Living Allowances during 1951 would be paid for, to a great extent, by savings. These savings, Sir, were effected by vacant posts not being filled, but for 1952 Cost of Living Allowances are being paid for chiefly by increased revenue. It is, of course, admitted that, in the 1952 Estimates, very few new posts appear; but, Sir, a stage has been reached where the increased cost of Government can only be maintained by increased taxation, and to this, Sir, we cannot agree. We made it clear in the

[Major Keyser] debates on the Cost of Living Allowances that we recognized that Government servants must be adequately remunerated, but that the cost of maintaining the Government servant had increased to such an extent that it was essential we should have less of them. So, Sir, when the 1952 Estimates were introduced, we suggested that Government should take back these Estimates and should reduce expenditure—other than commitments—by 6 per cent, and we thought that that would effect a reduction in cost of about £700,000, and we offered our assistance to Government in doing this. This, Sir, was refused. At the same time, we were told that we, on this side of the Council, had the power to vote against any item that we wished to. We have succeeded, Sir, in the Committee of Supply by the omission of items, and by the reduction of some, in effecting a reduction in expenditure of about £111,000, and, of course, to this must be added consequential reductions from Cost of Living Allowances, leave and hidden emoluments, and, during the debate, Sir, we succeeded in obtaining certain assurances from Government—the main ones I should like to read out to Council.

The first one, Sir, was over consideration of certain posts by the Standing Finance Committee, and the hon. Member for Finance, in his speech, said:—

“As has already been said in the course of this debate by my colleagues, Government has a responsibility, which it can neither escape nor delegate, to prepare the Estimates of Expenditure and to lay them before this Council for examination in Committee of Supply, but if convincing arguments are put forward in Committee by any hon. Members of group of Members, Government will be open to conviction. In appropriate cases, and subject to Supply being voted, I can indeed undertake to hold an item under requisition to incur expenditure pending its examination by the Standing Finance Committee, which should be asked to appoint a sub-committee to deal with this matter and to report back to this Council.”

The next assurance which was received, Sir, was in the matter of an

Efficiency Economy Committee. With regard to that, I should like to read what the hon. Acting Chief Secretary said in his speech:—

“I am prepared to agree to the principle of appointing a committee to inquire into the efficiency and economy of Government departments, having regard to the policies approved by this Legislative Council, and that the personnel and terms of reference will be a matter for discussion with hon. Members opposite. The committee here envisaged is quite apart from the one which has already been referred to in the debate.”

Again, Sir, we received an assurance about the findings of the Select Committee of this Council into the services of the High Commission and, again, Sir, I should like to read the relevant references to the speeches of hon. Members.

The hon. Member for Kiambu said:—

“I do not wish to anticipate the findings of the Select Committee to-day, Sir, nor do I wish, in any way to influence the work and investigation of that Committee to-day, but I should like to ask Government a question. Would they be prepared to give an assurance that, should the Select Committee investigating the High Commission Services, report recommending reductions and economies, and should this Council accept their report, would Government do all they can to try and implement savings during 1957, arising out of these recommendations and, of course, with the adjustment of the 1953 Estimates in accordance.”

The hon. Member for Finance replied:—

“The Government is prepared to give that assurance but, with regard to 1952, I must make two reservations. The first is that, although we shall do our best, there can, with this length of notice, be no guarantee that these economies can be effected in 1952. The second is this: any action or discussion of this nature must be in full collaboration with all the other partners in these schemes. With these reservations, I will give these assurances.”

The fourth major assurance, Sir, was on the matter of leave, and, I think, it was the Acting Chief Secretary who gave an assurance that a sub-committee of

[Major Keyser] the Standing Finance Committee should inquire into the whole matter of leave conditions of civil servants.

Now, Sir, I cannot say what the total savings that will be effected will amount to. I do believe, Sir, that had Government co-operated with us in our suggestion of taking back the Estimates for reconsideration, and with the assistance of hon. Members on this side of the Council, we consider reductions within the vicinity of £700,000 could have been effected without impairing the efficiency of Government. It must have been obvious, Sir, to Government that all sections of Unofficial Members were desirous of reducing the cost of Government, and the disadvantages of any attempt to do this in Committee of Supply were also obvious to all, and have resulted in an unsatisfactory reduction. Because of the unwilling attitude of Government towards giving effect to the desires for economy, we feel, Sir, we must oppose this Motion.

Sir, I beg to oppose the Motion. (Applause.)

MR. MATHU: Mr. Speaker, I rise to support the Motion, and not because I think, in substance, I disagree with most of what has been said by my hon. friend, the Member for Trans Nzoia, but in the main Motion to go into Committee of Supply I supported that the Council should go into Committee of Supply, and I think it would be illogical for me now to oppose the Motion that the report be adopted.

Sir, hon. Members on this side have had an opportunity in the Committee of Supply which—if I may say so—the African Members were mainly responsible in getting the Motion through, and in certain quarters we have been accused—or the Government has been accused—of lobbying us in this matter, and I want to deny that there was any lobbying at all when the Motion was moved. Before it was not responsible not to go into the Committee of Supply to give every person an opportunity to propose the Motions for cuts which we all agreed would reduce the cost of the Government. (Hear, hear.) And now it is the eleventh hour, to come and say that we do not want to accept the Motion of the Committee that the report be accepted, I think would be even more

irresponsible, because if there is any blame that we have not achieved more than a reduction of £111,000 it is on us. Why have we not been able to cut more?

LADY SHAW: Because the Africans voted against us.

MR. MATHU: Now what assurance can any Member give me that if we allowed the Government to go and do the reduction themselves, that they would reduce more than £111,000. We do not know. We would have given them a *carte blanche*. They would have cut, say, £50,000—we do not know. But now, we have reduced the cost of the Government in 1952 by £111,000, or some such figure, and if, as I say, we wanted to reduce double that amount, nobody stood in our way, and I think if any blame is to be on anyone, it is on us and not on Government, and therefore, I say, Sir, that it will be responsible for me to support that the report of the Committee of Supply be adopted. (Applause.)

MAJOR KEYSER: Jolly good speech. MR. MADAN: Mr. Speaker, Sir, I rise to support the Motion.

As you are aware, Sir, even on the occasion of voting whether to go into Committee of Supply or not, I voted with the Government. Some people ascribed doubtful intentions to me for doing that, but I entirely agree, Sir, with the hon. Member the African leader, that it would be an irresponsible act now not to allow the proposal of the Committee to be adopted. I noted with regret, Sir, the hon. Leader of the European Unofficial Elected Members said that only the European Elected Members have always strived to obtain this economy in the Government of the Colony. I regard that, Sir, as an indication of their thinking that the other Elected Members on this side of the Council are not interested in effecting economy. I am, Sir, equally interested in effecting as much economy as it is possible in the administration of this Colony. But that does not mean, Sir, that the Unofficial Members on this side of the Council are demi-gods, that they know better than the Members sitting opposite us. I have not the slightest doubt, Sir, that the Members sitting opposite us are as much interested in effecting a reduction in the cost of Government as the Members on this

[Mr. Madan] (Mr. Madan) As I see the side. (Hear, hear.) As I see the side, Sir, we are together in this game, whether you be Unofficial or an Official. I think both sides are convinced that the Government of this Colony must be conducted at the minimum possible expense, but you have to keep in view, Sir, that this is a progressive Colony, it is expanding, it is marching on, and you cannot have progress without paying for it. If you want to advance, Sir, I submit, as I said on the occasion of the main debate, the Government is right, why should we feel bewildered, frustrated and uncertain of our ground because, for the first time in our life, because for the first time in the life of this Colony, we are faced with a huge Budget of, say £16,000,000, and because we are not used to big things, Sir, that is no reason why we should condemn the Government for trying to provide for what is needed to ensure the progress of this Colony. If, Sir, we have not been able to effect more cuts than what we have done, if, Sir, we have not succeeded in effecting and achieving greater economy in the Budget as it stands—that, I submit, is due to the fact that some Unofficial Elected Members were convinced that it would not be right to cut any more than what we have done, and for all those reasons, Sir, I beg to support the Motion. (Applause.)

MR. PATEL: Mr. Speaker, the Motion and the opposition taken by the hon. Member for Trans Nzoia makes one think very furiously about the attitude one should adopt now. The report of the Committee for the adoption of which the Motion has been proposed is the result of the voting by the majority of the Members of this Council which sat for 15 days.

MR. USHER: Those present!

MR. PATEL: Well, if the Unofficial Members were not present at any sittings, it is not the fault of the Government. (Agreed—hear, hear—applause.)

It was the duty of the Unofficial Members present to watch very carefully every item they desired to reduce. Now, once the report has been made which reflects the opinion of the majority of the Members of the Council, in which the Unofficial Members had the right to play an important part of deciding every item, one feels inclined to say that, when the

will of the Committee has been expressed in this report, it becomes very difficult to go against the report which has been produced by the Committee.

At the same time, it is true that there is a feeling among certain Members on this side that there were certain items where the Government could have reasonably accepted reductions. (Applause—hear, hear.) Now, with these two conflicting opinions, it becomes very difficult, as I said in the beginning, for one who has the honour to be associated with the Unofficial Members on this side, to make up his mind, and therefore, Sir, some of us are feeling inclined though it may be taken as an attitude of doubt about a final decision, to say we will not vote.

MR. NATHOO: Mr. Speaker, when the hon. Member for Trans Nzoia voiced his opposition to the Motion before the Council, I should have thought, Sir, that it would have been very puzzling—being a comparatively junior Member, because I was perhaps puzzled by the attitude I should take, particularly when I opposed the Motion to go into Committee of Supply. But, Sir, I am glad to say that my doubts are shared by a veteran like the hon. Member for Eastern Area, Sir, also I call to mind an incident in this Council when, during the reading by a Select Committee of a Bill, after having passed each clause by clause, finally they threw out the Select Committee's Report and it seems to me, Sir, that we are coming to that stage, that having agreed or disagreed on every Motion and taken votes, now if we are going to throw out the whole Committee's report, we are going to be in that illogical position and that is why, Sir, I would much rather wait and see what Government has to say before I finally either support the Motion or oppose it.

DR. RANA: Mr. Speaker, as this Motion on this question appears to have become a matter of confessions, what one should do on this Motion, what we have been doing for the past 15 days and as all my colleagues on this side—leaving the right side of the European Elected Members' Organization—have confessed, I would like to make my position clear from the very beginning, Sir, whether you call it irresponsible or whether you call it obstinacy, or whether you call it—whatever name you give, I have been

[Dr. Rana] under the impression that the Government expenses are going far beyond what this country, in the future, will be able to bear, and it was with that intention, Sir, that from the beginning, I supported the hon. Member on my right and even with all what has been said and done, which may have been drawn after following for full 15 days, fairly and solemnly supporting them, whether it is for good or bad, I have decided to oppose the Motion, Sir. (Applause.)

THE ACTING CHIEF SECRETARY: Mr. Speaker, there is very little that I wish to say.

MR. BLUNDELL: On a point of order, Mr. Speaker, the hon. Member has already spoken. He rose to second, Mr. Speaker, and it is our habit in this Council to reserve the right to speak. (Cries of "Shame.") Mr. Speaker, I withdraw my point of order.

THE ACTING CHIEF SECRETARY: Mr. Speaker, it is clearly stated in Standing Rules and Orders that a Member is allowed to speak when he has done no more than formally seconded a Motion.

There are very few remarks I wish to make before my hon. friend the Member for Finance rises to reply, but I was sorry, very sorry, to hear that old war-horse, the Member for Trans Nzoia, accuse Government of lack of co-operation, because, without any notice having been given to us, we were unable to accept his suggestion that we take the Estimates back and cut the recurrent non-commitment items by 6 per cent. I am not going over the reasons why we took the very obvious line that we did, because, Sir, that is all on record in the debate which followed the Motion to go into Committee of Supply. But I would just like to make this point—I think that the hon. Member for Trans Nzoia and others who think like him, when they see the Budget for this country, this young and developing country, growing, are inclined to forget those of them who are married, their own experiences with their young families as they grew up. How nice it would be for a fond parent, be it mother or father, to be able to say to his child of two and three—my boy, or my girl, you are growing up, but I cannot afford to give you any new clothes;

you are three, and you are at the normal size of a child of three; in a few years time you will be five, six and, later on, even many more years older—but you will I am afraid still have to make do with your present clothes. That child is going to have a pretty poor chance in life if it is never to have any clothes that would fit a child older than two and three. That, Sir, is, I submit, an exact analogy with the position in which this young country of Kenya finds itself.

MR. HAVELOCK: Party frocks!

THE ACTING CHIEF SECRETARY: It is growing, and it requires the clothes necessary to clothe its steady and healthy growth.

MR. HAVELOCK: Utility clothes!

THE ACTING CHIEF SECRETARY: I think, Sir, that the best evidence that I can invite hon. Members' attention to of the reasonableness of our refusal to accept that arbitrary suggestion that we cut the Estimates by 6 per cent is to be found in the result of this last 15 days' work. The combined efforts of hon. Members opposite have produced—my expert advisers tell me—a little more than the hon. Member claimed. The total, as has been given to me, is just over £115,000, to be exact, £115,671. We, Sir, naturally enough, when we have felt that a service demanded by this Council required a particular order of financial provision, we have insisted so far as has been in our power that that provision should be voted. Sometimes, we have been successful and our arguments have been listened to, and, indeed, Motions to cut have been withdrawn. On other occasions we have been unsuccessful, and we have taken the beating without—let me assure hon. Members—any feeling whatever of bitterness. (Applause.) I have seen it suggested in the Press that there was bitterness on the last side of the Council in during these last days, and I deny that. There has been absolutely none. I must, however, in fairness, to hon. Members, add this. It is, of course, our duty—and we shall loyally do our duty—to do the best we can during 1952, with the reduced supply which has been passed by this Committee. But, Sir, I ought to give this warning, that it will equally be the duty of the Government if it should find, as I think in all probability it will find, that in some respects, the cuts which

[The Acting Chief Secretary.]

It has been asked are definitely not in the public interest, then, Sir, it will be the duty of the Government to come back to this Council, with proposals for whatever additional financial provision we consider to be necessary, and, indeed, if we should then fail to obtain approval for the further supply which we believe the public need urgently requires, then we shall come forward yet again and put our case to the new Council which will be elected in May of next year.

So, Sir, there is that possibility, and I would go further and refer to the £115,000-odd as so-called savings, rather than as savings, because on more than one occasion hon. Members opposite have conceded that it may well be necessary for the Standing Finance Committee to approve additional expenditure in the items which have been cut. I speak of "so-called savings" not, Sir, believe me with any intention of disparaging the efforts, which I acknowledge, of hon. Members opposite to keep the cost of the Administration down; but they are, Sir—some hon. Members opposite—are on record, as having said, notwithstanding all that they said in the debate on the Motion to go into Committee of Supply, that we are always at liberty to come back for supplementary expenditure. That is not, Sir, as hon. Members on this side of the Council have said time and time again, a way of managing our financial affairs, a way of appealing to the Government; but it does seem to me, after listening to the discussions which we have had during these last 15 days that some hon. Members opposite have looked with rather a different eye at the possibility of supplementary expenditure than they did when we were discussing the Motion to go into Committee of Supply.

One final point, Sir, on the logicity—if that is the correct word—of the attitude of the Government throughout these proceedings as compared with the illogicality of the attitude of certain hon. Members opposite. I could not help noticing with amusement the extreme reluctance of some hon. Members opposite ever to go into Committee of Supply at all, and comparing that with the equally strong reluctance after ten days' hard work in Committee to come out of it.

Sir, I beg to support. (Applause.)

MR. BLUNDELL: Mr. Speaker, I feel I ought to put the views of hon. Members on this side quite clearly—of some of us on this side. Mr. Speaker in this matter I am quite unrepentant. When the original Budget was presented to this Council I was of the opinion that it was too large and could have an adjustment downwards. I am still of that opinion. Now, Sir, I have always thought there was something peculiar about hon. Members opposite and I am confirmed in that belief because the last speaker, Mr. Speaker, referred in his impassioned plea about a growing child to his colleagues in some words such as these, "be he mother or father"; I cannot help therefore suspecting that hon. Members opposite have a strong tendency towards hermaphroditism. That would explain a great deal in this Budget. Mr. Speaker, it is only a mischance on some occasions that we have not achieved greater reductions, and that does not alter our intention that greater reductions should be made. I still believe large reductions are possible. I do not think hon. Members were as reasonable as they might have been in the matter of child drill. I feel our intentions in that matter were correct and I think hon. Members did resist many reductions when a case was made against them. Now, Sir, the hon. Member has made two remarks which I feel we must challenge on this side. The first is his remarks on supplementary expenditure. We made it quite clear that supplementary expenditure can be used and should be used for emergency only. Now that does not say because we raised that that we shall countenance any approach to us on this side for an increase in the expenditure arising out of the cuts we have made. Not at all. I think the hon. Member must be corrected on that.

The second point, Sir, is I would like to make an appeal to hon. Members opposite because I think it is a matter on which practically all hon. Members on this side feel strongly—we do feel, despite our growing capacities and advancing years, and our increasing girth, we do feel that our Budget is too large, and before the hon. Member carries out his threat to come sometime next year with suggestions for adjustment, may I ask hon. Members opposite, especially the Member for Finance, to

[Mr. Blundell.]

MR. BLUNDELL: Mr. Speaker, I will put into effect our suggestion. Will he examine with a severe eye the Budget which will undoubtedly now be passed despite our opposition, with a view to effecting the economies for which we have asked and out of those economies we can effect the readjustment with which he threatens us with in June.

MR. SALTER: Mr. Speaker, although it is quite clear that this Motion will be carried in almost exactly the same way as the Motion to go into Committee of Supply was carried, I think it must—and indeed enough has been said to show—it must be quite obvious that these Estimates have aroused and still arouse in our hearts and in our minds very strong opposition. They have on many items been fought very closely, and it is perhaps significant that Government did not on all occasions, and indeed on as many occasions as I submit they might have done, given way. They fought to a division on items where the result was 50-50—an equality of votes, and that shows, and I hope it is recognized and realized how great is the opposition to these Estimates. I hope that there is no ill-feeling about this. There certainly is no bitterness, but both in this Committee, and in the country we hope it is recognized that there is a complete determination, whether we have succeeded or failed on this occasion, there is still complete determination to see that expenditure is, and will be, cut down.

Now, Sir, our desires have no doubt on this occasion outrun our performance, but we do hope, Sir, that although we are still opposing this Motion, that that will be recognized by Government and that, even though these Estimates are being passed, they will continue with the encouragement from this side to do everything in their power to reduce them during the coming year.

THE FINANCIAL SECRETARY: Mr. Speaker, I must confess that the speech by the hon. Member for Trans Nzoia in opposition to this Motion comes to me as a very big surprise. Opposition to this Motion in that manner, Sir, is in the annals and constitution of this country, unprecedented. And let me say this, Sir, that if the hon. Member succeeded in his expressed intention of opposing this Motion so that the Motion

(failed, he would in effect deny this country the supply necessary to carry on the vital services of this country in 1952.

MAJOR KEYSER: We mean what we say.

THE FINANCIAL SECRETARY: Sir, he began his speech by saying that in the last three years hon. Members opposite—and I presume he means the European Elected Members—have consistently opposed increases in posts. Now, Sir, I happen to have been in this Council in my present capacity for the last three years, and I will agree with him that they have; but only during the month of November! During every other one of the other 11 months of the year they have done exactly the opposite—(applause—cries of "No!")—and to choose this year to take this attitude when the Government has made it quite clear—and hon. members themselves have accepted—that there are virtually no new posts whatsoever in these Estimates except those which hon. Members themselves have pressed for and agreed to—(cries of "Oh!")—seems to me the worst possible step to take in this particular year.

The hon. Member, Sir, complained bitterly that the Government refused to accept a proposal for a six per cent cut. But, was it the Government? In what way was the will of this country expressed about the six per cent cut? It was expressed by voting on the Motion that we should go into Committee of Supply with the Estimates as they stood, and the will of this Council was expressed by a majority vote that we should do so. (Applause.)

The hon. Member says that the Government is not co-operative. He himself read out four measures that the Government has agreed to take in co-operation with hon. Members opposite—to refer the matter to Standing Finance Committee; have an Efficiency and Economy Committee; to have a sub-committee of Standing Finance Committee to consider side leave and service conditions, and do side what we can to effect economies in the High Commission Estimates during 1952 and the succeeding years. Is that not co-operative, Sir? Of course it is.

MR. HAVELOCK: Half way, Sir. THE FINANCIAL SECRETARY: Sir, what does the hon. Member expect?

MAJOR KEYSER: A lot, most!

THE FINANCIAL SECRETARY: To run this country on nothing whatsoever?

MAJOR KEYSER: No, sensibly.

THE FINANCIAL SECRETARY: Now, Sir, the hon. Member then went on to suggest that it would have been possible to cut these Estimates by £700,000 without affecting the efficiency of the services which this country demands. I deny it, Sir. It is not possible. (Hear, hear.) And how did the hon. Member get his £700,000? Not by any scientific calculation or reasoned appraisal. What he does, is this: he takes the returns from the increased taxation at £700,000 and he says: "Let us cut by that." That is how he arrived at his figure, not by any calculation of what could, and ought to be done. He simply takes the revenue of the increased taxation.

MAJOR KEYSER: I did not.

THE FINANCIAL SECRETARY: Could anything be more irresponsible than that?

MR. HAVELOCK: You did it the other way round! (Laughter.)

THE FINANCIAL SECRETARY: Sir, the hon. Member refuses to support this Motion. This Motion is on the report by a Committee of the whole Council. In other words, it represents the expression of opinion of the whole Committee, and the whole Committee is identical with the personnel of this Council. Now, could anything be more illogical?

LADY SHAW: A majority, if I may say so.

THE FINANCIAL SECRETARY: Sir, we have in this democracy of ours the normal constitutional procedure whereby the will of the Council is expressed by the majority. If the hon. Member can suggest any better way, I would like to hear it.

MAJOR KEYSER: More Government Whips.

THE FINANCIAL SECRETARY: Mr. Speaker, I think there is no point in going on. The hon. Member's points have been answered, I suggest, in such manner that he is not likely to forget what I have said.

Mr. Speaker, I beg to move. (Applause.)

The question that the Report of the Committee of Supply be adopted was put and on a division carried by 25 votes to 12. (Ayes: Mr. Carpenter, Major Cavendish-Bentick, Messrs. Chemallan,

Davies, Hartwell, Howe-Jones, Hunter, Jeremiah, Madan, Matheva, Mathu, Sir Charles—Mortimer, Messrs.: Nathoo, Ohanga, Padley, Pike, Pritam, Roddan, Salim, Shary, Taylor, Thornley, Trim, Vasey, Whyatt, 25. Noes: Messrs. Blundell, Cooke, Lt.-Col. Gherie, Messrs.: Havelock, Hopkins, Major Keyser, Mr. Maconochie-Welwood, Dr. Rana, Mr. Salter, Lady Shaw, Mrs. Shaw, Mr. Usher, 12. Did not vote: Mr. Patel, 1. Total: 38.)

MOTIONS

AFRICAN POLL TAX NORTHERN FRONTIER DISTRICT

THE CHIEF NATIVE COMMISSIONER: Mr. Speaker, I beg to move that—

"African Poll Tax (Northern Frontier District) Ordinance

WHEREAS (1) the Governor by Proclamation No. 19 dated the 27th day of October, 1951, directed that with effect from 1st January, 1952, the poll tax payable into general revenue under the Poll Tax (Northern Frontier District) Ordinance (Cap. 253) should be Sh. 20;

(2) The Governor in Council has advised that of each Sh. 20 paid, Sh. 3 should be credited to the African Trust Fund;

(3) By sub-section (c) of section 6 of the African Trust Fund Ordinance it is declared that there shall be paid into the African Trust Fund other moneys as the Governor in Council with the consent of the Legislative Council may from time to time determine:

BE IT THEREFORE RESOLVED that this honourable Council under the provisions of sub-section (c) of section 6 of the African Trust Fund Ordinance (Cap. 103) hereby approves the payment of the sum of Three Shillings in respect of each poll tax paid under the Poll Tax (Northern Frontier District) Ordinance into the Trust Fund established under the African Trust Fund Ordinance."

be approved.

The position, Sir, is this: members of certain tribes who live in the Northern Frontier District pay poll tax prescribed by the Northern Frontier District African Poll Tax Ordinance. Now, the rate of this tax is laid down by the Governor, and by a recent Proclamation

[The Chief Native Commissioner,] has been laid down for 1952 to be Sh. 20. That, Sir, is a great increase upon the present rate, which is Sh. 10. In all districts; Sir, where there is no African District Council, except in the Northern Frontier District, the African pays a poll tax and Sh. 2 of that tax is credited to a fund under the African Trust Fund. Now, within the Northern Frontier District there will next year be only one African District Council, which is the Garissa Riverine African District Council. Now, the tribesmen affected by the Proclamation paying tax under the Northern Frontier District African Poll Tax Ordinance are not and do not pay rates to it. It is proposed, therefore, Sir, that out of this Sh. 20 tax to be paid under the Northern Frontier District African Poll Tax Ordinance for next year, Sh. 3 shall be credited to the African Trust Fund. Now, these sums will be paid into a sub-account of the African Trust Fund, and the amount expected will be about £3,000. The money will be used mainly for construction and maintenance of dams and pans.

The Resolution, Sir, is required under the provisions of sub-section (c) of section VI of the African Trust Fund Ordinance to enable this money to be paid in fact into the African Trust Fund.

Sir, I beg to move.

THE ACTING SOLICITOR GENERAL seconded.

MR. CHEMALLAN: Mr. Chairman, I must make my position very clear about this Motion. In the first place, I must say that I welcome the proposal to transfer Sh. 3 into an account of the Native Trust Fund, to be spent solely for the benefit of the townships and other areas in the Northern Province. But it is on the first part of the Motion I am very anxious, and I understand it is not relevant to discuss the increased tax under this Motion until when we go into Ways and Means. In that case, I must indicate from the start that I will oppose the increase of this poll tax when we go into Ways and Means. It is fantastic that the poll tax in the Northern Province should be increased from Sh. 10 to Sh. 20. Who can tell us that that area is more advanced, is richer than anywhere else in Kenya. I therefore would say I oppose the Motion.

THE CHIEF NATIVE COMMISSIONER: I think the hon. Member is quite right in saying it is not relevant to this Motion to discuss why the poll tax in the Northern Frontier has been raised from Sh. 10 to Sh. 20, but if you will allow me I will speak on that point for some 10 minutes. This tax has been Sh. 10 since 1931, until 1951, the value of stock alone in that district in 1931 was some Sh. 30/35 each, and the same stock are now fetching Sh. 114. I could go on and multiply those instances showing that there is a tremendous increase in the amount of money now coming in. There is also a lot of money now being spent in the Northern Province in the shape of water supplies and so on, and for that reason the tax has been raised and I know it is a very substantial rise. These reasons, for the raising of the tax, Sir, are I think irrelevant to this Motion and I would ask that Members should agree that out of Sh. 20 tax, Sh. 3 be paid into the Trust Fund to be used not for townships only but right throughout the Northern Province.

The question was put and carried.

Eviction of Tenants (Control) Ordinance—Continuation of

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I beg to move that—

"BE IT RESOLVED that the Eviction of Tenants (Control) Ordinance, 1949 (No. 12 of 1949), be continued in force until 31st December, 1952."

This has been explained with each renewal and the only fresh news that I can give hon. Members is that we have moved towards the acquisition of certain areas of land near Mombasa in the hope that it will provide at any rate part of the solution to this problem. The final solution is one which will obviously mean a fairly heavy expenditure of money.

Sir, I beg to move.

THE MEMBER FOR COMMERCE AND INDUSTRY seconded.

The question was put and carried.

ADJOURNMENT

Council rose at 7.58 p.m. and adjourned until 9.30 a.m. on Friday, 14th December, 1951.

Friday, 14th December, 1951.

Council assembled in the Memorial Hall, Nairobi, on Friday, 14th December, 1951.

Mr. Speaker took the Chair at 9.33 a.m.

The proceedings were opened with prayer.

MOTIONS

REPORT OF COMMITTEE ON INDIAN ELECTORAL REPRESENTATION—(Contd.)

MR. PATEL: Mr. Speaker, yesterday morning when the Council rose I was referring to the terms of reference of the Committee on the Indian Electoral Roll, which was appointed on the 11th June, 1948. I was then referring to Part "A" of the terms of reference.

Before I make further observations on these terms of reference, I would like to mention to this Council that these terms of reference were prepared by the then Member for Law and Order, Mr. Foster Sutton, in consultation with the Leaders of the Unofficial groups, and I remember even now that the Leader of the European Elected Members, and the Leader of the African Members were present, and took part in the discussions which resulted in the formation of these terms of reference. That is important, Sir, as I shall presently point out, from the point of view of consideration of the recommendations of this report.

When these terms of reference were drafted, Part "A" required the Committee to investigate only three matters. Firstly, to consider if the 1935 Ordinance could be retained; Now, Sir, there the 1935 Ordinance has one roll for the whole Indian community, and five seats without any reservation for any religious group.

The second item which was to be considered by the Committee was continuation of the 1948 Ordinance. Now, the 1948 Ordinance provided one roll for the whole Indian community, but reservation of two seats for the Muslim community; and the third was splitting of the Indian roll on a geographical basis—on the basis of India and Pakistan, and not on the basis of any religious group, though it may result ultimately, perhaps, as a division in the manner the Muslim community desire but, Sir, the terms of reference given to

the Committee did not include consideration of the splitting of the Indian roll on religious lines, and these terms were accepted by the Leaders of the Unofficial side, and the then hon. Member for Law and Order drafted them after full consideration. Now Part "B", which reads:—

"To consider and make recommendations in regard to the possibility of settling the present difficulties which exist in connexion with the Asian representation for the Central Electoral Area."

Now, that term, Sir, was included in order to see that there were three seats provided in the Central Area, because three groups required representation—the Muslim group, the Sikh group and the others—that means Hindus, Christians and Parsees put together—and that was the reason why the term "B" was included in consultation with the Leaders of the Unofficial side.

So, you will observe, Sir, that the terms of reference did not provide consideration of the splitting of the Indian roll on religious lines, and it did provide consideration to be given for increasing representation in the Central Area.

Now, these were the terms of reference with which the Committee started, and the members who were appointed were: Mr. Speaker, you, as the Chairman; the Member for Law and Order; the hon. Mr. S. V. Cooke; the hon. Mr. Mathu; the hon. Mr. Nathoo; the hon. Mr. Nicol; the hon. Mr. Sharif Mohamed Shary; and I was included in the Committee.

Now, Sir, the Committee sat for several days and took evidence from several witnesses—from individuals and delegations from various institutions. Oral evidence was taken, and memoranda were received, and the matter was discussed with the witnesses at some length. You, Sir devoted a great deal of time in sifting this evidence, and studying the whole problem with an unbiased mind, and with great care. (Hear, hear.) I would like, Sir, on behalf of that Committee and on behalf of the Indian community, to pay my sincere tribute to the way in which you, at the time, took evidence from the witnesses, received memoranda and prepared précis for the Committee members. Your work at the time was

[Mr. Patel] very valuable in enabling the Committee members to form their views on this very difficult question. (Applause.)

Sir, at a certain stage of the work of that Committee, the suggestion came from you that perhaps the system of proportional representation, with a single transferable vote, will be an appropriate remedy for this difficult question. It was not one of the terms of reference. I remember, Sir, you were good enough to provide literature to the members of the Committee to study the system of the proportional representations with a single transferable vote. I would frankly admit, Sir, that I had not heard about that system when I became a member of that Committee, but when I read the literature which was provided by you, Sir, very kindly, I thought there was an answer to the difficult question.

I also remember, Sir, that you at the time took the trouble of communicating with the Secretary of the Proportional Representation Society in London in order to clarify various points in regard to this matter. And when the hon. Sir Charles Mortimer and I had the honour to be present in London to attend the African Conference in 1948, we both took the trouble of going to the office of the Proportional Representation Society in London, and we gave the figures of population of Sikhs, Muslims and others to the Secretary, who has had a great deal of experience in regard to this matter, and we were advised by the Secretary of that Society that if the seats were increased from five to six, this system would very well work and would solve the problem which has arisen. We were assured by the Secretary of the Society, Sir, that if we had six seats with the population figure of Muslims, Sikhs and others placed before him two Muslims would be returned if they voted on religious lines, one Sikh would be returned if they voted on religious lines and the whole problem would be solved to the satisfaction of all concerned; and if, in future, we cease to think on religious lines, and would begin to think on other lines—on political lines or economic lines—without change of law, the representations will be reflected on the lines of political parties and I, for one, honestly and sincerely felt at that time that an answer was found to

the most difficult question we had been considering for a long time.

Now, Sir, I had taken a very prominent part throughout in seeing that this matter was settled to the satisfaction of all concerned. That is why I was very glad when we learnt in London that this matter could be solved in this manner.

Now, Sir, when you, as Chairman of the Committee, suggested this system to certain witnesses who came to give evidence before the Committee support was received from some, and Sir, we then applied for alteration of the terms of reference in order to allow the consideration of this system. Therefore, Sir, in June of 1949, this term of reference was further included—to make any recommendation for arranging Indian representation as the Committee considers desirable. That was included as a result of the study which the members of the Committee made in regard to the system of proportional representation with a single transferable vote, and five to certain quarters strong support came to this proposal which the Committee put forward. That is the reason why, and that is the reason why the Committee made the recommendations it has done. That is why it made the recommendations in favour of the system of proportional representation with a single transferable vote.

At this stage I would like to say that unfortunately the Government did not think fit to publish this report for more than two years. A very valuable document which provided an answer to the most difficult situation the Indian community was facing, an answer which was framed by the Committee after careful and anxious thought, was, if I may be permitted to say, practically suppressed by the Government from the public of this country, for more than two years.

Sir, it would have been advisable for the Government to print and publish this report a long time back, in order to give an opportunity to the public of this country to pass its own judgment on the recommendations of this Committee. In any event, Sir, I had thought that the Government would not go to the length of ignoring the recommendations of this Committee in the manner it did. But something happened after I went to India last year, in September, 1950,

[Mr. Patel]

Something happened which changed their attitude and when I came back I noticed the change in the attitude in regard to this report. I had a hint when I was in India last year, in October, 1950, that the attitude was likely to change. I had my suspicion about it and that suspicion was confirmed when I came back and I noticed that for no reason, without any careful thought given to the recommendations of the report, there was an intention to put the report in cold storage. Now, Sir, if the Government wanted to adopt any other course why were they not straightforward enough in June, 1948, to suggest a separate roll on religious lines as one of the terms of reference of the Committee. The Government might explain it away now because they have committed themselves to a certain position, but I would like to say, Mr. Speaker, with all sense of responsibility and sincerity, that my faith in the intentions of the Government in this regard is rudely shaken, and I am not prepared to believe, even if they assure me, that they have not some ulterior motive. I have known this thing for the last three years, inside, and outside. I have known what has happened, confidentially, and I have known otherwise, and I am prepared to say with all sincerity and honesty and I accuse the Government of ignoring this report, and taking the step they have done, not with good intentions.

I have not yet heard one argument from any Member of the Government about the defects in the recommendations of the report. I have not yet heard one argument so far from any Member of the Government how the proportional representation with a single transferable vote would not have proved an answer to this difficult question. In the cause of truth I should mention another unpleasant fact also. I had approached the Leader of the European Elected Members—before I went to India—begging him to agree to increase the Indian seats so that the system of proportional representation could be put into practice, and there were certain discussions, which are not relevant to my Motion, with him in regard to that matter, but I had approached him with the full knowledge of the Government. With the full know-

ledge of the Government I had approached the Leader of the European Elected Members to beg for six seats, one additional seat, so that this system of proportional representation could be worked, and until I left for India in September, 1950, I had not noticed any hostility from the European Elected Members to this question.

As a matter of fact, I would like to say that I had noticed that the European Elected Members were taking a neutral, impartial view of the whole question until September, 1950. When I returned back from India in December I noticed a great change. Well, Sir, even at the risk of being misunderstood, and being accused of a controversy in this Council, I must in fairness to the question which I am discussing, say that this change came over on account of political reasons. The question was whether I was prepared to support a parity of seats on the Unofficial side between the Europeans and non-Europeans or not. If I had supported that parity this change would not have come about. I am prepared to say, Mr. Speaker, and my firm conviction is that there was a conspiracy to ignore these recommendations of the report for ulterior motives, and in ignoring the report consideration was not given on merits.

Now, Sir, I would like to refer to some very important extracts in this report.

In paragraph 10 of the report is stated:—

"The reservations of seats under the 1948 Ordinance also is open to criticism, though it has justified itself as an emergency measure. The main objections to it as presented to us are:—

- (1) Reservation of seats for Muslims leads to a demand for reservation of seats by the Sikhs, and possibly eventually the Goans.
- (2) The system lays undue emphasis upon the division of the Asian electorate by religion, which may tend to disharmonious social relations.
- (3) On a five Indian Members basis it gives over-representation to the Muslims who are not more than one-third of the total Indian electorate."

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That was the conclusion to which the Committee came. And further, Sir, page 4 of the report, paragraph 13 states:—

"Along the lines of division of registers and reservation of seats the Committee found little hope of an agreed solution. Accordingly we requested that our terms of reference should be enlarged in June this year. Since then there have been further discussions with leaders of the Indian groups."

Paragraph 14 states:—

"It has been obvious to us for some time that if the seats were increased to six that there could be no objection to the Muslims having two seats. But there is at present among Muslims and non-Muslims alike considerable objection to dividing the Indian Register into two registers, and there are strong objections to the reservation of seats. With six seats it is, however, possible to produce a solution which we understand will satisfy the greater part of the Indian electorate."

Paragraph 15 states:—

"Accordingly we submit for your Excellency's consideration the proposals set out below:—

A. The number of Indian Members in the Legislative Council should be increased to six, of whom five would be elected Members and one should be nominated.

B. There should be a single electoral register as at present.

C. There should be two constituencies: Coast, retaining two Members; Up-country (Central and Western Areas combined) retaining three Members.

D. Elections in these two constituencies to be conducted on the single transferable vote system of proportional representation."

E. This is also very important—

"E. The above proposals to be tried out for the next two elections and then reviewed by the Legislative Council."

So, Sir, the recommendations made by the Committee were that the one roll should be maintained, that instead of three constituencies there should be

two constituencies, and that the elections should be on the system of proportional representation with a single transferable vote, and that it should be an experiment for two elections, after which, this Council should review it.

Now, Sir, the report at paragraph 16 states the advantages of this system. It states that the first advantage of these proposals is that the accommodation of the existing divisions amongst the Indian electorate either by reservation of seats or separate registers is avoided.

Now, if Mr. Speaker, the Government had given careful thought to this report and its recommendations, they would have found that it would not be to the advantage of the Unofficial side, or this Council, to increase the number of groups. As a matter of fact, Mr. Speaker, I have always sincerely believed that for the future of this country, it would have been much better if there had been a less number of groups than we have to-day. The difficulty in the working of this Council may not be realized as long as there are 16 Official Members sitting there, but if any time when the Unofficial side may have to shoulder the responsibility of forming the Government, either to-day, or after 25 years, or 50 years, I do not know when the larger the number of groups we have on the Unofficial side, it will be more difficult for the Unofficial side to shoulder the responsibility of the government of this country. And we are, to-day, substituting upon increasing the groups on the Unofficial side instead of finding ways and means of reducing these groups.

Sir, I would also like to mention in this stage what will happen by increasing the groups on the Unofficial side. I would like to stress what I have to say by giving an instance. Take our Standing Finance Committee. We have all four groups represented on the Standing Finance Committee. There are European Elected Members, one Indian Elected Member, the hon. Member for the Coast representing the hon. Members—(applause)—and the African representative. So all four groups are represented on the Standing Finance Committee. Now, those who ignore the recommendations of the report have failed to realize that the moment you create five groups you will have to face the question of equitable representation for each group on various

[Mr. Patel] committees and boards. The Unofficial Members' Organization has appointed one General Purpose Committee, on which they have taken already one Member from each group. When we had the Festival in Britain, we sent four Unofficial Members, because we selected one from each group; one European, one Indian, one Arab and one African. Now, Sir, if you provide one more separate group, by splitting the Indian roll, you must then face the situation of sending five Members to any such festival, on any occasion in Great Britain. Sir, I have the honour of representing the Indian community, with the consent of all Indian Members, on the Executive Council. His Excellency the Governor has always taken the advice of the Indian Members in making the nomination on the Executive Council, and I have the good fortune of being selected by the Indian Members, unanimously, on every occasion. But, Sir, after they have split us into two groups, I cannot pretend to represent those voters who have no hand in electing me, and I cannot pretend to represent, on the Executive Council or on the Central Assembly, both groups. In the same way, if any of my other colleagues is appointed from the other group, they cannot represent both the groups either on Executive Council or the Central Assembly. There is bound to be pressure on Government to have both groups represented on various committees, boards, and other important organizations created by Government. You may explain that away at present by saying, "No, you can all sit together and elect one", but once you create two groups, that situation may not arise immediately, but it is bound to arise tomorrow. Each group will demand that it be represented on all organizations, boards and committees.

So in my view, Sir, when the Committee had provided an answer to Government, they have ignored that answer and put themselves in a position of creating more problems, instead of solving them, and I would say, Mr. Speaker, that the Government in this case has not given careful thought to the implications of the whole situation.

Sir, there is another point I would like to refer to, that the adoption of the recommendations of this report, namely

having one roll and election under proportional representation, with a single transferable system, would be in conformity with the various declarations of His Majesty's Government. The steps that this Government proposes to take now are against the various declarations which His Majesty's Government has made during the last quarter of a century.

Sir, I would like to refer to one statement which appeared in Command Paper 3574, which was referred to the Joint Committee in 1930, section 9 of that Command Paper reads:—

"His Majesty's Government are of the opinion that the establishment of a common roll is the object to be aimed at and attained with an equal franchise of a civilization or education character open to all races."

Now, that was a statement which His Majesty's Government made in 1930. I am prepared to appreciate, Sir, the practical difficulties, at present, in reducing the number of four groups, four racial groups, which we have on the Unofficial side, but, Sir, on the eve of the appointment of a consultative body next year, which will consider the constitutional development in this country, to go against the declared intention of His Majesty's Government and increase the number of rolls from three to four, is definitely going against the declared policy of His Majesty's Government. His Majesty's Government thinks that the goal should be to have one roll, though it cannot be put into practice immediately, while the Kenya Government to-day is starting a plan of increasing the number of rolls.

Sir, further, His Majesty's Government issued in 1930 a statement of their conclusions as regards closer union in East Africa, and on page 8 of that document, in paragraph 9, His Majesty's Government stated:—

"With regard to the franchise for the Legislative Council of Kenya, His Majesty's Government are of the opinion that the establishment of a common roll is the object to be aimed at and attained, with an equal franchise of a civilization or education character open to all races. They have not, however, sufficient evidence before them either from a political or

[Mr. Patel] geographical standpoint to say in what manner this desirable end can be reached. In these circumstances His Majesty's Government propose that an inquiry should be undertaken by the High Commissioner, when appointed, as to what is the most practicable action to be taken in this direction in the immediate future."

Now, that was the intention of His Majesty's Government in 1930, to make an investigation as to how that goal can be reached. Now, Mr. Speaker, whether we can reach that goal or not, I am prepared to say, and I say with confidence, that the Kenya Government, in embarking upon increasing the number of rolls and declaration of His Majesty's Government. This report of the Committee was giving an answer, which would have retained one Indian roll and would have prevented them from increasing the number of rolls.

Sir, I would like also to read another statement. This is a statement from the Report of the Joint Committee on Closer Union in East Africa. It is Volume I, page 42, paragraph No. 100. The Committee, which sat in London took evidence of a large number of witnesses, including the Governors of the various East African Territories, Chief Secretaries, Officials and Unofficials of all races, and issued the report after very careful thought. And paragraph 100 reads:—

"The Committee have carefully considered the arguments for and against the common roll. While not denying that strong arguments have been brought forward on both sides, they feel that it would be impracticable under present conditions to advocate the adoption of the system of common roll representation in preference to the existing system of election. They would, however, add that, if at some future date changes were made in the constitution, the desirability of introducing the common roll should be re-examined without prejudice, and the decision of the Committee as recorded above should not be allowed to militate against the adoption of the common roll should it later be deemed desirable."

Now, Sir, the Committee, after very careful thought, suggested that, when constitutional changes are likely to take place in the future, the whole question of a common roll should be examined. In view of this very authoritative statement, I accuse this Government of going against the wise statement of this Committee. On the eve of the constitutional changes next year, the directions should examine the question and to study whether there could be one roll in this country at a time when the constitutional developments take place. The whole question should be examined without prejudice to the statement which the Committee then made. Now, Sir, this Government, instead of retaining one roll for the Indian community, are ignoring the report of this Committee, and thus, I say, are going against all the statements made authoritatively and also the declarations of His Majesty's Government. Sir, I ask the Government what will be the feelings and the conclusions to which one should come if those statements and declarations are to be treated so lightly? I ask the Government why if they wanted to take this step, they did not include this as one of the terms of reference of the Committee and allow the Committee to examine the question.

Sir, there was a Commission on Closer Union under Sir Hilton Young, which came in this country in 1927 and submitted a report in 1929 and on page 210 of their report, known as The Report of the Commission on Closer Union of the Dependencies of Eastern and Central Africa, they state:—

"Our view is that, inasmuch as the progress of the territory must depend on co-operation between the races, the ideal to be aimed at is a common roll on an equal franchise with no discrimination between the races."

We have already three racial rolls in this country; European, Indian and Arab, and by rejecting this report, by rejecting the recommendations of this report which were made by the Committee under your Chairmanship, Sir, the Government is taking a step of not reducing the number of rolls as has been intended throughout, but increasing and introducing an element of religion along with the element of race. I would say, Mr. Speaker, that in handling this matter, the Government, in my view, has completely

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failed to appreciate the forces which are working in this country, and has completely failed to appreciate the future of this country. They are embarking upon a course of action which will prove disastrous in the end for this country. They may say, "We have solved the problem of the Indian community," but they are not solving it. They are creating more problems when they think they are trying to solve.

Sir, I would now submit certain very important statements in favour of the system which has been recommended by the Committee, namely, the system of proportional representation with a single transferable vote. In the first place, I would like to read certain extracts from the letter of the Secretary of the Proportional Representation Society in London, who has very wide experience and has studied the problem a great deal in regard to the working of this system in various countries where it has been adopted. One of the Indians in this country asked for the opinion of the Secretary of the Proportional Representation Society in London, Mr. Fitzgerald, and he wrote in February 1949 when the Committee here was considering the whole question. He said amongst other things, "The references to Malta touch on some aspects of the problems regarding representation which are rather to the fore in Kenya just now. I trust it may be found possible to secure a decision, preferably by general agreement, for the Hindu, Muslim and Sikh electors all to vote by means of the single transferable vote in one constituency". In New York City this system has been adopted: "New York City furnishes similar evidence that with the single transferable vote form of proportional representation, political factors become more important and take precedence over racial and religious differences".

I will not take the time of the Council by reading the whole extract which shows how a Jew was elected, how a Roman Catholic was elected and so on in New York City and how they considered that that was a satisfactory system for the type of elections they have:—

"Professor Hancock in his *Argument of Empire*, discussing this aspect of mixed communities, says:

"It is by pursuing great enterprises together that men find unity with each other and in their unity discover the road of true freedom."

The use of proportional representation by means of the single transferable vote enables citizens of such mixed communities to take the first steps towards "pursuing great enterprises together" for the common good.

And as Northern Ireland happens to be 'new' just now—that was in February, 1949—and is an instance of the sad result of refusing to use the single transferable vote, I quote from Dr. Manscragh's *Government of Northern Ireland*, published in 1936:

"When party divisions are based upon religious preferences the result of an election in most single member constituencies is a forgone conclusion. It is one of the most notable defects of the simple majority system of election that it has increased the stagnation of political life in Northern Ireland."

The difference in political atmosphere in Northern Ireland and Eire is aptly illustrated by Dr. Manscragh, in concluding his *Government of Northern Ireland* thus:

"In Northern Ireland the minority have exercised their right to protest; they have not always remembered their duty to obey. . . . The majority, in the enjoyment of their right-to rule, have been, at times, unmindful of their obligations to those citizens who differ from them in race and creed."

Divisions in Northern Ireland lie deep. . . . Yet it is misleading to conclude that these sections of one community cannot live in friendship or co-operate for the welfare of the common State. . . . The divisions of former years are losing their bitterness in the South. In the North they still survive in all their former intensity."

And the explanation given is that Southern Ireland has adopted the system of proportional representation with single transferable vote, and Northern Ireland has not done it, therefore the minorities in Southern Ireland have the opportunity of being represented, while in Northern Ireland not, and, Sir, the

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the whole advice of this Secretary of the Society of Proportional Representation, which is that the working of this system will create the spirit of common enterprise, and, at the same time, will work to the satisfaction of all the minorities in the Indian electoral group.

I would also like to inform the Council of the places where this system has been introduced. It has been introduced in Tasmania, in Southern Ireland and in Malta. I would like to read an extract about Malta, because it is very relevant to the situation here, because it has often been argued that it will not work if there is an illiterate population to work the system. Malta has a population of 267,000. The extract reads:—

"This application of a single transferable vote presents two special features. The new method was introduced in 1921, at only six months' notice: a very large percentage of the electors were illiterate. Nevertheless the elections proceeded very smoothly. Five Election Commissioners, all Maltese, made the arrangements for polling and counting the votes, using only Maltese staff."

In the Senate election, in an 82 per cent poll, out of 2,800 papers only 20 were invalid. Of these, four were blank, four without the official mark, four showed handwriting; therefore only eight were spoiled through failure to comply with the new system.

In the election of the Legislative Assembly, with a 76 per cent poll, 20,634 persons voted. Of these no less than 8,577, or 41.5 per cent were illiterate. To these illiterates the Presiding Officers were confined to putting definite questions, one at a time, namely: Which of the candidates do you most desire to see elected? For which of the candidates do you desire to express a second choice? A third choice? And so on. There were 159 spoiled papers, of which only 93 (or 0.45 per cent of those voting) were invalid through failure to use the single transferable vote method correctly."

Sir, the system, as I have already mentioned, is also working in New York City.

Further, I would like to give extracts from the Report of the Malta Royal

Commission, 1931, which has been issued as Command Paper 3993 in 1932:—

"The working of proportional representation in Malta was one of the questions examined by the Malta Royal Commission appointed in 1931 to report upon the political situation in the Island.

Proportional representation on the single transferable vote system was introduced in Malta by the Constitution of 1921 for the election of the Legislative Assembly and Senate. The Report points out that since the grant of self-governing powers, different parties have held office, and that no change of the electoral system has even been proposed. Further, leading men of different parties testified to the satisfactory working of the system and to its great advantages under the political conditions prevailing in Malta."

Now, Sir, there is one statement which Lord Strickland, the leader of the Constitutional Party, and the then Prime Minister of Malta, made. He said:—

"I find proportional representation excellent in Malta. The people understand it. . . . A country like Malta, with the diversity of interest, of religion, and of language, could hardly attempt to have responsible government without proportional representation. Without proportional representation the party system here would mean that there would be no minority representation whatever. . . . It is the only system possible."

Now, that is an expression of opinion in a country where there is a diversity of interests, language and religion. Leaders of other parties also supported the system of single transferable vote while giving evidence before the Malta Royal Commission.

Now, Sir, I would also like to read a statement made by the Rev. Canon Luce, Professor of Moral Philosophy at Trinity College, Dublin, in regard to the voting by the proportional representation system in Southern Ireland. I will only read a few extracts:—

"It would be a thousand pities," he wrote, "if a party in a fit of impatience were to scrap this well-tested instrument of enlightened democracy, an instrument to which we all, irrespective

[Mr. Patel] of creed, class and party, owe far more than we sometimes realize, and which can do for our children what it has done for us.

Proportional representation has been a healing force in our midst. Old political feuds are dying; public spirit is replacing action. Our elections are well conducted. The voice of reason is heard; and the gun is silent. Proportional representation deserves much of the credit; for proportional representation produces contented and loyal minorities, whereas the other system breeds muzzled, sullen, discontented minorities, predisposed to doctrines of violence.

Proportional representation has been a unifying force, and unity is strength."

Now, Sir, that is the opinion expressed after the system has worked for a number of years in Southern Ireland.

I would also like to mention that the system has been adopted, even, by the Scottish Education Authorities' Elections for the purpose of permitting elections of the religious minorities, and that has been provided since 1925 in regard to such elections.

Finally, Sir, I would like to quote an extract from the latest edition of the *Encyclopaedia Britannica* of 1946, vol. 19, on page 167:—

"The principle of proportional representation has been widely adopted in the many new constitutions that have been established in Europe as the result of revolution or secession following on the World War. The most notable is that established in Germany by the Electoral Law of April 27th, 1920, for the Reichstag, whereby every party receives a degree of representation corresponding to the number of votes cast in the whole of Germany, one deputy being returned for every 60,000 party votes cast. Minority votes in one constituency are added to the minority votes of the same party complexed cast in another. Article 17 of the Reich constitution further imposes the system of proportional representation (Verhältnismäßigkeit) on the elections to the State legislatures though the form it has

The principle was also adopted by section 15 of the Government of Ireland Act, 1920, and is in consequence in force in Northern Ireland, which is repeated later on. By Article 26 of the Irish Free State Constitution it has been adopted by the Irish Free State. The extension of the principle in Europe in recent years has been extraordinary. Switzerland adopted it for Federal elections by a referendum to that effect which resulted in its adoption in 1918 in the Constitution. The post-war constitutions of Poland (Art. 11), Czechoslovakia (Art. 13), Austria (Art. 26), make similar provision."

So the system, Mr. Speaker, is not an untried system. It does deserve careful consideration by this Government before ignoring a well-thought-out report by the Committee.

Now, Sir, if I may be allowed to say, Mr. Speaker, the Government perhaps failed to appreciate the recommendations of the report, and its implications, because perhaps they have not got the sense to understand. (Laughter.) But in any event it has miserably failed to appreciate the advantages to accrue if these recommendations had been adopted, and they have done so, in my view, without giving any careful thought. After the Committee submitted the report to Government, they put it in cold storage and merely placed it on the table of this Council, because they could not help it now when they wanted to introduce the Legislative Council Amendment Ordinance they thought that perhaps now it was time that they took it out of the cold storage and allowed the public to see what that document was.

Particularly, Sir, I would say that when the Committee had recommended the system as an experiment for two elections which could be reviewed by Legislative Council after that, I am inclined to say that the Government has been stupidly ignoring the report. They ought to have taken a long-range view of the whole thing.

Sir, I must, I think, while speaking on this Motion, also state the dangers of rejecting my Motion and rejecting the recommendations of the Committee. It will, Sir, be the creation of a fair trial

[Mr. Patel] religious lines, and I would venture to say, Sir, that the African community will be entitled to curse the Indian community for setting such a bad precedent in this country. If ever disharmony should take place between African Christians and African Muslims in the future, and Government behaved in the same stupid manner as they are to-day, the African community will be justified in not only accusing the Indian community of importing their disease from India; but of cursing them for setting such a bad example and of cursing the Government also for accepting the position of settling such a bad example.

Sir, the result of the action which Government proposes to take, will be to create more warring elements on the Unofficial side, which perhaps with an official minority will prove to their advantage in a situation which they have been facing lately, but it will not be to the advantage of the country as a whole.

Sir, having placed my case before this Council, I would certainly like to, even at this stage, even at this late stage, appeal to the Government to study the report more carefully than they have done so far, to realize the implications of their rejection of the report, and review the situation.

I would similarly like to appeal to the European Elected Members, who have so often told us that their leadership is absolutely essential for the orderly progress and development of this country. I appeal to them to examine the report and its recommendations impartially, with due thought, and then accept or reject the report on its merits, without other considerations.

Perhaps, Mr. Speaker, my appeal to this Council to examine the report and its recommendations, free from preconceived notions and prejudices, may fall on deaf ears, and the advantages of adopting the system of proportional representation with single transferable vote may be overlooked, brushed aside, partly, perhaps, because the Government is now committed to something else on the grounds of prestige, and partly because they are taking action for considerations which I have failed to understand.

Sir, whether I am able to persuade this Council to realize the necessity for adopt-

ing the recommendations of the report or not, I have the great satisfaction of doing my duty in bringing before this Council the work which was done by the Committee, Mr. Speaker, under your able Chairmanship, and I am sure in my own mind, and I am speaking with an amount of conviction and sincerity which perhaps all the hon. Members may not believe, that the verdict of history will go against those who will increase the number of electoral rolls in this country. (Applause.)

MR. PRITAM: Mr. Speaker, I rise to second the Motion, reserving my right to speak later, if necessary.

MR. NATHOO: Mr. Speaker, in the first place I would like to congratulate the hon. Mover on the way he has moved this Motion, and the manner in which he restrained himself in his feelings, which we can see are very high, and on the dignified manner in which he has presented his Motion. (Hear, hear.)

I would like, Sir, also to associate myself—and I am sure my colleagues—in paying a tribute to you, Sir, for the way you graced our the Committee, and personally, Sir, I would like also to express my thanks to the other members of the Committee who, under very trying circumstances, brought to bear upon these very difficult questions, patience and all the power of their eloquence and their persuasion, in order to bring the two parties to an amicable settlement.

Now, Sir, the hon. Mover has referred to the terms of reference which were originally arranged "as between" the groups of the various leaders. Just Sir, when he mentioned the fact it was escaped my attention whether I was present at that meeting or not, but it came to my mind subsequently, Sir; that when the former Member for Lasa and when the former Member for Bana, I believe several meetings were held, and the terms of reference were discussed, but, as has been mentioned in the report, that did not include the proposal of this proportional representation.

I would like to mention why, at this particular stage, I did agree to this proportional representation, and I will show Members later as to why I agreed to a measure which was perhaps not subscribed by my community, in order to achieve some sort of agreement, so that

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a workable solution could be found. Sir, in that connexion I would like to refer to paragraph 4 of the report, on page 2, of this Committee. It says, *inter alia*—

"With that object in view we have thought fit not to hasten in any way our deliberations. In June, 1948, there was evidence that feelings were high and that acts of violence might be attempted. By September, 1948, animosity was lessening and, in consequence of Mr. Patel and Mr. Mathu having to attend the Colonial Conference in London, we suspended meetings from September until the 7th February, 1949."

At that time I sincerely believed that the differences which existed between the two communities in this country, due to incidents in India might, at a later stage, disappear when things should be more settled in the Dominions of India and Pakistan and we would come to a more favourable frame of mind, and some sort of workable solution could be achieved.

Soon after 1948 I found—and so did quite a lot of people who were of my way of thinking—that the gap, instead of narrowing, was widening but, before I come to that I would like to refer to the history to which my hon. friend, the Mover of the Motion, has alluded. In the opening remarks, Sir, he said that, to a certain extent, the whole problem was created by the ignorance of the masses, and the way in which they voted at elections, and prevented the legitimate candidates of the minor community being returned at the polls.

Now, Sir I would like to say that, to a certain extent, that was true, and that if that feeling was simply confined to the masses, there would be a great deal of argument in what my hon. friend, the Mover, said, but, Sir, would that account for the fact that two attempts officially were made to bring these communities together—one in the presence of Raja Mahra Singh, now the present Governor of Bombay, when he was here in this country, tried to reconcile the community and, due to the obstinacy of the major community, nothing could be achieved.

My hon. friend has accused the Government of conspiracy and efforts to

create a rift between the communities. I am sure hon. Members opposite are quite capable of replying to that accusation, but I would be failing in my duty if I were to, omit to record the fact that throughout these difficult times, His Excellency the Governor and his advisers were at all times anxious and eager that some sort of workable solution should be found between the communities without creating this rift and, Sir, to that effect His Excellency the Governor went to the extent of inviting the responsible leaders of both communities to meet him in conference at Nairobi and at Mombasa.

Now, Sir, it is a matter of great regret, and I think the leaders of the major community must remember this is the one big mistake they made when they refused to attend a conference and have anything to do with it. His Excellency the Governor was trying to find a solution. I ask you, Sir, with the major community in that frame of mind would a responsible Government do anything but find ways and means whereby the legitimate aspirations of a minor community had to be satisfied? Mention has been made that there was not a single argument against the recommendations of the Proportionate Representation Committee, and later on, Sir, to a certain extent, the hon. Mover tried to justify that even in an ignorant community this system was working.

When I signed this report, personally my feelings were as mentioned in the note to the report that I would have preferred a separate electorate, but since that was not possible at that stage, I was prepared to give this matter a trial. At that time, Sir, in my conversation with several responsible members of my community, I was given to understand that although the major portion of the community was against this sort of experiment, it would perhaps be possible to try and see if an experiment of that sort could be worked. I believe, Sir, that perhaps, with influence—we had other people who were of my frame of mind—we would have induced the community to give this matter a trial, but the attitude of the major community since then has convinced all moderate-thinking Muslims, Sir, and has convinced them completely, that to expect anything from

[Mr. Nathoo]

the major community in the way of concessions to the legitimate demands of the Muslim community was out of the question and, Sir, I say to-day with conviction, that if this experiment was forced upon the Muslim community, not one per cent of the people of my community would agree to it, and I should say that if at that time I have signed the report, I signed it in all sincerity, and in a full conviction that it might be a solution to our difficulties. I must admit publicly, I was wrong in that opinion, and that I am quite convinced that the community will not look at it. Mention has been made that this experiment was tried in Malia, where a large number of illiterate persons existed but, Sir, we forget the fact that the people of Malia are not influenced by any influences which bear upon them like they do in this country over the Hindus and the Muslims. Events in Pakistan and India—much as we dislike it—have a very great influence on what is happening here and, even if at that time, I agreed whatever solution it is tried to bring together the communities, it is going to be a failure.

My hon. friend, the Mover, has stated that there is serious objection to dividing the community and creating an extra roll in the country. Well, Sir, if they are so strongly of that opinion, why did they agree to the term of reference being considered under which this roll was to be divided on the basis of India and Pakistan? They are ready to consider that, and I have information at my disposal which shows that a very large section of the major community was prepared to agree to this division on the basis of India and Pakistan, but, Sir, as we have stated time and time again, and I would like to state, it now that the Muslims who have made this country their home, most as they may have sympathies either with one Dominion or another, perhaps in this case definitely Pakistan, we do not want to have any matter in this country decided on the basis of what is happening in India and Pakistan. (Hear, hear.) We belong to this country. We have made this country our home, and whatever we are to do and however we are treated, we want to be treated as part and parcel of this country, under the rule of the British in

this Colony, and all matters must be decided on that basis. I fell, Sir, that the common roll is a very desirable object and one for which we should strive, but as events show, as far as we can see, things are moving in a way in which it is very unlikely that for many years, perhaps 25 or 50 years, or perhaps more, that such an object could be achieved in a country where there are various races in various stages of civilization with different ideals, where different cultures exist, and to suggest that in order to achieve that panacea of introducing the common roll at a later stage, perhaps in 100 or 200 years; the legitimate demands of the Muslim community should be ignored is an argument to which we could not subscribe. Much has been said and I am sure quite a lot will be said about the separate electorates when the Bill is being discussed in this Council.

Council adjourned at 11 a.m. and resumed at 11.23 a.m.

MINUTES

THE SPEAKER: Before the debate is resumed, I will call for the minutes of yesterday evening's sitting.

The minutes of the meeting of 13th December, 1951 (Evening Sitting), were confirmed.

REPORT OF COMMITTEE ON INDIAN ELECTORAL REPRESENTATION (Contd.)

MR. NATHOO: The hon. Mover has also mentioned regarding the proportional representation scheme, whereby two Muslims could be returned according to the numbers that were in the country, but, Sir, I would like to say that that provision in the minds of the Committee was not quite emphatic as much as it can be seen from the reservation which was made in paragraph 15, then which was made in paragraph A, sub-paragraph A, where it is said: "The number of Indian Members in the Legislative Council should be increased to six, of whom five should be Elected Members and one should be nominated." Sir, this clause was included in the report when it was mentioned that for one reason or another it was quite possible that two Muslims may not be returned at the polls. With this, Sir, in mind, we must remember that the scheme, desirable as

[Mr. Nathoo]

It may be left, and it leaves a certain amount of loop-holes, and for that reason the Muslim community, even before the publication of its report, when they heard rumours about the recommendations, stated, in no uncertain terms, that they were not prepared to accept that sort of solution to their difficulties. Now, Sir, mention has been made that these differences are amongst the communities are imported into this country, and that at a later stage the Africans when they are faced with similar difficulties would come the day when these were introduced.

Surely, Sir, all reasonable people know when a thing is official or otherwise, that differences between the communities exist, and I would like to say at this stage that at a later stage if the major communities or the major tribes among the Africans behave in a manner which has been adopted by the major community among the Indians—they will have themselves to blame for any partitions which come, because no responsible Government can afford to ignore the legitimate demands of the minority communities. I would also like to mention the state of mind of the major community with regard to the nomenclature of its institutions. In spite of the frantic efforts of the Muslims to change the name of Indian to Asian and when everyone knows, that due to the partition in the sub-continent of India, the Muslims or the majority of them at least, by their nationality are not Indian and in their sympathies they are not with India, in that case it would be reasonable to expect that the Muslim community would accede to the demand and come to some workable solution. That broad-mindedness has not been shown and now the position is that Muslims will not accept anything under a separate roll. My friend the hon. Member has mentioned that the report had been put in cold storage, and has never been taken out. As far as the Muslim community is concerned, I say this report should be sent to the archives of the Secretariat where it should be put in a place where, if it is wanted, you would have to retrace an extra Assistant Secretary to find it.

Sir, I beg to oppose.

MR. COOPER: Mr. Speaker, when I had the honour to serve on your Committee

I entered on these duties with the idea that the Committee was more a reference than a Committee and that it is our duty to try, in the course of investigation, to assuage any embittered feelings there were and to iron out any differences of opinion. I, and probably a good many other European Members, also felt we would like to be free of the charge that we were trying to divide and rule. As the proceedings lengthened, it became clear to me that it was essential to ensure that there were two Mohammedan Members of this Council. I should have preferred to go the whole hog and to have recommended that there should be a separate Muslim and a separate Indian roll, but you, Sir, I am sure quite correctly, or else you first consulted the Government—I am not quite certain what happened—ruled that that was outside our terms of reference and we must confine ourselves strictly to the terms of reference. Rightly or wrongly it shows—I think it is called the *pis aller*—I chose the rather bad second best, I think, and we recommended in order to ensure, so far as humanly possible, that there should be two Mohammedans in this Council. We recommended there should be six Asians on the Council, and that one of those should be nominated, making it as certain as possible that if two Mohammedans were not elected according to proportional representation, it would be in the hands of His Excellency the Governor to nominate a second Mohammedan. As my hon. friend, who has just sat down, Mr. Nathoo said, that did not really make assurance doubly sure, and naturally, as all people are antagonistic out here are probably a little bit extra suspicious they well felt a situation might conceivably arise in which the Governor might not recommend a second Mohammedan Member.

With regard to the proportional representation, unlike my hon. friend Mr. Patel I have been acquainted for many years with the proposal concerning proportional representation. I think it was John Stuart Mill over 100 years ago, who first invented that system. I am certain, gentlemen on the other side will correct me if I am wrong about that, but as I indicated in my minority note, although I was prepared to give it a trial, I did feel, Sir, it would cover work.

[Mr. Cooke]

Now, it may work in Malia where you have a small, more or less, homogeneous community, where you can get in touch, within a few minutes almost, with the various electors. I could not conceive it working in a place like Kilni or Isioio, where there are illiterate Asians who would have to be contacted and you would have to explain with infinite patience; if there were twelve candidates for a particular seat and there were twelve animals pictorially represented on each voting paper you would have considerable difficulty in explaining whether the elector should vote a rhinoceros in the eleventh or a giraffe in the tenth. I felt most of the animals that went into the Ark would have to be represented pictorially under such a system. I, Sir, recognize—and I have had many years' acquaintance with my hon. friend Mr. Patel—his great sincerity and his great loyalty, but the difficulty with us, with me at any rate, is that not every Indian is as loyal, or as sincere as Mr. Patel, and we have had in recent years a lot of very provocative utterances by Indian representatives in this country. And it naturally, although it may not have been directed as it should do, it naturally influences my whole outlook on this matter; because I felt, Sir, that, in a country such as this—where some of us have been trying to get the various races together and, indeed, when I am referring to now is a manifestation of disloyalty which actually happened, in my own experience, at a private meeting—that kind of thing is bound to influence one and one is bound to think—and, possibly quite wrongly, where people whose loyalty to this country has never been in doubt, and who have rendered great service to this country; and, therefore, I came to the conclusion, Sir, that the only possible solution to this question was the one that Government have decided upon.

Now, you may say, that is a change of attitude on my part. It may be, or may not be, but I have been driven, after a good deal of thought—after all, this Committee sat 3½ years ago—that it would not be practical politics to have anything but a separate roll. Politics have been defined as the pursuit of the impracticable. I, being an Indian, know that it has been impracticable in

Ireland, as well, to have a common roll. You cannot, Sir, reconcile the irreconcilable; certainly not by legal methods. You can, by years of persuasion, and we can, in the future, there will certainly be a common roll, at any rate amongst the Asians in Kenya, but it is no use trying to reconcile people who are entirely irreconcilable, just as, at the moment, Irish Roman Catholics and Irish Protestants are.

Now, I think really, the question of proportional representation does not enter into the argument to-day, but I am opposed to proportional representation, because, as I say, I do not think it would work.

Well, Sir, I have nothing further to say, and I oppose the Motion with great reluctance, because I, and I think, everybody in this Council, would like to see all the Indian communities working together, but it is just not possible at the present moment.

Sir, I oppose the Motion. (Applause.)

MR. SHARMA: Mr. Speaker, I would also like to associate myself with the views put forward by my hon. friend, the Member for the Coast. I was one of the signatories of the report and, on many occasions, I did put up my views on these separate rolls.

If, Sir, you will allow me to quote a few paragraphs from a letter which I addressed to you at the time of the finalizing of the report, here, I said, again—"I agree with the Committee that provided the two major parties are not compelled by religious prejudice to support candidates from their particular group, proportional representation is, in my view, the fairest way of solving the matter. I fear, and still do, that the opposite is true; so if I am to support proportional representation, I must add a reservation that this adoption should be subject to its acceptance by a majority in each group, otherwise our aim to find a solution acceptable to all parties will be defeated."

Sir, from the beginning this was my view. We all know, I think, that the situation in India has created such feelings between the two major parties, and according to my own particular conviction, I do not think that the two parties will ever come to any amicable settlement. I do not think, Sir, that a Hindu

[Mr. Shatry] will ever vote for a Muslim, while the present situation in India exists. And, I have also associated myself with the views expressed by Mr. Cooke in his Minority Report.

With this view in mind, Sir, I will have to oppose the Motion. (Applause.)

MR. MATHU: Mr. Speaker, now, our views on this controversial question between Hindus and Muslims, as far as representation in this Council is concerned, are known. We have, on various occasions, expressed our fears on basing political representation on a religious basis, and that, we have made more than once.

Now, the second point I want to make, Sir, is that I am a signatory of this report and I, unlike other Members who put in a Minority Note or reservation, did not, because I was hoping very much indeed that there would be a solution to this problem, if this scheme of proportional representation with a single transferable vote was accepted; that was my whole purpose of signing this report without any reservation at all.

I do not think it would be proper for me now to say that this report should not go forward, because, unlike some other hon. speakers, I have not found reasons to believe that further attempts to reconcile the parties in question should not be made.

I agree, and I think the African Members of this Council support me in this one, that everything should be done to make sure that you have two Muslim Indian Members in this Council and when the 1948 Legislative Council (Amendment) Bill has come up before this Council for debate, every year, we have said so, and the fears that I have mentioned earlier on, we have expressed.

The final point, Sir, I want to make is this, that when the discussions regarding constitutional changes for Kenya in 1952 were made by the representatives of the various groups on the Unofficial side and His Excellency the Governor, and later by the Secretary of State, then in office, a point, I think, we all agreed on was that we must not ask for a major constitutional change, but what we shall have in 1952 would be a minor adjustment. I think those were the words used

Now, in my view, the proposed which is coming before this Council after we have disposed of this Motion and other business, in my view, constitutes a major constitutional change when you set up separate rolls for the two sections of the Indian community. I have already discussed this matter with the leader of the Government and expressed that point of view; that I think it is going to be a major constitutional change, and it is a matter that ought to have waited for another year, that is, 1952, under the present arrangements, until the Committee, the Consultative Committee, is set up to deal with the whole question of the constitution of the country, and I think there we are departing from a gentleman's agreement which we reached at Government House, when this matter came up for discussion.

For these reasons, Sir, I feel that there will be no harm in supporting the Motion which only asks us to consider the adoption of the report of the Committee which you, Sir, presided over, and in which you made recommendations for solving the problem.

And so, for these reasons I am going to support the Motion.

DR. RANA: Mr. Speaker, Sir, I rise to oppose the Motion moved by my hon. friend the Member for Eastern Area, Mr. Patel. I would ask your permission, Sir, before I discuss a few points as far as the report of the Select Committee is concerned, to go over past history as to how this Committee of yours, under your Chairmanship, came into existence, because, in my view, some of the points by the previous speaker have not been brought to the knowledge of the Members of this Council; but before doing that, Sir, I would like to join in the compliments that have been paid firstly to the hon. Mover of this Motion for the very fine and sober way he has put this Motion forward, though I must say that some of the facts that have been mentioned by him, either deliberately or quite in the excitement of the moment, were not put before the whole Council; secondly to you and your colleagues on this wonderful Committee which is the cause of all the discussion to-day, I pay tribute to your honesty and sincerity and the way you carried out the work, but I am afraid you yourself and your Committee to some extent misdirected your

[Dr. Rana] advice, in going out of your terms of reference. The reasons, Sir, I mention that—first of all, as a preliminary point, my hon. friend the Mover mentioned that it would be a catastrophe for the country if you cut away or amputated one arm the body would not suffer or something to that effect. That is nonsense—the body would not suffer. We always amputate a limb to save the other part of the human body, I feel, whatever his views may be; that the Government has rightly taken this attitude for the time being completely to omit the report of this Committee.

Now, Sir, as I said, I would like to go over the history of this. I have here a memorandum which was signed on 20th November, 1946, of which I am one of the signatories—my colleague the hon. Mover of the Motion, my hon. friend Mr. Nathoo, and Mr. M. P. M. I cannot find his signature here, but he agreed to it at any rate. We approached His Excellency the Governor on the question of the conditions amongst the Indian community due to this elected system, which in my own humble opinion, was a very big right given to us in this country, when really there was no real urgency for it, when the people did not realize what the democratic elective principle really means, when the conditions of the country were such that they knew very well that they were not ready for democracy. I think the elective system is one which always creates some sort of trouble. We told His Excellency that we would like the candidates, the whole system to be revised and we would like to put certain proposals forward with a view to reconciling both communities. This question arose when there was no Muslim on the Nairobi City Council. All the seven seats were completely taken up by the majority community—I mean the non-Muslims—though in 1937 they made a gentleman's agreement that they would keep two or three for the Muslims. Later on, unfortunately, great controversy was going on on the partition of India between the Muslim League and the Indian National Congress and then the time came when India was partitioned and the feelings between Muslim and non-Muslim in this country became very intense. We approached His Excellency at that time and requested him for his

advice. Now I do not wish to blame the Government. I join in the tribute which have been paid by my colleagues. Mr. Nathoo, His Excellency offered his own services and called us to meet him and discuss the various points before the 1948 elections were due, because the Muslim community had made representations that if nothing were done there would be very little chance of any Muslim being elected to the next Council. His Excellency called upon the leaders of both communities in Nairobi and in Mombasa and once again in Nairobi, and I am sure the hon. Mover will agree, he himself told him: "I am sorry, your Excellency, that I cannot deliver the goods on behalf of the Hindu community" as they have no confidence in him any more. I have always felt unless we had separate voters rolls the Muslims will never get their fair share and justice. A temporary Ordinance was brought in 1948. The constitutions of India and Pakistan were not settled, and at that time the hon. Member for Law and Order, Mr. Foster Sutton, and the Government thought it would be no good until they knew exactly what India or Pakistan were going to do. So the temporary Ordinance was brought in year by year, but even then they gave us no separate vote. Previous to that every Indian voter had two votes and the Muslim vote went to a Muslim and the non-Muslim one to the other side. That is, in brief, the history.

Coming to the Select Committee and the report, Sir, as the hon. Member for the Coast very rightly said, there is a paragraph on the second page of your report—

THE SPEAKER: I would point out to the hon. Member that large numbers of persons signed the report, and it should not be referred to as mine personally.

DR. RANA: I am sorry, Mr. Speaker, I will say the report. In the third paragraph it says: "It would have been better to have described the body so constituted as a conference, which was the term first suggested by your Excellency. Nevertheless, we have always had in mind throughout our deliberations that the essential thing was to obtain a general agreement—if agreement were at all possible—between the different groups among the Indian electors". This paragraph clearly shows that, although the

(Dr. Rana) Select Committee was given complete power, that they wished to obtain agreement between the various Asian communities. Meetings of the Committee were held, and I, on behalf of the Muslim Association of Mombasa, appeared before the Select Committee. I have got here a memorandum which was signed by all the various heads of the various sections of the Muslim community, and sent to you on 5th February, 1949, when there was no question of proportional representation. Previous to that the Committee had held meetings in Nairobi and had taken the views of the Muslim community by evidence. In Mombasa I know there was not a single Muslim who came before your Committee who ever supported the idea of proportional representation. The hon. Mover has said when he went on behalf of Kenya with Sir Charles Mortimer to London, they were lucky enough to see the Secretary of some Society. Naturally the Secretary of any institution is always anxious to get his own doctrine spread all over the world. They were so enamoured with the ideas they came back and the result was the Committee in June, 1949, again changed the terms of reference and got a wider power to themselves. I say, Sir, that no responsible leader of the Muslim community was consulted. Even though my hon. African colleague, Mr. Mathu, was there I am sure he never told me what the terms of reference were going to be. We would certainly have said we did not want it. Anyway I was told and literature given me by one or two members of the Committee about proportional representation, and I may say, Sir, with all my little knowledge of English I could not understand one word. It was absolutely Greek — this proportional representation by a single transferable vote. As the hon. Member for the Coast has said, we have got so many people, mostly ladies, who are illiterate, that we have been using the system of symbols with ordinary, usual names. I was given once the name "bicycle" which was wrong in my view. Another time I was given the name "elephant", and another time "lion". I am sure the hon. Mover of the Motion will be that, in the last election, one of his party brought along an elephant from a curio shop and put it in front of the hall in order to show

his support. That is the way voting takes place. The result will be that, with this system, particularly the Muslim community among whom I would say there were fairly large numbers of illiterate and obscure *pardah* ladies—you say to them: "Look here, there are going to be ten candidates in all. One will be Mohamed Ali Rana, and the other Ambalal Patel, and so on". And that means, due to the *pardah* system, no candidates will be allowed to go to their houses. They are supposed to mark 1, 2, 3, 4 or 6, against each name. I honestly and sincerely believe that it is an absolutely impracticable solution for us.

The major point I am going to raise, Sir, is the hon. Member for African Affairs Mr. Mathu has said rightly, that it is an interim arrangement, this new Bill which is coming in after the Secretary of State's visit, when there was an alteration of the whole constitutional scheme, whatever is being given is purely for four years. I submit if we are not able to return Muslims who have the confidence of their community, and if we are going to be tied to the apron strings of the majority community. As you know, in every election, they say, "Will you agree to this, and this", and Dr. Rana whether he likes it or not must say "Yes" because otherwise I cannot get the vote. That is the position and this is the "democratic" elective system. I submit to you and to the Council, is there any justice in this. Even in India before the partition they had common franchise, and the communities had the right to certain seats and to put up their own man and only voters of those minor communities could vote for their reserved seats. The people of this country have got to have some organization. It does not mean we will always be saying the Muslims must be given special treatment—there is nothing like that at all. The whole issue is, at the moment, this Government, rightly or wrongly, is under British rule—it is the Colonial Office—it is the British people ruling this country. In those circumstances I always think we should have proper representatives to voice the feelings of our communities. The day when this country will have no citizenship, when we consider ourselves as having allegiance to one King and fight for the country, I can assure you the Muslim community will never lag behind. Sir,

(Dr. Rana) are amongst the various communities that have been mentioned. The Sikh community is an important part of the Indian community. Lately they have been going through Congress and exciting the Africans that they should become their allies. I fail to understand. Why should they go and interfere with the African community? It is no concern of theirs. We want to live peacefully with all the races of this country. The Muslims have been declared as a separate nation in India and it is on that basis that Pakistan was created. It was accepted by Mahatma Gandhi and by Mr. Jinnah and by the Imperial Government. It is on that basis that we submit that our outlook, on life, spiritually, socially, economically, and politically is different and we are a completely separate entity from the majority of the Indian community.

The hon. Mover referred to what is happening in Tasmania, Malaya and Southern Ireland under proportional representation systems, but he did not mention that fortunately there were no Hindus or Africans can understand the difference between the two sections of the community in our whole outlook. I always sit next to my hon. friend, Mr. Patel—I have never bitten him. As a matter of fact, during the recess, one hon. Arab Member asked me if I would like him to come and sit in between us. I said: "You leave us together". I submit that if we have a separate voters' roll the relations between the two sections will become better. There will be no nagging—there will be no rustling about here and there. The hon. Mover brought up the question of the bodies of Executive Council and the Standing Finance Committee and so on. For his benefit I can say that three years ago, when he was going to India on leave, we had an Indian Elected Members' Organization meeting. The question was who should take the place of Mr. Patel. My colleague, Mr. Pritam, was four months senior to me in this Council—or six months. He said: "It is my right, and I should go". The matter was brought before the then Chief Secretary, Sir Gilbert Rennie, and he said it was a matter for Government and he made a nomination. "We will pick which man we like. We will select Dr.

Rana," and I went. I submit we are like partners. If the hon. Member is ~~asked~~—Executive Council has Indian representation—20 years holding the seat—in fairness next year they should tell His Excellency: "Your Excellency, appoint some Muslim". Why go and force His Majesty's Government to say you must have an Indian and a Muslim. I for one am not worrying about it. I have full confidence in my hon. friend.

Now, the question of a sixth seat on Legislative Council has been brought up. I have never agreed that a sixth seat should be given to a non-Muslim. Next time I am going to fight that that seat should be made on an alternate basis, regarding our representation in Legislative Council. I am not going to ask that we Muslims should have so many seats on each and every Select Committee.

I do not want to waste the time of Council. I want to oppose the Motion moved by the hon. Member and I further assure the Council and the hon. Mover, that if they give us a trial with separate voters' rolls, I am sure relations will be better. I want to assure the hon. African Members and Kenya African Union—for the last four weeks the Indian papers have been itching them. "Come to the help of the Indian community—otherwise the Indian community is going to sink"—It is not at all good to exert pressure on other races in this country. In these circumstances I want to assure the African community that we treat them as brothers, as East Africans. We have made their country as our home and under the British Government and we want sincerely to get on with the development and prosperity of the country. We have not been creating trouble—our past history is proof of that. We want to co-operate with anyone who wants to give us a hand, but we do not want to co-operate with any community who, if they become more in number, want to take advantage. That is not the community we want to co-operate with. Our Asian constituents which have been denominated by Muslims (and by non-Muslims—(Question)—I will show you my figures—when we will go to Court. In this Council I have said I am no longer Indian—either has any Muslim in East

(Dr. Rana) Africa any allegiance to India. Under these circumstances we are asking for this report to be rejected. Proportional representation will do great injustice to us. I want to pay tribute to the Government and the people who are responsible for rejecting it—I hope Government will reject it. If they reject the separate Voters Roll Bill, which is going to come before the Council next week, I shall be grateful to them on behalf of all the Muslim section and assure them they will be doing a great justice for the good of the whole country.

With these few words I oppose the Motion.

THE ACTING CHIEF SECRETARY: Mr. Speaker, the attitude of the Government towards the subject of this Motion is clear from the terms of the Legislative Council Amendment Bill which is to be read a second time in Council next week, and I must accordingly oppose the Motion. Before, however, I deal with the reasons why the Government have decided not to accept the recommendations in your Committee's report, I would like, Sir, on behalf of the Government, to thank you as its Chairman, and all the members of that Committee, for the very thorough investigation into this difficult problem that the Committee carried out.

It is, Sir, no reflection on the thoroughness with which the Committee did its work that the Government has found itself unable to accept the recommendations in the report, as I hope I shall be able to show in a minute or two. I would like also to associate myself with the remarks of the hon. Member for the Central Area, Mr. Na'ho, on the manner in which this Motion was moved by the hon. Mover. (Applause.) I know well, and I think we all know how deeply he feels on this matter, and I must say that I was full of admiration for the generally moderate manner in which he proposed his Motion, and for the amount of work he had put in to the preparation of his speech before coming to this Council. I must, however, challenge very strongly the remarks which the hon. Member made regarding the consideration—or lack of it, in his words—which has been given to the recommendations in your Committee's report

by the Government. He did, Sir, make some very extravagant statements in denouncing the Government for its failure properly to consider this report. He stated that no consideration had been given to it, and that there had never been any other intention all along but to put it into cold storage. He said that he was not prepared to believe that there was not some ulterior motive behind the Government's rejection of the report, and a lot of other statements which, I believe, on reflection, he will agree with me, were extravagant and untrue. The hon. Member knows as well as anyone that the Governor personally has been to the greatest pains in the many discussions which His Excellency has had with the leaders of the Asian community to endeavour to reach an agreed solution. His Excellency has pressed those discussions and persisted in them in the hope that some satisfactory solution to both parties would result, possibly long after he really felt himself that there was any real chance of success. I know from my own experience how anxious His Excellency was that some agreed solution should be found. However, that was not to be, and the Government has had to make up its own mind what interim arrangements should be made to deal with this particular Asian problem, before the whole question of constitutional reform comes up for consideration after the election of the next Council.

The hon. the Mover, also complained of Government's dilatoriness in publishing this report, and it is necessary for me to recall to the minds of hon. Members what has happened since the report was submitted at the end of 1949. His Excellency, himself, was away for some months in 1950, and almost immediately after his return, it was announced that Mr. Griffiths, then Secretary of State for the Colonies, would be coming himself to Kenya to have discussions with all groups represented in this Council, on the general question of constitutional reform. At that stage, Sir, it became obvious that this particular issue affecting one community must be merged in the bigger issues affecting all communities in this country, and, Sir, the Government considered that it would be wrong in those circumstances to publish a report suggesting ways and means as to how

[The Acting Chief Secretary]—one particular: part of the problem should be solved. Hon. Members will remember that after the Secretary of State returned to the United Kingdom, he made an announcement in the House of Commons regarding the discussions which had taken place in Kenya, and the relevant passage in that announcement as affecting the particular problem, which we are discussing to-day, was as follows:—

Mr. Griffiths said:

"I earnestly hope that means may be found of achieving that object without creating separate electorates within the Indian community, who will, I trust, make a genuine and sincere effort to find an agreed solution of this problem."

Sir, since that time His Excellency has again had a number of discussions with the hon. Members concerned and the Government can only regret that that agreement which the Secretary of State so desired was not forthcoming.

Now, Sir, in considering the report which is before us, and in ultimately deciding that the other arrangements were preferable, provision for which has been included in the draft legislation now before the Council, the Government was impressed with the remarks to which the hon. Member for the Coast has already referred, and which are on record in the Minority Note signed by himself and the hon. Member representing Arab Interests. The Government felt, Sir, that notwithstanding the success which has attended the introduction of proportional representation in the other countries to which reference has already been made this morning, nevertheless, in the circumstances existing in this country, where the community concerned is largely illiterate, that the introduction of so complicated a system as proportional representation with the single transferable vote would not be practicable. I think that in considering that conclusion, having regard to the facts which have been given to us by the hon. Member this morning, it is important to remember that in these countries to which he has referred, the system of proportional representation was, no doubt, acceptable to all the communities living there. Whereas it has been made quite clear, during the discussion

which have taken place here, that a similar system in this country would not be acceptable to the Muslim community. That community, Sir, makes up for something over 30 per cent of the total Asian population in this country, and the hon. Member for Eastern Area has said this morning that he does not believe that there is one per cent of that 30 per cent odd of the Asian community to which a system of proportional representation would be acceptable.

There is also another reason, Sir, why the Government has come to the decision which it has in this matter. At the time when this report was under preparation it is clear from certain paragraphs in it that there was then, on the whole, agreement between the two particular communities that separate rolls should not be introduced. To quote one or two sentences in the report to substantiate that statement, I would refer to the last sentence in paragraph 5, which reads:—

"But Muslim opinion, though it has fluctuated somewhat during the year, has on the whole favoured continuing the arrangement by which two seats are reserved for Muslims"

referring to the term of reference (a) (ii).

Then again, in paragraph 14 of the report, it is stated:—

"But there is at present among Muslims and non-Muslims alike considerable objection to dividing the Indian register into two registers."

Now, Sir, that is demonstrably no longer the case, and it is perfectly possible, I think, that if the same Committee were considering the same problem under the circumstances as they exist to-day, it would reach a different conclusion—(hear, hear)—and that the conclusion which it might well have reached in these different circumstances now prevailing would have been the conclusion which has been reached by the Government. The hon. Member when moving the Motion suggested that the rejecting by the Government of the recommendations in this report would probably have the most disastrous consequences.

Well, Sir, whether or not the consequences will be favourable, or unfavourable, must depend on the attitude

[The Acting Chief Secretary] to be adopted by the Asian community towards the Government decision; and remembering the manner in which the hon. Member moved his Motion, and knowing, as I do, the influence which he exercises in his community—and that that influence will always be exercised in the direction of making work what has been put into the law—it is reasonable to hope that the former will be the case. The Government is entitled to expect, Sir, and, I hope will receive, the full co-operation of the entire community in supporting the decision which it has taken, provision for which is included in the Amending Bill to be read a second time in Council next week.

The hon. Member for African Interests Mr. Mathu has announced his intention of supporting this Motion on the grounds that a major constitutional change is being introduced which would be contrary to the undertaking given by Mr. Griffiths last year. The Government, Sir, does not regard this decision as a major constitutional change. The 1948 Amending Ordinance, which provided, as hon. Members will remember, for two reserved Muslim seats, must surely have intended that those reserved seats should be filled by the votes of the Muslims themselves. In fact, it is possible under that Ordinance for persons of other denominations to influence the election of Muslims to those seats, and I do not think, Sir, that it could be said that that was ever the intention of the Council which passed that law. To that extent, therefore, all that the proposed amendment will now do, in the view of Government, is to make sure that the real intentions of the Legislature in passing the 1948 Amending Ordinance will be given effect.

In conclusion, Sir, I hope—and I am sure that I am expressing the view of all Members in this Council—that although a large number of the Asian community will be sorry that the recommendations in the Report that we are now considering have not been accepted, I hope and believe that, with the example which I am sure will be given to them by their leaders in this Council, they will loyally co-operate in implementing the new Bill, which I hope will be passed into law next week.

This measure, Sir, is, of course, an interim measure pending the consideration of the whole constitutional problem, which will take place after the new Council has been elected next year.

With these few remarks, Sir, which I hope have made clear the reasons for the attitude which the Government has taken up in this matter, I must oppose the Motion.

MR. NATHOO: Mr. Speaker, on a point of explanation, I said 1 per cent, not 1 per cent, of the population.

THE ACTING CHIEF SECRETARY: I beg your pardon.

MAJOR KEYSER: Mr. Speaker, the hon. Mover in his speech referred to a meeting held under the Chairmanship of the late hon. Attorney General, which the leaders of the various communities attended, to draw up the terms of reference of the Committee whose report we are now discussing. I attended that meeting, Sir, and remember fairly well what took place, and the hon. Member, in his speech, I think, went to some lengths to show that the whole question of a division on religious lines was not in the minds of the persons who attended that meeting. Well, Sir, when we hear, Sir—at least, when I do—discuss the question of Muslims and Hindus in this Council, I certainly do not look on it as a religious division, I look on it here as a political division, and I think that when I was discussing the question of—thinking of—Muslims and Hindus at that meeting, I was thinking of the two political groups, and one of the terms of reference (that is "A" 2), definitely stated that it was to consider the desirability or otherwise of continuing part of the permanent system, the arrangements provided for by the Legislative Council Ordinance, 1948. That Ordinance, of course, quite distinctly referred to the question of Indian Muslim representation and other Indian representation, and again I looked on that Indian Muslim representation; and any other Indian representation as the division of two political parties, or political sections.

So, Sir, I do not think that the report of the present Bill is really departing from the thought in the minds of those who drew up the terms of reference for that Committee.

[Major Keyser]

Sir, the hon. Member then went on to refer to what sounded like some conspiracy—a plot—and he referred to a conversation that he had with me over the question of a sixth Indian seat, and he said:—

"I approached the leader of the European Elected Members—before I went to India, I begged him to agree to increase the Indian seat so that the system of proportional representation could be put into practice."

Now, Sir, I will remember that conversation with him; it took place at the end of this hall, and he then told me that he thought that the result of the deliberations of this Committee would be the recommendation of one more Indian seat, and what would my reaction to that be. There was no question, Sir, of the matter of proportional representation coming up in that conversation at all. It was simply the question of what my reaction would be to their recommendation of one more Indian seat, and I said that I would support it, under certain conditions.

I may say, that I think it was the next day that the hon. Dr. Rana approached me on precisely the same thing, and I gave him precisely the same answer—he then, Sir, goes on to say that he thought that he had the sympathy of the European Elected Members in support for another seat, Indian seat, and that was the situation until he went to India in 1950, but that when he returned, in September, 1950, the whole situation seemed to have changed, and he says:—

"As a matter of fact, I would like to say that I noticed that the European Elected Members were taking a neutral, impartial view of the whole question until September, 1950, when I returned back from India in December I noticed a great change. Well, Sir, even at the risk of being misunderstood I am raising the controversy in this Council. I must in fairness to the question which I am discussing say that this change came over on account of political reasons. The question was whether I was prepared to support a parity of six on the Unofficial side between the Europeans and non-Europeans or not?—I think he means whether he was prepared to

support parity on the Unofficial side or not?—If I had supported that parity this change would not have come about. Well, I am prepared to say, Sir, again, Mr. Speaker, my firm conviction that there was a conspiracy to ignore these recommendations of the report for some motives, and in ignoring the report consideration was not given on merits."

Well, Sir, the facts of that case are that at about—I do not quite know the time, but I suppose it must be about the time that he returned from India, about December, 1950, but I cannot remember the date, I approached him and asked him whether he was still of the same opinion as he had been when I had the discussion with him here, which was that I would support the Indian seat under certain conditions. He then went back on those conditions, and I then told him that in that case I would not support the additional Indian seat. However, when it did come to negotiations which took place later on, it was found possible for the European Members to support the additional Indian seat.

So these, Sir, are the facts about the great conspiracy between myself and the Government.

Now, Sir, a point I want to make is that those negotiations, that talk I had with Mr. Patel and Dr. Rana had nothing to do with proportional representation, or with the recommendations of the Committee, other than that one additional Indian seat.

Sir, the hon. Mr. Mathu said, and the hon. Chief Secretary referred to it, that the suggestion that there should be two separate seats for the Muslims was contrary to the agreement arrived at with the Secretary of State in his visit earlier in the year. And the Secretary of State, Sir, in his statement to the House of Commons, definitely referred to that, and he said:—

"Thirdly, and for practical reasons connected with the appropriate representation of the different sections of the Indian community, I propose that the Indian representation should be increased by one, from five to six. While I realize that arrangements must be made to ensure that the Muslim section of that community secures sufficient representation, by which I

[Major Keyes]

mean a minimum of two seats, I earnestly hope that means may be found of achieving that object—

I will not read the whole, because the hon. Chief Secretary has read it, but, Sir, it is quite obvious from that that the Secretary of State did visualize that if no agreement could be reached between the two Indian sections that then the Muslims would have to have two seats, so that I do not think, Sir, that the argument put up by the hon.—Mr. Mathu really applies in this case.

Sir, the European Elected Members for some time past did consider—

MR. MATHU: Just a point, Sir, of personal explanation, Mr. Chairman. I was not saying that two seats, the reservation of two seats for Muslims would constitute a major constitutional change—that we have accepted in 1948. What I was going to say, Sir, is that separate electoral rolls would constitute a major constitutional change, that is all I said.

ADJOURNMENT

Council rose at 12.45 p.m. and adjourned until 10 a.m. on Tuesday, 18th December, 1951.

Tuesday, 18th December, 1951

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 18th December, 1951.

Mr. Speaker took the Chair at 10.00 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 14th December, 1951, were confirmed.

PAPERS LAID

The following papers were laid on the Table:—

BY THE ATTORNEY GENERAL:

The Annual Report of the Registrar General, Official Receiver and Public Trustee for the Year 1950.

BY THE ACTING DEPUTY CHIEF SECRETARY:

The Employment of Persons (Medical Treatment) Rules, 1951.

MOTIONS**REPORT OF COMMITTEE ON INDIAN ELECTORAL REPRESENTATION—(Contd.).**

MR. MADAN: I rise to support this Motion. In my submission this Motion—if it should not be passed by this Council—this Motion which is so closely connected with the provision of separate electorates, and our friends the Muslims in the Asian community, then I consider we would be setting up a precedent which will go down in history. Nevertheless, it will be a dangerous precedent—a precedent which will not be for the good of the Colony—and I so submit to this hon. Council, Sir.

I want to make my position clear. I want to make clear the attitude of that section of the Indian community who are not Muslims. Let it be laid once again—let it be said for the umpteenth time—that those who are not Muslims are not opposed to the idea of the Muslim community having two seats—two representatives on this Council—who would be elected in such manner as to ensure that two representatives of the Muslim community themselves would be returned to this Council. I emphasize, Sir, that my people are not against that idea. Not only that, my people go

[Mr. Madan]

and they are prepared to adopt any reasonable ways and means which would ensure for the Muslim community what is, after all, a legitimate desire that their representatives should be returned to represent them in this Council, and when ways and means are found, and if an effort is made to find such ways and means, I can also give the assurance that there will be no interference from the members of my community in the election of the Muslim candidates, or their return to this Council as the true representatives of the Muslim community; but, Sir, I do not wish to refuse to accept this Motion and, secondly, to introduce a Bill to provide for separate electorates for the Muslim community. That, in my submission, Sir, is not the correct way to proceed to try and achieve the desired aim. I have already said there is no difference between us and the Muslims in so far as the end that they desire to achieve is concerned. It is only the means to the end over which we differ, and when one considers what separate electorates—based upon communal representation—have done in other countries where they have been tried, one is all the more convinced that it is entirely wrong to try and introduce it.

In proof of the submission that I made, Sir—in proof of the assurance that I have given on behalf of my people—that two seats will be ensured for the Muslim community, that there will be no interference in the election of those two Muslim candidates, I should like to refer hon. Members—and most of them will confirm what I am going to say—to the past history of this Council. As you are aware, Sir, in the past the Indian community returned to this Council when we had no communal differences between us—Muslim representatives, not only to represent the Muslims, but the entire Indian community, and there were even candidates put up, and those who sought election and stood on their own merits, were returned as Members on behalf of the Indian community, and it made no matter whether they were Indians or Muslims.

There was an occasion at one time in the life of this Council, when even three

Muslim Members represented the entire Indian community in this Colony. At that time, Sir, the Hindu community did not object to their election—in fact, the Hindu community was instrumental in returning them to this Council—and, Sir, it would not be out of place if I mentioned the three names who were returned to represent the community in this Council, and who were all Muslims, and who—I am told—sat together with only two other Members. Most hon. Members of this Council will remember the well-known names of: the late Mr. Shams-ud-Deen, the late Mr. Rahimulla Kassam, and Mr. Farooq, of Mombasa.

In view of that proof in the past, Sir, it is my submission that the Muslim fraternity is unduly suspicious of us, and that their attitude is not justified in thinking that we would place hindrances in their way to prevent them from returning the people they really want to. We have no such desire. Therefore, Sir, the main resistance on our part to the Bill to provide separate electorates comes not from non-recognition of the Muslim claim, but because we cannot tolerate that a political platform, as it is—as any representation—in this Council must always remain—that a political platform should be turned into a religious arena. It is true, Sir, that at the moment my Muslim friends consider they are going to achieve their purpose, though in a different way from that in which we desire it to be achieved, but I consider that that success is only temporary—that it is based upon transitory support—which hon. Members on my right and hon. Members opposite will agree is accorded to the Muslim claim.

It would not be, Sir, out of place, and I think I should mention it, that this transitory support which is enabling my friends, the Muslim members, to achieve separate electorates comes from a bargain made in relation to the constitutional changes, which are proposed to take place during the life of the next Council.

MR. HAVELOCK: No.

MR. MADAN: But I would submit, Sir, that that is a short-sighted policy, that if we permit—and when I say we, I mean we all five Members here—this Motion to be defeated, and the Bill providing separate electorates to become law, then we are sowing the seeds of great dis-

[Mr. Madan] vantage for all our community, whether they be Hindus or Muslims. And I would, therefore, Sir, appeal to my hon. friends, Dr. Rana and my hon. friend Mr. Patel, as leaders of the two groups, which are at the moment at loggerheads, but mistakenly so, to try and still find a settlement between themselves. I say, Sir, it is possible to do that and it is not too late to achieve that ideal end, instead of to proceed with this, to allow this Motion to be defeated and the Bill to become law. I believe, Sir, that if these two hon. gentlemen went and sat down and discussed the matter together in all sincerity—and I have no doubt that they are both sincere, that they have only one desire, that is to ensure the welfare of the entire community—then I believe, Sir, they could set up a new organization which would be free from racial discrimination, and the object of it would be to try and maintain unity between the two sections, and, at the same time, to provide for all time, that two seats will be ensured for the Muslims.

I do not believe, Sir, that it is beyond the capacity of these two hon. gentlemen—and human ingenuity has been able to get over greater difficulties than the one with which the Indian community is now faced—if such an object could be achieved by these two hon. gentlemen, and I repeat, Sir, that I honestly and sincerely believe that they could achieve it if they wanted to, then it will open up a new vista of unparalleled harmony between the Muslims and the others, who will all work towards the progress, not only of this Colony, but of their own community also.

I say, Sir, that it is necessary, it is essential for these two hon. gentlemen to put their heads together to try and achieve that end for another reason also. While I am glad to say that just before the war, during the war, and after the war, both the European community and my friends in the African community have made tremendous strides on the road to progress—I am glad that they have, Sir—but I regret to say the Asian community has lagged behind. And that is another reason, Sir, why they should try and put their heads together, instead of permitting our energies to be frittered away by religious bickerings, for that sort of behaviour, in my respectful sub-

mission, Sir, does not become statesmen, and these two hon. gentlemen sit here, Sir, as two statesmen who have represented our community, for many years in the past. They have been Members of this hon. Council, in addition to their other activities outside, both political and social spheres, for nearly fifteen years each, Sir. And I say it is incumbent upon them to try and find a solution which will not be so retrograde in its nature, so damaging to the interests of the entire community as the defeat of this Motion will be, Sir. And I know, and I can say this confidently, Sir, that if an agreement can be found, that Government will not give its support to such an agreement.

In my opinion, Sir, the position to-day is that we stand on the edge of a precipice, the precipice is probably situated on the road to the Rift Valley on top of the Escarpment—

MR. BLUNDELL: Is the hon. Member making a personal attack on me?

MR. MADAN: I did not know, Sir, the hon. Member controlled the road to Rift Valley!

And we stand on the edge of a precipice, that is, we do not even require a push to throw us down, all that is necessary is a great deal of the Motion moved by the hon. Member for Eastern Area, and the passing of the amending Ordinance, Temporary Provisions Bill to the Legislative Council Ordinance. For that reason, Sir, because we consider the situation is so dangerous, I would not be honest if I did not say that we consider it unforgivable on the part of Government, that the report of the Speaker's Committee was not put on the Table of this Council and published in the country soon after it had been signed by the Members of the Select Committee.

It was not put on the Table of this Council, Sir, until after the hon. Member for Eastern Area had tabled his Motion, and then, in all haste, the report was put on the Table of this Council—I suppose in order that the country may not say it was never published. I cannot, Sir, believe, I find it difficult to believe, that those hon. Members, both European and Asians and the African gentlemen who signed that report, and accepted and agreed to try the method of proportional representation at that time, can really consider now that not even a trial should be given to that method. I would say,

[Mr. Madan] Sir, it is wrong to condemn any method, any procedure, any remedy, without giving it a trial, and it cannot be truly said, it cannot be logically said, that that method would have failed. It has been tried in other countries, it has succeeded. It has worked. If, of course, it is not intended that it should be allowed to work, if, then, of course, it will never work. But here is a method, here was an agreed solution, an agreed solution, Sir, which has been condemned without a trial, and I find it difficult to believe that the hon. gentlemen who signed it can really now stand up and say that, on more mature consideration, they find it would not work. I am convinced, Sir, that the degree of responsibility which they enjoyed and displayed then is no greater than it is now on their part!

You will recall, Sir, that the hon. Member for Nairobi North, when speaking in the Motion to adopt the report of the Committee of Supply, said there was great opposition in the country to the Budget as it was framed. And I use his words, if I may, Sir, I quote him. "Let them know", he said, "how great is the opposition." And to prove that, Sir, with your permission and the leave of the Council, I should like to read a Resolution which has been passed by the Kenya African Union and the East African Indian National Congress, to show how great is the opposition to the Bill which proposes to amend the Legislative Council Ordinance, and the anticipation, the almost certain expected defeat of the Motion tabled by the hon. Member for Eastern Area. This Resolution, Sir, which I am going to read now, has been passed by representatives of the Indian community and by an organized institution of the Africans, who represent about 5,000,000 people in this Colony.

This is what the Resolution says, Sir:—

"This meeting of the Executive Committees of the Kenya African Union and the East African Indian National Congress is of the firm opinion—

That the separate electorates based on religion for Indian Muslims and other Indians proposed in the Legislative Council (Temporary Provisions) Bill should on no account be accepted.

That such separate electorates will prevent the orderly progress and peaceful development of Kenya and will undermine the hope of building up a common consciousness.

That religious separate electorates will take Kenya further away from the ideal of a Common Roll and from the realization of that 'state of mutual confidence and harmony' the need of which the Secretary of State for the Colonies stressed in his statement of 13th December, 1950.

That it is of vital importance to avoid at all costs separate religious electorates as they are likely to be used by interested parties to bring about on religious or tribal lines the fragmentation of other sections of the people of Kenya.

That the introduction of religious separate electorates is contrary to the earnest hope of the Secretary of State expressed in his statement of 31st May, 1951, that there should be no separate electorates within the Indian community.

This meeting considers that the provisions of the Bill for separate religious electorates should be withdrawn and that the unanimous recommendation of the Speaker's Committee appointed in 1948 which consisted of members of all races and which recommends the single transferable vote system of proportional representation should be immediately implemented.

This meeting considers that the provisions of the Legislative Council (Temporary Provisions) Bill for the division of the Indian Electoral Roll on the basis of religion must be opposed by all communities in Kenya and particularly by the Asian and African communities and it trusts that all Members of the Legislative Council and Asian Members will oppose these provisions in the Legislative Council and in the country.

This meeting further decides that a Joint Committee be appointed of members of the Congress and the Kenya African Union Executives to frame a common programme to oppose by all constitutional means the introduction of separate religious electorates."

[Mr. Madan]

There can be no hope of binding together the diverse elements of the population in a realization of their common obligations to the country of which all are citizens so long as the system of communal representation with all its disintegrating influences remain a distinctive feature of the constitution."

I, Sir, could not put my argument any better. If this Motion is defeated, and the Bill becomes law, I say, Sir, it will be a canker on the body politic of this Colony. There will be no greater harmony, friendship or relations between the two sections of the community and for ever, I submit, and I proclaim for ever they will remain separated, Sir. Once a principle of this kind is introduced, it is not only difficult, but impossible to restore the original state of sanity. Have we not, Sir, got an example from India and Pakistan? Do not we know what is happening there? Do not we know that because of separate communal rolls the country had to be washed in blood. Knowing all that, Sir, I submit to the hon. Mr. Patel and to the hon. Dr. Rana and I renew my appeal to them, that as leaders they should still endeavour to find a solution which will not split the community into still bigger sections.

And, Sir, if the views that were expressed by the Commission in Ceylon are accepted as being correct, and we cannot say they are not correct, then I will say this with due respect to Government that it was wrong on their part to have given in to the demand for separate electorates. It was their duty to have refused such a demand. It was their duty to have tried out the system of proportional representation, but I say, Sir, I submit, that they have failed in the performance of their duties. It is said, Sir, the system of proportional representation will not work. Well, why will it not work?

It has not even been given a trial. The British constitution, Sir, was not born in a day. It has grown up like no other constitution in the world, into an almost ideal constitution by the method of trial and error. That would have been the correct way to try and produce in this country a constitution by the method of trial and error and if we found by trial, that

proportional representation would not and could not work, then by all means try something else, even before the system of separate electorates was introduced.

I have heard it said, Sir, by some hon. Members that this Motion must not be supported because my friends the Muslims are different from the Hindus. They can say what they like about it, Sir, but they will never be able to keep away from us—(laughter)—this is not a matter for levity. Sir—I say, Sir, I submit to you that there is natural affinity between the two sections and no amount of separate electorates or any other system which tries to keep us apart will ever succeed in destroying that feeling of ever succeeding natural affinity. You cannot have lived together for four or five centuries and stand up in this Council far away from where the real trouble is and say we have nothing in common with the other section of the community. I say, Sir, that that is absurdity gone mad.

And I submit, Sir, that if, as my Muslim friends proclaim that they are East Africans, and I have no doubt, Sir, that they are good East Africans, and as we claim that we are also East Africans, and I should like to think that all we are good East Africans, and as all Asians say that we are East Africans, then we should have only one desire, and that is to see that first of all our community is not disintegrated, that it is not split up into useless ineffective small parts, which would be defenceless against political attacks from any corner, and we should also see that our efforts to provide whatever we can for the progress of this Colony, and any contribution we can make it also not disintegrated because we are split up.

I should like, Sir, to refer to the speech made by the hon. Member for Trans-Nezola, the hon. Major Keyser, in case I am wrong about the constituency, Sir.

MAJOR KEYSER: No, that is all right.

MR. MADAN: And that hon. gentleman said—the statement made by the Secretary of State for the Colonies referred only to the intervention of constitutional changes, and he regarded the splitting up of the Indian community into two separate electorates, based upon religious lines, not as a constitutional change, he regarded it as a merely political division. Well, Sir, with due respect to the hon. and

[Mr. Madan]

gallant Major, as a student I did quite a bit of political theory and political organization, but never in the textbooks—and recognized acknowledged textbooks—or anywhere else, did I hear or read that the tearing asunder of a community into two parts, giving separate electorates to each one of them on religious lines is not a constitutional change, that it is only a political division. And what, Sir, is in fact a political division if it is not a constitutional change. I say, Sir, that we are going back in history if we allow this Motion to be defeated, and we are going back to the very, very early days as in England when the Church played such an important part in the political life of the country.

MAJOR KEYSER: Mr. Speaker, I think the hon. Member has rather jumbled up what I said, and then come to his own conclusion about it. Sir, I referred—the reference I made was not to constitutional issue but to a major constitutional issue and I used that particular adjective "major" because the Secretary of State used it also. In that he said that he thought that during this interim period there should be no major constitutional issues. And I said that I thought this was not a major constitutional issue in reference to that particular interim period.

MR. MADAN: Sir, I join issue with the hon. Member even on that. I say, Sir, as I said before, that to tear asunder a community and to say that it is not a major constitutional change in my submission, is wrong.

What major constitutional issue can be introduced beyond this as far as we are concerned? What else can you do about it?

And, this, Sir, has been done in spite of the fact that we have regarded this as a vital issue. We have spared no efforts to convey to the Secretary of State, to convey to this Government here, that we regard it as a vital issue and that it should not be done until all other possible means had been exhausted to keep the community together and at the same time, ensure what my hon. Muslim friends desire.

I submit this, Sir, finally I submit this, that the result of the defeat of this Motion and the passing of the proposed

Bill will be that it will divide up Kenya on the basis of religion, a country which is deeply, it is already deeply and unhappily divided up on racial basis.

Sir, I beg to support.

Council adjourned at 11.02 a.m. and resumed at 11.21 a.m.

MR. PRITAM: Mr. Speaker, I had no mind to participate in this debate, which no doubt began at a very high level, and then deteriorated into dirty linen we wash. I do not think, Sir, I can usefully add anything to all that has been said in favour of proportional representation by the hon. Member for Eastern Area Mr. Patel and the hon. Member for Central Area Mr. Madan.

It is true, Sir, we Indians do believe that there has been some sort of conspiracy on the part of Government, and the European Elected Members, whatever they did. (Cries of "Shame.") I do not think it is an unprecedented affair, it has been done practically all over the country. I do not accuse the European Members for doing so because naturally if a poor man does anything of that kind he will be considered as bad, but if a party does it, it will be considered as a diplomatic act or statesmanship, although ultimately everything is almost the same.

As it was stated by the hon. Member for Central Area, Sir, when the sanity prevailed, there were no Hindu-Muslim differences. At one time we had three Muslims against two Hindus representing the Indian community in this Council. The Hindus raised no hue and cry and never said that the Hindu religion was in danger, as has been often said if and when a solitary Muslim was returned. If the Members were returned on their intelligence, general knowledge and over and above religious fanaticism, naturally the no raised any objection, but if the label has to be one of religious fanaticism, naturally we Indians had to oppose, and are still opposed.

It is true that at one time certain leading members of the Indian community had made an approach to Muslims to come to an understanding, and as the hon. Member for Eastern Area Dr. Rana mentioned, that a document was signed by certain members, and I intentionally had refused to sign such a nefarious document. The document had a certain

[Mr. Pritam] condition attached to it which would not suit to the requirements of this century. That document would have been acceptable in the nineteenth century, but not in the twentieth century. What was that? It was said that any Muslim who aspired to stand for Legislative Council should necessarily have the prior approval of the Central Muslim Association. Surely, Sir, I, at least could say on my behalf, I could never agree to such sort of reactionary arrangement. While we reject the representation of the Moslem community on a religious basis, I would welcome it if the allocation of seats was based on a geographical basis. That is the crux of the matter. The Muslims, if they would demand anything as nationals of Pakistan, I would be the last man to object to that, but when they ask the premium to be paid on religious fanaticism, they ask too much. We cannot agree. Government can do anything it likes. It has the means.

DR. RANA: Mr. Speaker, Sir, on a point of explanation, the hon. Member has mentioned that we asked that the Central Muslim Association—I have a document on which, as I mentioned, Sir, last week he did not sign, there is not a word of the Muslim Association. It was a statutory Muslim board to be appointed. There was no question of any association to be given authority. I think he should know his facts before he speaks, Sir.

MR. PRITAM: I accept his explanation, but I am afraid it is only half the truth. It is something like we make Ordinances, and then we make Rules. I am talking about the Rules and not the Ordinances proper. Part of the arrangement was to have them implemented. When I tell you that, Sir, it is absolutely true, and I refused to sign, and I still refuse to sign. That is the position I took, and I am not going to depart from the attitude I took.

It is true, Sir, every Indian—whenever he may be—whether Christian, Parsee, Sikh or Hindu or other Indian, he is deadly opposed to any fragmentation of the Indian community. I could never believe for a minute that it was beyond the ingenuity of the British people to devise any ways or means to see that we remain together. In fact, I charge the Government for pampering the Muslims to such an extent that they had the

audacity to say they were not satisfied with two Members. They want three. It was said in his speech that, as an interim measure, Muslims will agree to two seats this time, but they will demand next time—in 1956—three. Against what population do they make this type of absurd demand, Sir? A population which is hardly 26 per cent or 27 per cent. But by a clever manoeuvre Government says it is 30 per cent. But the Muslims go a step further—they say it is 35 per cent. Unless there is a proper population census, we will stick to our figures, or the figures that appear, Sir, in your report. From that you will find that the Muslims are not entitled even to two seats.

If division has to be made, Sir, and if it would satisfy the Government, and even European Unofficial Members, I would have no objection—I do not think any political party of Indians will ever have any objection, provided it is based on a geographical basis, such, Sir, as of India and Pakistan.

Certain very absurd remarks were made by the hon. Member, Dr. Rana. It was said, Sir, the proportional representation worked in Malta simply because there were no Hindus.

DR. RANA: That is quite true.

MR. PRITAM: What a stupidity! You go to the Middle East from Persia to Morocco—what do you find? There is no toleration. I would say, the arrangement worked because there were no Muslims. This arrangement would work anywhere where there is no fanaticism. That is true, and I cannot understand him.

It is equally true, Sir, we had come to an understanding with the African organization known as the Kenya African Union. There is nothing shameful in it. Muslims, in order to obtain or achieve their ends have conspired with the most powerful group of Europeans. We have gone to the Africans in order to save them from the infliction of Pakistan, which in the course of time must come. It did come to India and it will come to Kenya if it is not checked. Representation is being claimed only on a religious basis. It is really shameful to hear when people claim representation on a religious basis and that Government must meet their demands. It is placing premium on religious fanaticism

[Mr. Pritam] and bigotry to which we are absolutely opposed. We have also been told that madness has gone to such an extent that all the institutions which have hitherto been known as Indian—their name should be changed, but we have not been told what name should be adopted.

DR. RANA: Asian.

MR. PRITAM: I am told Asian, Sir, which should include Arabs, who have nothing to do with either Pakistan or India, and they detect both these warring elements. Let me assure my hon. friend, Dr. Rana, he is wasting his efforts. It will be a bad day if we ever agree to the changing of our name. These institutions will remain as Indians for all time. His threat that, if institutions are not divided, he will go to court, with the greatest of pleasure, he can go wherever he likes. It is something like a man who is a Christian, who contributes, say, about £1,000 at a time while he is a Christian. After some time, he embraces Islam and is no longer a Christian. Could he go and say, Sir: "Will you refund my money, I am no longer a Christian?" It would never be agreed to by anyone. But the interesting part, Sir, which I want to tell you, is this. I know of a place where the Indian Association has got a school which cost about £4,000. Similar trouble was engendered at Kitale when a few Muslims claimed that they wanted their contributions of funds back—and they said "we must claim half of the funds". Somehow, I happened to visit that area and I said they are deceiving themselves, they can claim nothing. If the worst comes to the worst those who want repayment, must produce receipts of their contributions in order to get payment back. But it came to Sh. 500 as against Sh. 80,000. It has also been said that Hindus are mischievous people. It is true, Sir, to a certain degree that people who do not see radically eye to eye with us, label us in various ways, and first come the European gentlemen, who dub us by the name of Hindus, etc. But they know just as much as anyone else that Hindus are always more loyal than anyone else, because Hindus are only in one place, that is in India. We are nowhere else; we are few in numbers, we could never create any trouble. If trouble has to come, it will come from the very quarters who

have to-day the monopoly of loyalty. I want also to say one thing, Sir, I know in my mind this Motion is going to be defeated, and defeated very badly; I never expected that Unofficial European Elected Members will keep out of it, naturally having struck the bargain which is encouragement by a certain section seeking parity and leadership for all time that they in their turn may help Muslims to obtain separate electoral rolls but I must say they all misunderstand—my Muslim friends, whatever they may claim, will only concede absolutely on the population basis. If their population is such, that according to numbers they must have four Members, with the greatest pleasure we will concede, but to pretend that they can ever get more than two Members on the population which is less than 26 per cent, I am afraid they are living in a fool's paradise.

DR. RANA: As you are the ruler of this country!

MR. PRITAM: Now, Sir, after making this final point I will resume my seat. While we are being accused, Sir, of making mischief and coming to an alliance with the Africans, I would remind the hon. Member that in 1948 I had put two questions in this Legislative Council. One, on the tone of the Indian Press, although I did not say the word "Indian" I said Press and the other that certain people were collecting areas. Captain Pugh was then here, certain Muslims due to their fury over Pakistan and the Hindustan affair had actually gone to the Somalis and enlisted their help to attack the Hindus here. This time the information was conveyed to the Government and the mischief was indeed nipped in the bud.

So to say all those things against those people who have been absolutely peace-loving and have no ulterior motive anywhere, I think it is a travesty of fact, Sir. With these few words, I support the Motion.

SIR CHARLES MONTGOMERY: Mr. Speaker, I rise to oppose the Motion, I was a member of the Committee under your Chairmanship, Sir, for the greater part of its work. I signed the report of that Committee, and in looking back on it now, Sir, I have no regrets on that score. I considered at the time that it was a

[Sir Charles Mortimer] I still think it was a very good report. Had it been adopted, I still think that it would have made a very notable contribution towards the settlement of the controversy between the two sections of the Asian community. In the circumstances prevailing at the time when the Committee was sitting, the report recommended what I still consider to be a very proper course. The system of proportional representation with a single transferable vote, I still think is worthy of trial, and I hope that the time will come when either in a Legislative Council election or in a Municipal election the system can be tried out, but I would add this warning, it is a system that will never work unless it has the cordial co-operation of the people for whom it is intended. (Hear, hear.) If there is considerable opposition from any section of that community, the system is bound to fail.

Now, Sir, the Government position is a very simple one, and has already been expressed by my hon. friend, the Acting Chief Secretary, but as a good many things have been said since then, I think it is desirable to reiterate. The Government has been endeavouring for the last four years to bring the two communities together and to provide an agreed solution. This controversy is no new one, from 1946 onwards, endeavours have been made to provide a settlement, but without effect. I, personally, have been associated with some of those endeavours, since 1946, and I must say that has been the reasonable and conciliatory spirit expressed by my hon. friend, Mr. Madan, in his speech been consistently displayed by both sections in this controversy, a settlement would have been reached long ago. But that spirit has not always been displayed, indeed, a contrary spirit has very frequently been in evidence. Now, Sir, the Government has endeavoured seriously and sincerely to reach a settlement and has not worked in the spirit of divide and rule, a policy with which the British Government has been taunted from time to time, but I think very unjustly taunted. The Government has been imbued by a sincere desire to seek a solution. It was quite apparent at an early stage after the report of your Committee, Sir, was presented to the Government, that the

Muslim community would not cooperate in any solution other than a separate register. Now, this is merely a perpetuation of the existing law. There is not a great deal of difference, certainly no fundamental difference, between a reservation of seats and a separate register.

The measure that is now proposed by the Government is only a temporary expedient; there will be full opportunity during the next few years, when the whole of the constitution of this country goes into the melting pot, for representations to be made and for the two parties to come together with an agreed solution in the spirit of "what is right" and not "who is right". I do appeal to the hon. Members, the leaders of both sections of the Asian community, to allow their natural affinities of which the hon. Member, Mr. Madan, has spoken to prevail and that they will, during the next election, endeavour to make the Government's solution of this problem work. (Hear, hear.) I would plead with the leaders of the Indian community, both in this Council and outside, all friends of mine, I would plead with them that having made their protest, having debated this Motion, which will probably be defeated, they should settle down in peace and amity and try to make the solution a practicable, peaceful and honourable settlement for the time being. As good East Africans, let us strive, together for the good of the Colony as a whole and drop our sectional and factional differences until we can find a solution acceptable to all parties.

I beg to oppose. (Applause.)

MR. PATEL: Mr. Speaker, I am really sorry that during the debate on this Motion, the level of arguments did not remain out of personal controversies. I, personally, wished, when I moved the Motion, that the question would be examined on merits and demerits without entering into past quarrels between the two sections, or without referring to personal incidents. But, Sir, that did not happen, and there are many things which have been introduced during the course of the debate which require explanation, in order to understand the stand of the Indian community, whom I have the honour to represent. I shall have to answer at least very important matters

(Mr. Patel) which have been raised by certain Members.

Firstly, a reference was made by my hon. friend, the Member for Central Area, Mr. Nathoo, to the efforts that were made in 1946 for bringing about a compromise between the two sections. Now, Sir, I had the honour to play a leading part in all the efforts which were made for bringing together the differences during the years 1946, 1947 and 1948. When Kusrav Maharajsinh who is now known as Raja Sir Maharajsinh, the Governor of Bombay, came to this country in 1946 and held meetings with the various representatives of various sections for bringing about a compromise, the real difficulty was the question of division of seats on the Legislative Council and in the Nairobi Municipal Corporation. Each minority, that is, the Muslims and the Sikhs, desired a larger number of seats on their number justified, leaving the Hindus, Christians and Parsees together, who formed 56 per cent of the population in a minority on the Corporation, as well as in Legislative Council, and therefore, it was found difficult to reach an agreement.

I personally was prepared, at the time, to make the necessary sacrifice. I, representing 56 per cent, was prepared to make a sacrifice and accept even the less number of seats in order to reach an agreement, but the other point of view was forcefully put that if there is a reservation going to be division by the reservation of seats—and I would like to inform the Council that at the time we were discussing the reservation of seats on a joint electorate, on a common roll—that if there was going to be a reservation of seats on the joint roll, that view was pressed by some that it should be on the basis of population. Unfortunately, they did not reach an agreement at that time.

Now, Sir, the next effort, and a very serious effort, was made by His Excellency the Governor in December, 1947, and January, 1948, to compose the differences between the two communities. Again, Sir, I had the privilege and honour of playing a very important part in these discussions. Here I would like to say that if the majority community had listened to my advice at that time we would have reached an agreement

satisfactory to all, but unfortunately I was unable to prevail upon the representatives of the majority section to accept my advice at that time. But, Sir, I would like to say that at that time it was felt that once the principle of religious representation was accepted it will gather strength, and other sections will come forward to also demand reservations and separate rolls. That was the fear that the majority of the community could not get over. They said to me that it was all right to settle now on the basis of reservation of seats for the Muslim community, but the moment the division was made on religious lines, in the non-Muslim section, the Sikhs, with a population of 14 per cent, will be the next to come and say: "Now if you agree to representation on religious lines, how can you deny us our representation?" That was the fear which was very strongly expressed by the representatives of the majority community, and on account of that fear, which to a large extent appears to have been justified now, it was on account of that fear, that they did not accept my advice at the time.

Now, Sir, later on, the events in India and Pakistan, as I said at the time of the Motion, made the situation moving the Motion, made the situation here very difficult, and as I said at the time the reason advocated in favour of religious fanaticism. That was the reason why we were unable to reach an agreement. But I was hoping that in this controversy, as far as Government was concerned, they would adopt, absolutely, the attitude of a judge, an impartial observer, instead of taking any side.

Now, Sir, my hon. friend Mr. Nathoo also said in argument against the division on an India and Pakistan basis, that he would like to be known as an East African Muslim, and he did not have anything to do with any of the dominions of India or Pakistan. I think my hon. friend Mr. Nathoo has misunderstood all the time the situation in this regard. What I had always pleaded was that we had to split, and I say I am glad we had split the Indian community, but if we had to split, it would be better to split on a geographical basis, for this reason, that it will prevent other minorities like Sikhs, Christians or others to also demand division of seats or a separate roll. And it does not mean that the people who put themselves in the

[Mr. Patel] Indian roll or Pakistan roll will be Indian or Pakistani nationals.

Living at the coast perhaps for more than four centuries is the Kenya Arab. You cannot call him merely a Kenya citizen, because, we, in this country, have, by our own action, divided the population into four groups, European, Indian, Arab and African. One is a Kenya European, the other is a Kenya Indian, the third is a Kenya Arab and the fourth a Kenya African. And, whatever my hon. friend, Mr. Nathoo, may say, merely calling himself an East African Muslim will not help him. In that case, they will have to have a roll on which there should be Arab Muslims and African Muslims on the roll with him.

MR. NATHOO: I have no objection.

MR. MATHU: I object.

MR. PATEL: Well, Mr. Speaker, I am trying to explain that when I said that a certain group should be known as Kenya Indian or Kenya Pakistani, I did not mean that that person will all the time have the nationality of Indian or Pakistani. It was only for the purpose of identification. As we identify the gentlemen sitting on my right as Kenya Europeans, for want of a better term, and as they identify me as a Kenya Indian, and I identify the Arabs as Kenya Arabs and the others as Kenya Africans.

I suggest that if you want to split the roll, it will be less mischievous and more convenient from all points of view, to split on the basis of Kenya Indian and Kenya Pakistani. To that end, I also suggested, at the time, and which was also included in the terms of reference of the Committee, that it would not mean even that they should originally be from India or Pakistan. If their attachment lies with Pakistan, they will be on the Pakistani roll; if it lies with India, they will be on the Indian roll, but they will all be East Africans first and foremost, and when, as I have argued several times in this Council, we have any Kenya Citizenship Bill, all these gentlemen will become Kenya citizens. But even then they will not become Kenya citizens, unless we adopt a common roll and forget these racial differences. We will have,

even in that citizenship, Kenya European, Kenya Indian, Kenya Arab and Kenya African. You cannot get away from this, unless we forget racial differences.

If we wanted to increase the groups from four to five, I say the better way, is to call one Kenya Indian and the other Kenya Pakistani. This is the point that has been misunderstood in the course of the debate.

Now, Sir, it was mentioned that the Speaker's Committee Report provided only five Elected Members and one Nominated Member. If that could have been an obstacle, it would be very easy to get over it. All six could be put for election, under the system of proportional representation, and if by any chance the second Muslim was not elected, which in my view is absolutely unlikely under that system, then instead of the sixth person in the order, the Muslim who is next to him would be declared as elected. It would be very easy to provide this and to avoid nomination.

Now, Sir, my hon. friend, Mr. Nathoo, also referred to the legitimate demands of the minorities. I agree, Sir, that the legitimate aspirations of the minorities should be taken into consideration in any constitution you may try to frame, but it cannot be taken too far. I would like to suggest, Mr. Speaker, that if the British Government had continued to rule in the United States of America, the negroes could have easily asked them for a separate roll and they could have easily asked the Japanese and Chinese to ask for a separate roll; but that would not have made the United States of America a great country with a common consciousness. One can exploit these differences; also, one can discourage those differences. The United States of America have so many different peoples and so many minorities there, but the constitution of that country did not encourage those minorities in the manner we are trying to do in this country. They produced rather, a common citizenship, a common consciousness, and that is why to-day all those people are on a common roll, acting as American citizens.

The differences between the peoples of the United States of America were not less pronounced than we have in

[Mr. Patel] this country; the negro population who came out of slavery only in 1865, with no education, no economic position in the country, were put as American citizens on a common roll. If, at that time, the Government had dared to have taken it into its head to say that their aspirations must be safeguarded, and, therefore, they should be given a separate roll, that common consciousness could not have developed.

Sir, I would further say that even in South Africa a foreign ruler can easily say, even between the British and Africaners that it is necessary to divide the roll in order to protect the aspirations of the minorities.

THE SPEAKER: Is not the hon. Member carrying the right of reply a little far? And introducing what appears to me to be a new matter? I do not want to restrict you unduly, or unity, but I must have regard to the Rules which give the right of reply to matters specifically raised in the debate.

MR. PATEL: Mr. Speaker, I was referring to the statement made by my hon. friend Mr. Nathoo in regard to the need for a separate roll in order to safeguard the aspirations of the minorities.

THE SPEAKER: Well, if you will try and confine it a little more closely, perhaps I shall not have to intervene.

MR. PATEL: Mr. Speaker, then I would refer to the statements and remarks made by my hon. friend the Member for the Coast. Now, Sir, he made one statement in which he said that he was favouring Muslims, because they are loyal. Now, Sir, I would crave the indulgence of this Council to reply to that, because by implication it means that the others are not loyal, and I must, Sir, answer that charge. Firstly, Mr. Speaker, I would like to say that as an average European in this country, exhibits colossal ignorance about Asian affairs, and my friend the hon. Member for the Coast is not free from it. Sir, I would like to, as this is such a serious charge, crave the indulgence to refer to another matter which took place outside this Council of a similar nature. In 1942, a deputation of the European community of this country went to the then Governor, Sir Henry Moore, and asked why, error, Sir Henry Moore, and asked why I, a Hindu, was a Member of the Executive Council and the late Mr. Iberdaa

was Director of Indian Affairs, when Muslims were their friends. And, Sir, when I put the facts and correct position before Sir Henry Moore, he immediately felt that the allegations of the delegation of the European community were not well-founded.

Now, that kind of misguided information which some of the Europeans in this country possess is very mischievous. Sir, even during the wartime the people who worked in the important positions for war efforts were members of the non-Muslim community. I myself, as Chairman of the Indian Advisory Committee, had issued under my own signature conscription orders against artisans and clerks in large numbers, and 90 per cent of those who were conscripted by me were non-Muslims. I can give several instances of this nature. During the wartime, Dr. A. U. Shah, a Hindu doctor in Moomba, had worked as a leading worker and a prominent member for the St. John Ambulance, so much so that after the war his services were recognized by giving him an honour from that organization.

I do not want to take up the time of the Council, Sir, by giving all these instances, but I would like to say that the statement made by the hon. Member for the Coast is absolutely false.

MR. COOK: Mr. Speaker, on a point of explanation, I said—and I repeat what I said, I will put it in these words, Sir—that there has been seditious and disloyal utterances and publications by the Hindus of the Indian community which I have not seen uttered by the Mohammedans, and that has to a large extent given my sympathy to the Mohammedans in this issue. So far as I know, those newspaper writings, those utterances, have not been repudiated by the leading Hindus and Indians of this country—so far as I know.

MR. PATEL: Mr. Speaker, in reply to the point of explanation given by the hon. Member for the Coast, I would like to say that if there are English communists in the United Kingdom who may support Russia, the United States of America will not be entitled to say that the British race is supporting Russia. I mean, that is a very fallacious argument, which my friend the hon. Member for the Coast is adopting.

MR. COOKE: Will the hon. gentleman give way just once more?

Things can be said, Sir, in homogeneous communities which cannot be said with impunity in multi-racial communities. That is my point.

MR. PATEL: Mr. Speaker, the information of these gentlemen is so erroneous that once I read in the *Kenya Weekly News*, when a Dr. Dadoo made a certain statement in South Africa, it was published as a statement by Hindus, although Dr. Dadoo is a Muslim. Such is the information which they possess. That gentleman made a statement which was found uncomfortable here, and it was quoted as a statement coming from a Hindu in a responsible newspaper. That is how they gather their information and that is how they make their statements.

And, Sir, I would like to say this, that, by loyalty, I understand loyalty to His Majesty the King, and to this country. I do not accept that loyalty means I should follow blindly any policy which is adopted, either by the Government or by the European Elected Members. I reserve my right to criticize, either the policy of the Government or the policy of the European Elected Members. I do not want, Sir, to mortgage my intelligence or reason in order to be called a loyal person. (Hear, hear.)

Sir, I am sorry to speak at length on that point, but it required to be cleared.

Now, my hon. friend Mr. Nathoo raised a very important point during the course of the debate, that the Government has, in spite of their defence of an indefensible position, made a major change on the eve of constitutional changes next year. As I see it, there was a common roll introduced as far as the Asian community is concerned since 1924, and even in the 1948 Ordinance, it was a common electoral roll. My complaint is that this new Bill is now splitting the roll into two and, Mr. Speaker, the hon. Acting Chief Secretary refuted the statement that it was a major constitutional change and, I believe, the hon. Sir Charles Mortimer also said that there was no major constitutional change involved. Now, Sir, if we create five groups instead of four on this side, and if we take into considera-

tion the implications thereof of representations in various places, no one can reasonably deny that it is a major constitutional change. And we were assured when the number of seats of European Elected Members were increased from 11 to 14 that it was done because there should be no major constitutional change or disturbance of the present position until the Consultative Body sat and considered the constitution of this country.

Now, Sir, if it was necessary to increase the seats of the European Elected Members from 11 to 14 because it was considered that otherwise it would be taken as a major constitutional change by the disturbance of the parity between Europeans and non-Europeans, I fail to understand how it can be argued that this is not a major constitutional change when you are splitting the community into two, with all its implications of the difficulty of representation on Executive Council, the Central Assembly, and various committees and boards. If we take all the implications of the change, I submit, Mr. Speaker, that it is a major constitutional change which the Government has undertaken, and undertaken in spite of the solemn understanding that such a major change would not be brought about until the Consultative Body to be appointed next year will have an opportunity of discussing the whole constitution of this country.

Now, my hon. friend the Member for Eastern Area Dr. Rana referred to the terms of reference of the Committee and said that in considering the question of proportional representation, with the single transferable vote, the Committee had gone outside the terms of reference. I think he has overlooked the fact that the Committee had unanimously approached the Government for the change of the terms of reference, and that change was agreed by the Government, and that change was brought about unanimously by the request for change of terms of reference which was made by the members of the Committee, on which my friend the hon. Mr. Nathoo was a representative and also the hon. Arab Member was a representative.

DR. RANA: Mr. Speaker, the hon. Member for Eastern Area is mentioning that I said that the Committee went out of the terms of reference. What I meant

[Dr. Rana] that the question of proportional representation was first time introduced in June, 1949, when the Committee had already finished taking evidence from both sections of the community, and I take it the Committee, without consulting the Muslim community, and only asking the Members, went out of their terms of reference, and I still maintain it, Sir.

MR. PATEL: Mr. Speaker, I was a member of that Committee, and I remember that the witnesses who appeared before that Committee, even before the terms of reference were changed, were informed about this system of proportional representation, and they were questioned about this, and when we saw that a good deal of support was coming forth in favour of the system, the Committee unanimously applied for a change of the terms of reference.

DR. RANA: As my hon. friend the Arab Member and as you and the hon. Member know, I had the privilege of attending the final meeting in May, 1949, at Mombasa, and I was given all the evidence which the Committee had taken, and there is not a word in which the Muslim sections ever said that they were in favour of it or they were asked about it. As I said before, and I repeat again, only one or two Members mentioned that: "Here is a pamphlet to read, will you go over and see what it is".

MR. PATEL: Mr. Speaker, I do not think my hon. friend Dr. Rana has been enabled to say that the Committee had not applied its mind to this question before they applied for the change of the terms of reference.

Now, Sir, he also referred to the reservation of seats for Muslims in the Republic of India at present, and from that he argued that the Indian Members should not oppose the separate roll, which is being introduced by a Bill to be discussed hereafter. I may inform him, Mr. Speaker, that as far as the Republic of India is concerned, where today there are about 35 million Muslims living, the separate roll has been abolished by the Constitution. The separate roll which was introduced during the time of the British Government has been abolished, and the reservation of seats introduced only for the period

of ten years, after which there will not be even reservation of seats for the minority. The Constitution then will be on the same lines as one finds in the United States of America.

Well, Sir, he also referred to this, that they will join the common roll in future. I understood the hon. Member to say that he is prepared to join the common roll in future in this country when it will be introduced. Now, Sir, if I want to go to Kampala, I do not put my steps towards Mombasa: That is not the way one can reach Kampala, if I start walking with my face towards Mombasa. If the hon. gentleman desires that in future his community should join the common roll, a common roll for the whole population of this country, then in my submission it is a wrong step which he is supporting to-day.

Then, Sir, he further stated that the Sikhs are part and parcel of the Hindus and that there was no question of that section asking for, or that section should not have any right to ask for, separate representation or separate roll. Now, Sir, the Committee knows very well that delegations from the Sikh community appeared before them, and asked for reservation of seats and a separate roll; and it should be within the knowledge of my hon. friend Dr. Rana that even in India certain Sikhs demanded a separate state. Now, if the Government wanted to divide the roll, I ask them, who should they divide the roll only into two parts? Why, other minorities also will then be justified in coming before the Government and saying that there should be a Sikh separate roll, a Christian separate roll, and so on. In municipalities, Sir, there will be a fairly good number of voters so far as Christians are concerned, and the position will be that we will not be able to stop at this, I do not want to argue that point, Sir, at this stage, because it is a new point which my hon. friend Dr. Rana had raised. I shall reserve my argument for discussion on the Bill.

Then, Sir, my hon. friend Dr. Rana said that there should be a separate roll between the Muslims and non-Muslims, because we are two separate nations. Now, is it intended, Sir, that in this country, where we hope one day to have Kenya citizenship, under one Government, we are going to have so many

[Mr. Patel] warring nationalities, separate nations, in this country; Christians as a separate nation, Muslims as a separate nation, Hindus as a separate nation; and so on? He says we are two separate nations. Then he further said, Mr. Speaker, that in India it was recognized that we are two separate nations. Now, Sir, there are 35 million Muslims in India who are to-day Indian citizens, and they do not say that they are not Indian citizens; but, Sir, I would like to remind the hon. Member that he to-day uses a surname Rana which he has inherited from his Hindu forefathers! (Laughter.) And, if I may say so, before my hon. friend Mr. Nathoo rises, is also a Hindu word he has inherited from his forefathers.

DR. RANA: Sir, does the hon. Member want us to go back to our great-grandfathers, or what is his idea? I have no desire to go back, Sir. (Laughter.)

MR. PATEL: Well, Sir, he has raised the question of separate nations, and I would like to say that a convert cannot acquire a separate nationality by conversion of religion. And I may say, Sir, hardly 5 per cent of the Muslims in India came from outside, while the rest, that is the 95 per cent, are converts from Hindus. I do not know that in any part of the world one can say that by change of religion one changes his nationality. I would like, at the risk of digression, to say that the music or painting of Pakistan and India and other cultural matters resemble each other, but the music or painting—or such cultural matter of Pakistan does not resemble that of any other Muslim country. Now, Sir, it was also suggested by implication that the Muslim community wants to remain here as part of the population of this country, and by implication it was suggested that the people whom I have the honour to represent in this debate have not that intention. If by merely changing their religion, they can claim separate nationality in that country India across the ocean, is there any guarantee that a people with that religion will not claim a separate nationality in this country also? Is that the way one can show allegiance to any country? If they profess a separate religion then they will claim a separate nationality. In that case Kenya should be terribly afraid of such sections claiming separate nationality when

the time for Kenya citizenship comes. My hon. friend also said that once a separate roll was granted, then the relations between the Muslims and the non-Muslims amongst the Asians will improve. Well, Sir, I do not agree. It will mean the commencement of disruption among the Asian community. Only on the 12th of December we had the laying of the foundation stone of the Indian Women's Association building at Mombasa by Lady Mitchell, and after the publication of this Bill, feelings have begun running so high that the Muslim community completely boycotted the function. That will be the result. The effect of a separate roll will be more disastrous. In my view, Mr. Speaker, the results will be disastrous for this country and the Government ought to have considered my Motion seriously and given more thought to the Motion which I have the honour to move.

Now, my hon. friend also referred to the question of Executive Council and the Central Assembly. He suggested that it would be the right of the Governor to nominate on Executive Council anyone whom the Government liked. Now, Sir, perhaps my hon. friend does not remember that during the time of his Excellency the Governor, Sir Philip Mitchell, he has been good enough always to consult the Indian Elected Members before making nominations to the Executive Council, and that privilege the Indian Elected Members cherish very much. Now the result of this separate roll will certainly be to abolish that privilege that the Indian group has enjoyed, and there are bound to be rival claims for nomination on the Executive Council under separate rolls, and there is bound to be a demand also for two seats on the Executive Council if one of the groups is not represented on the Executive Council. Whether they succeed or not is a different matter. But my hon. friend tried to suggest that all that is for the Government to do. I agree it would be a headache for the Government as it will be a headache for the Indian community to see whether Sikhs and Christians ask for a separate roll or not after this Bill will become law. Certainly it will be a headache for the Government to see how they are going to appoint Members from the Asian community to represent them on Execu-

[Mr. Patel] tive Council, etc. But suggestion to leave all questions of this kind to the Government shows a great deal of lack of appreciation of the constitutional—unwritten constitutional—development—which has taken place in this country, by which the Government in most cases was consulting the Indian Elected Members before making appointments. Now they will have to consult two organizations, and they will have to appoint two Members. If they would desire to do justice.

Now, Sir, the next speaker was the hon. Acting Chief Secretary. I did not hear, frankly, any valid argument from him for delaying publishing the report for two years. In spite of what he has said, so many other documents which were prepared after 1949, have been printed and published; and to say that because a certain event happened—a certain person went outside this Colony—therefore this report was not published is, in my view, Mr. Speaker, trying to mislead the Council. There are not valid reasons for not publishing the report earlier and I have also not heard any valid arguments from him for rejecting the system of proportional representation with a single transferable vote. Now, Sir, the hon. Chief Secretary also referred to the lack of agreement between the two sections, and therefore he said that the Government has been obliged to introduce this Bill as a temporary measure. Now I, Sir, as a lawyer who has practised in the Law Courts, could say, that if a Judge would say to the plaintiff, "I will give you judgment, but I will only give you judgment if both parties do not agree," obviously the plaintiff will not reach an agreement. That is what the Government has told us. The Muslims demand separate rolls and the non-Muslims say proportional representation with a single transferable vote should be introduced. If both are asked to reach agreement, but the Government will be in favour of separate rolls, if no agreement is reached the Muslims will say, "All right, we don't agree." That is what has happened in this case. The Government gave an indication that if no agreement is reached there will be separate rolls. Naturally the parties could not agree. Now for the Government to come and say that because the parties did not

agree, therefore they had to introduce separate rolls, and therefore they had to reject this system of single transferable vote which was opposed by the Muslim community.

Now, Sir, I ask the Government, did they make up their minds on the merits or demerits of proportional representation, or because it was opposed by certain sections? I can speak from knowledge, Sir, because I have friends on both sides and can say that until Government had given an indication that a separate roll would be introduced if no agreement is reached, a fairly good number of Muslims in this country were prepared to accept proportional representation with a single transferable vote as a trial, but once they came to know that separate rolls would be granted they dared not come out openly and say, "We are prepared to support this system of proportional representation." I can say this confidently from my own personal knowledge, because again I repeat, Sir, I have friends on both sides, and if Government had introduced the system of proportional representation I am prepared to say that they would have received support from a fairly good number of Muslim Members. One can deny it now. One can shake his head now, after having done what mischief has been done. If once an indication is given that a certain course will be adopted they will simply say "No" to any other course. It was also stated by the hon. Acting Chief Secretary that this system was complicated and the Muslims did not accept it, and that is the reason why it was not accepted by the Government. I know that it is because the Muslims did not accept it that the Government has introduced this. But they have certainly introduced a measure which I shall show, during the debate on the Bill, cannot be supported by any reasonable person.

Now, Sir, the hon. Member for Trans Nzoia said that he was considering these two groups as political parties, not as religious groups. That is the most astounding argument I ever heard in favour of separate rolls. Why then in England also should there not be introduced two separate rolls for Labour and Conservative political parties. Because two political parties exist, therefore there should be separate rolls is, in my view,

[Mr. Patel] an argument which cannot be sustained as any reasonable person. Now, Sir, the hon. Member also referred to the question of my approach to him on the increase of six seats, and my stating that there was a change which I noticed among the European Elected Members on this issue after my return from India. I still maintain that, Sir, I do not say the change took place in regard to the increase of Indian seats, but that the change did take place in regard to the neutral attitude. I had noticed in regard to the Indian electoral roll. Now, Sir, it was by implication challenged that there was any agreement between the European Elected Members and the Muslim community in regard to this matter, and as several speakers have referred to it, I would like to make the position clear. There was an approach from the Muslim community to the Indian Members, namely three of us, that if we accepted a separate roll the Muslim community would stand shoulder to shoulder with us in opposing the parity between the Europeans and non-Europeans, but if we did not accept it they would go and make a bargain with the European community, which they are prepared to make. They approached us privately and I said: "I am unable to accept this for many reasons". Then I was told: "If that is so, we will have to go and make a bargain with the European community". I spoke to one of the European Elected Members and said: "If you are going to make a bargain with the Muslim community on this issue, I am afraid, in politics, I must go and also make a bargain with any other group". I shall not wish to be isolated in this Council if political manoeuvre means the grouping of parties and bargaining; then I will be equally justified in making a bargain with other sections.

Now, Mr. Speaker, there were references made also to the joint opposition taken by the Kenya African Union and the East African National Indian Congress. Now, Sir, any groups of people in this country are entitled to join together to oppose anything which they consider is wrong. Did not the four groups on this side join together to defeat the Government on many matters in the Budget? Was that to be taken as mischievous? It is legitimate in my view. I do not con-

sider that the European Elected Members, in making a bargain with the Muslim community, were doing a wrong political manoeuvre. They wanted parity and support from the Muslim sections for such parity, so they were prepared to support the Muslim community for a separate roll. In the same way I would be justified in making a bargain with the African Members for some cause which is near to my heart to get their support, and to give them support for any cause which is dear to their hearts, and that example has been set by those who are the leaders in this country, and we feel we will be justified in doing the same thing for our own advantage.

Now, Sir, having answered the speakers who preceded me, I would like to say that the Government has, without doubt, in my own mind, failed to adopt the positive policy of bridging the gulf between the two sections which the report intended to do. The report intended to bridge the gulf between the two sections, and if it had been adopted, in my submission it would have happened. But the Government has miserably failed in doing it. In my view the Government has taken a step now which is full of danger and disruption in this country and if there will be demands in future, or further disruption of groups on this side, the blame will lie at the door of the Government; and if there will be strong agitation that each of the five groups should be represented on all committees, etc., the Government cannot reasonably resist that claim.

Mr. Speaker, I beg to move. (Applause.)

DR. RANA: With your permission, Sir, on one important point I would like to give an explanation. The hon. Member who has just taken his seat referred to an implication that he was approached by a Mohammedan Member—probably he means myself—and that if we agreed with them, that is, Mr. Patel and the Hindu Members, that we would not accept separate rolls, we will oppose parity. No word like that arose. I am afraid the hon. Member has put the whole thing in a totally different way. With your permission, I would like to explain it was a meeting of the Asian Elected Members' Organization. There was no approach, and he, being Chairman, he mentioned that he wanted to

[Dr. Rana] oppose the parity demand of the Europeans. I said to him: "Mr. Chairman, in fairness we oppose it. The Indian community—are we ready to run this country?"—I think he has put it totally in the wrong way.

THE SPEAKER: I am afraid the hon. Member is taking too great an advantage of the rule about points of explanation. You are, in my humble submission, introducing new matter, not something that has been misunderstood in your own speech. All you are entitled to raise is something which has been misunderstood by the Member last speaking in your own speech.

THE ACTING CHIEF SECRETARY: Mr. Speaker, I beg to move that the question be now put.

THE SPEAKER: I am going to put it. There is no need for a Motion—the debate is over.

The question was put and the Motion lost on a division of 31 votes to 7 votes. (Noes: Messrs. Blundell, Carpenter, Major Cavendish—Bentinck, Messrs. Cooke, Davies, Lt.-Col. Gheraie, Messrs. Hartwell, Havelock, Hope-Jones, Hopkins, Hunter, Major Keyser, Messrs. Maconochie-Welwood, Matthews, Padley, Pike, Dr. Rana, Messrs. Roddan, Salim, Saiter, Shetty, Lady Shaw, Mrs. Shaw, Messrs. Whyatt, 31. Ayes: Messrs. Chemsallan, Jeremiah, Madan, Mathu, Ohanga, Patel, Pritam. 7: Total: 38.)

ADJOURNMENT

Council rose at 12.47 p.m. and adjourned until 5 p.m. on Tuesday, 18th December, 1951.

Tuesday, 18th December, 1951 (Evening Sitting)

Council assembled in the Memorial Hall, Nairobi, on Tuesday, 18th December, 1951.

Mr. Speaker took the Chair at 5.04 p.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 18th December, 1951 (Morning Sitting), were confirmed.

NOTICE OF MOTION

Mr. HAVELOCK gave notice of the following Motion:—

BE IT RESOLVED THAT Major the hon. A. G. Keyser, D.S.O., M.L.C., should be a member of the Highlands Board in the place of the hon. Lady Shaw.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 25

MR. MATIU:

In view of the demonstrations by African women in the Fort Hall district early in November of this year against the compulsory inoculation of cattle against rinderpest, will Government please state:—

(a) The total cattle population in the Fort Hall district?

(b) The number of cattle which had died of rinderpest in the period January to October, 1951?

(c) The number of cattle inoculated during the period January to October, 1951?

(d) The number of cattle which died after inoculation in (c)?

(e) Whether the K.A.G. or any other vaccine used for the inoculations referred to in this question is completely safe?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I would suggest that consideration of the detailed answers to these questions should take into account the fact that compulsory inoculation of cattle against rinderpest in Fort Hall was started in 1944 and the natural increase has been inoculated since then.

[The Member for Agriculture and Natural Resources]
The answers of the detailed questions are as follows:—

- (a) 58,000 head.
- (b) Sixteen in the Maranja area of Fort Hall before inoculation commenced this year.
- (c) 8,775 head not previously inoculated.
- (d) The veterinary officer who, in accordance with current practice, toured the area in which the inoculations took place, received reports to the effect that 45 head of cattle had died following the inoculation; 36 head were alleged to have died in Location 2 and the remaining deaths occurred in Locations 4 and 5. In the six other locations in which a total of 5,517 cattle were inoculated no deaths following inoculations were reported.
- (e) It is considered that the K.A.G. vaccine which is being used throughout East Africa is completely safe for use on indigenous Zebu cattle; a total of 5,700,000 doses of this vaccine have been issued through Kabete during the past year without any untoward mortality.

BILLS

FIRST READING

On the Motion of the Financial Secretary, seconded by the Acting Solicitor General, the following Bill was read a first time:—

The Appropriation Bill, 1951

Notice was given that the Bill would be taken through all its stages during the present sitting of the Council.

MOTIONS

VOLUNTARILY UNEMPLOYED PERSONS (PROVISION OF EMPLOYMENT) ORDINANCE, 1949 (No. 39 of 1949)—CONTINUATION OF

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, I beg to move that the Voluntarily Unemployed Persons (Provision of Employment) Ordinance, 1949 (No. 39 of 1949) be continued in force until the 31st December, 1952.

Sir, section 1 provides that the Ordinance shall come into force by notification

in the Gazette, and shall expire one year from that date; provided that, at any time, the Ordinance is in force, and in pursuance of the Legislative Council is resolved, the Ordinance shall continue in force for a further period or periods of one year at a time, the Governor in Council may by order direct that the Ordinance shall continue in force for that further period.

The Ordinance has been extended until the end of 1951, and the object of the present resolution is to continue it until the end of 1952. The Ordinance has been applied to Nairobi and Mombasa, and it is the opinion of the District Commissioners, and of the Provincial Commissioners, and of the Police and Labour Departments, that the Ordinance serves a useful purpose and should be kept in force.

I beg to move.

MR. MATHU: As this Motion has come up since the passing of this Bill, the African Members opposed the Motion to continue it for a further year. Before giving my reasons, very few of them have been satisfied and this year in opposition, I want to raise one very important matter which we raised during the second reading of this Bill when it came in, and it is this, Sir, that the persons affected by the law are often apprehended in Nairobi, maybe on Saturday or Sunday, and the Committee, the Labour Exchange Committee for Nairobi, meets on Tuesdays and Fridays and very often you find a number of these people—I know—10 in one case, 27, and in another case 10, in Nairobi—staying in the labour camp on the Athi River road for three days and that was one of our strong objections to this law. They are inside three days, they may be not locked up and that kind of thing, but they are potential prisoners and they have not been tried, and I think that it may be perhaps necessary to make it possible that they be arrested on a Monday, so that they can be brought in on Tuesday, or arrested on Thursday, so that they can be brought in on Friday for trial. On the other hand I want the Government to tell me how we are going to overcome this objection of putting them inside for three days before they are tried, before they come before the Labour Exchange Committee.

[Mr. Mathu]

That is one very important objection and I should like the hon. Member to tell us how we are going to get over that difficulty. He said in moving my second point before I sit down—that the Labour Department, Police and District Commissioners in Nairobi and Mombasa say the thing is working properly. Now could the hon. Member tell us whether it has been so efficiently operated that we have no "spivs" now in Nairobi and Mombasa?

Second question. Can the hon. Member tell me how many members of other communities, other than Africans, came before the Nairobi Labour Exchange Committee during the last three or four months?

I beg to oppose, Sir.

MR. JEREMIAH: Mr. Speaker, I also rise to oppose the Motion. My main reason, Sir, is to repeat what I said before, and that is this Bill, in my view, has succeeded only in harassing people for no fault at all—(hear, hear)—because it is not only the unemployed people who are suffering from it. Most people who have been arrested are innocent people who were only not in a position to prove the terms of their work. That, Sir, for people to be arrested and put into cells simply because they have not been employed at times, I think, in my view, it is quite wrong. It is, I should say, a thing which should not happen in a civilized country. Would the hon. Member tell us how many unemployed have been arrested and how many unemployed have been found work? Also, how many people of other races have been arrested as well for being unemployed? Also, Sir, I would like the hon. Member to tell us how many days the people who have been arrested spend in cells and afterwards are released for no fault found against them.

I oppose the Motion, Sir.

MR. COOZE: Mr. Speaker, I have always been a supporter of this Ordinance, a strong supporter of it, because I think "spiv" of any race, if they are unemployed in a town, should be dealt with, but if the provisions of this Ordinance are being abused as alleged by my hon. African friends then I think something should be done about it. "Spivs", even if they are "spivs", if they

are arrested on a Saturday as being suspected "spivs", should be dealt with as soon as possible. There should be a special Magistrate, or whoever does deal with these people. I think it is quite contrary to justice that people should be kept in confinement for two or three days without their case being gone into. So far as that protest is concerned, I entirely agree with my hon. friends the African Members.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, I am sorry that the hon. African Members have found it necessary to oppose the prolongation of this Ordinance on this occasion, because I believe—and I know that the Chief Native Commissioner agrees with me, and so do the District Commissioners and those who benefit concerned—that the people who are most by the provisions of this law are the law-abiding Africans of Mombasa and Nairobi, who, of course, form the great proportion of the population in those places.

The hon. Mr. Mathu will remember that at a recent meeting—I think it was of the African Affairs Committee—which I attended, he suggested to me that he was not happy about the way that this Ordinance was being operated in Nairobi and Mombasa. I arranged with the District Commissioner for him to attend a meeting of the Labour Exchange Committee for Nairobi, which operates the Ordinance, in order that he might clarify the points about which he was worried. I am not sure whether he had the opportunity of doing that, but if he did not, I shall be pleased to arrange for him to go to the Committee, and go with him myself, in order to see how the difficulties which he has in mind can be overcome.

I think it is correct to say that at the present time the Committee meets twice a week. I have not previously heard the complaint that people are kept waiting in order to be brought before the Committee. I think it should be possible to overcome this difficulty by arranging for the Committee to meet more frequently, or possibly on different days. I believe that the Committee has panels, so that it would be possible for the Committee to meet more frequently. I will certainly take that up with the District Commissioner.

[The Acting Deputy Chief Secretary.]

Now, Sir, nobody, of course, maintains that there are no voluntarily unemployed persons in Nairobi, but we do think the Ordinance has served a useful purpose in reducing the number of persons of that description.

In regard to the other point, so far as I know, no persons of the European or Asian communities have been dealt with under this Ordinance. My belief is that it was made perfectly clear, at the time that the Ordinance was enacted, that its main purpose was to deal with African unemployed persons. I think that was clearly understood by everybody.

MR. MATHU: No, Sir, on a point of order, that was never clearly understood by us. It was a legislation on a non-racial basis and even European and Asian labour exchanges were established. We know that there are some not employed in these places and they are not apprehended.

THE ACTING DEPUTY CHIEF SECRETARY: Maybe I am mistaken on that point. It was certainly under the impression that it was realized that the great majority who would be dealt with under this Ordinance would be Africans, because it is common knowledge that greater numbers of that community are, in fact, voluntarily unemployed. It is no use pretending it is not so, because it is.

The hon. Member for the Coast also said that hardship is being caused, that the Ordinance was not being properly administered, that that was wrong and it should be put right. Of course, I entirely agree. It has not come to my notice that there are any specific instances of abuse or hardship, but if there are specific instances, of course, they will be dealt with.

The hon. Mr. Jeremiah wanted statistics of the number of persons who had been dealt with. I have large numbers of statistics here, taken from the reports of the District Commissioners. But I think it would be better, rather than taking up the time of the Council with those figures, if I gave this paper to Mr. Jeremiah, so that he can read it for himself and see what the figures are. Perhaps that will be the most satisfactory way of providing the information the hon. Member wants.

MR. MATHU: On a point of information, the point alluded to by my hon.

friend Mr. Jeremiah—how are you going to remedy this situation where law-abiding Africans are apprehended in the course of their duties in Nairobi, but do away for three days, come before the Committee, prove that they are employed elsewhere and then released. How are you going to deal with things of that kind?

THE ACTING DEPUTY CHIEF SECRETARY: Sir, I have had actual experience of that situation. It so happens, Sir, that a servant of mine was actually picked up under this Ordinance. The police rang me up at my house; I said he was employed by me; I went down and he was released within about an hour or two of the arrest. I think that in the majority of cases if somebody is arrested who is not in fact unemployed, the matter would be dealt with in that way. If there are cases in which that cannot be done, then we shall have to go into it with the Committee and the District Commissioner, and try to devise means of avoiding that happening.

MR. MATHU: African traders, what about that?

The question was put and carried.

INCREASE OF RENT (RESTRICTION) ORDINANCE, 1949 (No. 22 of 1949)— CONTINUATION OF

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, in moving that it be resolved that the Increase of Rent (Restriction) Ordinance, 1949 (No. 22 of 1949) be continued in force until 31st December, 1954, I promise not to take more than three hours in moving the Motion! (Laughter.)

In explanation, I would say that the reason why it is necessary to move in this manner, is because previously this has been legislation renewed each year. The last occasion upon which a similar Motion was moved, my hon. friend the Member for Central Area raised the point that the short period involved, namely, 12 months, made it impossible for those affected by the working of the Ordinance fully to take into account Government's intentions in the matter; and further, it made it impossible—if and when it proved to be feasible—to remove in part or in whole, rent restriction of business premises, maybe of domestic premises, by giving adequate

[The Member for Commerce and Industry] notice. The same point was raised by the Board of Commerce and Industry and the same criticism had previously been made by the Nairobi Chamber of Commerce.

I think I have explained why it is considered necessary to move the Motion in the form set out on the Order Paper. I will be happy to answer any questions hon. Members may wish to raise.

I beg to move.

THE ACTING DEPUTY CHIEF SECRETARY seconded.

MR. NATHOO: Mr. Speaker, I would like to thank the hon. Member for Commerce and Industry in having appreciated the difficulties of the people of the public who were apprehensive as to what the intention of Government was. At the same time, Sir, I would like to draw his attention that, due to the fact that a Committee to advise him on some amendments is sitting at the moment, a large number of rumours are going about the country to the effect that Rent Control, as far as business premises are concerned, is coming to an end within the period of the next few months. Sir, without anticipating the report of this Advisory Committee, I would like the hon. Member to make clear that no major change or decontrol in any of these rent restrictions will be permitted without first having given reasonable notice to this Council and the general public, so that undue hardship should not be caused to individuals.

—Sir, I beg to support.

MR. SALTER: Mr. Speaker, when, a year ago, the hon. Member for Commerce and Industry moved the continuation of this Ordinance for a further period of twelve months, expiring at the end of this month, opinions were then expressed that the Ordinance was still unsatisfactory. The hon. Member for Central Area, my hon. friend, Mr. Nathoo, who has just spoken, said on that occasion, that despite the talents contained in the Committee that considered the Ordinance in 1948 and 1949, it surprised him that with the talent that was on the Committee which went into the question, so many definitions were

(left very vague; and he went on to express the hope that all the loose ends would be tied up in a new Bill and that we would have an Ordinance which would be easily understood by the layman.

Well, Sir, the loose ends, despite amendments having been introduced since, still remain. There are few laymen—and scarcely any lawyers—who are fully able to comprehend the complexities and anomalies of this particular piece of legislation, and we are now asked to continue it for yet a further three years. I agree that having a period of that sort does help to remove uncertainties and help to stabilize people's position, both as occupiers of business premises and of residential houses. But there are, Sir, in my submission, other matters which have to be considered, matters which have to be considered, and with your permission, Sir, if I might refer to what the hon. Acting Attorney General said in moving an amendment on the 17th May. I think my point will be made clear. He said in my report of Hansard, column 251, of 17th May: "As I have said before, other questions of principle have been raised by persons and by bodies and they have received the consideration of the Government, and it has been decided not to deal with them in this Bill. But I have been authorized to give an undertaking by my hon. friend the Member for Commerce and Industry, who is really the Member responsible for this matter but who has asked me to do so on the second reading of the Bill as to a certain number of fairly technical legal matters, that these matters of principle will be further considered by the Government and will be further examined after consultation with the appropriate bodies."

Sir, on that occasion also, I did express the view that the amending Bill before the Council did not go far enough, and that there was a feeling that the Ordinance must be tackled properly and not just in piecemeal amendments of the sort then under consideration.

Now, Sir, I know the difficulties, and I know the amount of work that is being put into it by a Committee and others who are considering this Ordinance, but the fact remains, Sir, that people feel that this matter is not being tackled—

[Mr. Salter]—at any rate there is no real external demonstration that it is—and I would ask, Sir, whether, first of all, the Committee, or the Government, I should say, on the recommendation of the Committee, whether it is Government's intention at the expiration of this period of three years, either to abolish the Ordinance or, at any rate, its application to business premises. I would submit that that period of three years would be ample to prevent any hardship falling upon tenants if notice were given fairly early.

Sir, the second question I would like to know is whether the Government will really tackle the Ordinance with a view to making improvements early in the approaching year, so that a real effort will be made to produce something which is more satisfactory, and so that the Ordinance may, during the remainder of its life, be more easy to understand and easier to administer.

Sir, unless the Government feel able to fulfil the undertaking immediately—I am not suggesting they are not going to fulfil it, but implement the undertaking that was given six months ago—I shall have difficulty in supporting the Motion. As it is, I do support it.

Mr. COOKS: Mr. Speaker, if I am in order I should like to raise a point which I raised in my Motion on the Cost of Living the other day, but the hon. gentlemen on the other side of the Council were so busy preaching homilies on higher economics they had not time to deal with these more mundane problems.

What I should like to know from my hon. friend is if he can devise some means by which, when the lessor and lessee are going into the problems of leasing a house or business premises, whether the transaction could go through a third person to eliminate, as far as possible, the passage of "key money" between the two parties?

I believe it works well in India, as I said the other day, and I should like my hon. friend to give me an assurance, at any rate, that this suggestion will be considered.

THE MEMBER FOR COMMERCE AND INDUSTRY: Mr. Speaker, to deal with the

point raised by my hon. friend, the Member for Central Area, first, I can assure him, as he well knows, that the Committee sitting at the present time with a view to revising the Ordinance, is not likely, in my opinion, to make recommendations of the "extreme variety" my hon. friend referred to, and without in any way anticipating their recommendations, I think it is perfectly safe to say that rumours such as those he referred to are very much exaggerated—in fact, unjustified.

To deal with the points raised by my hon. friend, the Member for Nairobi South, I agree with what my hon. friend said when he said that the present Ordinance is not wholly satisfactory. When I think in August—I introduced a Bill to deal, not with major points, but with some of the anomalies contained in the Bill, I made a pledge that, as soon as the Committee then sitting could make up its mind—a great deal of work, as my hon. friend said, is involved in the considerations—as soon as they are ready then, Sir, I hope to introduce a further Bill in this Council, which I hope—I cannot promise—will meet the points that my hon. friend has raised. Whether simplicity, in the sense we would all like to see it, is possible, I am bound to leave to those with legal experience, such as the Law Society, which is involved in these discussions. It is no easy matter, as my hon. friend well knows, to get watertight definitions in these matters.

Now, on the further point my hon. friend raised, which was, would it be possible at the end of three years to get rid of Rent Control or modify it to a any great extent? The object of moving this Motion is to give us room for manoeuvre. The recommendations which I hope at a comparatively early date—as soon as the Committee has finished its deliberations—to bring before this Council—will, I hope, point the way towards a process whereby, in the absence of further emergencies, these affairs can be brought to a satisfactory conclusion. I cannot say more at this juncture, and I do not believe my hon. friend would wish me to do so.

Now, Sir, on the third point my hon. friend raised, are we, in fact, getting down to this very difficult job? Well, Sir, all I can say is that the people to

[The Member for Commerce and Industry]—whom I have gone for advice, namely the Board of Commerce and Industry's Standing Legislative sub-committee which contains Members of this Council, which has co-opted people with special experience in this matter, and those members of the Law Society who are taking an active interest in this matter, I think these gentlemen deserve the thanks of this Council for the work they are doing. (Hear, hear.) It is a thankless task, and it is a definite task. I do not feel it is incumbent upon me to go along and say, "Hurry up", when I know they are doing their utmost to arrive at recommendations which I hope will commend itself to this Council; but, Sir, in regard to the efforts of Government to achieve this desirable end, if in any way I, or any Member of the Government, can help this Committee by providing information quickly, by providing facilities, by doing everything we possibly can to speed up their work, then, Sir, we are—and I think every member of the sub-committee would agree—completely at their service.

On the point raised by my hon. friend the Member for the Coast, we were all so fascinated by his homily on higher economics—(laughter)—that perhaps I forgot to answer his point. I will only make one observation before I do so, which is, that there are some thousands of transactions a year in Nairobi alone and, Sir, a third person being required to be present at each of them would make very great demands—either on the staffs that would have to be paid and the money voted by this Council, or, Sir, upon the goodwill and public-spiritedness of the members of the present Rent Control Board, who do not draw any pay whatsoever. However, what I will promise my hon. friend—because there is sense in what he proposes—is that I will refer his suggestion to the Committee which is considering Rent Control, and I will ask them to take his suggestion into account in their deliberations.

Mr. Speaker, I beg to move.

The question was put and carried.

SUGAR CONSUMPTION TAX ORDINANCE (CAP. 271)—CONTINUATION OF

THE SECRETARY TO THE TREASURY:
Mr. Speaker, I beg to move:—

BE IT RESOLVED that the Sugar Consumption Tax Ordinance (Cap. 271) be continued in force until 31st December, 1952.

Sir, this is a formal Motion. Hon. Members, I think are fully aware of the purposes of the Ordinance.

I beg to move.

THE ACTING SOLICITOR GENERAL
seconded.

The question was put and carried.

CUSTOMS DUTIES ON FOODSTUFFS (PROVISIONAL EXEMPTION) ORDINANCE, 1946—CONTINUATION OF

THE SECRETARY TO THE TREASURY:
Mr. Speaker, I beg to move:—

BE IT RESOLVED that the Customs Duties on Foodstuffs (Provisional Exemption) Ordinance, 1946, be continued in force until 31st December, 1952.

There is a mistake on the Order Paper—1951 should read 1952.

This, too, is a formal Motion.

I beg to move.

THE ACTING SOLICITOR GENERAL
seconded.

Mr. COOKS: For the benefit of new Members, would the hon. Member explain what this Motion is about?

The question was put and carried.

TO RESOLVE INTO COMMITTEE OF WAYS AND MEANS

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

BE IT RESOLVED that Council do resolve itself into Committee of Ways and Means to consider the ways and means for raising the supply to be granted.

Sir, in accordance with Standing Rules and Orders this is a formal Motion, calling for no speech from the Mover. I accordingly beg to move.

THE ACTING CHIEF SECRETARY
seconded.

The question was put and carried.

Council went into Committee of Ways and Means to consider the ways and means for raising the supply to be granted.

COMMITTEE OF WAYS AND MEANS
Customs Tariff Ordinance (Cap. 262)

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That the Schedules to the Customs Tariff Ordinance, Chapter 262 of the Laws of Kenya, be amended in accordance with the provisions of a Bill entitled an Ordinance to Amend the Customs Tariff Ordinance, 1951, and published in the *Official Gazette* on the 31st October, 1951, and that the said Schedule be further amended by deleting the words "Calcium Carbide" from item 119 and inserting a new item 119A "Calcium Carbide, Free".

Sir, the purpose of this Motion is to secure the approval of this Committee to the changes in the customs duty on the items enumerated during the Budget speech. Those items were the groups known as potable spirits, ale and beer imported, and unmanufactured tobacco. Now, Sir, during the Budget speech I gave the Government's reasons why it was considered necessary to increase these duties. It was in order to cover part of the so-called "first gap" in the finances of the country.

Now, Sir, this Schedule—the Schedule to the Ordinance—is to be amended not only to provide for the increases in duty which I have specified, but also for the reductions which were referred to in the Budget speech. Those reductions were in respect of soap, and also in respect of those infant foods properly regarded as human milk substitutes.

While I am on this question, there are two other points to which I would like to refer. The first is the question of calcium carbide, which also forms part of the substance of this Motion. The proposal to free calcium carbide from import duty was not a Budget proposal, but opportunity has been taken in this Motion to secure the approval of the Committee of Ways and Means to this proposition. Under the present Customs Tariff, calcium carbide appears under item 119, and it is uncertain whether calcium carbide, which is imported for purposes other than for the destruction of

agricultural pests, should be duty free. (Hear, hear.) This uncertainty has persisted for a very long time, and the Commissioner of Customs has for just as long been permitting calcium carbide to enter, free, whether it was demonstrated it was to be used for the destruction of pests, or not. On an audit query he was compelled to change his procedure—in June of this year—and customs duty was then imposed upon that calcium carbide which could not be demonstrated as being imported for the purpose of destroying pests. However, on further representations, he referred the matter to the Government, and it was decided, that since a great deal of trouble was being caused to industrialists and others by this change of procedure, and since there is not a great deal of calcium carbide imported into this country the Standing Finance Committee should be asked to permit *ex gratia* refunds of duty on all non-qualifying calcium carbide, pending the introduction of legislation to regularize the matter. The Standing Finance Committee recommended those *ex gratia* repayments be made and now, Sir, in accordance with the intention when that paper was put before Standing Finance Committee, I now include in the moving of this Motion, the proposal that calcium carbide shall be entirely freed from duty. When I move the consideration of the Bill pertaining to this subject, I shall move an amendment in Committee stage to the Bill itself to provide for this item being changed in the manner now proposed.

The second point, Sir, is this—when the Bill to which this Motion refers was drafted, it was overlooked that shampoos, whether containing soap or not, had already had the duty reduced on them as a result of a Motion in a Committee of Ways and Means of this Council last August, and, unfortunately, because of that omission, no reference was made to that omission, no reference was made to shampoos, whether containing soap or not, in the amending Bill. And I shall therefore, Sir, have to make a second amendment in the Committee stage when that Bill comes before the Council.

Sir, I have, I think, quite clearly explained in the Budget speech and in the general debate the reason for these changes in taxation in the customs duty. I will therefore say no more and accordingly beg to move. (Applause.)

MAJOR KEYSER: Mr. Chairman, as I may take more than ten minutes, may I, Sir, have your permission to speak for a little longer than that.

THE CHAIRMAN: Yes.

MAJOR KEYSER: Sir, I rise to oppose this Motion and, in doing so, I would like to explain that my colleagues and I have no objection to this form of taxation, but, Sir, we have a very great objection to taxation which is, in our opinion, not necessary and we did, Sir, in the Committee of Supply, try to show that a considerable amount of the expenditure that appears in these Draft Estimates is unnecessary and should have been omitted.

Sir, I must spend a few minutes on the matter of this necessity. During the debate in Committee of Supply, Members on this side of the Council proposed the omission of a considerable number of items, and Members on the opposite side, Sir, with the exception, I think, on four occasions, opposed very strongly the omission of those items, and although we succeeded in passing the Motions to omit quite a considerable number of items, nevertheless we were defeated by hon. Members on the opposite side, I think, on four occasions by an equal vote and on quite a number of occasions, by one or two votes.

Now, Sir, it does seem to me that that Committee, that the debate in the Committee of Supply fell very far short of the concept of a Council of State, which was suggested by His Excellency the Governor in 1948, and during which he said that: "There are no party politics in this country, and although, in a multiracial society, there must necessarily be occasions when there are differences on that account, there is not and there cannot be any question of the Council being divided into the Government on the one hand and the Opposition on the other." I think, Sir, that His Excellency must be a very disappointed man to-day.

THE FINANCIAL SECRETARY: He certainly is.

MAJOR KEYSER: Sir, had Government co-operated with us to reduce the expenditure by many of the items that we proposed, had they not opposed all those so bitterly, then the Expenditure Estimates could have been reduced by an amount which would have rendered it

quite unnecessary for this taxation to be imposed. But Government did not see fit to do so and they are continuing now, Sir, with their suggestion of imposing taxation to meet a deficit which, in our opinion, should never have been there. But, Sir, for the last—I should think—five years at least, and probably more, the end of each year has shown that we have had a surplus balance. Now, Sir, in face of that can the hon. Member for Finance say that there is to-day a necessity for increased taxation? It is true that at the end of the year when the Draft Estimates of the following year have come before this Council that Revenue has been underestimated, but at the end of the year, Sir, there has, for the last five years, been a surplus balance, and in view of that, Sir, I consider that Government should take the risk that they will have a surplus balance this year without any increase or any imposition of new taxation.

Now, Sir, there is another reason why I think that these taxes should not be imposed. Now, Sir, in the reply to the debate on the Committee of Supply, the hon. Member for Finance referred to some remarks made by the hon. Mr. Nathoo about the opposition in the neighbouring territories on these taxes, and he said: "Now, Sir, this is a very novel reason for opposing taxation measures in this Council, particularly when the taxation measures are demonstrated as essential to balance the Budget in this country. It appears, according to the hon. gentleman, that in Tanganyika there is an accusation, a feeling that Tanganyika is being led by the nose by Kenya, that they do not want the money, they are only increasing the taxation because of Kenya. Mr. Chairman, nothing could be further from the truth. There is something very much more important in this than trying to do something on behalf of Kenya. The principle is this, the step is necessary if the fundamental concept of a Customs Union between these three territories is to be preserved. That is why the changes in Tanganyika taxation must take place, not to do something on behalf of Kenya."

Well, Sir, I had the honour of a discussion on this particular subject with Unofficial Members from the two territories, unfortunately, the day after those

THE FINANCIAL SECRETARY: Now, Sir, this question of Kenya forcing the hand of Tanganyika and Uganda. Sir, I never made any attempt to suggest that these two territories necessarily need this extra taxation for the purpose of balancing their Budgets. As I said before, I have no interest in their Budgets from that point of view. I have quite enough to do trying to balance the Kenya Budget without interfering in the Budgets of my hon. colleagues the Financial Secretary of Tanganyika and the Financial Secretary of Uganda. What I said was this. We have in East Africa the concept of a Customs Union. That Customs Union is essential unless trade and commerce are to be utterly disrupted. Let heron Members understand those words, *utterly disrupted!* If therefore it proves to be necessary in the interest of one territory, the *vital* interest of one territory, to raise taxation, then if that concept is to be honoured and that agreement is to be fulfilled, then obviously there must be a raising in the other two territories. It is in the interests of the fundamental concept of a Customs Union that the Governments of those two territories are proposing to follow this increase in taxation in Kenya.

The hon. Member for Trans Nzoia drew a horrifying picture of what is going to happen if the other two territories do not follow suit. Perhaps it is as well for me to make this statement here. I say that if this Customs Union concept is not honoured in the other two territories, then the Kenya Government must take it as notice of opting by those territories of opting out of this Customs Union. And in those circumstances the Kenya Government would certainly take immediate steps to protect herself and those steps would certainly have to include such things as transit duties. The hon. Member can rest assured that if anything happened of the nature which he fears we certainly will be ready to take the steps necessary to protect our revenue and protect our commerce and industry.

Now, Sir, the hon. Member's speech, I think, was made in the nature of a protest which he has carried right through the whole debate. He cannot really be serious and I therefore do not think there is any other point of real importance that I need answer. Accord-

ingly, I will not take up any further time of this Committee and I beg to move.

The question was put and on a division carried by 24 votes to 12 votes. (Ayes: Mr. Carpenter, Major Cavendish-Bentinck, Messrs. Chemallan, Davies, Hartwell, Hope-Jones, Hunter, Jeremiah, Madan, Matthews, Mathu, Sir Charles Mortimer, Messrs. Ohang, Padley, Pike, Dr. Rana, Messrs. Roddan, Sallim, Shary, Taylor, Thornley, Trim, Vasey, Whyatt, 24. Noes: Messrs. Blundell, Cooke, Lt.-Col. Ghergie, Messrs. Have-lock, Hopkins, Major Keyser, Messrs. Maconochie-Welwood, Nathoo, Salter, Lady Shaw, Mrs. Shaw, Mr. Usher, 12. Did not vote: Mr. Patel, 1. Absent: Mr. Pritam, 1. Total: 38.)

Beer Ordinance (Cap. 267)

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That the Beer Ordinance, Chapter 267 of the Laws of Kenya, be amended in accordance with the provisions of a Bill entitled "An Ordinance to Amend the Beer Ordinance, 1951, and published in the *Official Gazette* on the 31st October, 1951.

Sir, the proposal here is for precisely the same reason as the revenue-raising proposals which were referred to in the last Motion. As nothing I can say will apparently convince those who are determined to oppose the Motion, I do not propose to take up any more time of this Committee, and I beg to move.

THE SOLICITOR GENERAL seconded.

MR. HAVELOCK: On a point of order, Sir, as the copies of the Rules seem to be rather different and they seem to be very scarce as well, could you give your ruling as to how many times Members may speak in this Committee.

THE CHAIRMAN: Twice, but when I say, "Is there no other Member wishing to speak?", a Member who has spoken, of course, may rise again and continue the debate, that is understood, but once the hon. Mover has replied that must end it.

The question was put and on a division carried by 24 votes to 12 votes. (Ayes: Mr. Carpenter, Major Cavendish-Bentinck, Messrs. Chemallan, Davies, Hartwell, Hope-Jones, Hunter, Jeremiah, Madan, Matthews, Mathu, Sir Charles Mortimer, Messrs. Ohang, Padley, Pike, Dr. Rana, Messrs. Roddan, Sallim,

Shary, Taylor, Thornley, Trim, Vasey, Whyatt, 24. Noes: Messrs. Blundell, Cooke, Lt.-Col. Ghergie, Messrs. Have-lock, Hopkins, Major Keyser, Messrs. Maconochie-Welwood, Nathoo, Salter, Lady Shaw, Mrs. Shaw, Mr. Usher, 12. Did not vote: Mr. Patel, 1. Absent: Mr. Pritam, 1. Total: 38.)

Income Tax Ordinance (Cap. 254)

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That the Income Tax Ordinance, Chapter 254, be amended in accordance with the provisions of a Bill entitled "An Ordinance to Amend the Income Tax Ordinance, 1951, and published in the *Official Gazette* on the 31st October, 1951.

Sir, as hon. Members know, the object of the amendment of the Bill to which this Motion refers, is to increase child's allowances and children's education allowances under the Income Tax Ordinance by 50 per cent over their present levels. As I said in my Budget speech the object of this change is to give some relief to those married people, with children, who pay income tax. I may point out to the hon. Member for Trans Nzoia that this was one of the measures that increased the Budget deficit and made necessary the increase in taxation to which he has taken such strong objection.

I beg to move.

The question was put and carried.

Committee adjourned at 6.14 p.m. and resumed at 6.35 p.m.

In the absence of the Speaker, Sir Charles Mortimer took the Chair.

Export Duties—Cotton

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That subject to enactment in the present sitting of the Council of an Ordinance cited as the Export Duty Ordinance, 1951, and published as a Bill in the *Official Gazette*, dated 4th December, 1951, an export duty be imposed on cotton in accordance with the provisions of the said Bill.

Now, Sir, I am not going to spend any time in explaining why this Motion is being moved in this Committee. The reasons why this is being done have been

made quite clear in the previous debate in the Council on the Motion to go into Committee of Supply and also in relation to the item of £500,000 Special Contribution to the Development and Reconstruction Authority. I will only say that this Motion is moved in order to provide a means whereby the second of the two gaps, equally as fundamental as the first, can be covered.

Mr. Chairman, I beg to move. (Applause.)

MR. BLUNDELL: Mr. Chairman; I may require longer than ten minutes on this Motion.

Mr. Chairman, in the main policy debate, we did not deal specifically in detail with the objections to this tax, and I think this is an opportune moment to do so. That being so, I must apologize to Council if I am a little long.

Now, Sir, I am opposed to this Motion. I am opposed to it, because, first of all, I believe the infliction of this tax is inequitable. I believe that it selects a certain element only within the economic body of the Colony to penalize it without true regard to other elements which may be just as prosperous. No consideration is given in an export tax of this nature on the cotton industry to those other industries, save those which are enumerated in Motions to follow, Mr. Chairman, which are equally prosperous.

Now, when the hon. Member for Finance was moving his general outline of the Colony in his speech on the Budget, and industry was speaking on the great strides and development in his department under his eager energy, both Members stressed that not only agriculture was contributing to the wealth of this Colony—I believe the figure of something like £13.7 millions was given as the contribution also of industry. Now, Sir, I fall to see why the cotton producers are singled out solely in this manner, together with the other three industries, for this tax, and why those industrial enterprises, which are also so prosperous, and which are contributing to the general wealth of the Colony, and which are showing this £13.7 millions, are not also equally affected.

For instance, Sir, in my own field of activity—agriculture—many firms connected with agriculture are prosperous.

[Mr. Blundell] But they're paying their fair share towards the revenue of the Colony through normal taxation. I fail to see why this particular industry, the cotton industry, is singled out, not only for the contributions which they are making as ordinary citizens, but specifically as an industry, and I believe that it is inequitable.

Secondly, Sir, it takes no cognizance of contributions already made. Now, in the case of the cotton industry, it is largely a gathering or conglomeration of peasant producers, but, nevertheless, those peasant producers, through their own prosperity, contribute adequately to the revenues of the Colony, not only through poll tax and an increased poll tax, mainly in the main cotton-producing area of Nyanza, but also, through their prosperity and their higher purchasing power, in indirect taxation. So they are already making adequate—not necessarily an adequate, but they are already making a contribution to the revenue of the Colony. Mr. Chairman, I stress *adequate*, because my point is that I fail to see why this special body of persons is singled out.

They, Sir, have no—at least, I am subject to correction—but I believe there is no organized board set up to control this industry, through which they could put forward to this Council their views. Now, other industries—I do not know, Sir—but other industries may have been approached on matters of this sort, and they are organized and have a board which is able to put forward its views. But I do not think that these cotton producers are able to.

Thirdly, Sir, I object to this taxation because I think it cuts right across what was the intention of Government when they established the Price Stabilization Fund. There has been, for a number of years, a cess on cotton. That was linked, to a certain degree, with the policy of the Government of Uganda, but in effect the intention was to build up a reserve, so designed that it would act as a Stabilization Fund if there was a large slump in the price, and the effect of this Motion is that the contribution to the Stabilization Fund will be reduced from Sh. 2 to Sh. 1/20 per pound of cotton, or lint, whatever it is.

Now, Mr. Chairman, I think that is wrong. Either the intention of Government was to build up a Price Stabilization Fund, or it was not, and if it was, their intention, I have to ask why now are they mulcting the contribution to that Price Stabilization Fund. Is it their view that the cotton industry is set to fail, for so long in the future, that the Price Stabilization Fund that they have built up is adequate for any emergency that they can foresee? If that is so, Sir, they have a gift of foresight which is certainly denied to us on this side of the Council.

THE FINANCIAL SECRETARY: Hear, hear.

MR. BLUNDELL: As the hon. and gracious lady for Ukamba says, that gift of foresight, Sir, has not been shown in every measure which they have put forward, so I think that we can assume that it does not exist—(hear, hear)—and I believe, in effect, this raid upon these peasant producers' Price Stabilization Fund is an acceptance by Government of expediency over morality. (Hear, hear) (Applause.)

Now, Sir, thirdly, any industry, whether it is run by Europeans under an advanced capitalist system, or whether it is run by peasants—African peasants in this case—under a less advanced economic system, needs capital. Now we know that, because constantly the hon. Members on my left have pressed hon. Members opposite for credit facilities for Africans. Now we must not assume that because these producers are peasants, that they do not need money. They need money; they need money for the regeneration, the better protection, the improvement of their holdings. They need money; they need money for dips, for fencing, for the reorientation of their farming, and it is erroneous to think that developmental moneys are not required by peasants just as much as capitalists—(hear, hear)—or what we might call a more advanced capitalistic system of farming.

Now, Sir, I do ask hon. Members opposite: Is it equitable, is it right and is it wise to ask the agricultural industry, represented here, to finance—not only its own development which it has got to do out of its own gains—but also the far more widely spread development of the Colony? I believe it is utterly wrong.

[Mr. Blundell] Again, Sir, this cotton industry is not an industry which had a very strong and lusty growth in the past. It has to-day, and I believe that we are very unwise to initiate any measures which are likely to prevent its spread. It is an industry which can bring considerable value to this Colony, and I submit that removing this money from the Price Stabilization Fund will, in effect, over a long-term period, discourage the growing of cotton.

Now, Sir, to revert to what I was just saying, I wish to ask, can agriculture, in this case represented by the cotton industry, can it in equity, and can it in industry, carry its own developmental wisdom, carry its own developmental work plus the developmental work of the Colony? Now, I submit it cannot. I believe that the developmental work of the Colony to which this money is going to be put must be spread as fairly and equally as possible over every industry in the Colony.

Now, Sir, I can best illustrate that by asking one or two simple questions. Is there any more reason why a decent, self-respecting, reasonably prosperous peasant in Nyanza should contribute more to the developmental programme than a Jeweller in Nairobi, who, after having contributed his income tax and his surtax, is contributing nothing more? I cannot see it. If there is any prosperous industry, and we have only got to study the balance sheets of industries, right through this Colony, to see that they are prosperous industries, why should they not also contribute to the developmental programme of this Colony? Why does it have to fall in this specific case on peasant producers in Nyanza?

Again, Sir, I wish to submit that this taxation is not necessary. Now there is a difference of opinion on that, but, nevertheless, I do believe that the hon. Member opposite has a passion for taxation. (Hear, hear.) Whether that is conditioned by a fear, I do not know Mr. Chairman, but nevertheless, he has a passion for taxation. In order to show how this passion is mounting upon him, Mr. Chairman, I took out a few figures from Mr. Troughton's speech, when he was introducing the 1948 Budget. Now it is most significant that despite the prognostications about the narrowness of our surplus, or the necessity of avoiding a deficit, the actual figures show that

from the introduction of the 1948 Budget, to the introduction of the 1952 Budget—a period of four years—the surplus balances have risen by £4.1 millions, or £1,000,000 a year. My submission, Sir, is that that allows a sufficient cushion for the financing of this development programme without this imposition on the cotton industry.

Now, Sir, the hon. Member opposite contends, I believe, that it is necessary to have these taxes, because, in his view, he cannot build a developmental programme on anything so fictitious or so lacking in realities, as surpluses. (Laughter.) Now, Sir, I deny that. Already, over the last four years, we have had each year, after meeting unexpected commitments such as Cost of Living Allowances, Military expenditure, all that type of thing, we have had, nevertheless, a rise in the surplus balances, averaged over the four years of £1,025,000. Mr. Chairman.

Now, Sir, I do ask: is there anything more shifting and more tandy to build a developmental programme on than taxes on an industry of this nature? This industry is harassed to all the changes of weather—prolonged rain, for instance. It is at the whim and will of the producers themselves who may not be attracted by the price. In other words, I believe that to build a developmental programme on such a narrow foundation of fear—in this case one—I mention that, Mr. Chairman, in case you should rule me out of order—one peasant-produced crop is not unwise, and I do suggest there is nothing more risky, nothing more in the nature of building on sand than that, compared with building the developmental programme on a taxation structure which is spread equally over the whole of the community—some of which is producing undue wealth.

THE FINANCIAL SECRETARY: Such as what?

MR. BLUNDELL: I will give the hon. Member a suggestion. I suggest if he has to have taxation for the developmental programme—and my argument is, he does not—if he is indeed in ordinary prudence which he is always urging on this side of the Council, he would have greater surpluses than he has already had. These in themselves would provide in my view the nucleus

[Mr. Blundell] necessary for this developmental programme, but if he still wishes to be excessively prudent, if he still wishes to indulge in his passion for taxation, I suggest the proper way is to introduce some such measure as a purchase tax, collected at wholesale sources on the luxury articles used in every group within this Colony. That would ensure that every citizen when indulging in luxury goods would contribute towards the developmental programme of his own Colony. I submit, it is absolutely wrong that this export tax should provide for the developmental programme which is going to be enjoyed by every citizen regardless of his wealth. That is absolutely wrong. (Hear, hear.)

Now, Sir, I just wish to finish with one thing. It is this. I have said it before to the hon. Member, but I could not make him see it. It is pertinent to this Motion. In effect, Sir, he wishes to develop a developmental programme upon taxes levied upon industries of primary produce. Now that, in my view, is most dangerous. First of all, if the upward trend in the economy of this country continues, I submit—and I would ask the hon. Member at least to listen to me and to bear with me—I do submit that we can finance this developmental programme without this taxation if the upward trend in our economy continues. If the upward trend does not continue for various reasons—for instance, we cannot throw on one side what may well come to the economy of the sterling area, with the present measures which are being taken in England, and we are not able at this juncture to foresee what effect they may have—but if it is the intention of the present His Majesty's Government to embark upon a policy of severe deflation, or disinflation, it must have its repercussion on the primary industries of the world. If it has that repercussion, and if there is a severe drop in the wealth-producing capacity of the primary producing industries, we cannot, in my submission, finance this programme at all. Now, Sir, it is a lesson in faith, as the hon. Member for the Coast has so often said. Either, we go forward and say that our economy is expanding and will continue to expand, without imposing upon it 'shackles' of this nature, or we shall be

confronted with the fact that, due to a world-wide trend, our economy is not expanding. In that event no amount of taxes—no amount of taxation at all—can possibly finance the developmental programme, and we will have to examine it with the greatest care to reduce its implications on our financial structure. It is for that reason, I submit these taxes on that industry are not necessary.

I beg to oppose. (Applause.)

MR. USHER: Mr. Chairman, I have very little to add to what has already been said by my friend the hon. Member for Rift Valley. I also oppose this form of taxation as being, with the other three components of this scheme, narrow-based. What sort of taxation is it which penalizes the producer and lets the broker go free? Admittedly, he will pay in income tax—perhaps even in surtax on his income tax—but he does not stir a finger, and he is let off. That is merely one example.

My hon. friend mentioned the crop as if it were a Nyanza crop and, indeed, Sir, it is, but I would like to mention—

MR. BLUNDELL: Largely.

MR. USHER: Yes, I agree it is largely.

The Coast has now come to produce cotton in promising quantity and quality, and it is just by way of becoming established there, when it receives this blow. I know it will be said that the blow falls upon the fund upon which my hon. friend the Financial Secretary has cast his rapacious eye, but that fund is going to be needed one of these days. It may be needed very soon.

I cannot too much endorse what my hon. friend said about the effect of weather upon the cotton crop. This year that promising crop on the Coast is suffering very greatly and if, as I understand from our hon. friend the Special Commissioner for Works, we are in for a 25-year rain cycle, then we may expect that the cotton crop may suffer very seriously. Sir, this is arbitrary, selective, and utterly unreliable as a source of revenue for the purpose for which we need it—(hear, hear)—and, from what I understood the hon. Financial Secretary to say, he will turn his eyes, if this source should fail, upon other industries; and I cannot think of anything more

[Mr. Usher] likely to upset these industries and to produce a general feeling of instability.

Sir, I beg to oppose.

MR. MATHU: Mr. Chairman, I have two points, Sir, I would like to raise on this Motion. The first is in reply to a point raised by my hon. friend, the Member for Rift Valley, where he said the African peasants to-day require money for the development of their farms. I cannot agree with him more, and I would have been even more pleased if he had supported our case before, when pleading with the Government for the African farmers to get credit, agricultural credit, in substantial sums to enable them to develop these farms.

MR. BLUNDELL: Would the hon. Member give away? Mr. Chairman, I have supported and, indeed, on one occasion in this Council I led the hon. Member in asking for greater facilities for Africans.

MR. MATHU: I do hope that the hon. Member's battle is not over, and that he will continue his fight for these men—these African farmers—and more vigorously than he has done in the past.

The second point is a point I would like to get a reply to from my hon. friend, the Member for Finance. Previous speakers on this Motion have said that this tax is to penalize the producers—in this case the African peasant producer. What I would like to hear from the hon. Member is whether the proposed tax which he estimates will produce £130,000 in 1952 will all be borne by the African producers?

MAJOR KEYSER: Of course it will.

MR. MATHU: £130,000, the producers will contribute to the tax. This is very important to the supporters of this Motion. It might make me change my mind! (Laughter.)

MR. HAVELOCK: Mr. Chairman, there are one or two points on this particular tax which I would like to raise. First of all, might I deal with the question that the hon. Member, Mr. Mathu, has just raised—that is, credit for African farmers. I agree credit should be given to African farmers, but I do suggest that it has always been the difficulty as

regards African agriculture to find a cash crop, with which to finance the development of a farm and here, I suggest, is a cash crop in the way of cotton which can itself finance the development of a farm in the Nyanza and coastal areas, and maybe elsewhere. This, Sir, is a very young industry. It is an industry that needs a lot of encouragement, and is extremely valuable especially from that point of view. Here we have a cash crop for Africans which has proved to be economical, anyway in certain areas of the country, and the least we can do is to try to encourage this industry in every possible way. Surely it is not the way to encourage it by taking away from its own developmental funds money for the general revenue, or, if the Financial Secretary prefers—to my mind it is all the same pocket—for the developmental programme.

I would also like to ask another question. I do submit this, Sir, we are in Committee, and I would like hon. Members on the Government benches to remember we are in Committee, and being in Committee it is the privilege—and right, in fact—for hon. Members on this side of the Committee to speak twice, and if all the Government Members sit and but if all the Movers of the Motion to only allow there is no opportunity for speak, then there is no opportunity for hon. Members on this side of the Committee to speak twice. I suggest if they do not allow hon. Members on this side of the Committee to speak twice, and, in fact, to answer Government spokesmen, they are not really fulfilling the true spirit of a Committee.

Now, Sir, there is another question I should like to ask. Is it going to be economical to collect this tax? I see from the Bill that there are a number of different types of taxes on different values and different grades of cotton, and that they vary according to the actual price that cotton will be fetching. Who is going to calculate the average f.o.b. price? Over which period is the average f.o.b. price being calculated? How many times during the year will the average f.o.b. price be calculated? Will it only be once a year, in which case, if the price is they drops, no matter what the price is they still have to pay on the calculation over the first part of the year? If it is at least every month, possibly every week, who is going to calculate it, and how

[Mr. Havelock] much is it going to cost to have it calculated? The marketing, I understand, of cotton in this country is done on Kenya's behalf as to two-thirds of the total crop by Uganda. Is that going to be a nice simple calculation, through Uganda marketing for us? How long is it going to take to get these figures? When will the producer be expected to pay—or whoever does pay? I am still waiting for the answer to the question the hon. Member, Mr. Mathu, put. I should say I am sure the producer will pay in the long run, but I would like to hear it from the mouths of hon. Members opposite.

I come back again to this matter of if it is economical or not, to collect, and I would like hon. Members to give that specific answer. How is it going to be done? Who is going to do it, and what is it going to cost? I do not believe for a minute it is going to be economical. I merely mentioned that two-thirds of the crop is being marketed by Uganda on Kenya's behalf. The remainder, one-third I am told, is marketed in open auctions—I may be wrong. I would like to be corrected, and I would like to hear the details. From day to day each auction may have a different price, each lot may have a different price. Who is going to get the averages out? In view of all that has been said by the hon. Member for Rift Valley—with whom I agree entirely in everything he has said—and with the points I brought up just now, I beg to oppose.

MAJOR KEYSER: Mr. Chairman, I just want to deal with one point only, and that is the point raised by the hon. Mr. Mathu as to who is going to pay this tax—whether the producer or the exporter. On a previous occasion he said the producer, the exporter—or the purchaser, and Sir, he asked that question before. To the best of my recollection it has not been answered by hon. Members opposite. I think now is the time we must have an answer, because, in my opinion, it must be paid by the producer, and nobody else. If an hon. Member on the other side is going to get up and tell us it is not going to be paid by the producer, he must tell us how the whole machinery of marketing to-day on world markets is going to be changed so as to make the purchaser

buy it, or how the question of profits by exporters and middlemen is going to be changed, or how they are going to be induced to a change of heart by which they will make less profits, so that they will not pay this tax.

There is, Sir, obviously only one person who is going to pay all the export taxes, and that is the producer. Sir, we have got an expert on economy on the opposite side, in the person of the Member for Commerce and Industry, and I do think the time has arrived when he must give a definite answer to that question.

LADY SHAW: Mr. Chairman, I wish to ask the Government Members if they are going to continue to dig themselves in on this debate, and not answer any of our points until the hon. Member replies. To my mind it is a ridiculous situation in a debate of this kind that we raise points on which the hon. Member then makes the best if I may say so, of a privileged position as the Mover when he replies to them. In other words, he will give his replies, and we will have no opportunity of debating those replies, which is not, as the hon. Member for Kiambu says, the spirit of a committee. We saw it happen in an earlier debate this evening, and personally, Sir, I protest very strongly against it happening again in this one.

THE MEMBER FOR COMMERCE AND INDUSTRY: (Applause.) Mr. Chairman, I will give a factual answer, to the point raised by the hon. Member for Trans Nzoia. The factual answer is this, and I will take an analogy. If the price of a commodity is raised by an excise or by an export tax, and that increase in price is passed on to the ultimate purchaser, the tax is paid by that person. If the price remains the same, then, Sir, that tax can be paid in a number of ways. It can be partly absorbed by the merchant, it can be partly absorbed by the first handler and, of course, it could be partly paid by the producer.

MR. HAVELOCK: What is going to happen to cotton?

MR. NATHOO: Mr. Chairman, I think, Sir, it is a very great satisfaction to hear the hon. Members on my right taking such a keen interest in an industry for whose benefit I have been speaking every year in this Council without much

[Mr. Nathoo] effect on the opposite side. I hope, Sir, from what hon. Members have said, the hon. Member for Agriculture and Natural Resources will give more attention to the cotton industry than he has done heretofore.

On a point of information, Sir, I would say this, that there is no question about it that the ultimate bearer of this tax is the producer. I think, Sir, it shows a very great ignorance on the part of other Members here when they do not know what the marketing organization is which has been existing for the last ten years. The position is this, Sir, that in 1942 when the price of cotton fell to a level where the ordinary exporter was not prepared to take the risk of buying it owing to the shipping difficulties, the Government set up an organization at the time called the Exporters Group in Uganda which bought all the cotton at a certain price, and that if the price fell below that level, that Exporters Group took the risk with a Government guarantee. Later on, this was changed into what they called the Lint Marketing Board and for the last three or four years, the price realized for lint by this Lint Marketing Board is in the vicinity of an average between Sh. 4 and Sh. 5 a lb. of lint; last year, it rose to the height of Sh. 7/6d a lb. on the free market. Now, Sir, in order to satisfy the United Kingdom and India which are the two main—principally main—buyers of cotton—it has been laid down by the Uganda Government—and we follow suit, that two-thirds of any year's crop would be sold to the United Kingdom and India at a price which is much below the ordinary world free price. Last year, the price the United Kingdom and India paid was in the vicinity of about 38d. This year, the free market price on the auctions which took place on Uganda on the 12th of this month averaged between Sh. 4/6d a lb. and Sh. 4/7 1/8 a lb. The price which has already been declared and which is already a fixed price too, is decided at the beginning of the season so that the producer knows exactly what he is going to get. The 49 pence a lb. for cotton seed, which after the inclusion of the cleaning charges and all the middlemen charges in between, works out at about Sh. 2/10

per lb. of lint. There is therefore a surplus if the cotton is sold in the free market of about Sh. 2/90 a lb. and if it is sold to the United Kingdom and India, at a price which, at the moment, is said to be 47 pence or 48 pence—about Sh. 4 a lb., which is the price fixed in the United Kingdom and in India, if that is the price, then Members can easily calculate the difference between the two prices and the amount which will go to the surplus funds.

Now, Sir, it has been suggested here that the producers will need the price in case the price drops and they will require a stabilization fund. I think, Sir, in cotton, in spite of the fact in Uganda there is a surplus of nearly £32,000,000 in the cotton cess that is, at the end of this year it will amount to that; if there is a definite slump in prices and the Government wants to guarantee the price at the present level, the money will not be enough for even half a crop. That is a sort of cushion when we say that we are building a price stabilization fund. No country in the world, not even America, can build up a reserve which can stabilize the price of cotton if the world slump comes. These are the facts and, much as I may dislike it, and taking into consideration world conditions to-day, I regret I must support the Motion.

LT.-COL. GHERSE: I merely wish to emphasize the request made by hon. Members on this side of the Committee. I listened with great interest to the hon. Member for Commerce and Industry but I think he rather evaded the issue—(hear, hear)—I would not say deliberately. What we wish to know in this particular instance is who, in fact, does pay this export tax? Is it the producer, and if not, who is it? (Hear, hear.)

THE MEMBER FOR COMMERCE AND INDUSTRY: The hon. Member for African Interests, instead of asking me to yield, shouted out when I had no opportunity to reply, Sir, I have never failed to yield when asked by hon. Members. I have asked me (Hear, hear.) The same point has been raised in a very different way by my hon. friend the Member for Nairobi North. I am not trying to evade the issue and I would repeat what I said in factual terms for the guidance of Members, and it applies to all commodities.

MAJOR KEYSER: Cut out the "ifs".

THE MEMBER FOR COMMERCE AND INDUSTRY: Does the hon. Member wish to interrupt me?

MAJOR KEYSER: Sir, would the hon. Member cut out the "ifs" and give us a definite straight answer.

THE MEMBER FOR COMMERCE AND INDUSTRY: I am doing my very best to give them, Sir. Perhaps the hon. Member would like to give it himself? (Laughter.)

MAJOR KEYSER: No, I would like to hear your answer, Sir.

THE MEMBER FOR COMMERCE AND INDUSTRY: Yes, well, if you will give me an opportunity for an uninterrupted minute, I will do my best, but I must ask you to give me a chance—then please criticize me. The point I am trying to make is this—that in regard to taxes of this nature, assuming a price of 100— and shall we assume, for the moment, that the export tax is 1 per cent or 2 per cent—if the price goes up immediately on the imposition of those export taxes, as a result of those export taxes, then, Sir, it is generally accepted that that has been passed on to the ultimate purchasers. Now, Sir, that applies to any commodity—whether it be cotton, tea, or any commodity that one cares to take—if, Sir, the price falls or remains stable, then, Sir, the burden of that particular tax can be absorbed in a number of different ways which must be determined by examining the particular commodity. It may be absorbed by the agent who handles the goods; it may be absorbed by the producer. Now, Sir, I have given the same answer applying it to cotton or any other commodity that hon. Members wish to consider. I cannot be clearer than that.

LT.-COL. GHERSIE: Mr. Chairman, I must reply to this. Surely, when a commodity of this nature is sold overseas, it is sold at a forward price. (Hear, hear.) It must be sold on forward contracts. You do not send a commodity overseas and hope to acquire an unknown price at some future date. It is sold at a forward price, and therefore any introduction of an export tax must revolve on the producer or the person who is selling that article or commodity?

THE MEMBER FOR COMMERCE AND INDUSTRY: In regard to existing con-

tracts, it must. In regard to future contracts, the facts are as I described them.

MAJOR KEYSER: Sir, may I ask, Sir, the hon. Member what definite arrangements are being made about the collection of this tax over cotton. How is it going to be done? Presumably, most of the cotton is—well, Sir, I do not know who is going to answer, Sir—but a number of questions have been asked from this side. We have had a very unsatisfactory answer, Sir, as to exactly who is going to pay the tax. No hon. Member will get up on the other side, I suppose, until the hon. Member replies, and then, Sir, we have to accept what he says because we are not allowed to speak again. I repeat, Sir, that this is most unsatisfactory, this method of moving these motions and not giving us a chance to reply or to refute the allegations and statements by Members on the opposite side. What do you want? (Laughter.)

THE MEMBER FOR COMMERCE AND INDUSTRY: Would the hon. Member say in what way the reply, which was limited to a factual statement on my part, was unsatisfactory?

MAJOR KEYSER: Sir, he immediately starts and says—supposing the price is Sh. 100, and that the tax is going to be 2 per cent if the price goes up. I do not know why there should be an "if" the price goes up; and then he proceeds to say what is going to happen if the price goes up. He then proceeds to tell us what is going to happen if the price goes down. Now, Sir, I do not know anything about that. All I know is that when it comes to "world markets," the markets decide what they are going to pay for an article and they do not care two hoots what the cost of production has been or what the taxation has been on it or anything. Sir, if hon. Members on the opposite side could give us an assurance that this tax will definitely be paid by the man who buys the cotton and is going to use it in his factory, then, Sir, I think most of the opposition to these taxes will go. But no hon. Member on the other side can give it any more than the Member for Commerce and Industry can give it. Sir, what we did ask him and he did not answer, Sir, was who is going to pay this tax, and all he tells us is—if the price went up and if it dropped. Why should the purchaser buy it? He has the option, the choice, of all

[Major Keyser] the produce of the world. If he is going to buy cotton, he can buy cotton from a number of countries in the world. Why number of countries in the world. Why should he buy cotton from Kenya and pay 5 per cent, or whatever it is, more than the cotton from some other country which has no export tax. I say, Sir, that this tax definitely will be paid by the producer and it is time, Sir, that some hon. Member on the other side get up and give us very good reasons—more cogent reasons than the hon. Member for Commerce and Industry has given us—as to why it will not be paid by the producer.

THE MEMBER FOR COMMERCE AND INDUSTRY: The hon. Member asked me for a factual statement. That is what I gave. Unless one is allowed to use the word "if"—which I notice the hon. Member uses very frequently himself—(laughter)—then, Mr. Chairman, I will find it quite impossible to predicate the results of sets of circumstances which is what he asked me to do.

THE CHAIRMAN: The hon. Member has already spoken four times—five times—and that is the limit to which Standing Rules and Orders can be extended. (Laughter.)

MR. MATHIU: Mr. Chairman, I just want to underline one point which was touched on by my hon. friend the Member for Trans Nzoia. It is this—if and this is only one "if" I am going to use—(laughter)—the tax is passed on to the purchaser, the ultimate consumer, in the United Kingdom or India—

MAJOR KEYSER: It cannot be.

MR. MATHIU: Now is it not possible for the Government later to come and say: "Now look, the world market is not interested in your cotton any more. It has gone to America now because of increased prices, and therefore the purchaser should not bear this burden, let us have it on our producer." There is a possibility there, and I want it to be clear and placed on record that whatever answer we get here should be firm so that we can use it on a future occasion.

LADY SHAW: Mr. Chairman, in the argument that was advanced by the hon. Financial Secretary for the imposition of these taxes upon certain industries, cotton being one, the reason he gave to

us was that these industries were extremely prosperous and should make their contribution to the development programme. Now, Sir, if it is supposed for one moment that this money is going to be taken out of the pockets of the broker or the purchaser, why are these industries fixed upon. (Hear, hear.) They are fixed upon, Sir, because they are prosperous! Who is prosperous? The producer? If it is not the producer, Sir, who is going to pay, why is the prosperous industry fixed on? And personally, Sir, however much words may be wasted—or woven perhaps is a better way of putting it—on the other side of the Committee, their very argument that these industries are prosperous and that therefore they must make their contribution, undermines any word weaving which they may choose to make. (Applause.)

MAJOR KEYSER: Let us have an answer from them!

THE ACTING CHIEF SECRETARY: Mr. Chairman, I have not any intentions of forestalling the reply to this Motion—(laughter)—which will be given by my hon. friend the Member for Finance. The proposition before the Committee has come from him and it is a perfectly proper and regular method of conducting discussions and debates, that by replies to questions should be given by him, and I have no intention whatever of letting these herrings of different colours which have been dragged across the trail this evening in order to provide opportunities for Members to speak once, twice, or even three or four times, upset me on this. A reply will be given to the points which have been given by hon. Members opposite. My purpose of intervening at this stage is to remind hon. Members of the Development Plan and the £4,500,000 gap in the ment Plan and, we have funds necessary to finance it. We have discussed what the effects will be if we cannot plan now to find the funds necessary to implement that plan. And I must warn hon. Members—I hear groans and queer noises coming from the hon. Member for Trans Nzoia, but I am afraid he must listen to the warning, and so must other Members—that unless we can see the funds necessary to implement the plan, and this proposition is a proposition designed to assist in this, then decisions will have to be

[The Acting Chief Secretary]

taken now to reduce the capital finance which can be made available for the building of roads, schools, hospitals, and all the other things that hon. Members want.

As I listened to the hon. Member for the Rift Valley it seemed that he has allowed himself in the course of his dreams to imagine that the proceeds of these export taxes are going wholly and entirely to pay for the Development Plan. I do not know how many other hon. Members got the same impression.

MR. BLUNDELL: Are they not?

THE ACTING CHIEF SECRETARY: But I would invite the attention of any of them who may have done so to page 4 of the Development and Reconstruction Authority Estimates, where they will see in the formidable total of £37,000,000—odd which this Development Plan is going to cost over the ten-year period, the moderate figure of £600,000 from the proceeds of export taxes towards that total. And any suggestion that the Government intends that the Development Plan for this Colony shall be paid for solely by the agricultural industry through the medium of these export taxes is utter and complete fantasy and nonsense. (Hear, hear.)

LADY SHAW: Nobody ever said so.

THE ACTING CHIEF SECRETARY: I would also remind hon. Members, though they were not all in agreement, that they have already voted £600,000 out of the Expenditure Estimates into the Development—and Reconstruction Authority Fund. I would remind them that it would be rather a ridiculous situation if a sum of £600,000 which has already been directed to be paid out of the revenues of this territory should now, at this stage, fail to find any accommodation for its reception on the other side of the balance sheet, which would be the resulting position if a different decision should now be reached on this matter. It is quite ridiculous Mr. Chairman, to imagine that unless we can here and now arrange that the finance required for this Development Plan shall be found, it is quite ridiculous to assume that any responsible government will go gaily on for a year or two planning to spend moneys that may not be there to

complete the plans, when these are either half-way or three-quarter way completed.

MAJOR KEYSER: All other governments do it.

THE ACTING CHIEF SECRETARY: Most other countries have export taxes in their programmes.

With those few words, Mr. Chairman, I strongly support the Motion before the Council.

MR. BLUNDELL: Mr. Chairman, in view of the intervention of the hon. Chief Secretary, I feel I must speak again. There are certain points with which I wish to deal.

First, Sir, on the point made by the hon. Member Mr. Nathoo that the price stabilization fund would not, in the event of a fall of the price of cotton, go anywhere to meet a support programme, Sir, if that is so, that reinforces my argument. I stated when I was speaking against these taxes that there is no justification for Government, having set up a policy of price stabilization to keep the price up in bad times, and in the very middle of that policy, to alter it and divert the fund which, in effect, it will be doing, of a proportion of its moneys to pay for a proportion of the developmental programme of the Colony. If Government seriously agrees with the hon. Member Mr. Nathoo, then all I can say, Mr. Chairman, is that they have been doing a very grievous wrong to the peasant producers in taking from those peasants this money they are building up for a price stabilization fund which, in effect, is no good.

Again, Sir, if that is so, it is another reason why the hon. Member is negating by his policy the development of this country. Had that money in the price stabilization fund—if it is accepted that it is no good for this purpose—been allowed to go to its producers, it would inevitably have stimulated the Customs Revenue returns, and thus increased surplus balances and it would enable the hon. Member to view the future with more equanimity than he appears to do.

Now, Sir, one other point. The price; will it be paid by the producer or not? There is only one answer, it will be. There is no other answer. If the price

[Mr. Blundell]

overseas is increased, and the tax is absorbed by the consumer, in effect, if there was no tax, that extra price would have been paid to the producer. It is no good the hon. Member for Agriculture shaking his head and saying "No". If Mr. Chairman, the price ceiling, the price flexibility on the world's markets is such that it will stand an increase in price on the crop, then that price—if there was no export tax—could have gone to the producer. There is no question about it, the producer will pay the export tax.

Now, Sir, the hon. Acting Chief Secretary, I am astonished that he should have got up and made the remarks he made about the Development Plan. There is, in the Development Plan, a £4,500,000 gap, and I would have thought, Sir, even if I did not do it by inference, by sense it could have been defined that I was referring to that gap, because that is the specific purpose of these taxes. That £4,500,000 gap in the Development Plan is going to be financed in specific instances by industries—in agriculture, it cannot be denied—well, a great proportion of it. (Laughter—applause.)

Now, Sir, the hon. Member made his usual plea about no Government being able to plan for the future unless they have a clear-cut road upon which they can proceed, unless the signal is down and the green light is shining.

Mr. Chairman, there is nothing more risky than filling that gap with export taxes on primary produce. (Hear, hear.) What the hon. Member for Mombasa was suggesting and what I have been urging is a widening, if necessary, for that taxation which I have deemed it necessary, a widening of the basis upon which that gap should be borne. That is the whole of our argument. It is in effect a most hazardous operation to carry the £4,500,000 gap with export taxes on primary industry. Now, Sir, it is true, because we pass the £600,000 in Supply, that in effect we have got to accept these Motions, I wish to make two points. The first is, I resolutely opposed that £600,000 and the second is what on earth, Mr. Chairman, are we wasting time here now if because we passed that £600,000—(hear, hear)—

the hon. Member for Commerce and Industry who got up five times instead of two on this Motion is the last person to say "hear, hear". Mr. Chairman, if by passing that £600,000 the hon. Member seriously contends now that we have to sit here like dumb creatures without debating, let me say it is not an argument, I think, he must have produced it out of his hat without thinking, I still oppose this Motion.

THE FINANCIAL SECRETARY: Mr. Chairman, this debate, if I may say so, has gone rather beyond the actual limits of the Motion itself. It has developed into a general debate upon the pros and cons of the export taxes. Therefore, Sir, I consider myself free in those circumstances, to reply on general lines to the debate. In doing so I shall definitely deal with the most important, specific point which has been raised by my hon. friend, Mr. Mathu. Now, Sir, it is suggested that this form of taxation is narrow-based. I deny it. I regard this form of taxation as wider-based than any other direct form, because in a peasant economy such as we largely have in this country, there is no other way of securing a proper contribution from a peasant agriculture to the fundamental necessities of the country's development. Now, I will answer straightaway the question the hon. Mr. Mathu asked. He asked me, asked the Government, on whom will this tax fall in the case of cotton. I will be absolutely straight with the hon. Member. I will ask him this question. On whom does the cess fall? It falls upon the producer. (Hear, hear.) And he will pay no more under this tax than he pays now.

MR. BLUNDELL: Yes, he will.

THE FINANCIAL SECRETARY: Nothing whatever. I will not give way, Mr. Chairman. The hon. Member has spoken at least six times.

MR. BLUNDELL: Twice.

THE FINANCIAL SECRETARY: He will pay no more whatever. I will ask him another question. Who will get the benefit of the development which will be financed from these moneys? Sir, if it is supposed that without the necessary development finance that this country can go on to implement all these fine schemes that we have for agriculture, that we have for roads, and that we

The question was put and carried on a division—by 26—votes—to 11—votes: (Ayer: Mr. Carpenter, Major Cavendish-Bentlick, Messrs. Chemallan, Davies, Hartwell, Hope-Jones, Hunter, Jeremiah, Madan, Mattheys, Mathu, Sir Charles Mortimer, Messrs. Nathoo, Ohanga, Padley, Patel, Pike, Dr. Rana, Messrs. Roddan, Salim, Shatory, Taylor, Thornley, Trim, Vasey, Whytatt, 26. Noes: Messrs. Blundell, Cooke, Lt. Col. Gherais, Messrs. Havelock, Hopkins, Major Keyser, Messrs. Maconochie-Welwood, Salter, Lady Shaw, Mrs. Shaw, Mr. Usher, 11. Absent: Mr. Pritam, 1. Total, 38.)

Export Duties—Hides and Skins

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that subject to the enactment in the present sitting of Council of an Ordinance cited as the Export Duty Ordinance, 1951, and published as a Bill in the *Official Gazette*, dated 4th December, 1951, an export duty be imposed on hides and skins in accordance with the provisions of the said Bill.

Now, Sir, the object of this Motion is precisely the same as the object of the previous Motion. I make it clear, as I did in the Budget speech, that the imposition of this duty will not affect the total export impost at present, being paid on hides and skin.

MAJOR KEYSER: Imports?

THE FINANCIAL SECRETARY: Total export impost.

MAJOR KEYSER: Imposture! (Laughter.)

THE CHAIRMAN: Order, order.

THE FINANCIAL SECRETARY: Mr. Chairman, it astonishes me that when matters of such vital importance to this young Colony are under discussion, that we should have such levity from hon. Members opposite. (Hear, hear.) I should have thought, Sir, that matters of such importance would have secured from them the gravity which the occasion demands.

Sir, I will not enlarge on this matter, because, quite obviously, quite a section of hon. Members opposite are not in any mood to listen to reason or any other kind of discussion.

I beg to move.

MR. MACONOCHE-WELWOOD: Mr. Chairman, I rise to oppose this Motion. (Hear, hear.)

The hon. Member for Finance seems to think, in all these taxes, that if you impose a tax for general development, instead of a tax for the benefit of an industry, from the point of view of the members of that industry, it is precisely the same thing. This tax in particular, and that on cotton, seemed to me to be particularly dishonest. (Hear, hear.) They are imposed with the easy statement that it will make no difference to the grower, because the grower of these particular commodities (the majority in the case of hides and skins) and all of them in the case of cotton, are not likely to notice the difference between their money being spent in their own interest, and their money being spent in general development.

Now, Sir, in a very ill moment in this Council, we drew the attention of the hon. Member for Agriculture and Natural Resources to the fact that the cess on hides and skins was inequitable, instead of perhaps approaching him more privately. The result of that was that the eagle eye of the hon. Member for Finance was immediately turned on this unfortunate industry—(hear, hear)—because if there is one thing that really incenses the hon. Member, it is, apparently, a prosperous producer of a primary commodity. He cannot see that without a violent desire to impose some sort of extra tax on it, which is not levied on other industries equally prosperous.

Now, Sir, in imposing this tax, a change has taken place altogether apart from what I have already said that it is no longer for the benefit, solely, of the industry. In the tax proposed, the benefit side of it, the true cess, becomes static; he has arranged for a definite sum to go towards the benefit of hides and skins and a definite proportion towards the tax. It is fixed. And I would like to quote the reply to a question by the hon. Member for Agriculture on this very subject; the question was raised by my hon. friend the Member for Mombasa, and the reply was this: "It must, however, be pointed out that readjustment on the cess at no shorter intervals than three months might act to the serious

[Mr. Maconochie-Welwood] detriment of an industry in the event of a rapidly falling market". That seems to me to be a very important point, as the cess has now been fixed arbitrarily at so much to the industry and so much to the general purposes. It leaves, in fact, no margin for manoeuvre.

There is another point here which I think should be raised; in an earlier debate on the hides and skins cess which was already causing concern to hon. Members on this side of the Council, we asked the Member for Agriculture that it should be reduced, and he promised to put before this Council certain proposals for setting up a Statutory Board. What he said was this: "I think hon. Members are aware we are trying very hard to create a Statutory Board for this industry, and I hope, in the course of this year, proposals will be laid before this Council for a Board of that kind". The proposals have not been laid, but a proposal for an export tax has been laid instead.

Now, Sir, there is an argument which is advanced, that there is an immense profit on hides and skins. So there is, at times. It is immensely fluctuating, but there is one point that has not apparently occurred to the hon. Member interested in the collection of taxes, but not, as I say, in the sources of wealth. When an animal is condemned, the only thing the wretched producer gets is the value of the hide, and that is what he now proposes to tax. Inevitably if you are going to tax part of an animal, you are going to find it still more difficult to resist the pressure for a demand to raise the price of meat, and in other debates, I have not noticed that the hon. Member is uninterested in the cost of living. Already, the cess itself is unjust to the European section of the community—the cess apart from the export tax—the European seller of cattle (I will come to the African later), but the European seller gets nothing whatsoever in return for the cess. Now he has an export tax levied in addition, or rather it is taken from part of the original cess. (The people to whom he markets his stock (by statute) are excluded from the processing of hides. They get no advantage whatsoever from this set-up which is purely put in being for the benefit of the African producer. Here I come to a much more serious matter,

that is the effect of this cess on the African producer.

Now, Sir, we all know in this Council that one of the most serious problems of this country is the de-stocking in native reserves, and that unless that problem is solved, and there is very little hope for this country or for the people who live in those reserves; and one of the problems of de-stocking, which cannot be unknown to my hon. friend the Member for Agriculture, nor the Member for Native Affairs, is that the African will not sell his stock, and now he is going to get for the commodity. (Question.) The hon. Member for Finance is going to say that already the cess was on, but let me assure him, in view of what is allocated this year for expenditure on betterment, that had he not imposed this export tax, he would not have needed to pay the excess subject to tax for the benefit of the industry. The producer would have got that much more. I maintain, in tax hides now is an exceedingly dangerous thing. We must get these cattle out of the native reserves. That is essential. I do not think anyone now will deny it. One of the difficulties is to induce the people to sell—coercion you may have to be used—but even if you use coercion, you should do your best to see that the seller of the product gets a fair price for it.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Committee do report progress and ask leave to sit again.

The question was put and carried. Council resumed.

ADJOURNMENT

Council adjourned at 7.55 p.m. on 19.30 a.m. on (Wednesday), 19th December, 1951.

Wednesday, 19th December, 1951

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 19th December, 1951.

Mr. Speaker took the Chair, at 9.34 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 18th December, 1951 (Evening Sitting), were confirmed.

PAPERS LAID

The following paper was laid on the Table—

BY THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:

European Agricultural Settlement Board—Accounts for the year ended 31st March, 1951.

BILLS

On the Motion of the Acting Solicitor General, seconded by Sir Charles Mortimer, the following Bills were read a first time:—

The Customs Tariff (Amendment No. 2) Bill.

The Beer (Amendment) Bill.

The Income Tax (Amendment No. 3) Bill.

The Export Duty Bill.

Notice was given that these Bills would be taken through all their stages during the present sitting of the Council.

BILLS

SECOND READING

The Legislative Council (Temporary Provisions) Bill

THE ACTING CHIEF SECRETARY: Mr. Speaker, I beg to move: That the Legislative Council (Temporary Provisions) Bill be read a second time.

The Bill, Sir, is a comparatively short one of only fourteen clauses.

MR. PATEL: Mr. Speaker, I wish to rise on a point of order. I wish to submit, Mr. Speaker, that the Motion which has been moved by the hon. the Acting Chief Secretary is contravening the

Royal Instructions, and therefore is out of order. I wish, Mr. Speaker, to bring to your notice, in support of my point of order, the provisions of Letters Patent and the Royal Instructions issued from time to time.

Firstly, Mr. Speaker, I would bring to your notice the Letters Patent published in Volume V of the Laws of Kenya on page 71. On page 71, clause III, which substitutes for the old clause VIII a new clause VIII, at the bottom of that page, reads:—

"There shall be a Legislative Council in and for the Colony constituted in such manner as We shall direct by any Instructions under Our Sign Manual and Signet."

On page 72, clause X reads:—

"Subject to the provisions of these Letters Patent, it shall be lawful for the Governor, with the advice and consent of the Legislative Council, to make laws for the peace, order and good government of the Colony."

Clause XI:—

"Subject to the provisions of these Letters Patent, the Governor and the Legislative Council shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any instructions under Our Sign Manual and Signet which may from time to time be addressed to the Governor in that behalf."

Now, Mr. Speaker, I shall refer to page 87 of the same Volume. The Royal Instructions which were in force in 1948, on page 87, clause XV, reads:—

"(1) Subject to the provisions of these Instructions, the Legislative Council shall consist of—

The Governor, who shall be President;

a Vice-President and Speaker;

seven *Ex Officio* Members; nine Nominated Official Members;

not more than seventeen Elected Members; and

four Nominated Unofficial Members."

[Mr. Patel]

And on page 88, clause XVIII, there is a special clause for the Elected Members:—

"The Elected Members shall be— one Arab;

eleven Europeans; and"

not more than five Indians, qualified and elected in accordance with the provisions of any law for the time being in force in Kenya."

Then, Sir, the other relevant clause is on page 93, clause XVIII A:—

"Provision may be made, by or in pursuance of any law for the time being in force in Kenya, for the election of Elected Members of the Legislative Council, including (without prejudice to the generality of the provisions of Our said Letters Patent and of these Instructions) the following matters, that is to say— the delimitation of electoral areas;

the qualifications and disqualifications of voters, and the ascertainment thereof;

the registration of voters;

the holding of elections;

the determination of all questions which may arise as to the right of any person to be or remain an Elected Member;

and so on.

Now, Sir, the latest Royal Instructions which have been published only—as far as I know—yesterday, amend these Royal Instructions, which I pointed out. Have you a copy of the latest Royal Instructions, Sir?

In those Royal Instructions of 21st November, 1951, on page 3 is given at the bottom—page 3, clause VI, which replaces the old clause XV:—

"Clause XV of our said Instructions shall be revoked without prejudice to anything lawfully done thereafter, and the following clause shall be substituted therefor, that is to say:—

Subject to the provisions of these Instructions, the Legislative Council shall consist of—

the Governor, who shall be President;

the Vice-President and Speaker; eight *Ex Officio* Members; eighteen Nominated Members; twenty-one Elected Members;

and seven representative Members."

And then in clause IX on the same page the old clause XVIII is amended as follows:—

"The Elected Members of Legislative Council shall be—

one Arab; fourteen Europeans; and six Indians;

qualified and elected in accordance with the provisions of any law for the time being in force in Kenya."

Now, Mr. Speaker, I refer to the old Royal Instructions because, under clause XX on the last page, this clause VI has not yet come into operation. Under clause XX, last page, sub-clause (2), clauses 1, 6, 8, 9, 11, 12, 13, 14 and 15 of these Instructions shall have effect as from a date to be fixed by the Governor by Proclamation published in the *Official Gazette* in Kenya. So you the *Official Gazette* in Kenya, that clauses VI will see, Mr. Speaker, that clauses VI and IX, which provide for the new constitution, have not yet come into effect, situation, the Governor has yet to publish a proclamation. If I have made a mistake, I shall be, I hope, corrected by the hon. Member for Law and Order.

In any event, Sir, whichever Royal Instructions are taken the Elected Members are to be— one Arab, fourteen

Europeans, six Indians, or one Arab, eleven Europeans, five Indians. Now, Sir, the provision which has been made by the provision which is merely a matter of procedure for providing qualifications of the candidates and the voters. It does not give power to overrule the sub-paragraph provision made by Royal Instructions, namely, providing a certain number of Elected Indian seats. There are a definite number of Elected Indian seats provided by the Royal Instructions, and this Legislative Council, I submit, Mr. Speaker, has no power to pass any legislation which is not in conformity with the Royal Instructions issued. And the Royal Instructions provided only three groups, Arab, Indian and European for

[The Attorney General]

such law shall prescribe that any Indian shall be a Muslim or that any voter voting for a Muslim candidate shall be a Muslim". But there are no such words in the Royal Instructions unfortunately for my learned friend's argument, and hence we must take the literal construction of the Royal Instructions. And the result is, as I have pointed out, Mr. Speaker, that if this Bill is passed, then six Indians will be elected, and hence there will be compliance with the Royal Instructions: Now that, Mr. Speaker, is the first argument.

Now, the second argument, which was only touched upon by the hon. Mr. Patel, was with regard to the position which arose when the Legislative Council (Temporary Amendments) Ordinance, 1948, was passed. At that time the Royal Instructions provided that there should be not more than five Indians. The new Royal Instructions provide that there shall be six. But, the distinction is not one of principle; it is merely one of numbers. Again, if you look at the 1948 Ordinance, it is there provided that certain members should be Muslims and others should be non-Muslims. So that there is no distinction in principle between the position that arose in 1948 when that Ordinance was passed and the position which arises to-day, and, indeed, I understand my hon. friend Mr. Patel to concede that that is so. If his argument to-day is good, then it would have been good in 1948. If it is bad to-day, it would have been bad in 1948. The reason he gives for this point not having been substantiated in 1948 was that, as I understand it, there was no Indian Member present to raise the point. Of course, the fact that it was not raised in 1948 would not, in itself, preclude him from raising it now. But the point, which my hon. friend has not dealt with and which is, in my submission, quite conclusive, is that in 1948 when the Legislative Council (Temporary Amendments) Ordinance was passed, it received the Governor's assent and subsequently we were advised that His Majesty would not exercise his power of disallowance. Now, what follows from that? That His Majesty, or his advisers, had said that this 1948 Act was within the terms of the Royal Instructions. If it had not

been, then of course he would have been advised to exercise his power of disallowance. But, the fact that he did not do so, shows that in the opinion of his advisers, the Royal Instructions at that time were wide enough to permit an Ordinance such as was passed in 1948, distinguishing between the Muslims and the non-Muslims to be enacted. Thus the principle was then decided, and the principle raised to-day is precisely the same.

It follows, therefore, Mr. Speaker, in my submission that the matter is *res judicata*.

THE SPEAKER: I should like to ask the hon. Attorney General a question. Is there not somewhere, either in the Order in Council, or in the Letters Patent—I am unable to find at the moment—a clause more general in scope as regards the law-making powers of the Colony?

THE ATTORNEY GENERAL: The general powers of law-making in the Letters Patent were, in fact, referred to, I think, by the hon. Mr. Patel.

MR. PATEL: Mr. Speaker, may I point out one thing I forgot to mention?

THE ATTORNEY GENERAL: I think the reference which you are looking for is on page 72 of Volume V, where the marginal note says: "Power to make laws". It is in the Letters Patent. It is in the widest terms there: "It shall be lawful for the Governor, with the advice and consent of the Legislative Council, to make laws for the peace, order and good government of the Colony". That is the most general and widest provision with regard to law-making.

THE SPEAKER: That is the Letters Patent; that is one, but I have got in mind a sort of memory of another one, not in the 1948, it must be in the earlier one.

THE ATTORNEY GENERAL: In 1934. There is a general power in the Royal Instructions. On page 79 you will find some of the rules under which the laws are to be enacted, they deal in a sense with matters of detail, describing the titles and the method by which they shall be styled, and then they exempt certain laws which shall not be passed without the prior consent of His Majesty.

THE SPEAKER: Where is that?

THE ATTORNEY GENERAL: That is on page 80, clause 34: "The Governor shall not (except in the cases hereunder mentioned) assent in Our Name to any Bill of any of the following classes, and then certain classes of Bills are specified.

THE SPEAKER: That is the one I had in mind. Paragraph 9 of the Royal Instructions in 1934: "Any Bill whereby persons not of European birth or descent may be subjected or be liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable". That is the one that is bothering my mind at the moment. Is that not applicable here?

THE ATTORNEY GENERAL: Well, Sir, it would only apply to this extent, that the Governor would not assent until he had first received the Royal Instructions.

THE SPEAKER: Since he first consulted with the Secretary of State.

THE ATTORNEY GENERAL: It would merely postpone his assent.

THE SPEAKER: That would not be a bar to this Council dealing with it?

THE ATTORNEY GENERAL: No, Sir.

THE SPEAKER: Thank you.

MR. PATEL: Mr. Speaker, may I mention one point which I overlooked to mention?

THE SPEAKER: Yes.

MR. PATEL: The old Royal Instructions of 1948 say: "Not more than so many Elected Members, and not more than five Indian Members", while in these present Royal Instructions it is a definite number. Under the old Royal Instructions, this Council was entitled to legislate for less than five Indian seats, but under the present Royal Instructions this Council is not entitled to legislate for less than six Indian seats, so there is a difference between the two Royal Instructions.

THE SPEAKER: I am afraid I must rule against the hon. Member for Eastern Area. It seems to me that whether you compare the words, "Not more than five Indians qualified and elected in accordance with the provisions of any law for the time being in force in Kenya", or the words, "Shall be six Indians qualified and elected in accordance with the provisions of any law for

the time being in force in Kenya", the governing factor is the "Law for the time being in force in Kenya". And there seems to me to be no doubt that this Council can make a law about dividing the register, if it thinks fit to do so. There will then, of course, come a few more general questions as to whether that law will be disallowed or not afterwards. But, as on the previous occasion, the law, making the reservation of seats, was not disallowed, I think it would be quite safe for this Council to proceed with the Order of the Day and I therefore say that the second reading may be moved.

THE ACTING CHIEF SECRETARY: Mr. Speaker, I was about to say that this is a comparatively short Bill of 14 clauses only, and that, as the reasons these clauses are fully set out in the Objects and Reasons appended, by my hon. and learned friend the Attorney General, I do not propose to go through the Bill clause by clause as is usually done. I think, however, that hon. Members would wish me to refer to the circumstances which have occurred during the past year, which have led to the need for the introduction of this Bill. Hon. Members will remember that, in May of last year, Mr. Griffiths, then Secretary of State for the Colonies, paid a visit to Kenya for the principal purpose of having discussions with all groups represented in this Council on the question of future constitutional reform. As a result of those discussions, with one important exception, to which I shall refer later, general agreement was reached with the Secretary of State as to the interim changes which should be made in the constitution, pending the election of a new Council next year. The result of those discussions was announced by the Secretary of State in reply to a question in the House of Commons on 31st May last year, and in the records of Hansard for the same date there appears a fuller statement which was circulated for the information of Members of the House. Again, Sir, following that statement of interim policy, as I might refer to it, recommendations were made to His Majesty that certain additional Royal Instructions should be prepared in order to give effect to those changes. Those additional Royal Instructions were prepared

[The Acting Chief Secretary] and were approved by the Privy Council in the middle of last month. They were published in the issue of the *Official Gazette* in this Colony yesterday, and they give effect to the policy changes recommended by the Secretary of State in the statement which he made to Parliament.

In addition, Sir, to the issue of these additional Royal Instructions, it is also necessary, in order to give effect to these changes of policy, for the Legislative Council Ordinance in this Colony to be further amended. That, Sir, is the principal purpose of the Bill which we are now discussing. The changes, Sir, which were recommended by the Secretary of State, were briefly that three additional European Elected Members should be added to this Council, together with one additional Indian Elected Member, two additional African Nominated Members, and ten additional Nominated Members to the Government side of the Council.

This Bill, which is now before us, deals only with the changes required in the Electoral Representation in this Council.

Now, Sir, when mentioning the general agreement that was reached with the Secretary of State last year, I made the point that there was an important exception. That exception, as hon. Members know, relates to the disagreement, which was made clear to the Secretary of State at the time, amongst the Asian Members on the issue as to whether or not the Legislative Council (Amendment) Ordinance, 1948, should be extended as a further interim measure, or if not, what arrangements should be introduced to take its place.

Now, Sir, the Secretary of State expressed the hope then, when discussing these matters with the hon. Members concerned, and repeated it in his statement to the House of Commons, that agreement should be reached by the Members of the Asian community themselves, and he hoped it would not be necessary, as had been suggested to him as one possible alteration, that separate rolls should be created.

We were, Sir, earlier this week, and for two days last week, discussing, at

on the Motion that was introduced by the hon. Member for the Eastern Area Mr. Patel, and I have no intention of travelling over the arguments that were used in the course of that discussion, but I must emphasize, in moving this Motion, the repeated and strong efforts that have been made by the Government to bring about that agreement, which the Secretary of State so desired. His Excellency has been most persistent in the endeavours which he has made to achieve that agreement. Unfortunately, those efforts have not succeeded. Therefore, as was made quite clear by the Secretary of State himself, it became the duty of the Government to make up its own mind on what should be done, and this Bill, therefore, in addition to providing for the additional representatives to be elected to the Council, also makes provision for separate electorates and separate electoral rolls for Muslim and non-Muslim members of the community. The view of the Government is that in coming to that decision, it is doing no more than giving effect, true, factual effect, to the decision that was taken when the 1948 Ordinance was passed. We believe that it could not have been otherwise than the intention of the Council when passing that legislation, that election to the reserved Muslim seats should be made and controlled by Muslims themselves. Indeed, had there been any possibility of other than members of the Muslim community choosing which Muslims were to occupy those reserved seats, then, Sir, I submit that it would have made a mockery of the decision to reserve two Muslim seats.

In addition to the two principal reasons which have led to the introduction of this Bill, I should perhaps also mention that the opportunity has been taken to give effect to certain recommendations of the Select Committee which was appointed to consider the desirability of amending the Legislative Council Ordinance some months ago; the report of which has already been debated in this Council.

I should also, Sir, before concluding these introductory remarks, invite the special attention of hon. Members to clause 2 which provides for the additional Members to be elected to the Council; to clause 7 which, by amending the Electoral Schedule in the Ordinance

[The Acting Chief Secretary]

makes provision for the new electoral areas which are now necessary. In preparing the new Schedule attached to this Bill, I would inform hon. Members that in so far as the new and revised European constituencies are concerned, the recommendations contained in the Report of the Advisory Committee on Additional European Constituencies, which was laid on the Table last week—the recommendations in that report have been accepted by the Government.

Clause 5, Sir, sets out those persons who are entitled to registration on the electoral rolls, and, of course, consistent with the policy decision to which I have referred, includes separate rolls for the Muslim and the non-Muslim community.

Clause 7 of the Bill provides for the new constituencies, which also follow these policy decisions, and for separate electoral areas for the Muslim and the non-Muslim communities. Included also is the electoral area for the Arab community which, by an oversight, was omitted from the earlier legislation.

I think, Sir, I should also invite the attention of hon. Members to clause 10 of the Bill, which provides, in accordance again with a recommendation of the Report of the Advisory Committee on Additional European Constituencies, for the re-registration of all voters in all constituencies at the beginning of next year, which will have to be completed before the General Election to be held in May, can take place. The reason why this provision has been introduced, Sir, in respect of all constituencies—even those in which there is no change as a result of the report of the Committee to which I have referred, is contained largely in paragraph 2 of the report of the Select Committee appointed to consider the desirability of amending the Legislative Council Ordinance, and I think, in order to have that on record in the present debate, I should read the conclusions of that Committee on this point.

THE SPEAKER: Has the Committee's report been laid on the table?

THE ACTING CHIEF SECRETARY: It has, Sir.

THE SPEAKER: And has it been approved by Council, or otherwise?

THE ACTING CHIEF SECRETARY: It was approved, yes.

"The last occasion on which new registers of voters were prepared was in 1944. Since that date there have been many new arrivals in the Colony and substantial movements of population from one electoral area to another; in addition, considerable numbers of persons entitled to vote have died or left the Colony. These changes should, in theory, have been recorded during the course of the annual revision of the registers which takes place in September each year, but in practice the information available to the registering officers has been so scattered and scanty that in many instances it has not been possible to make the necessary corrections. The result is that, according to an estimate given by one registering officer who appeared before the Committee, the present European rolls are more than 30 per cent inaccurate and the Asian rolls probably a good deal more so."

In those circumstances, Sir, the view of the Government was that it would be in the best interests of everybody for completely new rolls to be prepared next year for all constituencies.

With those few remarks, Sir, I beg to move that this Bill be read a second time.

THE ACTING SOLICITOR GENERAL: Mr. Speaker, I beg to second, reserving my right to speak later in the debate.

MR. MACDONALD: Mr. Speaker, I rise to support this Bill and to raise a certain point which is contained in one clause, which may be the subject later of an amendment at the Committee stage. I make it now, and not merely in Committee, as it is a matter of such high principle, that I consider that notice should be given and questions answered, which I propose to ask on this subject before it is dealt with in the Committee, stage.

It is in clause 4, sub-section (a), which reads: "Or a citizen of the Republic of Ireland, shall be inserted after the words 'British subject' in sub-paragraph (i) of paragraph (a) in sub-section 1."

Now, Sir, there are certain questions on this side of the Council, would like answered by the hon. Attorney General or the hon. Mover. One point that arises

[Mr. Maconochie-Welwood] here is whether a citizen of the Republic of Eire can opt to become a member of the Commonwealth, whether, that is to say, a citizen born in Eire can opt to become a citizen of the Commonwealth. When born, I am assuming he is outside the Commonwealth.

The other point, which is also, to my mind, of great importance, is whether such persons, that is to say citizens of Eire, when they reside in the United Kingdom, have to opt as members of the Commonwealth before they can exercise the right of a vote in that country.

The third thing is whether the citizens of the United Kingdom, without any special option, can vote in the Republic of Eire, should they reside there.

Now, Sir, I am aware this is a matter of the policy of the British Parliament, and, under those circumstances, it would be a very important decision for this Council to take to disagree with it. Nevertheless, as the hon. Attorney General said—I quote what he said this morning—"This Legislature can pass any law. The United Kingdom has delegated powers to this Legislature". Now, Sir, it is the undoubted right of this Legislature to decide who, and what qualifications he shall have to vote for it in this country. It may be, if the answers are not satisfactory, that an amendment will be moved whereby the citizens of Eire, unless they opt to be citizens of the Commonwealth, do not receive the right of voting for this Legislature, and that is a crucial matter, that we here alone can decide. It must be a matter for this Council who votes for this Council.

Mr. Speaker, I beg to support.

MR. COOKE: Mr. Speaker, in supporting the principles of the Bill, I would like to draw attention to one clause which may lead to rather disastrous results as it stands at present. That, Sir, is clause 10, sub-clause (2), which says:—

"For the purpose of the preparation of the new registers referred to in the preceding sub-section, any person who, on the 1st January, 1952, is resident or is carrying on business or is employed in an electoral area shall be entitled, if not otherwise disqualified, to be registered", etc.

Well, Sir, that in effect is going to disfranchise scores of people, because there will be a number of people on leave in England who will not be residing here on 1st January, 1952. And there must—there is bound to be a lot of people even on holiday in this particular country who will not be residing in a particular area, their own old electoral roll area on 1st January, 1952. It will amount, possibly, to scores of people, and I do not know whether this Council has any right to disfranchise people in that manner.

Now, I am going to move in Committee a Motion—an amendment—something to this effect:—

"Providing that nothing in this sub-clause will exclude from any electoral roll anyone who is qualified by any law now in force to be on that roll."

It should really properly only refer to the four electoral areas which are not being disturbed by the present proposal. Those would be Ukamba, Mombasa, the Coast and Trans Nzoia. And unless something like this is done, Sir, scores of people who have gone on leave to Great Britain will be disfranchised under the new proposal.

MR. USHER: Mr. Speaker, I merely rise to support what has been said by my hon. friend the Member for the Coast, and to add that this is not an academic question, that there are instances that have already been brought to my notice. I hope that some method will be found to ensure that people who are already on these rolls can remain on them. (Hear, hear.)

There is one other point which I feel I ought to mention, although I am not sure, Sir, whether it is strictly a matter of policy. The hon. Mover referred to the provision that there should be in every case a new roll prepared, and although there is nothing to say so in the report, I do believe the idea is that all rolls are in confusion, and even a percentage of the confusion has been suggested.

So far, Sir, as Mombasa and the Coast are concerned, I believe that not to be quite true, and I should like to give notice now that, after consultation with my hon. colleagues the hon. and gracious Member for Ukamba, the hon. Member for Trans Nzoia and for the

[Mr. Usher]

Coast we might feel that we should wish later in the debate, on the Committee stage, to ask for a reconsideration of that.

I have nothing further to say at the moment.

Mrs. SHAW: Mr. Speaker, I wish to voice a protest on behalf of one of the wards of my constituency in reference to the First Schedule, Part A, the creation of a new Constituency, No. 7, Mau. While supporting this Bill, at the same time I should like to voice this objection raised by the Songhor Ward. This ward objects very strongly to being removed from the Nyanza Province. I submit, Sir, that owing to the outlying character of the Songhor Ward, the lack of good communications, no telephones, glow posts and everything of that sort, they have not had sufficient time to consider the suggestion of their removal from Nyanza, or to debate it. For, Sir, the published report of the Bill in the newspapers would not reach this outlying area until a good three days after it was published and therefore they have had only two and a half weeks in which to consider this move on Government's part; and during that time, I submit, Sir, that with the bad communications and the present rain it would be very difficult—with no telephones—to call a meeting of the whole area. And I feel that I must on their behalf, therefore, voice this protest. They feel their interests lie with Nyanza, have lain with Nyanza for many years, and I think that that ward is solely of the opinion that they do not wish to be moved from Nyanza Province.

MR. OHANGA: Mr. Speaker, there are only two points I should like to mention before the debate on the second reading of the Bill is brought to a conclusion.

First, I should like to point out that we Africans, having been opposed to the principle of separate rolls for the Asian community on religious grounds, would not support 100 per cent the document under consideration.

Secondly, the African community of this country have, for at least the last eight years, been represented directly in this Council, but a document of this kind that provides for the constitution of the Legislature does not seem capable

of mentioning that Africans are there at all, and from that point of view it seems to us that it is more or less beyond our own interest. The view that we hold at the moment, Sir, is this: that although Africans are at the moment only nominated under Royal Instructions, it will in the future be necessary to provide for them to be elected and for the electoral areas to be prescribed as for other communities.

For that reason, we are prepared to move an amendment, the notice of which I would like to give now, at the appropriate time; that the Bill should be amended with the effect of bringing the Africans into the picture, and I shall give the exact wording of that Motion when the time comes.

With those words, Sir, I oppose.

MR. MADAN: Mr. Speaker, I oppose the Motion before the Council now, and I do so for two reasons. The first reason is that this amending Bill seeks to maintain an equal number of seats for Unofficial Elected Members as against the rest of the Unofficial Elected Members.

The second reason, Sir, is the effort to try and divide our Indian roll into two parts. One for Hindus and one for Muslims on the basis of religion.

Now, Sir, I am aware of the fact that a great deal has already been said on both these items. I shall do my best not to repeat what has gone before.

Now, we Indians consider our voting rights as one of our most cherished possessions in this Colony, and I am not one of those misguided enthusiasts who would support any measure which would either take away that right from us, or diminish the value or the effectiveness of our voting rights here. I am also aware, Sir, that some members of my community regard the separation of the roll as a boon. I certainly do not hold that view. I do not consider that the separation or the splitting up of the Indian roll will have any beneficial effect as far as we are concerned.

There are so many dangers which are inherent in the proposition that they glare at one when you sit down and think over the matter.

The first danger is, whereas the guarantee that when the rolls have been separated there will not be further

[Mr. Madan] quarrels between the two sections themselves within their own framework. I submit, Sir, that there is not a human race living—there is no class and type of people living, who are free from the ingredients of having a pugnacious nature.

I am opposed to the splitting up of the Indian roll, Sir, because I consider that each community in this Colony is a link in the chain of people who constitute the population of Kenya. By the splitting of this roll, you would be weakening one link of that chain, and any section or any part of the community which is weak and which forms a part or a link of the chain would be a danger to the good Government in this Colony. It is my submission that the welfare and safety of the State are the two primary considerations which should rule our deliberations, the two considerations which are subservient to no other consideration when they come up for a contrast with any other matter.

I do not think, Sir, it can be denied that the safety and the welfare of the people is not connected with the safety and welfare of the State. Therefore, it is morally wrong to try and introduce a principle of this nature which introduces a feeling of frustration and a feeling of impotence in any section of the community. Because, so far as the people against whom such a principle is introduced are concerned, they will not be able to make any contribution to the well-being and progress of the country, when they have a gnawing fear at their hearts of their uncertain position and their weakness in any institution such as this one.

I am aware, Sir, we have been told that this is a temporary measure, and clause 1 of the Bill says that: "This Ordinance may be cited as the Legislative Council (Temporary Provisions) Ordinance, 1951", but it introduces two very dangerous principles which I mentioned at the outset. Can it be imagined, Sir, that the Unofficial European Elected Members could ever be expected to give up their great position of having an equal number of seats as against the rest of us who sit on their left, or can it be seriously suggested, that my Muslim friends would ever consider giving up their separate seats, once a principle of

this nature has been accepted? It is no use trying to delude ourselves, we are laying down foundations for parity, and we are laying foundations for division of the Indian electoral roll on a religious basis. Let us, in all honesty at least admit that.

Therefore, I suggest although I cannot appeal to my European friends to give up their insistence for parity, because I know they will turn deaf ears to that and, although I know my Muslim friends will turn deaf ears to reconsider the matter, yet I will—I must say this, that the Indian ship is very near a storm, and it is about to enter the storm and we should try and steer clear of this communal storm. It is a hurricane which can sweep clear of the interests of the Indian community and destroy them to the great detriment of the entire community.

Sir, this communal hurricane—which I have mentioned—can sap the vitality of the entire community, and it is a storm which will leave us—reduce us to impotent political skeletons. That is my view. The basic principle is wrong, and therefore I must oppose it. If a thing is wrong, it is wrong to all intents and purposes. It cannot be right because some people will accept the principle of this Bill, inasmuch as it suits their purposes and meets their convenience. In so far as we Indians are concerned, I feel that our destiny for the future is being formed now. I will say this to my Muslim friends: that no nation is born with a great destiny. The destinies are created, and it is for us to try and achieve greatness, and even though some of them may think that, if this Bill is passed, they will have performed a great feat, I would submit they are wrong in their conception. It is a thing that glitters now, but it will soon fade away when unity in the community will be replaced by division, and as strength will be replaced by weakness, as the common consciousness will be replaced by religious strife.

I therefore think, Sir, that we who sit here as responsible representatives of the Indian community in this Council should abandon religious fanaticism for the broad, far-seeing vision that a statesman should have. At this stage, Sir—I will not repeat what I said yesterday in connection with another debate, except to

[Mr. Madan] mention this—if we will not reject this Bill, it will introduce prominent disharmony amongst our people, which will be the result of 'narrow sectionalism' which we are displaying now. I say, Sir, that this kind of undesirable trouble—this kind of communal trouble—which exists between India and Pakistan, should not be allowed to be imported into the Colony. It is an ill wind which must be kept away from the shores of East Africa. Let us keep Kenya clean, I say. Sir. Let us keep it free from communal strife and other religious troubles, because we know what the result of such troubles can be. Let us introduce the spirit of tolerance and respect for the faith that each one holds in his bosom—and that is not a matter which should be brought into politics.

In this we might learn a lesson from the great and glorious history of the British people in the past. If they have succeeded in maintaining their sway in the field for centuries, it is because, in the countries they went to, they interfered with the religion of the people as little as possible.

On the second point, Sir, on the question of parity, I must say that, even though it has been formed into a measure, the increase in the number of European seats is not justified. As it is, they have too many seats, speaking in comparison to the other Elected Members here; and the right thing to do would have been to bring up the other communities—each one of them—to the level of the European Elected Members. Then, of course, we would have had—and could have had in a contest—free and fair competition. That is not the position at the moment. I therefore, Sir, must record my protest on that score also.

I beg to oppose.

MR. NARMOO: Mr. Speaker, I rise to support the Bill before the Council, Sir, and it is not my intention to go over the ground which we have heard more than once recently, and more than vociferously and which was efficiently covered during the debate—yesterday and last week. (Applause.)

Sir, the fear has been expressed by some members of my community—and

when I say my community I mean my hon. colleagues the Member for Central Area, the hon. Mr. Madan—as to the fact that the granting of these electoral rights to Muslims may result in further demands in respect of the roll. Sir, I would like to remind him that if the major community adopts the measure it has persistently adopted with Muslims, they have themselves to blame for any further demands which are made. As I have said already, Government cannot turn deaf ears to the legitimate demands of the minority communities.

Sir, my hon. friend said that it is a matter of great regret that separate roll is asked for—and I would say the same thing—that, having tried to come to some reasonable and honest terms with the major community, when we found that our legitimate rights were not being protected, it was the only thing which, in self-respect, we could ask, and that was for a separate electorate. I must at this stage pay a tribute to the Government and also to the Unofficial European Members who, taking into consideration all sides of the question, have thought right to grant us our religious rights.

My hon. friend said we should keep out of all communal troubles on the shores of East Africa, and not import them from the shores of Pakistan and India. Well, Sir, it is rather late in the day to express this hope, because the very action they have not done anything to prevent such factions coming into this country, as could easily be envisaged from one of the remarks my hon. friend made in the remarks my hon. friend in the debate yesterday, when he said they were not prepared to grant the change of name from "Indian" to "Asian". Although they know for a fact that Muslims are no longer Indians in the strict sense of the word.

Sir, I beg to support.

MR. HAZELOCK: Mr. Speaker, I only wish to speak very shortly in this debate, Sir. First of all I must say, as representing a constituency which is going to be cut around very considerably under the proposals in the Schedule to the Bill, I must say that it is going to be extremely awkward for the European Electors to re-register in the time allowed in the Bill, and it is going to be very awkward

[Mr. Havelock]—I understand the difficulties which are the one I represent at the moment. I do not think the difficulties have been made sufficiently clear as to why there has been some delay in presenting this Bill to this Council. I only wish that we had been able to deal with this Bill very much earlier either in this session—or earlier in an earlier session—so that there would have been more time for European electors to register and have the whole thing thrashed out. But I do understand the difficulties that Government have had to face. Some of them have been entirely outside their control, and especially I know the obtaining of the Royal Instructions which, I understand, was not only due to the difficulty—the ordinary difficult procedure that is entailed in any case in obtaining such Royal Instructions, but also to the very unfortunate illness from which His Majesty the King was suffering up to fairly recently.

I do hope, Sir, that this can be made clear, and I think it is only right that this should go on record, because if it had not been for such difficulties that Government had to face, I am afraid I would have had to oppose this Bill at this stage, because of the great disorganization and difficulties that are going to face the European electors; but, in view of all the difficulties I have described, I see no other way except to accept the Bill, and hope that—administratively at least—Government will make it as easy—as possible for all European electors to register on the new rolls which are required under the Bill.

In regard to that particular matter, Sir, I am going to raise a subject in Committee—that is, to try to extend at least the time of registration, if it is allowed—that is, allowed under the Schedule, the Second Schedule. I think it is—from thirty days to six weeks.

I would like to ask one other question of the hon. Attorney General, or the hon. Member, as regards the questions already asked by the hon. Member for Uasin Gishu. The hon. Member for Uasin Gishu asked if citizens of the United Kingdom could vote in Eire. I would like to add to that, are citizens of the United Kingdom and Colonies allowed to vote in Eire? If they should be residents—

Mr. COOKE: On a point of order, does the hon. gentleman—mean—vote—in “error” or voting in “Eire”?

THE SPEAKER: Why not call it Ireland?

Mr. HAVELOCK: I am very grateful indeed, Sir, to the hon. Member for the Coast for correcting my pronunciation. I can only say, I, personally, think if citizens of Eire are allowed to vote in the United Kingdom or Colonies, they are voting in error! That we will deal with later in the debate. (Laughter.)

There is only one other thing I should like to add, I must, on this point, say that this Bill, following the recommendations of the Select Committee, has cut me out of Kiambu constituency by 200 yards, and I think it is most unfair!

In spite of that, I will support the Motion.

Council adjourned at 11 a.m. and resumed at 11.20 a.m.

Mr. PATEL: Mr. Speaker, I rise to oppose the Bill moved by the hon. Acting Chief-Secretary. Sir, I am opposed to the two principles which have been incorporated in this Bill. One is of the increase of seats for all the groups in order to maintain the parity between the European community and the non-European communities, and the second is that there is a separate roll provided among the Indian community for two major sections, namely, the Muslims and other Indians. Now, Sir, before I speak on this question referring to the Muslim community, I would like to say that I have every right to speak with a certain amount of feeling on this question. In 1945, Sir, when there were out of five Indian Elected Members three Muslims, I was unanimously elected as the Chairman of the Indian Elected Members' Organization and I was unanimously elected for recommendation to the Governor for nomination to the Executive Council. The Muslim Members then could have decided if they wanted to do otherwise. In spite of that, Mr. Speaker, in 1946, in order to satisfy the sentiments of the Muslim community in regard to the membership on Executive Council, I tendered my resignation and handed it over to His Excellency, the Governor, Sir Philip Mitchell, with the recommendation that

[Mr. Patel]—The late Mr. Shams-ud-Deen should be appointed to the Executive Council in my place, and I did so, Mr. Speaker, with a view to seeing that we, as the Indian community, worked together. Unfortunately, the late Mr. Shams-ud-Deen wrote some very strong article against the British Government within four months after his appointment to the Executive Council and that is why he was forced to resign and I had to take his place again, otherwise, he would have been a Member of the Executive Council during his lifetime. That step was taken by me in order to see that we worked together. That is the reason, Mr. Speaker, that I am speaking to-day with an amount of feeling which perhaps may not be appreciated by other Members of this Council. Now, Sir, when I had moved my Motion, I had made it clear that though I may have to make some references to the separate roll there, I reserved my remarks on the question of the separate roll for the time the Bill would be discussed, and I avoided, as far as possible, my observations on the question of a separate roll and confined my remarks only to the question of proportional representation with a single transferable vote.

To-day I am not going to refer to the question of proportional representation with a single transferable vote, but I am going to oppose a separate roll and give my grounds for it. What is being done by the Government to-day is this, that they are putting one religious group on a separate roll out of many. Now, Mr. Speaker, the Members of this Council should be aware that there are to-day in the Indian community five religious groups; the Hindus form the largest, the next come the Muslims in number, the third come the Sikhs, the fourth the Parsas, Christians, and the fifth the Parsees. Now the Christians and Parsas are in a very small number as far as this country is concerned, but as I said earlier in this Council, as the Goans will become increasingly more and more British subjects, either by birth or otherwise, the number of Christian voters are bound to increase on the Indian voters roll, so I submit, Mr. Speaker, that by this Bill one religious group will be put on a separate roll leaving the other four together, and as this is done on the

grounds of any religion, other religious groups, the Christian majority will be entitled to say that they must have also a separate roll. I do not know how then this Government can resist the claim once they accept the principle of putting religious minorities on a separate roll apart from the racial group. Well, I may say, Mr. Speaker, that most of the European Members, either Official or Unofficial, in this Council, I am afraid, do not possess correct information on Asian matters pertaining to Asians, and even at the risk of being too long, I should like this morning to educate them a little. (Laughter.) I am not saying this for the sake of making a point, I notice that some members laughed when I said they were educated on this point. I will give only two instances to demonstrate what I said. A Director of Medical Services of this country who retired only a few years back, after a service of about 20-30 years, who had occasion to mix with us in official capacities and otherwise, once asked me very solemnly in this Council in recess: “Is Dr. Karne a Muslim?” I said, “No, he is a Hindu.” “Oh, well, Dr. Alalju is a Muslim.” I said, “No, he is a Hindu.” That is the knowledge with which some of these gentlemen approach this problem. A Clerk of this Council, who was supposed to meet the Indian Members so many times asked me about five or six years ago when Mr. K. R. Paroo was a Member, whether Mr. Paroo was a Hindu. I said, “No, he is a Muslim.” I am not exaggerating when I say they need a great deal of education in regard to matters pertaining to the Indian community. Sir, I do not think I will be able to do justice to my case unless I make references to the Indian electoral roll and the Indian representation. Sir, I shall show that though the circumstances certainly have altered a great deal during recent years, the past history of the Indian representation on this Council has a great deal of relevance to the question we are considering. The first time, Sir, an Indian was appointed in this Council was in 1910, when a Muslim gentleman was nominated. Later, Sir, the whole movement by the Indian community for the purpose of obtaining Indian representation on the

[Mr. Patel]

Council was carried on by the East African Indian National Congress, and that organization, Mr. Speaker, was started in 1914 under the Chairmanship of a Muslim gentleman in the house of a Muslim gentleman. The late Mr. T. M. Jivanjee was the first Chairman and in his house the first meeting of that organization was called, and for the information of this Council, Mr. Speaker, I may inform them it was called the East African National Congress because in that year this country was not known as Kenya, but was known as East African Protectorate. That is why that name was adopted and still continues. Now, Sir, the question of Indian representation, and the question of the elective principle for the Indian community in this Council, was demanded jointly by the Indian community together, irrespective of their religion.

And finally, His Majesty's Government decided, after a great deal of agitation, that there shall be five Indian Elected Members, elected by the voters on the Indian roll, and at that time no question of religion entered into this question. And, Sir, in order to show that at that time the Indian community was unanimous in regard to this right and was unanimous even in demanding the common roll for the whole Unofficial community, the Indian community had boycotted seats on this Council, from the year 1924 up to 1931. They agreed to take seats on the Council only on nomination until the principle of the common roll was accepted and acted. Mr. Speaker, so far so that not a single Indian exercised his right to stand as a candidate on the first occasion. Later on only one Muslim gentleman came forward to fill the seat, and still four seats remained vacant, and that Muslim gentleman was, in a public meeting, condemned by his own brother by a vote of no confidence in him.

I am referring, Mr. Speaker, to this, to show that the demand for a common roll between all groups was a common enterprise of all religious groups of the Indian community, without any dissenting voice. Sir, in 1931 we agreed to return municipal members under nomination instead of exercising the elective principle, because the common roll was

not introduced. The election was to be held, informally, and I remember even now, Sir, that in 1931 that a meeting was held in Mombasa to get members nominated on the Municipal Board of Mombasa, where there were non-Muslim members present in majority. However, when we elected seven members for nomination in an informal election six members were Muslims, because we never thought in terms of Muslims and non-Muslims until the wind blew from the other side of the ocean and people were disturbed here.

I was also selected for going to England in 1931 to give evidence before the Joint Committee in which my voters, the majority of my voters, who supported me were Muslims.

Sir, so I wish to say that we carried on together as an Indian community for a number of decades, and if owing to the disturbance in India they were influenced here and embarked upon voting without due regard for the merits of candidates and were influenced by the religion of candidates during the transitional period, the Government, at that time, ought to have exercised patience and found out some ways and means to see that the Indian community returned to their old sanity. Instead of that the Government is bringing about a situation which will prevent, for all time, the return of that sanity.

And, Sir, that is the reason why I say that this introduction of a separate roll by the Government is nothing less than refusing to know the history of the Indian community in this country, refusing to learn what were the circumstances which brought about the present position, and refusing to recognize that if this country is to progress and develop, the way is not by fragmentation of the population for the purpose of representation, but to exercise patience, care, intelligence and goodwill, and see that we do not, for all time, spoil the chances of bringing the different sections together.

My suggestion against Government is that instead of taking steps which would prevent further disruption, it has taken a step which will prevent the Indian community from coming closer together, even when the feelings of hostility will die down across the ocean.

[Mr. Patel]

Mr. Speaker, to illustrate my point, I would say that if during a temporary period—and I would say, in human affairs, ten years would be considered as a temporary period—it is found inconvenient in regard to representation for any religious groups, that is not the reason why we should commit suicide and embark upon a course of action which will be a precedent for gathering strength in that direction.

Now, Sir, I would give an instance of what happened in India. The British Government does accept the principle of separate rolls for Muslims in the year 1909, and gave a separate roll to the Muslim community, and the result was that during the British period there were about five separate rolls for various minorities. Once you embark upon a course of this nature, it cannot be prevented from further disruption, and what has happened now in the Republic of India? There is no separate roll for any section whatsoever. There is only reservation of seats for a period of ten years for scheduled castes. Sir, when I spoke yesterday, I made a statement which is not correct, and that was that there is reservation of seats for the Muslims in India. It was intended at the time of the drafting of the constitution, to have one roll, and the reservation of seats for ten years for the minorities. But the Anglo-Indian community came forward and said they would not have any reservation of seats. They wanted to be treated as part of the population of the country, and they would like to see that a common citizenship was created in India. So they refused to have a reservation of seats. And, the Muslim minority followed them and said that they would have no reservation of seats. So, the statement I made that there was a reservation of seats for Muslims was incorrect. It was intended to have them, but later on were dropped.

Now, Sir, I am mentioning this in order to show that under the British rule in India, once they accepted a separate roll for the Muslim community, the other minorities came forward for the purpose that a large number of separate rolls had to be provided.

Now, Sir, on this point, I would certainly like to warn the African

Members, who represent the African community in this Council, from the experience of what happened in India.

Now, Sir, the statement which I am making is not without authority. I am reading from a statement which is given about how the separate roll for the Muslims in India created separate rolls for other sections:—

"Separate electorates have the merit of ensuring that no substantial section of the population is unrepresented, but as soon as this step is taken, other problems immediately arise. The Presidential process does not stop at one separate roll. Beginning with one separate electorate for the Muslims in 1909, India advanced to separate representation for five more communities in 1935."

Within a period of 26 years, the Government of India had to agree to five separate rolls, and that is the danger which I put before this Council, and particularly before those who represent the African interests in this Council.

Sir, amongst the African community in this country, also, you have to-day a large Muslim section, and once the Government embarks upon the process of accepting the religious roll, any amount of explanation from them will not convince me that they will not be forced among other racial groups, also by religious groups, to demand a separate roll when the elective principle will be applied to the African community. And, that is the reason why I say that the Government is embarking upon a very dangerous precedent. A very disruptive action is being taken to-day, Mr. Speaker.

Now, Sir, I would also like to say that the Muslim representatives under the common roll were returned in the manner I mentioned. When we had the General Election in 1934 under the common roll, the late Mr. Shams-ud-Din stood on the top, and he did so because more than a thousand Hindus had voted for him. Sir, in 1937, when we had a General Election in this country, two Muslim Members out of five were returned. One of them, the late Mr. Rahmatullah was returned by constituents of the Western Area, where the non-Muslims were in a great majority. Sir, in the Central Area, the late Mr.

[Mr. Patel] Shams-ud-Deen was returned in 1938 in a constituency where the non-Muslims were in a great majority.

And, then, at one time, Sir, with a Muslim electorate of about 35 per cent, or less than that, three Muslim candidates were returned by the electorate. So, I would venture to say that up to the year 1943-44, in spite of difficulties in India, the majority of the electorates and the majority of the leaders on both sides, were able to keep their heads above the water. What has happened to make the position more difficult has happened during the last six or seven years, and, Sir, for that reason, I would say that the Government had no reason to be so impatient because things did not turn out well during the last six or seven years. They ought to have waited and allowed the feelings to cool down instead of increasing reasons for tension in the Indian community.

Now, Sir, the other point which I wish to make is that the creation of a separate roll will make the position of the Indian community all round more difficult, and the tension between the two sections will increase. I did not give a full description of what happened on 12th December, and I would like to show how even the publication of this Bill has affected the mental attitude of the Indian community. Sir, the Bill was published on 28th November, and on 12th December we had the ceremony of laying the foundation stone of the Indian Women's Association—Building at Mombasa. Lady Mitchell was invited to lay that foundation stone. Now, Sir, there was discussion going on among Members over the change of the name of the institution for the last one year, but they had never found it necessary to break the institution, but on 3rd December, a few days after the publication of this Bill, a notice was given by the Muslim Members that unless the name was changed before 12th December they would not participate in the ceremony which was to be performed by Lady Mitchell. Sir, I am giving this instance in order to show the result even of the publication of this Bill. The effect was that no Muslim participated, in spite of invitations sent by the issue of cards at that ceremony. I, Mr. Speaker, say that the Government is

largely responsible for accentuating the circumstances in regard to the relations between the two sections.

MR. NATHOO: No.

MR. PATEL: My hon. friend, the Member for Central Area, Mr. Nathoo, says "No": I will give him another instance. Mr. Speaker, to show what has happened on account of the publication of this Bill. The Indian Association, Mombasa, which at one time represented both sections and carried on work on behalf of both sections, was left by the Muslim community on the issue of the reservation of seats. The trustees of that institution are five, among whom three are Muslims—I have the honour to be one of them. The other three are Muslim gentlemen, and although all Muslims refused to attend meetings of the Association or become members of the Managing Committee, the trustees were waiting to see what the Government was going to do in regard to the Indian roll. The trustees had discussed several times and they waited to see the action which the Government would take, because all five of us felt that if the system of proportional representation was adopted by the Government then it would be taken as a signal that the Indian community will be able to manage to carry on their institutions together under some device where both sections can be represented. But the moment the Government gave the signal of saying that both communities will be separated, the trustees felt that it would not be possible for them to run a common institution, and then the Indian Association will have to be left to adopt its own course in regard to its assets and other properties. Sir, the moment this Bill was published, the trustees came to the conclusion that there was no chance in their carrying on any more the work as trustees of the institution because now there was no hope of making that institution a common organization. Sir, the effect of this Bill has already appeared and it is bound to disrupt even the common Indian organizations which are working to-day for the common good of both communities. Several organizations are being run by a joint effort with a joint membership and, Mr. Speaker, I will say that the step of the Government in this direction will certainly affect the whole set-up of the

[Mr. Patel] Indian community in regard to their public organizations, including even social or educational institutions.

Now, Sir, it may be argued later on, and I am going to anticipate that argument, that there is nothing common between the Muslims and the non-Muslims, and therefore there should be a separate roll. I have already mentioned, Mr. Speaker, that still on the other roll there will be Hindus and Christians together. Only one religious group will be removed from the roll, but I wish to explode that fallacy that there is nothing common between the two groups, because it has been repeated several times by very responsible people in this Council and outside this Council. Once, Mr. Speaker, I was wanting to listen to music on radio from New Delhi and by mistake I got Karachi, Pakistan, and until the music ended and it was announced that it was Karachi I did not know it was not the music coming from New Delhi. Because the music from these two countries is so similar, and I challenge any Member of this Council to prove that music in Pakistan is similar to any other Muslim country in the world. I am prepared to give the challenge to any Member if he can do it. I can, similarly, say for painting, for films, for dancing and so many other cultural activities of life, which counts in the life of human beings, I also say that there is no similar similarity in these matters between in Pakistan and any other Muslim country in the world. Therefore, to say in an irresponsible manner that there is nothing common between the Muslims and non-Muslims is, in my opinion, showing a lack of knowledge and ignorance about the question. Political separations, once you create them, bring about hostilities which it is difficult to remove, and that is why I accuse the Government of creating a division in this matter.

Now, Sir, there is another point I would like to mention against a step which the Government is taking in regard to a separate roll. There are Muslims in this country who are not prepared to be on the Muslim roll and who would prefer to be on the Indian roll. Most of them come from the south of India and they have relations in India, they have properties in India and they

would not like to be on the Muslim roll and would prefer to be on the Indian roll. What about that number, Sir? I would like to say that the creation of a Muslim roll is a wrong step, even if a few people who want to be on the Indian roll are deprived of being on the Indian roll. Sir, a correspondent wrote a long letter only the day before yesterday in the local Press. He is a Muslim who comes from Western India, and from an area which is known as Koka. He has written a long article in the local Press opposing this separate roll for Muslims, and if there are Muslims in this country who do not desire to be on the Muslim roll and would prefer to be on the Indian roll, this Bill will compel them, whether they like it or not, to exercise his vote only if they put their name on the Muslim roll. Sir, some of the arguments that this particular Muslim raised are relevant to my debate and I would like certainly to refer to them. "In this Bill which is going to be abortively a law, only one group was constituted, and regarding the other group, its existence was utterly ignored. This, in my opinion, is an injustice towards the other group, because instead of benefiting them the Government is doing them a great harm by thrusting upon them communalism which they never desired or asked for, and which is against their Mother Country's constitution and ideals. This will ultimately deprive them of their nationality or citizenship of India."

"For separate electoral roll the Central Muslim Association took the leading part but as this being not the representative body of both shades of opinion, their demands and views should not be considered representing both camps. This sidereal representation cannot be considered as fully representative even of one group. It had been so, during its six years' life, at least this body would have its own office. Its present office is in the pocket of the secretary. In fact, he is the whole Central Muslim Association, and the views expressed are his own and few of his relatives and friends. It is very easy to excite the sentiments of uneducated Muslim masses and mislead them to suit one's own ends. Such things has happened in this instance. The Muslim masses have not been fully explained and given time to express their doubts or fears, and the poison of com-

[Mr. Patel] mutual roll is being poured through their throat by telling them to be dixer.

"A wise Muslim who has not been misled by storm of sentiments will ask himself why only two seats and not three the Government gives us if it is so benevolent. He thinks that there is something fishy going on behind silky curtains and dust is thrown in the eyes of the Muslims."

It is a very long letter, and I do not desire to take the time of the Council by reading the whole. I only just want to point out that there is another opinion even amongst the Muslim community, however small that opinion may be. The Government, in accepting the separate roll for one section, one religious group, has done injustice to them, without any doubt.

Sir, on the question of opposition to the separate roll, it is not only His Majesty's Government who desired a common roll for all races to the goal but when we had a British Government in India, even they were opposed to any separation of rolls in this country. I am not talking about the present Government. When the British Government was in power in India, they were opposed to the separate rolls for even the different races. Sir, I would like to read some references from the papers relating to the question of the Closer union of Kenya, Uganda and Tanganyika Territory published in 1931. At that time Lord Irwin (?) was Viceroy of India and under the signature of his Cabinet Members a memorandum was submitted on various questions including the question of the electoral roll, and that was submitted to a joint Committee of two Houses, the House of Commons and the House of Lords in London. Now, that memorandum was signed by the Viceroy of India and his Cabinet according to the circumstances that existed. It has been signed by the reigning, Their Viceroy, Lord Irwin, two European Cabinet Ministers, two Hindu Cabinet Ministers, a Muslim Cabinet Minister, and so on. It was signed jointly by them. That memorandum was in the form of a despatch from the Government of India, and in regard to Kenya Legislative Council it says: "The Indian community in Kenya has never availed from its adherence to the

principle of a common electoral roll which it has always regarded as a sign of political equality. In this it has had the strongest support of the leaders of public opinion in India. The extent of its anxiety to secure a common roll may be judged by the fact that it has refused for several years to participate in Legislative and Municipal Elections on the basis of communal electorates, although it has fully realized that its continuance of this course has deprived it of the privilege of sending representatives of its own choice to protect its interests". Later on it says: "The Indian community at first refused the offer, but subsequently accepted it on the advice of the Government of India. Negotiations were continued with a view to arranging a settlement that would meet the Indian demands and at the same time be acceptable in Kenya itself. When the substance of the Wood-Winterton Report was telegraphed to India, in the summer of 1922, the Government of India considered the terms of the settlement far more favourable to the Indian claim than those contained in Lord Milner's despatch of the 21st May, 1920". That was because a common roll for all races was considered in that Wood-Winterton Report, and the Government of India, controlled by the British, then supported a common roll for the various races, and, Mr. Speaker, they would not at any time have agreed to a separate roll within the Indian community itself. Sir, it is well-known history now that when Lord Minto, the Viceroy of India, in 1909 agreed to grant a separate roll to the Muslim community, later on the British Government in India was compelled to grant five separate rolls, which did the greatest mischief in India itself, and to-day following the policy of dividing the roll in this way, we are also in this country embarking upon a scheme which will not only end in various separate rolls with fragmentation of the population of this country, but will end in trouble in this country.

Sir, at this stage I would like to refer to a statement—

MR. HAVELOCK: On a point of order, Mr. Speaker, is the hon. Member in order in indulging in repetition not only of the speech which he is making to-day, but also of the speech which he made in the debate of yesterday?

THE SPEAKER: The hon. Member, if he is going to raise a point of order, must raise it specifically and not in general.

MR. HAVELOCK: The hon. Member who has been speaking has been continually repeating remarks which he made yesterday, and which he made earlier in the debate to-day, and the one he made just before he sat down is an example, Sir.

THE SPEAKER: I do not know that I have any rule in Council about tedious repetition. It applies in Committee certainly, but whether it applies in Council, I am not aware for the moment. As far as I can see I cannot stop a Member for tedious repetition in Council.

MR. HAVELOCK: Thank you—

MR. PATEL: Mr. Speaker, the references which I made this morning I had not made at the time when I spoke on my Motion.

THE SPEAKER: I would ask the hon. Member to have a little mercy on all of us. We have gone over this. There have been speeches by the hon. Member for Central Area in opposition to the Bill at great length to-day, and we are getting towards the end of the session. There is still a lot of other business on the Order Paper, and matters of that kind to be considered. I do not wish to stop you from putting forward any point that you wish to make in opposition to the measure before the Council, but at the same time I think that we can overdo speeches as well as underdo them.

MR. PATEL: Well, Mr. Speaker, I fully appreciate your advice given to me but at the same time, I would like to say, Mr. Speaker, that when I am arguing this case I wish to put on record my case for the purpose of making representations later on in regard to this matter. I will now only refer to one quotation which is very relevant to this point. The Prime Minister of Southern Rhodesia, Sir Godfrey Huggins, in one of his recent speeches, advocated a common roll for all races, and as the Members of this Council are aware, there is a common roll in Southern Rhodesia. That was reported in the *Kenya Weekly News* of 26th October this year. It is a very short quotation and I would like

to read it. "He"—that means Sir Godfrey Huggins—"then said that the Government of Southern Rhodesia had urged the Governments of the two Protectorates to improve their methods of selecting Members and to aim at a common roll." So the Prime Minister of Southern Rhodesia is urging Northern Rhodesia and Nyasaland to introduce a system of a common roll. The only argument which I have heard in this country against the introduction of a common roll for all races in this country is also repeated here in this article in the *Kenya Weekly News*. It says: "In Kenya the presence of a large Asian community is the main obstacle to the adoption of a common voters roll". (Hear, hear.) That is the view which is taken by the European community of this country. They do not say that the principle which is enunciated by the Prime Minister of Southern Rhodesia is unsound. They only think that the presence of the Asian community is a great obstacle to the introduction of a common roll. We may not be able to introduce the common roll, but this certainly is going against the whole principle which is enunciated by a very high authority.

THE SPEAKER: I must ask the hon. Member to confine his observations within the scope of the Bill, which is an amending Bill to an existing state of affairs as expressed in the principal Ordinance. We cannot go into general questions affecting the constitutional issues of this country to the extent that the hon. Member is attempting to do at this moment.

MR. PATEL: Mr. Speaker, the amendment which is suggested in the Bill raises a very important question of constitution in that it divides the Indian community into two rolls based on religion, and my argument was, Mr. Speaker, that instead of aiming at a common roll we are going in the wrong direction.

Well, Sir, I have sufficiently shown what a disastrous effect would be incurred through this matter and I strongly oppose the Bill on that ground, and on the ground of the provision of parity between Europeans and non-Europeans.

DR. RANA: Mr. Speaker, Sir, I rise to support the Bill moved by the hon. Chief

[Dr. Rana] Secretary. It was not my intention to take very long on this issue, but I would ask your permission—some of the statements which have been made by the previous speaker are such—he is getting those things recorded with a view to make further representations. I would like to say that those statements must be put into proper perspective. First of all, I want to thank the Government and those who are supporting. This Motion, Sir, on my behalf and the behalf of the community that I have the honour to represent. I am very sorry that my hon. and learned friend has given a very long and tedious history going back to 1923 and all sorts of things. But I would like to say, if we go by what happened in the last century and the beginning of the century, and if we stick by that—my grandfather never used to wear trousers or a coat, and because I am doing it—that is no argument. The thing has been every time repeated that the trouble is there. My hon. friend the other day only admitted that it has been the candidates from both sides who have been exciting the religious feelings of both sections. It is on the record, Sir, before the Government, when we find Indian Elected Members made a representation. It is no good going back to see what happened, it is no good to say that there were two or three Muslims 20 years ago. I admit that. It is no good saying that we as Indians should not be split. Indian means a race, it does not mean the way of life and the whole outlook. My hon. friend has said that I said that everything is different. When I said that I did not mean it in that way, I have got two ears, and so have the Hindus; I have got one nose, and so have the Hindus. I did not mean it in that sense. An example of music and culture can be given. If to-day an African or a Goan is playing English music, by no means can he say he has become a Britisher, an Englishman. There is no sense in that.

But even then there are two or three important things which I would like to clear up.

The first is, my hon. and learned friend has shown up some cutting from a paper. First of all, I would like to say to that that the hon. Member is Chairman of that paper and the owner. It has

only been written two days ago, and God only knows who is the writer. And I personally would take it as very, very doubtful as to what has been written—if it has not been written at the instigation of one of his own sympathizers or at the instigation of some of those. It is a common practice, Sir, and the hon. Member for Law and Order knows how the local vernacular papers have been twisting the facts from one side to the other.

The second point is, Sir, my hon. friend has laid emphasis on the late Shams-ud-Deen. I did not want to bring the deceased's name up here, but I would like to point out that it was sometime in 1942 or 1943 who, having been president of the East African Indian National Congress, was defeated by Mr. Mangat. He has not mentioned that. Of course, he succeeded, also, many times. The third point is that it was this same Shams-ud-Deen before this temporary Ordinance in 1948, where His Excellency had taken a keen interest, he was one of the Muslim Members to ask for a separate seat there. So the very same Shams-ud-Deen, after his experience of years by working with the Hindu community, went before the Governor in 1948 and thought that the time had come that there should be a change in the constitution, or at least there should be a preservation for the rights of minorities, after his mature experience.

The fourth thing is, and my friend has rightly said that many times, that the Muslims have supported him. And further, he said that in Pakistan and India—there was nothing of the kind, Sir, the trouble has been that as the non-Muslim community went on increasing in numbers year by year, in this country the Muslim minority under the present adult franchise without qualifications has been losing its existence as votes are given on religious basis, not on adult. If any Muslim came, he was just a pure follower—what the Congress would ask him to do. That is a basic fact on which we are asking to-day for certain preservation for the safeguard of the community.

In 1937, may I remind the hon. and learned friend, there was no Pakistan and India (it was all India), and what happened in Bombay? He and one other of his colleagues who is dead, they

[Dr. Rana] openly defeated a Muslim candidate and the case went to the Court; for two months the whole election was challenged—the Hindu priest and the Muslim priest were brought there, and swearing and everything took place—Where was India and Pakistan? Let us face the facts, Sir, let us be honest. It is no good making a show of it and telling the Council and the world that catastrophe is going to happen. He has already said about the Sikhs and the Africans. I mean, the Sikh community is part and parcel of the non-Muslim. It was they who brought them to oppose our demand in the beginning. Now, they went to the Africans, and I really cannot understand, and fail to understand, what the African should be afraid of and why they should be annoyed. After all, the Government is just, the Government is there. You call it religion, of politics, or whatever it is. The fact remains that we cannot possibly put our men forward without having some separate reservation, and some safeguards for our community, Sir.

There is one other statement which my hon. and learned friend made, that only on the 12th December, the Indian Women Association, on hearing this separate voters roll grant, the trouble had started. Now, that is wrong, Sir, it was in March of this year that the Muslim Members requested the President and the members of the Management Committee of Indian Women's Association to change the name from "Indian Women Association" to "Asian Women Association", and they refused to do so, and it was on that basis that these people, who have contributed a very big sum there, said: "Well, it is not fair. After all, the Government has got Asian, European and African classes, even our schools have been given the Asian name, and institutions which are common, which we have contributed our money, why then should we not be called Asian". It is due to this that the trouble has started.

With these few words, Sir, I should like to support the Motion, and there are one or two points in the Bill which I will request to be considered. The first one is the hon. Member for the Coast pointed out, the clause in which the people who will be present on the 1st

January. I think that word should be changed, Sir, and a question of "at least one year's residence" should be substituted. There wording here under clause 2 is "any person who, on the 1st January, 1952, is resident or is carrying on business". Sir, if a man happens—

THE SPEAKER: If the hon. Member will excuse my interrupting him, as I pointed out, already we are getting very short of time. This is a matter of detail that will arise in Committee, in any event. It has already been raised by two hon. Members in this Council. There is no need to pursue it any further.

DR. RANA: I accept your ruling, I will do it in Committee stage. I think these were most of the points, Sir, and before I sit down—I do not want to waste the time of Council—I have pointed out some of the things which have not been properly said by the previous speaker.

I would further assure the Council, and the other hon. Members, that in my view this is a perfectly just and fair Bill which the Government is bringing in. Enough time has been given, and everybody has heard the views of the Muslim community. My hon. friend the Member for Central Area, Mr. Madan, yesterday, or another day, gave a very big speech and requested me that we two leaders should come to some agreement. But the hon. Member never took the trouble, even, to come one day and try to reconcile both communities. He never tried one bit. With those points, Sir, I support the Motion.

THE ATTORNEY GENERAL:—Mr. Speaker, I rise to support the Motion for the second reading of this Bill, the main purpose of which—or, at least, one of the main purposes of which—is to implement the decision which the Government has taken after many years of acute controversy on this question of separate Muslim and non-Muslim representation. The principles of the Bill, as has been emphasized by many speakers on the other side of the Council, are far-reaching and the decisions that are taken with regard to them on this Bill will certainly profoundly affect the affairs of this Colony for some time to come. With the news of such importance raised upon the second reading of this Bill, it would, I think, be wrong to distract attention

[The Attorney General] from them by going into too much detail or dealing with matters of considerably less importance. Therefore, I propose to answer, as briefly as possible, the questions which were raised by the hon. Member for Uasin Gishu before proceeding with my argument on the main principles of the Bill.

His questions, as I have noted them down, were three: "Can the citizens of Southern Ireland opt to become British subjects?" The answer to that is they can if they can comply with one of these conditions, which are set out in the British Nationality Act, the first condition is whether he is, or has been, in the service of the Crown; secondly, whether he is the holder of a British passport; and, thirdly, whether he has associations by way of descent, residence or otherwise with the United Kingdom or the Colonies. If he cannot comply with any of those three conditions, then, of course, he cannot opt to become a British subject.

The second question was whether a citizen of Southern Ireland residing in the United Kingdom or colonies could vote in the United Kingdom or colonies without opting to become a British subject. The answer to that is, "yes, he can".

The third question was whether a citizen of the United Kingdom and colonies could vote in Southern Ireland, and the answer to that is, "Yes, he can", because "it is a reciprocal arrangement.

There was a supplementary question put by the hon. Member for Kiambu as to whether citizens from Kenya or from one of the colonies could likewise vote in Southern Ireland. The answer to that is contained in the one I have just given, because there is no distinction between citizens in the United Kingdom and citizens of one of the colonies. If it were true for a citizen of the United Kingdom, it is equally true for a citizen of the colonies.

That, if I may say so at this stage, is by way of a digression from my main theme, which is to justify the very far-reaching decision which the Government has taken in introducing this Bill, setting up a separate Muslim and non-Muslim roll.

In dealing with a matter of such acute controversy, it seems to me that the first requirement is that the party who has to decide upon the principles involved must approach the problem objectively and impartially, and that means, Mr. Speaker, we must, as far as is humanly possible, put aside and eschew all emotion or feeling, one way or the other. The second important requirement as it seems to me is that anyone who seeks to find a solution to this problem should approach it with a view to proposing a solution which is practical and not theoretical, or hypothetical. Now, Mr. Speaker, I trust that up to that point I have the agreement and the concurrence of all Members in this Council, in particular, all representatives of the Asian community.

Now, the next step in the argument which I would ask hon. Members to consider is also one which, as it appears to me, is non-controversial. It is a consideration of fundamental importance. For I ask hon. Members to remember that such matters as are raised by the principles of this Bill are determined in a world of ideas and of feelings—of which this Colony and, indeed, the whole of East Africa, is only a part, it is a world in which Asian nationalism, differing cultures, differing creeds, are working powerfully, and changing history before our eyes. It is in such a world as this that these decisions have to be taken in this Colony. The extent to which any Government, of its own volition, can determine the course of events in this Colony is limited and circumscribed by the vast and inexorable forces that are operating outside, and I believe, Sir, that we cannot truly understand the problems which the Government have had to face in reaching a decision in this matter unless we view them against the background of history that has been unfolded in India since the termination of British rule.

MR. COOKE: Hear, hear.

THE ATTORNEY GENERAL: Mr. Speaker, it has been said by the hon. Member Mr. Madan, with complete accuracy, that rivers of blood have flowed in India since the termination of British rule. There can be few parallels in history, Mr. Speaker, to the problems which have been created by partition.

[The Attorney General] It is now a matter of history that waves of emotion and feelings of enmity and mistrust spread to every corner of the sub-continent and beyond; to all countries, and certainly to this country, where Indians who have gone to live and settle overseas have made their homes.

Of course, Mr. Speaker, if there had been no partition in India we certainly should not be discussing this issue today, but once the flood gates were open, as they were after the termination of British rule, and once those waves of feeling spread to countries overseas, where there were Indian communities, then, Mr. Speaker, I submit it was inevitable that the happenings in that great sub-continent should be reflected—more than reflected—should begin to shape the course of events in this country for, as I have said, we live in a world of ideas and of feelings of which this country is only a part, and a relatively small part.

Therefore, Mr. Speaker, I submit that in the last analysis this decision of the Government was not a decision of choice, but was a consequence, an inescapable consequence, of the great historical upheaval, the cataclysm, which took place in the Punjab and elsewhere in India when British rule came to an end in 1947. Just as it is true to say that individuals may be the victims of circumstances, so I believe, Mr. Speaker, it is true to say that countries and nations may be the victims of history, and I submit, Mr. Speaker, that the decision which Government has taken in this matter, properly understood and seen in its true perspective against the great world events that have happened since 1947, was a decision imposed upon this Government by history.

The division of the roll in this country, therefore, reflects, as it was inevitable that it should reflect, the divisions that took place in the sub-continent, where the division was, as the hon. Member for the Eastern Area knows, not so much a decision based upon separate rival political factions, as a division based upon religious and cultural divisions. That statement is broadly correct, notwithstanding that there are many Muslims residing in Hindustan. The reason

for that, in my submission, Mr. Speaker, is that you cannot alter the facts of geography, and some millions of people living in that geographical area which is now Hindustan have from force of circumstances to remain there, notwithstanding their inclinations. But the broad division in India is undoubtedly based upon religious and cultural differences between the Muslims and the other members of that race.

I have wondered whether the hon. Mr. Patel, in his extensive review of the action taken by the Government, would put forward arguments in support of a certain view which was discussed by the Speaker's Committee which reported on proportional representation. That view was that if you had to have separate rolls, then they should be based upon attachment or sympathy or association—whatever word you may care to choose—to Hindustani or to Pakistan. But the hon. Mr. Patel has not relied upon this argument in his opposition to-day and therefore I do not elaborate upon it now beyond saying this, that the Speaker's report on proportional representation, and which the hon. Mr. Patel applauded, and accepted, did consider this matter, and dismissed it as impractical—almost, I might say, peremptorily, in one short paragraph.

Therefore, Mr. Speaker, I emphasize my main point, which is that as a result of the great historical events in India, it is inevitable that for the time being at least there must be some separation in this country on the basis of Muslims and non-Muslims; and yet I believe in spite of all those religious and cultural differences in the Colony there is a unity amongst all groups in this country. It is because there is such a unity that it is possible for persons of European culture, Muslim culture or non-Muslim culture, or African culture, to feel and to share a common political loyalty to this land in which they live. It is a common political loyalty which has been proclaimed by almost every speaker, both on this Bill and on the Motion which was moved by my hon. friend Mr. Patel the other day. It is a unity which, Mr. Speaker, I suggest all groups and all races should try to preserve, because it is a unity which, if it is given encouragement and guidance by the leaders of the several racial groups, will yet bring

[The Attorney General]

harmony and tolerance and understanding to this country to the lasting benefit of all who live in it. (Applause.)

MAJOR KEYSER: Mr. Speaker, referring to the section 4A, Sir, the matter of reciprocal rights of a citizen of the Republic of Ireland. The hon. Member for Law and Order stated that there were specific rights, and that a British subject had the right to vote in the Republic of Ireland. Sir, would it be possible for him to give us the authority for that? Because we would like him to say exactly what the reciprocal rights are. Again, Sir, according to the British Nationality Act, section 3 (2), it seems to me, Sir, that a citizen of Eire, whether he is a British subject or not, will have the right to vote in this country, but at the same time, there is no need to emphasize that right by including the words "a citizen of the Republic of Ireland". But, at the same time, Sir, under that section the United Kingdom and Colonies have the right to introduce legislation to exclude him from that right of voting, and in the Committee stage, Sir, it is possible we may want to move an amendment to exclude him from the right of voting.

I beg to support.

ADJOURNMENT

Council rose at 12.45 p.m. and adjourned until 5 p.m. on Wednesday, 19th December, 1951.

Wednesday, 19th December, 1951
(Evening Sitting)

Council assembled in the Memorial Hall, Nairobi, on Wednesday, 19th December, 1951.

Mr. Speaker took the Chair at 5.03 p.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 19th December, 1951 (Morning Sitting), were confirmed.

PAPERS LAID

The following paper was laid on the Table:—

BY THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:

Memorandum on the Hides and Skins Cess.

REPORTS

SIR CHARLES MONTGOMERY: I beg to report, Sir, that the Committee of Ways and Means at its meeting last evening considered the following Motions which were passed:—The Motion on the Customs Tariff Ordinance, the Motion on the Beer Ordinance, the Motion on the Income Tax Ordinance, and the Motion on the proposed Export Duty on Cotton. The Motion on the proposed Export Duty on Hides and Skins had been moved by the hon. Financial Secretary and was under debate. The hon. Member for Usain Githu had spoken at the time when the session closed.

BILLS

SECOND READING—(Contd.)

Legislative Council (Temporary Provisions) Bill

THE SPEAKER: It has been moved that the Legislative Council (Temporary Provisions) Bill be read a second time.

MR. SHATRY: The Arabs have been considering for a long time now approaching the Government with a request that the present nominated seat be altered into an elected one, and also to have one more seat in order to represent those Arabs living in Nairobi, Kisumu, and other up-country districts. Several petitions were sent to the Government and to the Colonial Ministers who visited this country, but

[Mr. Shatry]

no sympathetic consideration was given to their representations. We have been promised that a third nominated Member on the Official side will represent the Arab community next year. I feel, Sir, I am voicing the grievances of the whole community in saying that the Arabs are seriously considering the attitude at present adopted by the Government as not at all fair to them. Anyhow, as we are passing through the interim period 1952 to 1956, and as we have been promised that we are going to get the third nominated Member, the only question now, Sir, I ask the Government to support me on is that the present-nominated seat be altered into an elected one. We have, Sir, an Arab voters roll, and I do not think there is any difficulty in altering this seat into an elected one, and in the Committee stage I will move that this seat be altered into an elected seat. (Hear, hear.)

With these few words I beg to support the Motion.

MR. SALIM: I rise to support the plea made by the hon. Arab Elected Member. There was a difference of opinion amongst the Arabs when the Secretary of State for the Colonies came to this country as to whether the nominated seat should be changed to an elected seat. At that time I was the man who objected to having the nominated seat turned into an elected seat; and there were very strong reasons for that. Now, Sir, I am inclined to support my hon. friend in his plea in having my seat converted into an elected seat. (Applause.)

MR. MATHIU: Mr. Speaker, I rise to support what my hon. friend the Member for the Arab Elected Area has said and I do think, Sir, that under clause 2 in this Ordinance that the Arabs should be allowed, or the law should permit, that the Arab community should elect two Members, not one elected and one nominated, and I do strongly support what the hon. Member, Mr. Shatry, has said, that the two seats should be elected seats. I have two other points, Sir, and I think they are very important points. As far as the African community is concerned, section 2 3(1) reads:—

"There shall be elected to the Legislative Council in accordance with the

provisions of this Ordinance, fourteen European Members, four Indian Members, not being Muslims, two Indian Muslim Members and one Arab Member."

The African political opinion, Sir, as far as this question is concerned; has been for many years that four of us should not be nominated by His Excellency the Governor; that we should be returned as elected Members and therefore, Sir, as an omission to clause 2, I would like to suggest that when we come to the Committee stage we are going to move an amendment that African Members of the Legislative Council should be elected, as all other communities as provided for in clause 2.

THE SPEAKER: I do not want to lead the hon. Member to believe that we will go on in Committee and discuss the proposed amendment because it would seem to me that the proposed amendment would be contrary to the Royal Instructions.

MR. MATHIU: I agree with you, Sir, and I anticipate your ruling, when we come to the Committee stage, to move me out of order, because as I said, we are going to do that. As far as the African seats are concerned, I say that African opinion has been that African Members of Legislative Council should be elected. If they are not going to be elected, our intention is to move an amendment to say that one Arab Member should be nominated and six African Members of the Legislative Council in 1952 should be nominated, and that should be provided for in this Ordinance. Unless that happens, Sir, we are not prepared to support the Motion which has been moved, that this Bill be read a second time.

THE ACTING CHIEF SECRETARY: Mr. Speaker, before replying to the points which have been raised during this debate which have not already been dealt with by my hon. and learned friend the Member for Law and Order, I would like to emphasize two points which I should, perhaps, have referred to when introducing this Motion. The first is that this Bill is, of course, of a purely temporary nature. The second point in the agreement that was reached with Mr. Griffiths last year was, that the whole question of constitutional reform

[The Acting Chief Secretary] in this country should be considered by a body to be set up within 12 months of the Election of a new Council. I had thought that it would be clear from that, Sir, that this Bill was simply intended to carry us over the General Election in May of next year and any subsequent by-elections which might become necessary before decisions have been taken on the recommendations of the body to be set up! I hope, Sir, it will be clear from what I have said that no precedent—

Mr. HAVELOCK: Did the hon. Member say that the conference should take place within six months of the General Election?

THE ACTING CHIEF SECRETARY: Twelve months was what I said. That was the period mentioned in the statement.

Mr. HAVELOCK: You said six, Sir.

THE ACTING CHIEF SECRETARY: I said twelve. Therefore, Sir, hon. Members should understand that no new precedent is being created in this Bill which can possibly be held binding or even as a policy directive to the body which will be set up after the next Council has been elected. The second point that I should like to make in answer to the hon. Member for Kiambu, is that the Government does appreciate that it has only been possible to bring forward this Bill at a very late stage having regard to the proximity of the General Election to be held next May. The hon. Member did, in fairness to the Government, explain that he appreciated that the Bill could not have been brought forward earlier and that it could not be published until the additional instructions, to which I referred in my opening remarks, had been passed by the Privy Council. Those additional instructions, Sir, were passed by the Privy Council in the middle of November and this Bill was published as early as possible after that date. I am sorry, Sir, that time is so short between that date and the General Election next year, but as the hon. Member hinted, it could not be helped, and I can assure hon. Members that we brought it forward at the very earliest practicable date.

To turn to the points made by hon. Members—the hon. Member for the Coast gave it as his view that clause

10 (2) of the Bill was too rigid, and that as at present drafted, it might mean that persons otherwise qualified to have their names put on the voters' rolls would be unable so to do if they were out of the country, or if they were on holiday in this country, in some place other than their ordinary residence, during the period when registration had to be completed. I accept that there is substance in that point, and I will be prepared to move an amendment in the Committee stage to insert in line three after the words and letters "January, 1952, is" the word "ordinarily", and I am advised by my hon. and learned friend that that should meet the objections which the hon. Member, and indeed, the hon. Member for Mombasa also, has put forward.

The hon. and gracious Member for Nyanza has raised a point of detail which, if she will excuse me, I think could more properly be dealt with when we get in to Committee of the whole Council.

The hon. Member for African Affairs, Mr. Ohanga, complained that there was no reference in this Bill to Africans. Well, Sir, the reason for that is, of course, that the elective principle for Africans has not yet been introduced in this country.

Mr. MATHU: Why?

THE ACTING CHIEF SECRETARY: I would, however, like him to know that it is the intention of the Government to publish, in due course, the arrangements which the Governor proposes to make to ensure, so far as is possible, that the nominations which he will make to the new Council, to be elected and nominated in 1952, will cover African interests throughout the whole country.

The Governor, under the Royal Instructions, has unrestricted right of nomination, and in those circumstances, it would be wrong and contrary to the Royal Instructions governing this matter, to include, in a Bill of this kind, any provisions which might be held in any way to restrict the rights given, and the instructions given to the Governor in the Royal Instructions.

Mr. MATHU: Security, put in security

THE ACTING CHIEF SECRETARY: The hon. Member for the Central Area, Mr. Madan, made another long speech and it is not, I think, necessary for me to deal with very much of what he said in it. It was largely historical, and needs no reply from me. I appreciate, Sir, the force of his objection to this Bill, in that he does not like the provision made for separate electorates for non-Muslims and Muslims, but, Sir, I must take exception to the objection which he put forward on the ground of the parity arrangement agreed for this interim period pending the setting up of the Constitutional body next year. He knows, very well, Sir, and every hon. Member knows, that when Mr. Griffiths was out here, he obtained the agreement of the leaders of all groups to the statement which he made in the House of Commons, and the hon. Member for the Eastern Area, Mr. Patel, his leader, was one of those who signified his agreement to that agreement. That being so, Sir, I do not think it is open now to those hon. Members to go back on that agreement and to challenge this Bill on that particular ground. (Hear, hear.)

The hon. Member complained of the impotence that his community was feeling in this matter and talked about the Indian ship heading for a storm. Well, Sir, the effect of this amending Bill, when, as I hope it will be, it is passed into law must depend upon the attitude that the hon. Members and their friends adopt towards it. And I do hope that, instead of thinking in terms of "mental frustration" and "gathering storms", my hon. friends representing those interests will turn their minds rather to coming to terms with their own friends sitting with them in this Council. The whole question will be considered, as they know, by the body to be set up under the terms of the agreement to which I have referred. And I think it would be very much better that they should set to work and see if they cannot, in the future, come into line and agree amongst themselves as to what they would like.

The Member for the Eastern Area Mr. Patel indulged in a long historical review of relations between these two communities in the past, and it is unnecessary for me either to refer to, or comment on, what he said, but from my

point of view, and from the Government's point of view, we are concerned at this moment with the present and not so much with the past. We have to consider the change which has come over the scene in these last few years, to which also my hon. and learned friend referred. It is the present and not the past on which we must keep our eyes. The hon. Member also complained that the Government had moved much too quickly in this matter, and that we should have delayed a decision until relations between the communities had become better. He said that the Government had had no patience and should have more patience. Well, Sir, the Government, and in particular the Governor himself, for four whole years now, has been trying to get some agreed solution to this problem. He has showed, I submit, to hon. Members the very greatest patience—(hear, hear) (applause)—in his handling of this matter.

Of course, Sir, it is quite impossible for Government not to have given its attention to this matter at this particular time, because, as the hon. Member well knows, it would have been necessary, in any event, if no change had to be made, to have considered the extension for yet a further period of the Ordinance which was passed in 1948 and would have expired at the end of this year, if not received.

The hon. Member accused Government, in making the provision which it has for separate rolls in this Bill, of creating a division in his community. Well, Sir, he knows perfectly well that the Government has done no such thing, and would not wish to do any such thing. The Government would not have been only too delighted if the hon. Members had been able to come to some agreement amongst themselves. What the Government has done, Sir, in introducing this particular measure at this time is to recognize the facts as they are.

The hon. Member also complained that Government, in the terms in which this Bill is introduced, had made it impossible for a Muslim, who wished to have his name inscribed on the non-Muslim roll, to do so. Now, the hon. Member knows quite well that the original intention of the Government

[The Acting Chief Secretary] will to introduce into this Bill arrangements under which a Muslim, who intended to vote for one of the reserved seats, should declare himself as such at the polling booth and be granted a green ticket, a green voting paper, which would have signified his right and preference to vote for that particular reserved seat. Had that happened, then a Muslim so desiring, could, had he preferred, have cast his vote for one of the open Asian seats. But it was at the request of the hon. Member himself, and with the agreement of the hon. Member sitting on his left, that the Government abandoned that compromise arrangement, because it was made perfectly clear to His Excellency that of two—

MR. PATEL: On a point of explanation, Sir, I never made a request. I had submitted to the Government that if there was going to be separate voting, then let there be hottest and straightforward separate rolls instead of some subtle device. I never requested that this should be done.

THE ACTING CHIEF SECRETARY: I simply made the point, Sir, to show that had that arrangement been introduced, this particular objection which the hon. Member made would not have had any substance. What has been done was done at his suggestion, although because—and I must make this clear—he said that of the two alternatives, both of which he disliked, this; which is in the Bill now, was the one he disliked the least.

The hon. Members representing Arab interests have asked that the Government should consider amending this Bill to include provision for the Nominated Arab Member to be elected. Well, Sir, I am afraid that the Government cannot entertain that suggestion at the present time, and I would emphasize again that the purpose of this Bill is simply and solely to give effect to the agreement reached with Mr. Griffiths, and to do no more, with the single exception of the Asian Electoral Rolls, to do no more before the Commission to which he referred is set up.

MR. HAVELOCK: Mr. Speaker, I think the hon. Member is incorrect in referring to the Commission. The agreement was, as I understand it, that within twelve months of the General Election, there should be an inter-racial conference.

THE ACTING CHIEF SECRETARY: Yes, Sir, I may have used the wrong word, but I think hon. Members know to what I am referring.

Therefore, Sir, I am afraid that for that reason the Government would be unable to accept an amendment in those terms.

THE SPEAKER: It will also be contrary to the Royal Instructions which definitely says "one Elected Arab Member."

THE ACTING CHIEF SECRETARY: Yes, I think, also, Sir, that in view of your own remarks in reply to what was said by my hon. friend Mr. Mathu it is unnecessary for me to comment on the notice which he gave of his intention, when we come into Committee of the whole Council, to move a somewhat similar amendment in respect of the nominated African seats.

Sir, I beg to move.

The question was put and carried on a division by 30 votes to 8 votes. (Ayes: Messrs. Blundell, Carpenter, Major Cavendish-Bentinck, Messrs. Cooke, Davies, Lt.-Col. Gheens, Messrs. Hartwell, Havelock, Hope-Jones, Hopkins, Hunter, Major Keyser, Messrs. Maconochie-Walwood, Mathews, Sir Charles Mortimer, Messrs. Nuthoo, Padley, Pike, Dr. Rana, Messrs. Roddan, Salim, Salter, Lady Shaw, Mr. Shaw, Messrs. Taylor, Thornley, Trim, Usher, Vyas, Wright, 30. Noes: Messrs. Chennalain, Jeremiah, Madan, Mathu, Ohanga, Patel, Pritam, Shastri, 8. Total: 38.)

THE ATTORNEY GENERAL moved: That Council do resolve itself into Committee of the whole Council to consider the Legislative Council (Temporary Provisions) Bill clause by clause.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried.

COUNCIL IN COMMITTEE Clause 2

MR. SHASTRI: Mr. Chairman, I beg to move: That in clause 2 3 (1) be substituted for the words "Two Indian Muslim Members and one Arab Member" the words "Two Indian Muslim Members and two Arab Members"

[Mr. Shastri]: which appear on lines ten and eleven of the clause thereof.

THE CHAIRMAN: The effect of your proposed amendment is simply really to substitute the word "two" for the word "one" in the penultimate—in line ten of the Bill.

MR. SHASTRI: Yes, Sir.

THE CHAIRMAN: Now, it is laid down in the Royal Instructions "The Elected Members of the Legislative Council shall be one Arab", and I cannot see how I can accept that amendment. I am ready to hear anybody on it, but it seems to me impossible that we can pass a Bill entirely contrary to the Royal Instructions.

MR. MATHU: Is it outside the right of this Committee to make a recommendation against Royal Instructions? Sir? It is, is it?

THE CHAIRMAN:—You cannot go beyond, in my opinion, I am ready to hear any expert opinion on it from any legal person. As far as I can see, it is impossible so to do.

THE ATTORNEY GENERAL: If I may say so, with respect, I entirely agree with the view you have expressed; to my mind the point is too plain for argument.

THE CHAIRMAN: I must reject the amendment.

THE ACTING CHIEF SECRETARY: Mr. Chairman, there is a small typing error in clause 2 3 (1) (a), in line fifteen; for the word "Members" the word "voters" should be substituted.

MR. MATHU: Can we move an amendment to clause 2 3 (1), line eleven? That is, at the end of the words "one Arab Member," add "and six African Members."

THE CHAIRMAN: For the reason I have already given to you in regard to the alteration, this Bill must comply with the Royal Instructions. That is all I can say. I cannot accept it.

The question of the amendment that the word "Members" be substituted by "voters" was put and carried.

The question that clause 2 stand as part of the Bill was put and carried.

The question that clauses 3 to 9 stand as part of the Bill, was put and carried.

Clause 10.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move: That in sub-clause (2) of clause 10, there be inserted the word "ordinarily" immediately before the word "resident", in line three. That, Sir, is to meet the point—

THE CHAIRMAN: Would it not be between "1952" and the word "is"? You want it to cover the whole phrase.

THE ACTING CHIEF SECRETARY: After the word "is".

THE CHAIRMAN: And between the word "resident".

LADY SHAW: Mr. Chairman, I think in that case you will have to put "ordinarily" again with "carrying on business". If you put it where you originally suggested, it would cover both.

THE ACTING CHIEF SECRETARY: Very well. I would be perfectly prepared to accept it. Let it be inserted before the word "is".

THE CHAIRMAN: After "1952".

THE ACTING CHIEF SECRETARY: Yes, Sir.

THE CHAIRMAN: We will drop the first amendment and propose the second.

MR. COOKE: I simply wanted to make the point that I hope this clause will be fairly liberally interpreted; otherwise there will be difficulty about Government officers who go from post to post and are very difficult to find; they are ordinarily resident, unless it is going to be very liberally interpreted by those responsible.

THE ACTING CHIEF SECRETARY: We shall, of course, interpret it in the widest possible manner, so as to be as helpful as we possibly can to the persons concerned.

The question of the amendment was put and carried.

The question that clause 10 stand part of the Bill, was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, is this the right moment to propose an additional clause?

THE CHAIRMAN: Yes.

THE ACTING CHIEF SECRETARY: I beg to move: That the following new clause be added next after clause 1:—

"2. For the purpose of the principal Ordinance, as amended by this Ordinance, the expression—'Indian' shall be

[The Acting Chief Secretary] deemed to have the same meaning as it had in the principal Ordinance prior to the 15th August, 1947;

"Indian under the suzerainty or protection of His Majesty" shall be deemed to include any Indian who at any time prior to the enactment of this Ordinance was under the suzerainty or protection of His Majesty."

MR. COOKE: On a point of order is the hon. gentleman, the hon. Financial Secretary, in order in reading a newspaper in Committee? (Laughter.)

THE CHAIRMAN: It is not in order to read newspapers in Committee.

THE FINANCIAL SECRETARY: Mr. Chairman, I accept your ruling.

THE CHAIRMAN: I accept the proposal that the proposed new clause be read a second time.

MR. PATEL: Mr. Chairman, I would like to make a few observations on this additional clause.

THE CHAIRMAN: Are you going to object to it being added to the Bill later?

MR. PATEL: Yes, Sir.

THE CHAIRMAN: Had we not better get the second reading over and then the Motion can be added to the Bill afterwards.

THE ACTING SOLICITOR GENERAL: We are now in Committee, Sir.

THE CHAIRMAN: Granted, but this is a new clause.

THE ACTING SOLICITOR GENERAL: I see, yes.

THE CHAIRMAN: I propose that the proposed new clause be read a second time. On that the Clerk should read the side note, but there is no side note so he will remain silent. I now put the question that this clause be added to the Bill.

MR. PATEL: Mr. Chairman, the Royal Instructions use the words "six Indian seats". Now, the word "Indian" used in the Royal Instructions may either mean an Indian race or anyone whose original home was in a country which is now known as India. Either of the two it can mean. It cannot have any other meaning. Now, Sir, if the Royal Instructions mean

six seats for those who belong to the Indian race, then there is no need, I submit, to define the word "Indian" because this Committee should not define in a manner which may depart from the meaning in the Royal Instructions. And, Sir, in the second clause, it says: "Indian under the suzerainty or protection of His Majesty shall be deemed to include any Indian who at any time prior to the enactment of this Ordinance was under the suzerainty or protection of His Majesty". This clause will mean, Sir, that if a person was under the suzerainty of His Majesty forty years back and now he is a Russian citizen, even then he is entitled to be enrolled as a voter under this clause, because it says: "shall be deemed to include any Indian who at any time prior to the enactment of His Majesty".

Now, Sir, the Royal Instructions obviously could not have meant to give six seats in the manner in which the definition is given in this additional clause. Sir, it should be left to interpretation of the Royal Instructions when it lays down "six Indian seats", and this Committee should not define in a manner which will depart from the present position. The Royal Instructions deal with the present position, while this is trying to deal with the position which was before 15th August, 1947, in the first paragraph. And in another clause it may mean if he was under the suzerainty of His Majesty the King decades back he can now be a voter. That is why I object to this clause going in.

THE ATTORNEY GENERAL: Mr. Chairman, the purpose of this additional clause is to make it quite clear that these words "Indian" and "Indian under the suzerainty or protection of His Majesty" which are in the principal Ordinance, which is now being amended by this Bill, have not changed their meaning for the purposes of this Ordinance by reason of anything which has happened in the sub-continent of India since the termination of British rule.

So far as the first clause is concerned, the definition of the word "Indian" merely refers back to the meaning of the word "Indian" has had since the

[The Attorney General] Legislative Council Ordinance" was first passed in 1935. And here again, there can be no possibility of that meaning conflicting with the Royal Instructions, because if it did, then we would not have been advised that His Majesty had not exercised the power of disallowance with regard to that Ordinance. Therefore, we must conclude that the word "Indian", as used in the principal Ordinance, is in conformity with the meaning of that term as used in the Royal Instructions. This definition merely repeats and affirms that it shall retain that same meaning in the amended Ordinance.

With regard to the second point, the definition of "Indian under the suzerainty or protection of His Majesty", is intended merely to preserve and maintain the meaning which those words have in the principal Ordinance, because, as my hon. friend knows, the Native States in India, which were under the suzerainty and protection of His Majesty at the time when the principal Ordinance was passed have ceased to exist as separate entities. And, consequently, the status of those Indians who were born in those States has changed, but, for the purpose of this Ordinance and the principal Ordinance, we wish to maintain and preserve the same meaning as it had when the principal Ordinance was passed.

MR. PATEL: Mr. Chairman, one of my questions has not been answered—that under the definition given "Indian under the suzerainty or protection of His Majesty", the result would be that, even if a person was a British protected person 30 years back, and is now a foreigner, he will be entitled to register the himself on the voter's roll under the definition which is given here. It is very clear, Mr. Chairman, that "shall be deemed to include any Indian who at any time prior to the enactment of this Ordinance" will mean that a British protected person 20 years back, 30 years back—could be a voter though he may not be either a British subject or under British protection to-day.

THE ATTORNEY GENERAL: To avoid any possibility of misunderstanding on the lines which the hon. Member, Mr. Patel, raises, and I can see there is some substance in the point he has raised, I

would be prepared to amend the definition so as to make it clear that it applies only to Indians who have at any time since the passing of the principal Ordinance been under the suzerainty or protection of His Majesty—and not further back than that; and that would satisfy him to avoid any doubts or arguments because we do not wish to have them, I will amend the definition accordingly.

MR. PATEL: Sir, it still leaves that objection that I had that he may not be a British protected person or a British subject to-day. He may have changed his status during the last 12 years.

LT.-COL. GHORSE: Mr. Chairman, on a point of information, surely that qualification is provided for in the Ordinance, the qualification of a voter. If he ceases to be a British subject—then he would have no right to vote.

THE ATTORNEY GENERAL: Mr. Chairman, I suggest the insertion of the words "at any time since the enactment of the principal Ordinance and prior to the enactment of this Ordinance". I think that will cover the point of the hon. Member as far as that is concerned.

THE CHAIRMAN: It is now proposed to amend this clause in the eighth line by inserting between the words "time" and "prior" the words "since the enactment of the principal Ordinance and".

The question of the amendment was put and carried.

The question that the clause as amended be added to the Bill and the remaining clauses enumerated serialum was put and carried.

The question that the First Schedule—the Schedule headed "First Schedule" consisting of A, B, C and D be the First Schedule to the Bill was put and carried.

THE CHAIRMAN: I am dealing with the Second Schedule.

MR. HAVELLOCK: Sir, I beg to move that sub-section (1) of section 1, that all words after "claims" in the fifth line be deleted and the following words substituted—"within six weeks from the date of publication of the notice to the registering officer appointed for such electoral areas". It is just a substitution, Sir, for "thirty days".

THE ACTING CHIEF SECRETARY: Might it not be better to note it, Sir, in days—forty-two days—that would be acceptable.

MR. HAVELOCK: I have no objection, Sir.

The question was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that in rule 2 (1), line 1, the number of days "twenty-eight" should be substituted for "twenty-one". That, Sir, will give the registering—

THE CHAIRMAN: This is merely a consequential amendment is it not?

THE ACTING CHIEF SECRETARY: No, Sir, it is not a consequential amendment. The question was put and carried.

MR. HAVELOCK: Mr. Chairman, there is a consequential amendment in the second line of section 2 (1), the substitution of "forty-two" instead of "thirty".

The question was put and carried.

THE ACTING CHIEF SECRETARY: Mr. Chairman, I beg to move that Form C in the Second Schedule be amended by inserting therein the following—"8. Date of arrival in Kenya". That, Sir, was just an omission.

THE CHAIRMAN: An obvious error.

The question was put and carried.

THE CHAIRMAN: The Second Schedule as now amended stand part of the Bill was put and carried.

THE CHAIRMAN: There is another consequential amendment in these Rules—rule 1—"21" becomes "28".

The question that the Third Schedule be the Third Schedule to the Bill was put and carried.

The question that the title and enacting words stand part of the Bill was put and carried.

THE ATTORNEY GENERAL moved: That the Legislative Council (Temporary Provisions) Bill be reported back to Council with amendments.

The question was put and carried.

Council resumed and the Member reported accordingly.

BILLS

THIRD READING

Legislative Council (Temporary Provisions) Bill

THE ACTING CHIEF SECRETARY moved: That the Legislative Council (Temporary Provisions) Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

MR. PAYEL: Mr. Chairman, under Standing Rule 84, I move the rejection of the Bill. I do not want to speak on my Motion. I wish to register my strongest objection to the provision of a separate roll and for that reason I move the rejection of the Bill.

MR. MADAN seconded.

THE ACTING CHIEF SECRETARY: I must, on behalf of the Government, oppose this Motion.

MR. MATHU: Mr. Chairman, I want to support the Motion moved by the hon. Member for Eastern Area; there are two reasons I want to advance in supporting the Motion. The first is that I have all along opposed any division in the electoral rolls for those Members of the Kenya community who happen to be fortunate enough to exercise their vote, a privilege which is denied the African community, into two rolls on religious grounds, because I do not think this division of the electorate into two rolls, as far as the Asian community is concerned is for the good of the country. The second reason for my rejection of this Bill is that although the Royal Instructions, which I hold in my own hand now, are with us, I feel that the Arab nominated Member and the six African Members of the Legislative Council should be included. In the law of the land. At the moment it has to be searched to see where we stand. Legally I do not think as far as the Kenya laws are concerned we ought to be in the Legislative Council. I took up this matter, Sir, with the hon. Attorney General and I have impressed upon him the necessity of giving security to the Unofficial Members in the law of the land. The Royal Instructions, Sir, I agree, are legal instruments which will

be honoured, but I think the African community will feel more honoured if there is a law in the land specifically saying that they will have six African Members. If not elected, at any rate, nominated, and—the African view, Sir, as you know, is that the African Member for the Legislative Council should be elected by the community.

THE CHAIRMAN: I appreciate the difficulties which the hon. Member is under, but a Motion for the rejection of the Bill, though very wide in its scope, does seem to me to confine the reasons to something internal to the Bill itself and not external to the Bill. I would suggest to the hon. Member that if he thinks that the question of African Elected Members should be raised in this Council, it would be much better to raise it on a separate and distinct Motion of which notice is formally given in the ordinary way, instead of trying to introduce the matter now, when that matter is completely external to the Bill we are now discussing, whether to reject or to read a third time.

MR. MATHU: Naturally, Mr. Chairman, I accept your ruling and I would like to give notice now, if we have sufficient life in this Council to deal with this matter, I will move a substantive Motion that the African Members of Legislative Council be elected and not nominated, as has been done hitherto.

The question that the Bill be rejected was put and negatived on a division by 30 votes to 8 votes. (Ayes: Messrs. Chemanga, Jeremiah, Madan, Mathu, Ohanga, Patel, Pritam, Shastri, & Noes; Messrs. Blundell, Carpenter, Major Cavendish, Benthick, Messrs. Cooke, Davies, Lt.-Col. Gladstone, Messrs. Hartwell, Havelock, Hope-Jones, Hopkins, Hunter, Major Keyser, Messrs. Maconochie-Welwood, Matthews, Sir Charles Mortimer, Messrs. Nathoo, Padley, Pike, Dr. Rana, Messrs. Roddan, Salim, Satter, Lady Shaw, Mrs. Shaw, Messrs. Taylor, Thornley, Trim, Usber, Vasey, Whyatt, 30. Toes: 8.)

The question that the Bill be read a third time was put and carried and the Bill was read accordingly.

COMMITTEE OF WAYS AND MEANS

EXPORT DUTY—HIDES AND SKINS

Council resumed in Committee of Ways and Means consideration of the ways and means for raising the supply to be granted.

THE CHAIRMAN: Council will resume in Ways and Means.

The Motion before the Council is that subject to the enactment in the present sitting of the Council of an Ordinance cited as the Export Duty Ordinance, 1951, and published as a Bill in the Official Gazette dated 4th December, 1951, an export duty be imposed on hides and skins in accordance with the provisions of the said Bill.

MR. BLUNDELL: Mr. Chairman, I rise like the hon. Member for Uasin Gishu to oppose the Motion.

Mr. Chairman, there are one or two matters to which I would like to refer in doing so. The first is this. I understand that the intention of levying this amount on the hides and skins industry was to provide a method of bridging the gap to the tune of £2,800,000 in the Development Plan; and this method had been adopted because it had been considered it was one that was not hazardous. In the debate earlier on in this case which occurred in the Commission of Supply, the hon. Member for Agriculture and Natural Resources told us that in effect he would be increasing the price under this service in the coming year, and in a statement which has been laid upon the table, it is anticipated that the present amount of £11,000 will rise to a sum between £48,000 and £58,000 in any one year. Now, Sir, in effect that means that under the authority of the Member for Agriculture and Natural Resources, the total amount available under this case for the Development Plan can be arbitrarily reduced. I do submit, Sir, that this is very much more hazardous than any other method which the hon. Members on this side of Council have advanced. There is another point, Sir, to which I object here. I would like to voice it strongly. It is the general principle upon which Government originally initiated a case of this nature. When this case was originally introduced, the Members of this Council were informed

[Mr. Blundell] that it was for the direct service and benefit of the industry concerned, Hon. Members will recollect that the sum was reduced from a cess of Sh. 67 to Sh. 31. Now, Sir, the point that I would like to hear from the hon. Member for Finance is this. Either when the Government initiated the cess originally, it either missed the industry in its intention to provide a service, or it is now—in that the cess is only reaching the amount of Sh. 9 and something cents—it is now denying the original intention, and I would like the hon. Member to speak to that when he answers. If when the cess was introduced it was seriously envisaged Sh. 31 would be engulphed, as we were told, then either that intention is being denied now or that intention, when laid before us in August of this year, was not a true intention. One or the other, and Mr. Chairman, two other points. It has been imputed to hon. Members on this side that in opposing a Motion of this nature, for example, an export tax, they are subscribing solely to political motives. I do not quite know what is meant by that, but Mr. Chairman, I would say this. There is no political motive in my opposition to this tax. I am opposed to this tax on principle, and I have already said so.

I think it is significant that the whole of the European community, not only their elected representatives here, but those organs of opinion such as the Chambers of Commerce and Industry and the Agricultural industry itself are all opposed to it. There can be no inflection, as I see it, on, for instance, the hon. Member for Nairobi South, or Nairobi North in this case. It cannot affect them. They are not affected from a political angle but it is a fact that we are all opposed to this in principle.

The other point. Will the hon. Member for Finance—one realizes, Sir, that he is under considerable pressure in a matter of this sort—will he explain to us, or will he develop further his contention that this is not building a Development Plan or the gap in the Development Plan upon too narrow a base. He has implied that because this is spread over a large peasant producing population it is widely based, but it is not, it is in effect, Mr. Chairman, the

fewness of the industries, and their relation to one basic industry, agriculture, that is in our contention the narrowness of the base upon which he is building his plan to bridge this gap. Again, Sir, I should like to deny very strongly for all non-European Members that in opposing this tax, we are opposed to the continuation of the Development Plan. That is a complete red herring which is laid across the trail. It is not so. What we are opposed to, and very strongly in principle is this method of financing the gap in the Development Plan. Now, Sir, I believe if it were not for the sterility of the imagination in matters of this sort on the other side of the Committee that there would be other methods of financing this. For instance, I believe that not a proper appreciation of the advantages and possibilities of loans has been made and it is for all these reasons that I oppose this Motion.

MR. MATHU: Mr. Chairman, Sir, this tax is intended to produce, I believe, a further £70,000 in revenue next year, and as I have already indicated elsewhere, I am not opposed to the taxation in principle, but there are some details that I want to raise for the Members of the Government to reply. I must hasten to that my hon. friend the hon. Member Mr. Chemalain is going to oppose this Motion and I agreeing it, I want to put the point at issue that I know he is very keenly interested in. The first is that the African producers so far have been paying a certain amount in the way of cess, and that certain amount has been declared by the hon. Member for Agriculture, that it is going to enhance the development of the hides and skins industry. I do want to say, Sir, that this is not true, and the hon. Member for Agriculture has failed utterly to convince us that the money already collected out of hides and skins has done anything at all to develop the hides and skins industries as far as the African peasants are concerned. Where the money goes he has to explain. I do not know. Really I do not know. I know he has an officer, he has a big man there, Europeans, assistants, African assistants and so on. What happens to develop the hides and skins industries I do not know. I would say there is no development at all, and

[Mr. Mathu] all they wait for is the hides and skins coming to the market, they tax us as best as they can, but there is no improvement to our knowledge anyway. If this is going to continue I do say that on a future occasion, if I happen to be in this Council, I shall oppose the imposition of this tax on the ground that it is not a source to help the African producer to produce better skins and hides. They are not getting any service at all. I think it is an important point because the hon. Member for Usain Gishu did say all the benefits out of the cess at present are taken from the hides and skins industry and go to the African producer. I would like to inform the hon. Member for Usain Gishu we get nothing of the sort. Where the money goes I know nothing. Little *bandas* here, a few *bandas* there—nothing at all. The *bagafas* we know nothing about. I want to be very critical on this matter because I am satisfied the African has a grudge in this matter. My hon. friend the Member for Agriculture has not managed to convince us that the money collected from the African peasant does go to improve the industry. It may go to improve the wattle trade and I am going to speak on that when the Motion on wattle extract comes up. Whether it goes to improve the wattle trade—I am going to speak on that when the wattle and wattle extract comes up.

The other point, Sir, is that the hon. Member for Usain Gishu did say that the policy of the country is that we must develop to African areas. Well, I agree with the hon. Member, but be over-generalized. If we develop to all, the African peasant would have not only no milk, but no meat, and the Meat Commission has not even managed to supply what they said we were going to have. So I say, although I agree that in certain quarters destocking is necessary, that wholesale and complete destocking is a policy that I cannot support.

The hon. Member for Usain Gishu knows that the Usain Gishu District Council has a policy, to this end, of complete elimination of African livestock.

THE CHIEF NATIVE COMMISSIONER: On a point of order, Sir, is the hon. Member in order in discussing destocking at this time?

MR. MATHU: May I say that—the CHIEF NATIVE COMMISSIONER: I asked, Sir, on a point of order, whether the hon. Member was, himself, in order in discussing destocking when we were discussing, I thought, the export tax on hides and skins?

THE CHIEF NATIVE COMMISSIONER: I asked, Sir, on a point of order, whether the hon. Member was, himself, in order in discussing destocking when we were discussing, I thought, the export tax on hides and skins?

THE CHAIRMAN: That is rather a difficult point.

MR. MATHU: The Member for Usain Gishu did raise that.

THE CHAIRMAN: One must remember in Ways and Means that the representatives of the taxpayers may raise various objections, and until I am further advised, I can see some connexion between destocking and the hide and skin. (Applause.)

MR. MATHU: Thank you, Sir.

My point is this—I am not going to prolong it, Sir, but the point is this, that the hon. Member for Usain Gishu did raise this matter, and I want to agree with him only to a point. And the point is this, that you can, you must limit the stock to the carrying capacity of the land, but I do not agree with the hon. Member for Usain Gishu, as he agrees with the Usain Gishu District Council, that there must be complete elimination of African livestock.

MARION KEYSER: Where? Who suggested it?

MR. MATHU: Mr. Chairman, I do not want to prolong this debate on that matter, but I do know that it is the policy of the Usain Gishu District Council to see that no African livestock exists on the farms where the African squatter lives. And they have agreed to the number of years, five years, ten years, or the number of years in which they propose to do it. I object to that, and I have objected to it before, and unless, Sir, this policy is reversed, the hides and skins industry, also, is going to be affected.

My final point, Sir, is this, that I do think, Sir, that the administration of the hides and skins taxation in the form of a cess, or what you will, Sir, is uneconomic, and unless I am convinced by the hon. Member for Agriculture that we

[Mr. Mathu] do really come off on the right side of the balance sheet. I do not think that the administration of the hides and skins industry is really economic. And, mark you, Sir, I support that this export tax should be imposed, but the details, I abhorrently disagree with, because I do not think the administration is on the right lines.

Sir, I beg to support very reluctantly.

THE SPEAKER: It is half past six. The Committee will suspend business for ten minutes.

Committee adjourned at 6.27 p.m. and resumed at 6.46 p.m.

In the absence of the Speaker, Sir Charles Mortimer took the Chair.

EXPLANATION REGARDING STANDING RULES AND ORDERS

THE CHAIRMAN (Sir Charles Mortimer): Hon. Members, before the debate is resumed, I would like to clear up a little matter. Some disappointment, if I may say so, was expressed last evening because the hon. Member for Finance did not get up to reply in the middle of the debate. The copy of the Standing Rules and Orders governing Budget procedure, which I had before me at that time, was not, I have now discovered, an authentic one, and I have now before me the Speaker's copy, which is the authentic one approved by this Council in October last.

—Dealing with the Committee of Ways and Means, the final words of paragraph 9 (e) are: "All other speeches shall be limited to ten minutes, and no Member may speak on any Motion in Committee of Ways and Means more than twice". That means that the Mover of the Motion may speak at unrestricted length in moving the Motion; he may move at unrestricted length in replying, but not at any other time.

The debate will resume.

MR. BRUNDELL: Mr. Chairman, I think the point that hon. Members on this side were making was this: that if the whole of the reply and presenting the case from the other side has got to be done entirely by the hon. Member for Finance, in effect the intention of Committee of Ways and Means is negated.

I think hon. Members on this side say that other Government gentlemen opposite who should have, Mr. Chairman, overriding conviction in the honesty of their cause should also see the lists and debate the particular issues under discussion.

MAJOR KEYSER: The hon. Member for Rift Valley has rather expressed my views. It does put us in a very difficult position if no hon. Member on the other side will reply to the queries and points we put up until the hon. Mover replies, when we have no right then to reply in the points that he brings up, and I do submit, Sir, that many of the points that he does bring up in his reply to the debate are subject to a considerable amount of reply from our side. At the same time, Sir, I would like to suggest that an authentic—I think was the word you used—authentic copy of the Rules and Orders shall be issued to every Member.

THE CHAIRMAN: Yes, Sir, I should certainly like one myself.

THE ACTING CHIEF SECRETARY: On that point, an authentic copy was, of course, issued to all Members at the time when this procedure was adopted as the Budget procedure, but I will certainly arrange, if possible, in the time we have left to us, for additional copies to be circulated to Members.

MAJOR KEYSER: It seems to me the point is for us to be able to identify which is the authentic copy, Sir.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, all hon. Members have to do is to refer to the 24th October, 1950, when the Chief Secretary laid down all the details.

MAJOR KEYSER: I cannot carry a copy of Hansard about with me at all times, Sir.

THE CHAIRMAN: I have no doubt the hon. Members on the Government side will have listened with great interest to the points made by the hon. Member for Rift Valley and the hon. Member for Trans Nzoia. I, in the Chair, have no authority to compel them to speak or call upon them to speak, and it rests entirely with themselves.

The debate will resume on the Hides and Skins Export Tax Motion.

EXPORT DUTY—HIDES AND SKINS (—Contd.)

MR. HAVELOCK: Mr. Chairman, I only have one point to make on this, because most of the question and the difficulty have been covered by hon. Members on this side. In fact, indeed, the point I may be making has already been covered, but I should like to emphasize it.

I understand, Sir, that the total cess and export tax—the total of the two—in fact, shall we say, Sir, the total cess at the moment on hides and skins is Sh. 31/55 for 100 lb. on air-dried hides. I also understand, Sir, that the cost of the Hides Improvement Services, which was quoted by the hon. Member for Rift Valley on another debate, works out to Sh. 9/47 per 100 lb. air-dried hides approximately—in fact, it is what was said before, by the hon. Member for Rift Valley. No hon. Member opposite has questioned them.

Now, Sir, if you take Sh. 9/47 as the cost of the Hides Improvement Services off Sh. 31/55, you are left with a figure of Sh. 22/08 exactly to the cent, and that, Sir, Sh. 22/08 is the exact amount of the export tax suggested in this Motion and under the Bill on 100 lb. air-dried hides. Now, Sir, it seems to me, therefore, that Government have felt that the services they are rendering to the hides industry at the moment are sufficient for at least four years, because, Sir, really it is visualized, although the Bill states that it has to be renewed every year—it must be visualized that this export tax shall be paid for four years in order to help to finance the developmental programme which will be spread over four years.

So Government feel, as I see it, that all the services will never be more costly than Sh. 9/47 per 100 lb. air-dried hides. Now, Sir, is that really a logical conclusion?

This morning in Council—or rather yesterday—notice of Motion was given by the hon. Financial Secretary to the effect that extra cost of living allowances are authorized by Government for civil servants. Will that not increase the cost of the Hides and Skins Improvement Services? Are there not other very obvious considerations in the next four

years that may well increase the cost of the Hides and Skins Improvement Services? Even if the actual services themselves are not extended, may be, Sir, the answer from hon. Members opposite—and here again I refer back to what the hon. Member for Trans Nzoia has just said, and the hon. Member for Rift Valley—I do hope that some of these queries will be answered by some other Government Member before the hon. Mover replies so that we can debate it in Committee—(hear, hear)—which is the point which I originally raised myself yesterday. May be it will be replied, Sir, that the amount of export tax on hides and skins will be varied according to the expense of the Hides and Skins Services, and the amount of cess required to finance the varying expenses of the Hides and Skins Services—that may be what the hon. Members will reply. If they do reply that, Sir—

THE FINANCIAL SECRETARY: It has already been stated.

MR. HAVELOCK: If that is the case, then may I ask how any Financial Secretary or Government can really consider that this export tax, which is therefore variable not only on the price of the hides, which is entirely a different factor already discussed and dealt with by other hon. Members, but also on the price of the Hides and Skins Improvement Services, and the cost thereof—completely variable, at least, in two factors—and then say this is the type of way to capitalize and finance as capital long-term programme? Who on earth is going to be able to say "this" "hides price is going to remain the same next month", or, on the other hand, "the expenditure for Hides and Skins Improvement Services is also going to remain the same for the next month or the next year"? There are two factors there.

Now, Sir, it is incredible anybody should try to finance a long-term capital development on this variable revenue, which is obvious from the remarks which have just been made by the hon. Financial Secretary. I would say, if this tax is to be devoted to this long-term development, then the tax should remain the same, but what would that mean? That will mean the cess will have to be varied. That will mean this peculiar—

[Mr. Havlock]

very peculiar suggestion of Government that producers of hides and skins are not actually going to pay any more cash out of their pockets—that suggestion of Government will, of course, fall to the ground because, as the Hides and Skins Improvement Services increase in cost, the cess will have to be increased and more cash will come out of their pockets. I say, Sir, it must happen if you are going to be logical. Otherwise, the hon. Member will not get the money he is looking for.

I have never, never heard—except for the other suggestion in this thing—I have never heard of any more ridiculous, fantastic, wicked—it is the word that the hon. Member for Rift Valley put in my mouth in another debate—suggestion as this.

Sir, I beg to oppose.

THE FINANCIAL SECRETARY: The hon. Member is very young, Sir.

LADY SHAW: How lucky he is!

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Sir, it seems to me, a certain amount of misunderstanding both on the proposals in regard to the export tax, and the existing arrangements which are in operation as regards the cess and financing of the Hides and Skins Services.

I think, Sir, I must explain to some degree, at any rate, what has happened in the past. Sir, in about 1947 or 1948, the three territories had for some years past been worried, or rather realized, at that time they had been worried for a long time past, over the appalling quality of the East African hides which were being exported, the very low price they fetched and the very deplorable reputation they had on world markets. It was also realized that, in all three territories this was a potentially very important industry which had the possibility of producing very substantial sums each year—valuable export in all three territories. Therefore, Sir, it was decided to do what was possible in trying to establish, both on an inter-territorial basis and in collaboration with the inter-territorial central services, territorial services to improve this particular product.

Now, Sir, it was also decided to endeavour to impose a cess to pay for these services in all three territories, and that was done, Sir, by general agreement, and a formula was adopted which was to be the same in all three territories, because if you do not have the same cess in all three territories, it leads to a whole lot of difficulties, hides being moved illicitly to the disadvantage of one territory or the other, and possibly to the detriment of the industry itself.

Now, Sir, a formula was eventually adopted, but there was a good deal of discussion about it, and, of course, nobody could foresee the astronomical rise in the price of the value of hides. But to cut a long story short, it is all in this paper which I have laid to-day—Tanganyika imposed a combined cess and export tax, in other words, from the amount of cess that it charged, it deducted export tax and the remaining money was directed to its own Hide Improvement Service and for its contributions to inter-territorial services. In Uganda, the cess all went into general revenue and, out of general revenue, the costs of Hide Improvement Services in Uganda and the inter-territorial bureau services were met by the Central Government. In this Colony, we placed into a fund which was destined to be for the Hides Improvement Services the whole of the cess collected.

Now, Sir, on several occasions in this Council I have been tackled by the fact that the cess, owing to the rise in the price of hides and owing to the fact that we dealt with this in somewhat a different way to the other two territories, was becoming exorbitant and the amount of money that was lying to the credit of our services was more than was needed, and to some extent, Sir, that is true. The figures of what we have at the moment are before you in this paper, and you will see that we shall have standing to the credit of the fund on the 31st December, 1952, about £150,000. It also shows, Sir, that the recurrent cost of these services in Kenya stands at about £24,000 and that we shall be spending in 1952 a capital sum of about £41,000.

MR. MATHU: What are the services?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I am coming to that in a minute.

[The Member for Agriculture and Natural Resources]

Now, Sir, it has been suggested that our costs might go up to £48,000 or £58,000 per annum. It is true that they might rise considerably, and will rise considerably above the recurrent costs which we now incur. But, Sir, I do not myself anticipate that they will go up to anything like that figure. Actually, as I say, the recurrent cost this year will be about £24,000, and we have lying to the credit of the fund about £160,000 which I do not consider an excessive sum, because we may find if the price of hides goes down, and various other things that may happen, that we may want that money.

MR. BLUNDELL: What about the Development Plan?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Well, I am not at the moment dealing with that.

But, Sir, the fact does remain that in the amounts which we now take in the form of cess, we obtain more than we need for the actual operation of an efficient Hides Improvement Service.

MR. HAVLOCK: For how long?

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I have tried to explain what happens in the other two territories, and why it is so difficult for us to reduce our cess unilaterally unless the other two territories agree to do the same, and that difficulty is enhanced in this country by the fact that if I am going to change the rate of cess, I have to give thirty days' notice, by laying the intention to do so on the Table of this Council.

MR. COOPER: Highly irrelevant!

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Now, Sir, I have no doubt other points will be raised on that and I have still the right to speak a second time.

Now, Sir, the hon. Mr. Mathu—I had some difficulty in quite gathering the point he was trying to make—but I would gather that his general suggestion was that the whole cost of this service is wasteful, is not of much use, and indeed I am not sure, but I did rather gather that he had no idea where the money went or how

much money there was or anything else, (Cries of "Shame!")

MR. MATHU: Useless!

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I would suggest he read the document before him, instead of shouting "Useless", and that he listens to what is being said. (Hear, hear.)

Now, Sir, in 1947 we produced the worst hides in the world without any possible question. Nigerian hides were not all that they could be, but their value was considerably higher than East African hides. The shade drying of hides, the proper flaying of hides, the proper skinning of animals, were, in the past, unknown in this country. To-day, Sir, and very markedly during last year, as a result of the services we have introduced, you will notice—and this is incontrovertible—that although, prior to June, 1950, East African hides sold at twopence and were less than those in Nigeria—and they had already gone up considerably by that time—by June, 1951, the quality of Mombasa hides had improved to such an extent that they were quoted at twopence to threepence a lb. higher than the corresponding Nigerian grades—(applause)—and this alone represents an increase in value in one year on Kenya's hide industry of nearly £200,000. (Applause.) And we have only just started, and a great many of our best areas we have not yet had either the means or the staff or the opportunity of dealing with. I would inform the hon. members that it would be criminal on the part of Government to give up a service so important to the Africans when the hon. Member represents, and which is showing such marked promise of doing really good work in the interests of the Africans themselves. (Hear, hear—applause.)

MR. MATHU: Mr. Chairman, I would like to refer to paragraph 16 of the paper; that has been laid before this Committee on a Motion before the Committee. With your permission, Sir, I would like to read it out: "In the African areas, attention is being mainly concentrated on the improvement in flaying, preparation and marketing. The Department, as will be seen from the table of expenditure at paragraph 7

[Mr. Mathu] has expanded this service continuously"—(laughter)—"has expanded this service cautiously." And I would like to underline the word "cautiously" because that is the word I am going to comment upon later on—but expansion is now beginning to gather momentum and the service is ready to provide assistance, where desired, to the settled areas with the primary objective of training selected farm employees in flaying, cleaning and suspension of farmers' hides and skins.

Sir, I am not questioning the point raised by the hon. Member for Agriculture, but this, Sir, this is important—that he is helping the African producer to put in the market a commodity on a higher standard. I am not questioning that at all, and I am glad to hear that Nigeria is not ahead of us. But what I am talking about is this, Sir—that the hon. Member has spent money, public money, in this service not to our satisfaction, and he did not answer that point. Now how many *bandas* that the hon. Member has put up out of something like £70,000 a year and how many Africans have improved this industry through those *bandas*, or drying or what you call them—I do not know—flaying the hides—how many? I say, none. And the hides and skins industry, as far as the African producer is concerned, comes to the world market in a primitive and the usual way we know, and the hon. Member says that he spends money on it. I want to know where he spends the money on it. He spends it on nothing, and I am not convinced with his arguments that is improving the industry. I have not opposed the imposition of the taxes, but on detail, I must criticize the policy of the Member in this matter, and my submission, Sir, is that the hon. Member for Agriculture has done nothing, absolutely nothing, to improve the hides and skins industry as far as the African community is concerned. Nothing.

THE CHAIRMAN: The hon. Member is getting very repetitious. He has repeated that sentence no less than half a dozen times.

MR. MATHU: I have sat down now, Sir.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Well, Sir, all I would say is the hon. Member is somewhat incoherent—I had some difficulty in getting at what he says. I gather he said "nothing is being done." Well, Sir, I do not think; honestly, I need reply. (Applause.)

THE FINANCIAL SECRETARY: Mr. Chairman, the hon. Members for the Rift Valley and for Usain Gishu have taken it upon themselves to represent the spearhead of the attack on this Motion. The hon. Member for the Rift Valley wanted to know why it was that political reasons were ascribed to this opposition from himself and his colleagues. Now, I want to make it clear, first of all, Sir, that the hon. Members to whom I have referred represent less than 10 per cent. of the producers. The other 90 per cent. or at least the representatives of the other 90 per cent. have intimated their intention of supporting this Motion. Yesterday, Sir, we had a Motion, a Motion on cotton, in which the hon. Members opposite, who opposed the Motion, represented no percentage whatever of the producers, and yet they opposed it. And those that represented 100 per cent. of the cotton producers intimated their intention of approving and accepting the taxation proposed.

MR. MATHU: No services!

MR. CHAIRMAN: Order.

THE FINANCIAL SECRETARY: Now, Sir, when we get that kind of opposition—in spite of that disparity of representation—what possible motive can we assume?

MR. USHER: Pure reason.

THE FINANCIAL SECRETARY: We must assume, Sir, that the hon. Member possibly, has his eye a bit further down the Order Paper, to some later Motion.

LADY SHAW: Mr. Chairman, on a point of order, has the hon. Member for Finance—however strongly he may feel on this subject—any business to impute motive to the hon. Members who have spoken? (Applause.)

THE CHAIRMAN: I did not gather from what the hon. Member said that he was imputing any motives—or at any rate, improper motives.

LADY SHAW: May I speak to my point?

[Lady Shaw]

He imputes the motive that—the motive, rather—that in opposing this Motion, the hon. Members are not opposing the Motion as such. Sir, I do not think that he has any right to say that or to impute that motive. How can he know? To my mind, the thing is entirely out of order.

MR. BRUNDILL: Mr. Chairman, speaking to the hon. Member for Ukamba's point of order, may I make it perfectly clear that in speaking to this Motion, I underlined the fact that it is the principle to which I object and that principle applies, whether the hon. Member for Finance can see it or not, to each and every one of these Motions.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, rising on a point of order, is it or is it not a point of fact that during the debate, the Government has been accused of being particularly dishonest?

MR. HAVELOCK: Yes, quite rightly.

THE FINANCIAL SECRETARY: Rising on a point of order, is it not a fact that the hon. Member himself, when speaking to this particular Motion, raised the point to which I am now replying?

MR. COOKE: Mr. Chairman, on a point of order, I did not intervene last night, but I do think the hon. gentleman should be allowed to make his point without too much interruption. It may seem funny for me to say that, because I have often attacked Members on the other side of the Committee, but I do not think a concerted interruption is quite fair.

THE CHAIRMAN: I entirely agree. Last evening I allowed a certain amount of interruptions because I felt that if the hon. Member, in speaking, did ask rhetorical questions, the least he could expect was rhetorical retorts across the floor. I have no doubt that if the hon. Member was intending to impute any improper motives to hon. Members on this side, he will readily withdraw, but, personally, I do not think that such an intention was in his mind or implied in the words he used.

THE FINANCIAL SECRETARY: Mr. Chairman, your interpretation is absolutely correct.

LADY SHAW: Mr. Chairman, I apologize, if that, for raising the point of order, but, I think the hon. Member will agree it is a little difficult to see what the intentions at the back of his mind are. I was listening to his words, Sir, and if I may say so, I did not raise this point of order in order to interrupt him—I raised it as a point of order.

THE CHAIRMAN: The hon. Member will proceed.

THE FINANCIAL SECRETARY: Mr. Chairman, I take no umbrage!

Sir, the hon. Member has referred to his objections on principle. Now, Sir, he has raised his objections on principle before, and I will say, Sir, and I think everybody in this Committee—certainly the majority of this Committee—would admit and agree that the hon. Member's argument on principle have been completely demolished. And if that is not sufficient for the hon. Member, then let him understand that, in introducing this form of taxation, this country is in very good company. A very large number of other states in the world to-day are using, in the special prevailing circumstances, this form of taxation.

MAJOR KEYSER: Instances?

THE FINANCIAL SECRETARY: And I will refer him, Sir, to the words of Mr. Eugen Black, who is President—

MR. BRUNDILL: Who?

THE FINANCIAL SECRETARY: You see, Sir—he does not even know the name.

MR. BRUNDILL: Mr. Chairman, it was the hon. Member's pronunciation—I did not realize! (Laughter.)

THE FINANCIAL SECRETARY: I can have no responsibility for the hon. Member's own pronunciation!

Mr. Eugen Black who is President of the International Bank of Development and Reconstruction. Surely, there is somebody whose grasp of international finance of state finance, must be at least equal to that of the hon. Members opposite!

MR. BRUNDILL: Just!

MAJOR KEYSER: Doubtful! (Laughter.)

THE FINANCIAL SECRETARY: What does he say?—Surely now is the time when undeveloped countries should take the

[The Financial Secretary] opportunities presented by unprejudiced prices for primary export products to build up their capital reserves. That is what he says, and surely, Sir, we are in good company in agreeing with such an authority as that.

MAJOR KEYSER: Through industries and income tax!

THE FINANCIAL SECRETARY: Sir, it is no use making these remarks to hon. Members opposite. They come in without knowledge, they sit without knowledge and they will go out without knowledge! (Applause—laughter.)

MR. BLUNDELL: You are no good as a teacher!

THE FINANCIAL SECRETARY: Now, Sir, the hon. Member for the Rift Valley, wanted to know how I regarded this basis of taxation as wide. Well, Sir, I have, several times, indicated to the hon. Member that the basis of this taxation is *omni-racial*. I justify that basis, Sir, because the moneys from this taxation will be used for development, and the benefits from that development, as I understand it, are not *mono-racial*, or even *bi-racial*, but extend over all races. Therefore, it seems quite proper the spread of the taxation basis should correspond to the spread of the benefit.

I think the hon. Member made one suggestion that we should find this money by purchase tax, by which means it would be more evenly spread. He meant, I presume, a purchase tax on some article that everybody uses. *Posho*, for instance!

MR. BLUNDELL: I must thank the hon. Member for giving way, Sir. It is something we had not become accustomed to. I did specifically stress *luxury articles* of each racial group.

THE FINANCIAL SECRETARY: Mr. Chairman, I am glad the hon. Member corrected me, because it makes my point rather stronger.

I suppose the hon. Member means we should put a purchase tax on silk stockings, and things of that kind. I think hon. Members object to the fact that certain professions and certain industries are, in his own words, "getting away with it". Does he honestly suppose we are really going to get very much of a contribution

from "Messrs. Motors Incorporated" by putting a purchase tax on silk stockings? Sir, if we got £5,000 a year from purchase tax on commodities of that nature, luxuries, as he calls them, I should be very surprised. Moreover, let the hon. Member appreciate this, that purchase tax at the wholesale point, is equivalent to a customs duty with all the attendant inter-territorial complications.

MR. BLUNDELL: On a point of order, I think I did raise this matter in the debate on cotton, and we are now discussing the debate on hides and skins.

THE FINANCIAL SECRETARY: Sir, I do not know what your ruling will be but I have said quite sufficient for the hon. Member to know what I am driving at.

Now, Sir, we get to the point raised by the hon. Member for Kilambu. He says that we shall keep this cess static irrespective of the cost of the services. Now, Sir, I think I made it quite clear that the proportion borne by the cess element would not be reduced below the level required to finance the services. The cess will be maintained at a level sufficient to finance the services. If the overall impost is varied downwards, then it will be at the expense of the tax and not at the expense of the cess. Let that be quite clear.

The hon. Member suggested, in these circumstances, the tax itself will vary or may even disappear and this is unsound finance in relation to capital finance.

Can I not explain to the hon. Member that this is a *long-term* financial measure? We can foresee the necessary finance for the coming year. We are almost in the position of seeing the actual cash for 1953, but beyond that stage, we are going to be faced with this gap, and my proposal, the Government's proposal, is that we should take the opportunity presented, by present circumstances, to fill that gap. If, of course, we fail, it is not to-morrow we shall reap the consequences. We still have time to think of alternatives. Here with us to-day is an opportunity presented to us.

Now, Sir, the hon. Member is turning round and—

MR. HAVELOCK: Guffawing.

THE FINANCIAL SECRETARY: No, he could not guffaw. His vocal chords are not strong enough! (Laughter.)

[The Financial Secretary]

But let him understand. This is a long-term proposal. If it does not materialize to the extent we hope, we shall, nevertheless, still have time to consider other measures.

MR. NATHOO: Such as coffee!

THE FINANCIAL SECRETARY: Now, Sir, there has been a lot of discussion this evening in which two things have, to some extent, been confused: the cess and the tax. My hon. friend the Member for Agriculture has spoken at length on the question of the cess; let us not confuse the cess with the tax. What is the reason for this tax? The reason for this tax is to produce the money for the development of this country, and I therefore ask that hon. Members opposite vote for it, and in voting for it, to vote for the proper development of this country.

I beg to move.

The question was put and carried on a division by 24 votes to 10 votes. (Ayes: Mr. Carpenter, Major Cavendish-Bentick, Messrs. Hope-Jones, Hunter, Jeremiah, Mathews, Sir Charles Mortimer, Messrs. Nathoo, Ohanga, Padley, Patel, Pike, Pritam, Dr. Rana, Messrs. Roddan, Salim, Shatry, Taylor, Thornley, Trim, Vasey, Whyatt, Davies, Mathu; 24. Noes: Messrs. Blundell, Chemallan, Cooke, Lt.-Col. Gherrie, Mr. Havelock, Major Keyser, Mr. Macnochie-Welwood, Lady Shaw, Mrs. Shaw, Mr. Usher; 10. Paired: Messrs. Hartwell and Hopkins, 2. Absent: Messrs. Madan and Slater, 2. Total: 38.)

EXPORT DUTY—SISAL

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That subject to the enactment in the present sitting of the Council of an Ordinance cited as the Export Duty Ordinance, 1951, and published as a Bill in the *Official Gazette*, dated 4th December, 1951, an export duty be imposed on sisal in accordance with the provisions of the said Bill.

Sir, the reason underlying this Motion is precisely similar in principle to that relating to the Motion I have moved previously on this same subject in this Committee, and I will not take the time of the Committee in speaking to the Motion.

I beg to move.

MAJOR KEYSER: Mr. Speaker, I beg to oppose this Motion for several reasons, Sir, and in doing so, I would like to make it quite clear that I, and I do not think say any other hon. European Elected Member on this side of the Committee has any financial interest in the sisal industry. Certainly, I have not, but I think it is advisable to make that clear at this stage.

Sir, I believe that this tax is quite unnecessary. We have been told on the other side that if we do not agree to this form of taxation to-day, that the Development Plan will be jeopardized.

Well, Sir, the hon. Member for Finance has himself told us that he can see the finance almost in cash up to 1953; but that beyond that he does not see the finance, and that therefore these taxes are being imposed in order to find finance for 1954 to fill that gap of 45,500,000. Well, Sir, we have on this side of Council told him how we think that gap could be filled: one, by extending the period virtualized by the Development Committee—and, indeed, they themselves visualized that recourse might be had to that method if the finance was not immediately available; we have also told him, Sir, that we think that part of the finance could be found from surplus balances. The method, Sir, that was originally visualized for financing this Development Programme was by method of loans, and the hon. Member told us that we must now forget the matter of financing this part of the development from loans, because it was doubtful whether it would be possible even to raise the balance of our loans of £12,500,000. Now, Sir, when he said that, he did not relate those remarks in any time. I do not know whether he meant that he never again would be able to raise loans beyond the £12,500,000, or whether we might be able to raise part of the £12,500,000 in 1952, and part in 1953. But, Sir, we are financially and economically as well as in many other ways, very closely tied to the prosperity of the United Kingdom. And if, Sir, the position in the United Kingdom is going to be such that it is going to be impossible for us to raise loans there in the next four years, then, Sir, I think that those conditions must be reflected in this Colony, and I believe that if that is

[Major Keyser] the case, and if the hon. Member himself sincerely thinks that might be the case, that then the time has arrived when we should very seriously consider whether it is advisable to go on with this development scheme at all. My own view is that the position is very greatly exaggerated. I believe, Sir, that the hon. Member has got himself—a little bit, to use a non-parliamentary term, jittery about finance. I think, Sir, that the late Government in the United Kingdom, for its own political reasons, was inclined to put stringent conditions on the financing of overseas loans, and through the Capital Issues Committee, did place financial stringency on loans, but I do not believe, Sir, that the position is nearly as bad as the hon. Member for Finance has tried to make out to this Committee, or to this country, and I do believe myself that that question of loans is still open to us, and that the hon. Member has somehow developed a taxation complex, and that he is using that temporary political stringency in order to give vent to this voraciousness, if you like, Sir, on his part, for taxation.

Now, Sir, I consider that this form of taxation is inequitable. Various people have said it, and the hon. Member has tried to laugh that down, and he has said that the basis is wide, because—and mind you, Sir, it was a question of the taxation basis, not the expenditure basis; in his last speech he twisted that round, Sir, and talked about the development expenditure basis. What he actually said this "Sixth Day" was referring to words of the Member for Rift Valley, was that taxation basis being "narrow, and I still say the taxation basis is narrow. (Hear, hear.) It is based solely on agriculture, and on no other industry in the Colony. He himself, Sir, told us, and gave figures—Sir, before I forget, may I speak for more than ten minutes? (Laughter.)

THE CHAIRMAN: Only with the unanimous consent of all the members of this Committee.

Are all Members in agreement that the hon. Member for Trans Nzoia should be allowed to speak for more than ten minutes? (Cries of "Yes.")

Consent is accorded.

MAJOR KEYSER: I forget what I was going to say—Sir, the hon. Member for Rift Valley referred to the narrowness of the basis of taxation, and the reply of the hon. Member for Finance was that he regarded this form of taxation as "a wider basis than any other form—certainly in any other direct form, because in a peasant economy such as we largely have in this country there is no other way of securing a proper contribution from peasant agriculture to what must be to them the fundamental necessities of the country's development".

Well, Sir, that is all right as far as peasant industries are concerned, and, Sir, since the hon. Member likes to refer to the example of other countries over taxation, I would also like to remind him that there are territories not far from here that have adopted a system of taxing African industry, for instance, cotton in Uganda and Tanganyika they have adopted the system of taxing African industries, because they have decided that it is impossible to tax them through income tax. Even, Sir, coffee in certain territories, native produced coffee is taxed, whereas European produced coffee is not, because it is deemed that European contributions to taxation are made through income tax. But, Sir, now can't the hon. Member use his argument about it being a good form of taxation, because it can tax peasants—in this question of sisal?

Now, Sir, if he is trying to tell us that sisal is a peasant industry, it is true that at these prices a certain amount of sisal is produced from the native reserves, but it was not originally planted in these native reserves as a crop. It was planted as a hedge or as a boundary. And these present prices have made it worth while cutting and marketing. But there has been no regular planting taking place in those reserves; and, undoubtedly the supply of sisal from these reserves will very soon die out for that reason.

So, Sir, I cannot think that the hon. Member can consider that the basis for taxation as far as the sisal industry is concerned can be part of a very wide base.

Sir, sisal in this country has had its ups and downs through many years. During the first world war, the price went up fairly high, and then just after

[Major Keyser] the war, I think at the time that England abandoned the Gold Standard, the price dropped very rapidly. And then again in 1930, and onwards, the price dropped very much lower still, and during 1930 to 1935 it was somewhere in the region of £13, and most of the estates at that time lost a considerable amount of money, and got into a very bad way through their inability to maintain their machinery.

But, Sir, nevertheless, they showed very great courage and during that time most of the sisal estates of East Africa, and especially of Kenya, continued their planting, and they continued to carry on under extremely difficult conditions, until, Sir, the war came, and at the beginning of the war the prices were still extremely low. In 1939, they were £18 a ton—that is the average price 1942-46, quoting—in 1940, £16; 1941, £15; 1942, £16 and 1943 they began to rise very slowly until in 1946 they were £29, and then from there onwards they rose steadily.

Now, Sir, the hon. Member also stated with regard to sisal:—

"Finally, Sir, and this is very important—this is what he said—"it will be recalled, that in our development fund, we have a sum of no less than £2,250,000 from excess profits tax. Without that sum this gap would have been not £4,500,000 but £7,750,000. Now let us see who made these contributions. Let us see who made these contributions. I have them stated here. Mr. Speaker. Of a total of £2,250,000, £3,115,000 was subscribed by trade, industry and commerce other than agriculture"

and I am ashamed to say there was applause to that—

"£3,115,000. Only a total of £135,000 was contributed by agriculture, and of that sum by far the largest part, in fact the major portion, was contributed by one crop, one industry in agriculture, and that was tea. The total contribution by sisal was nothing. Now, Sir, how can anybody contend in the face of those figures that these export industries are alone being asked to make a contribution to capital development?"

And I would ask hon. Members to keep that sentence in their minds while I tell them, Sir, that during the war the world price of sisal went up to £70 a ton, but the Kenya sisal was sold at against world prices of £70 a ton, was paid an average of well below £30 a ton, in fact, an average of somewhere round £25 a ton, against a world price of £70 a ton. (Cries of "Shame!")

Now, Sir, we see there, in those figures, that we have in the sisal industry an industry that in adversity showed very great courage and a sense of national danger showed extreme generosity, and the hon. Member, Sir, has had the effrontery to taunt an industry that has a history of that sort as not having contributed anything towards the development programme through excess profits! (Hear, hear—applause.)

Now, Sir, excess profits tax, was imposed for what it means, that profits over a certain amount should be paid into revenue, and there was a regulation, Sir, under which excess profits could be used for developmental purposes. In other words, if a company was liable to excess profits tax and it had a developmental programme which was approved, instead of paying that tax those funds could be used for development purposes. Therefore, Sir, as far as the sisal industry which was concerned we had an industry which had had, for a very long time, therefore they had a poor record of development to carry. This machinery was falling in to place, the whole of the industry was falling to pieces, and what was due to profits tax they might have been able to use in order to pull the industry together and that, Sir, the hon. Member that sentence, that the hon. Member again repeated last night—

Now, Sir, there were a good many countries in the world that can produce sisal. Sisal is a crop that has a very wide range of production, and price to the sisal industry here was subjected to very severe competition, possibly the chief competition came from Mexico and Java, but to-day, Sir, there are other countries which are coming into competition. The demand we all know is very great, but a country like Brazil which has enormous resources in sisal

[Major Keyser] developing a sisal industry. Now, Sir, compare what is happening in Brazil to what is happening in this Colony. Brazil subsidizes its sisal to a very great extent. I am told that it works out to somewhere in the region of £12 an acre. That, Sir, is a country with which when prices are more stable, we return to more stability in the world. That is one of the countries this Colony is going to have to compete with and whereas they are to-day subsidizing the development of sisal, what is the hon. Member doing here? He is imposing tax on an industry that has gone through extremely hard times, and which he should be nursing to-day in order that it should be in a position to meet competition when that competition does come. The hon. Member smiles, Sir, the hon. Member has only been here three years, he has not been through these periods of ups and downs in agriculture.

THE CHAIRMAN: He can still smile.

MAJOR KEYSER: That is why he can smile, Sir. Sisal, like all other branches of agriculture, goes through these periods in a graph well above the line and then well below the line over various periods. If the area above the line is going to be less than the area below the line, then that industry must die unless it can somehow have capital constantly pumped into it. The hon. Member is a mathematician, he knows exactly what I mean. If when the area above the line gets a little bit swollen he is going to cut the top off, in all equity and fairness, Sir, he must cut the bottom off when it goes below the line, and I say this imposition of export tax on an industry like sisal to-day means, in equity, that when the price goes down it must be subsidized. That, Sir, is a liability he is now putting on this Colony when he imposes an export tax. Again, Sir, this tax does not depend on profits that are made. An estate may make a loss, and I know that there is a provision under which they can claim against it, but, Sir, he is forcing these people, these estates to ask for charity, and all estates are not making money. I know of one estate that last year had somewhere in the region of two inches of rain, and the year before they had somewhere in the region of five inches,

and I happened to see the sisal during that period, and it: had gone through the most peculiar gymnastics I have ever seen. All the leaves were lying down on the ground. That sisal estate was completely unable to produce anything for two years and could not keep up its planting programme. I know there is a clause under which they can make a company pay export tax when they start producing, but he is forcing that estate to go along and ask for what is tantamount to charity.

Sir, I do hope that neither he nor the hon. Acting Chief Secretary is going to get up very soon and start a flood of crocodile tears as to what will happen to us if this Development Plan is not financed four years ahead from to-day when one of them know what is going to happen next year, let alone in four years' time.

Sir, I beg to oppose.

MR. COOKE: Sir—

THE CHAIRMAN: I do not wish to stifle the debate—

MR. COOKE: I have not intervened in these debates so far on export tax, but there is one point I would like to make. Sir, I ventured to use a metaphor the other day speaking on my Cost of Living Motion about the hon. Member for Rift Valley and the hon. Financial Secretary running in double harness.

THE FINANCIAL SECRETARY: Trans Nzola.

MR. COOKE: Trans Nzola—and I did utter a warning that there might be a little bit of stampeding between the two horses before long, and this evening, Sir, I think we have seen a bit of that! The point I want to make is this. That whereas I am entirely in agreement with my colleagues on this side of the Committee against the export tax, I look at the matter from a slightly different angle. The reason I am opposed at the present moment to the export tax is that I think it is unnecessary and we could finance the gap in the development plan by surplus balances and by loans. There is one fallacy that has crept in to this debate which I would like to put right if I can. That is a fallacy that appeared to-day in the *East African Standard* and

[Mr. Cooke] had been committed by the Acting Financial Secretary of Uganda. If there is a world slump and if the price of sisal and cotton and so on falls, and if we get less money from those sources in export tax, as has been envisaged by hon. gentlemen on this side of the Committee, there will be a comparable fall in the price of capital goods. One depends on the other. If there is a lowering in the price of capital goods, therefore we shall not want so much from export tax to cover our development plan. Members may say that there will be a time lag in the fall of the price itself would be, to a certain extent, covered by the fact that there would be an off-loading of a good deal of stockpiling of capital goods which would be purchased at a less price, and therefore although the export tax may not bring in so much as we expect, there will also be a fall in expenditure and one will balance out the other. That is just one point I wanted to make.

MR. HAVELOCK: A considerable number of hon. Members wish to enter this debate, Sir.

THE CHAIRMAN: They did not give very much evidence of it. I gave what I thought was ample opportunity.

MR. HAVELOCK: Mr. Chairman, I support naturally the remarks made by the hon. Member for Trans Nzola and I do not support *in toto* the remarks made by the hon. Member for the Coast, who has set himself up as a world economist, and I doubt very much whether what he foretells will come to pass. In fact, I am quite sure that the gap he did mention will be a very considerable period, because of the very considerable part of the cost of capital goods, as he calls them, or goods that are required for capital expansion of an industry such as sisal, a very large proportion of that cost is due to wages, and it is because wages have been put up all over the world under systems that prevail in America and Britain, that the goods themselves are so expensive. I am not trying to be an economist myself, but I am merely putting what I can see, on the other side of the argument. I believe, no matter what happens as regards the fall in price of primary products, it will

be a considerable time before the labour, who demand such wages to make these goods, will accept lower wages. Now that, I think, Sir, underlines the wisdom of the remarks of the hon. Member for Trans Nzola, and the fallacious, namely, in those of my hon. friend the Member for the Coast.

Sir, I would like to bring another point up in defence of the sisal industry, and I would like the hon. Member for Finance to comment on it. I understand—I am going to be another five minutes—

THE CHAIRMAN: This will be a convenient opportunity to adjourn.

THE FINANCIAL SECRETARY: I beg to move that the Committee do report progress, and beg leave to sit again.

The question was put and carried.

Council resumed.

ADJOURNMENT

Council rose at 3 p.m. and adjourned until 9.30 a.m. on Thursday 13th December, 1951.

Thursday, 20th December, 1951
Council assembled in the Memorial Hall, Nairobi, on Thursday, 20th December, 1951.

Mr. Speaker took the Chair at 9.22 a.m.

The proceedings were opened with prayer.

MINUTES

The minutes of the meeting of 19th December, 1951 (Evening Sitting), were confirmed.

PAPERS LAID

The following paper was laid on the Table:—

By THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES:
The Hides and Skins (Amendment No. 3) Rules, 1951.

REPORTS

SIR CHARLES MORTIMER: Mr. Speaker, I beg to report that the Committee of Ways and Means at its meeting last evening dealt with the Motion on the Order Paper calling for the Imposition of Export Duty on Hides and Skins, and that Motion was approved.

At the time of the adjournment the Committee was considering the Motion relating to sisal. The hon. Members for Trans Nzoia and the Coast had spoken. The hon. Member for Kiambu was still speaking at the time of the adjournment.

THE SPEAKER: The Order of the Day is for the Council to resume into Committee of Ways and Means.

MR. BLUNDELL: Mr. Speaker, are you going to call attention to the minutes?

THE SPEAKER: Well, we had confirmed them, but if there is any error, will you have it pointed out, and we will take the matter again at 11 o'clock?

COMMITTEE OF WAYS AND MEANS

Council resumed in Committee of Ways and Means, consideration of the ways and means for raising the Supply to be granted.

EXPORT DUTY—SISAL—(Contd.)

THE CHAIRMAN: The Motion before the Committee is that, subject to enactment in the present sitting of an

Ordinance cited as "The Export Duty Ordinance", and published as a Bill, an export duty be imposed on sisal in accordance with the provisions of the said Bill.

MR. HAYLOCK: Mr. Chairman, when the Committee adjourned I was opposing the Motion.

Mr. Chairman, at the time that I stopped speaking last night, I was on the subject, I think, of the insecurity of this tax as regards a finance measure for a long-term development plan, and I would like to emphasize what I think the hon. Member for Trans Nzoia said, that the price of sisal is falling and has fallen to the average price—in the last few months, and it looks very much as if it will continue to fall owing to certain world conditions. At the same time, Sir, the cost of production is rising.

I would also like to point out, Sir, another aspect which I think is unfair, about this export duty, and that is that, as far as sisal is concerned, the cost of production and, indeed, the yields, vary very considerably from area to area in the Colony—indeed, a very considerable proportion of the total production of sisal comes from what might be called—and has been called when referring to other crops—marginal farms. In spite of that, with the present price, these marginal plantations—as you might call them—are just paying their way at the moment, and of course they are producing sisal, and the sisal they produce for export is a very great asset indeed to this country, as most of it is dollar-earning, apart from being an ordinary export.

Now, the imposition of a duty on an export of this sort, Sir, is a tax on production. It is not a tax on profit, and the man—the company or the individual—owning a sisal plantation in an economically good area pays exactly the same per ton as the man who is struggling along on a rather less economic farm or plantation. That, to my mind, is a very serious consideration, and I suggest that, although hon. Members opposite may say that this duty is a very small amount compared with the total price, that amount—the margin of profit and the margin of economic working for a number of these plantations—I again emphasize, whose production we require for the economy of the country

[Mr. Haylock]

—the margin is very narrow and, should the price fall a little bit more than it is to-day, in spite of the "floor" which the hon. Member—which Government have put into the draft Bill that no tax shall be levied under £100 per ton—in spite of that floor, if the price should fall even in a small amount from the present price, a number of these plantations will not only probably not be working currently economically, but will certainly have no chance at all to recover the losses which they have suffered over the last 20 years.

I would like, also, Sir, to repeat—for a matter of emphasis—the remarks—or rather the points—made by the hon. Member for Trans Nzoia as regards the efforts that were made by the sisal industry during the war. He gave figures to the Committee as to the world prices and the prices that the sisal growers of Kenya accepted at that time, and I merely want to underline one particular aspect of that. The sisal growers of Kenya accepted this Board of Trade price, very much below the world average, as part of a patriotic war effort. (Applause.) It was a strategic material, and required by the British Government for their war effort, and production was stepped up as much as possible at great sacrifice to sisal plantation owners, and the price was accepted at a much lower level than they might have done if they had merely viewed the whole matter as a commercial concern, and not as part of the British war effort. I think that hon. Members opposite should acknowledge that fact, especially in view of the remarks of the hon. Financial Secretary at another time.

Sir, I have said that I have been opposing the Motion, and I still oppose the Motion in general. It seems that—possibly because certain hon. Members do not really understand the implications of a tax of this sort—it may well be that this Motion will be carried. I would like to suggest, Sir, that this Council might anyway accept some further relief or alleviation or relief as regards the sisal industry, in that they might accept an amendment which I propose to move to the effect that the floor should be raised—that is, in the Bill, no tax is levied under £100—f.o.b. average value of

£100 per ton. I wish to suggest that no tax should be levied under £125 per ton.

Now, Sir, I understand that at present the floor—if I may refer to this figure as that—in Tanganyika is £75 per ton. That is what I believe, but I know that the Tanganyika growers are very keen about this floor, because the increased cost of production at this floor level—and are agitating, and may well be successful, in getting the Government to raise their floor to £125 per ton.

Now, I believe that the usual method, which is well organized and can produce figures over a number of years for hon. Members to study and for Government to study, I believe they can make a very strong case for this floor of £100 per ton to be raised to £125 per ton, and in this connection I would remind the hon. Member for Finance that, when he was speaking, I think, in the main debate—anyway, Sir, a few weeks ago in this Council—he referred to Mr. Hitchcock, and stated that he thought he was a very fair-minded man because Mr. Hitchcock at that time had accepted the fact that a 5 per cent duty might be possible or might be economical in Tanganyika.

THE FINANCIAL SECRETARY: Mr. Chairman, I think it would be fair to the hon. Member to refresh his memory as to what I actually did say. This was that Mr. Hitchcock said he made his appeal in effect, said that while nobody likes export taxes, no reasonably sensible person regarded a five per cent export tax as in any way oppressive.

MR. HAYLOCK: I accept that generally, but the point that the hon. Financial Secretary did not make is the fact that we thought Mr. Hitchcock was a very fair-minded man, and that one could give weight to his opinion. Mr. Hitchcock's opinion is that the floor of this tax should be raised from £75 per ton to £125.

THE FINANCIAL SECRETARY: I must again refresh the hon. Member's memory and think him for giving way. I made no analysis whatever of Mr. Hitchcock's character or as to whether he is fair-minded or not.

MR. HAYLOCK: I am very glad the hon. Member has appreciated I have given way to him, here. I hope he remembers it (hear, hear).

THE FINANCIAL SECRETARY: With the greatest respect, as it is an amendment to the amendment, is it not the normal procedure to put the amendment to the amendment first? May I also point out that since there was no question of my original Motion being put before the hon. Member's amendment was put, equally there is no question of putting the hon. Member's Motion before my amendment to that Motion.

THE CHAIRMAN: I know that in Supply the larger sum has to be put first, and I am just trying to see what authority there is; it is rather novel, and you must give me a little time.

MR. COOKE: I suggest the hon. Member should withdraw his original amendment. It would save a lot of time at the moment.

MR. HAVELOCK: I am convinced the hon. Members on this side believe £125 is the right figure and I do not wish to withdraw it. If the hon. Members opposite are prepared to offer £110, I am prepared to let it go at that, but I do not want to withdraw my Motion because I am sure £125 is the right figure.

THE CHAIRMAN: This amendment proposes to add certain words to paragraph A in the Schedule, that is "provided that the lowest average f.o.b. value per ton on aial on which an export duty should be imposed, should be £125".

An amendment in that form seems to me to upset the Schedule unduly. What we really require are figures in substitution for the two figures of £100 and £105, that are at present in the Schedule. That would make a satisfactory form of amendment. I would suggest, and as far as Mr. Matthews' amendment is concerned, I took it that what he would require would be "exceeds £110 but not exceeds £115".

THE FINANCIAL SECRETARY: I think, Sir, it would have to be "does not exceed £115 10s.", because 5 per cent of £110 is 25 10s.

THE CHAIRMAN: I will put the proposed amendment that in the Schedule which is incorporated, of course, in the resolution before Council, "exceeds £110 but is less than £115 10s." be inserted.

The question was put and carried.

THE CHAIRMAN: If no one wishes to address the Committee on the alternative Motion—

MAJOR KEYSER: Mr. Chairman, I would like to say—

THE CHAIRMAN: I have not called you.

MAJOR KEYSER: I thought you did, Sir, I am sorry.

THE CHAIRMAN: There was another Member on his feet already before you jumped up.

MAJOR KEYSER: I am sorry, Sir.
MR. NATHOO: Mr. Chairman, with the Unofficial Members, I must declare an indirect interest in aial inasmuch as I am financially interested in it. Sir, I would like to refer to two points made by the hon. Member for Trans Nzoia. Sir, he said that the coffee in Uganda was only taxed so far as the African coffee was concerned. Sir, that is not correct, because I have also some coffee interests in Uganda and all coffee, whether European, African or Asian, is all taxed in the manner which is prevalent in that country.

The second thing is, Sir, I would admit that for many years the aial exports in this country were in a very precarious condition, and some of them did go out of business. For that, Sir, they have our great sympathy, but I do not submit that with the bumper prices which have been obtained for the last few years, these estates have had time to recuperate some of their losses and are now in a pretty good condition as compared to quite a few other industries.

Sir, while the cost of production is rising, from definite information I have, I can safely say, Sir, that in Tanganyika the maximum production cost is not more than £70 a ton, and in most cases it is in the vicinity of £50 and £60.

In Kenya, Sir—I do not know about the very marginal estates, but certainly, Sir, quite a few, I know their cost does not exceed more than £70 a ton.

MR. HAVELOCK: Their yield?

MR. NATHOO: Yes.

Now, Sir, another thing which struck me very forcibly was the fact that the hon. and gallant Member for Trans Nzoia said that if prices fell, the aial growers would come to the revenue for subsidy. Sir, it gives me great pain to

[Mr. Havelock]

I have been leading up to the fact I wish to move an amendment and therefore, Sir, I would wish to move now that the following words be adopted to the Motion: "Provided that the lowest average L.o.b. value per ton of sisal on which the export duty may be imposed, should be £125".

I beg to move.

MR. NATHOO: Sir, may I ask your advice. Should I confine myself only to this amendment or can I speak on the whole Motion?

THE CHAIRMAN: You must confine yourself precisely to the amendment.

MR. NATHOO: Then I think, Sir, I will wait.

THE FINANCIAL SECRETARY: Mr. Chairman, I am speaking, I take it, only to the amendment to the Motion. My right is to reply to the main debate is thereby unprejudiced.

THE CHAIRMAN: Yes.

THE FINANCIAL SECRETARY: Mr. Chairman, I appreciate the remarks made by the hon. Member of this amendment and I would like very much to try and meet him in regard to his apprehensions. It is true that the sisal growers in Tanganyika have pressed upon the Tanganyika Government a case to raise the floor to £125 per ton. But after many discussions there has been mutual agreement in Tanganyika that, in fact, the new limit should be £90 and not £125. Having regard, however, to the possible rise in the cost of production over the coming year, both sides to these discussions, that is to say, the sisal growers and the Government, have agreed to round up the figure to £100, and that is the figure which is now to be used in the Tanganyika legislation. It was on this basis, or rather in anticipation of this agreement, that the figure of £100 was included in the Kenya Bill. I am prepared, however, to accept that sisal on the average costs somewhat more to produce in Kenya than it does in Tanganyika and I would agree to an increase in the floor by another £10, making the floor £110, and if the hon. Member will agree to that I will move the necessary amendment when we get into Committee stage. I will remind him, Sir, that

the provisions of this Bill provide for a constant review and it would be the Government's policy if there were any good any time during the year, to raise the floor in the interests of the industry. Government would be the first to come forward to ensure that the necessary action was taken.

MR. HAVELOCK:—Mr. Chairman, firstly, I would like your ruling, Sir. The hon. Financial Secretary has, in fact, asked me to withdraw the amendment on an assurance that he will move an amendment to the Bill. Is that the right procedure, Sir, or should there not be an amendment to this Motion before we consider the Bill?

THE CHAIRMAN: The Bill must follow the Ways and Means resolution, whatever the Ways and Means resolution is. You have either got to alter it now or remain for ever silent.

THE FINANCIAL SECRETARY: In order to show Government's good faith in the matter, I beg to move that the amendment moved by the hon. Member be further amended by substituting the words "£110" for the words "£125".

THE CHAIRMAN: We have now another amendment that the figure in the resolution which was £100 be now £110.

MR. HAVELOCK: I am speaking now to the second amendment. Mr. Chairman, I am very glad, Sir, to see that the hon. Member is prepared to give way to some extent. I would remind him that this is the season of goodwill towards men and generosity and fairness, indeed, extra generosity, and possibly he might raise that figure but naturally, in the present situation, I could not really oppose his amendment, and I would merely leave it to his better judgment to see if he could not accept either mine, or a rather higher figure than he has put himself.

THE CHAIRMAN: I take it I now put the question on the £110 to formalize the matter.

MR. HAVELOCK: Yes, Sir. I have not withdrawn the £125, Sir, but presumably you will put the £110 first and if that is carried my amendment, I presume, goes by the board.

THE CHAIRMAN: I am not at all sure whether the larger sum should be put first.

THE FINANCIAL SECRETARY: With the greatest respect, as it is an amendment to the amendment, it is not the normal procedure to put the amendment to the amendment first? May I also point out that since there was no question of my original Motion being put before the hon. Member's amendment was put, equally there is no question of putting the hon. Member's Motion before my amendment to that Motion.

THE CHAIRMAN: I know that in Supply the larger sum has to be put first, and I am just trying to see what authority there is; it is rather novel, and you must give me a little time.

MR. COOK: I suggest the hon. Member should withdraw his original amendment. It would save a lot of time at the moment.

MR. HAVELOCK: I am convinced the hon. Members on this side believe £125 is the right figure and I do not wish to withdraw it. If the hon. Members opposite are prepared to offer £110, I am prepared to let it go at that, but I do not want to withdraw my Motion because I am sure £125 is the right figure.

THE CHAIRMAN: This amendment proposes to add certain words to paragraph A in the Schedule, that is "provided that the lowest average L.o.b. value per ton on sisal on which an export duty should be imposed, should be £125".

An amendment in that form seems to me to upset the Schedule unduly. What we really require are figures in substitution for the two figures of £100 and £105, that are at present in the Schedule. That would make a satisfactory form of amendment, I would suggest, and as far as Mr. Matthews' amendment is concerned, I took it that what he would require would be "exceeds £110 but not exceeds £115".

THE FINANCIAL SECRETARY: I think, Sir, it would have to be "does not exceed £115 10s.", because 5 per cent of £110 is £5 10s.

THE CHAIRMAN: I will put the proposed amendment. That in the Schedule which is incorporated, of course, in the resolution before Council, "exceeds £110 but is less than £115 10s." be inserted.

The question was put and carried.

THE CHAIRMAN: If no one wants to address the Committee on the substantive Motion—

MAJOR KEYSER: Mr. Chairman, I would like to say—

THE CHAIRMAN: I have not called you.

MAJOR KEYSER: I thought you did, Sir, I am sorry.

THE CHAIRMAN: There was another Member on his feet already before you jumped up.

MAJOR KEYSER: I am sorry, Sir.

MR. NATHOO: Mr. Chairman, before the Unofficial Members, I must declare an indirect interest in sisal inasmuch as I am financially interested in it. Sir, I would like to refer to two points made by the hon. Member for Trans-Nzila. Sir, he said that the coffee in Uganda was only taxed so far as the African coffee was concerned, Sir, that is not correct, because I have also some coffee interests in Uganda and all coffee, whether European, African or Asian, is all taxed in the manner which is prevalent in that country.

The second thing is, Sir, I would admit that for many years the sisal estates in this country were in a very precarious condition, and some of them did go out of business. For that, Sir, they have our great sympathy, but I do submit that with the bonus prices which have been obtained in the last few years, these estates have had time to recuperate some of their losses and are now in a pretty good condition as compared to quite a few other industries.

Sir, while the cost of production is rising, from details information I have, I can safely say, Sir, that in Tanganyika the maximum production cost is not more than £70 a ton, and in most cases it is in the vicinity of £50 and £60.

In Kenya, Sir—I do not know about the very marginal estates, but certainly, Sir, quite a few, I know their cost does not exceed more than £70 a ton.

MR. HAVELOCK: Their yield?

MR. NATHOO: Yes.
Now, Sir, another thing which struck me very forcibly was the fact that the hon. and gallant Member for Trans-Nzila said that if prices fell, the sisal growers would come to the reason for subsidy, Sir. It gives me great pain to

[Mr. Nathoo.]

see that, in spite of the fact that such high prices have been obtained, no effort has been made by the industry, within itself, to create funds such as has been done in other countries in quite a few commodities so that in times of necessity this finance can finance the particular industry in times of hardship. However, Sir, I would only say that with the prices obtaining at the moment and the fact that if people are prepared to sacrifice certain percentages of the present prices, they can enter into contracts lasting over two years, at a price which will be well above the average price they can hope to get for some years. I think the case is quite clear that the tax will not be a very great hardship.

I appreciate, Sir, the principles to which the Unofficial European Members are objecting, but, Sir, there are so many things we have to forego when we are considering the good of the greatest number, and I think, Sir, this is one of them. As far as the present plight of the sisal growers is concerned, Sir, and to which the hon. Member for Trans Nzola referred, it almost brought tears to my eyes, and I felt that if I would be given an opportunity, I would like to buy out some of those estates, and, at the same time, in Charles Dickens' words, say that "it is a far, far better thing I do now, than I have ever done before". (Laughter—applause.)

LT.-COL. GHERSI: Mr. Chairman, I merely want, briefly, to emphasize points made by previous speakers, and, in particular, those made by the hon. Member for Trans Nzola.

Now, Sir, I, on the other hand, have no financial interest in sisal, and as far as I know, none of my constituents either have a financial interest, and at the same time, I am not dealing with the principles of export tax. I am dealing with sisal, the inequity of this imposition of the tax on the sisal industry.

Now, I do not know whether Government is aware of the varying conditions under which sisal is grown. For instance, various types of soil, climatic conditions, which not only affect the yield, but the production, and as a consequence, the profits and the losses.

Now, Sir, this tax pays no regard at all to the history of this industry, the

long years of slump and losses. I have no doubt my hon. friend, Mr. Nathoo, has come into the picture rather late in the day, but I am referring to the pioneers of this industry.

Now, Sir, this industry has only remained on its feet due to the fortitude of the original planters, assisted by agencies and banks—and not by Government, incidentally—and they brought this industry round, from what was virtual insolvency into a position where it plays one of the most important parts in the economic structure of this country today. I suggest, it lacks equity, to attempt, at the profitable peak of its position, to raid their balances. If you think for one moment you are really going to encourage planters of the sisal industry, to extend their development, I have it on very credible authority, over a period of years, the return on capital in the sisal industry will not average 5 per cent.

Now, Sir, again, if you consider the penal rate of income tax to-day in the higher income groups, and I admit that a number of sisal planters are now in that group, had their profits been spread over a period of years, they would have paid infinitely less than they are paying to-day. In fact, a great number would be in a very, very low income group. The fact remains, due to the fact that they are making these enormous profits to-day, they do come into this higher income group, but based over a period of years, their contributions to taxation would be very different.

Now, Sir, here, all of us, been reminded by the hon. Member for Trans Nzola of the rigorous control which took place over the profits or the sale price of the sisal industry during the war, and that appointed many years thereafter. That should be kept in mind. In the proposal there is no provision for the percentage of interest on the capital. I believe, Sir, that should be taken into account.

Now, I think the hon. Member said, in his opening speech, that the estimated yield of tax was given at £320,000 a year. This, Sir, presupposes an export of 40,000 tons, at an average f.o.b. value of £160 a ton. A very optimistic presupposition, more particularly, when we realize, during the recent months, the price has

[Lt.-Col. Gherisi.]

been slowly and steadily falling. As was pointed out, I think, by the Member for Kiambu, the sisal produced in this country is usually a lower grade than that from elsewhere. I, personally, cannot possibly imagine that the commanding price of sisal in 1952 will be anything like £160 a ton. Therefore, I submit, that your estimates of revenue from this particular tax will be completely out.

Well, Sir, I only just wanted to support one or two of those remarks. There is just one final point I would like to make in reference to the Member for Finance. It is this, that throughout this debate, he has emphasized the point that an export tax has been acceptable in other countries. Now, Sir, I submit, he only uses that argument, when it suits his convenience, because when the question of subsidies arose in a previous debate and certain hon. Members mentioned subsidies were acceptable in other territories, in particular in Great Britain, he thought it was a very illogical and stupid type of taxation.

MAJOR KEYSER: Sir, I understood the hon. Mr. Nathoo to suggest that an equalization fund should be instituted for sisal, in order to compensate for prices when they drop. But, Sir, I was very surprised to hear that, if I heard it correctly, from him, because in another debate on, I think it was cotton, he said that he did not think that an equalization fund on cotton would be of use, because if the price started to drop, it would drop to such an extent that an equalization fund would not be of any use.

MR. NATHOO: Thank you, Sir, I thank the hon. Member for giving way.

Sir, on a point of explanation, I did not say "equalization fund". I said a fund from which the people could borrow finance. That within the industry they would have a reserve fund which would subsidize the various members of the industry in bad times, to finance their economy. It has nothing to do with the equalization of prices.

MAJOR KEYSER: Yes, I accept the hon. Member's explanation, Sir, I did not quite understand it.

Sir, he also referred to the question of export taxes in Uganda, a reference to

my speech last night. With your permission, Sir, I should like to quote from a report on a speech made by Mr. Fraser, in the Uganda Legislative Council, in which he said that "the long an export taxes on Africa produced crops were recognized as the only possible source of income tax which could be imposed, there was no reason at all why these taxes should not be regarded as recurrent revenue", and I referred, Sir, to the export taxes in Uganda also in that form. I said that there they were imposed in place of income tax on Africans, and I thought that was the proper function of them, that they should not be applied to European industries, which were already paying high income tax.

Sir, I would like to make it clear, that while I appreciate the difference that has been made by the prospects of the industry by an increase in the level at which export taxes would start, nevertheless, Sir, I am still firmly opposed to the export tax on sisal. (Applause.)

MR. HAYLOCK: May I just make one comment, Sir, following what the hon. Member for Trans Nzola has said.

I did make it clear before I moved my amendment, that in principle, I object strongly to an export tax, and I was accepting half a loaf in the amendment. I still, Sir, oppose the substantive Motion.

MAJOR KEYSER: A small one! THE FINANCIAL SECRETARY: Mr. Chairman, I do not think it can be said that a serious attempt has been made by those opposing the Motion to demonstrate that the industry is really not able to pay this comparatively small imposition. Instead, the main point that has been made is that we should find this money in some other way, that we should go for more loans. Now, Sir, I have, I think, during the course of this debate, discussed at great length on the subject of loans, much of my discussion and remarks being drawn from me by the provocative statements made from the other side of the Council.

Now, Sir, I have the greatest admiration for hon. Members opposite. One of the things that strikes me is the tremendous knowledge and enthusiasm with which they discharge their duties as Elected Members. (Applause.) I do not think that any constituents would have

[The Financial Secretary] harder working representatives in any Legislature than the Elected Members opposite, and I pay them that tribute.

MR. HAVELOCK: We are waiting for the sting in the tail. (Cries of "Ha—laughter.")

THE FINANCIAL SECRETARY: But, Sir, however often they may tempt one to suppose the contrary, they are, in fact, only human beings.

LADY SHAW: Unlike the hon. Member! (Laughter.)

THE FINANCIAL SECRETARY: In the nature of things, Sir, they have other work to do. They all have to earn their own living, and so, perforce, their political life has to be *part time*.

MR. HAVELOCK: Not these days!

THE FINANCIAL SECRETARY: Now, Sir, with regard to this Government's finance, it is my *full-time job*. I do it every day, and if I tell the hon. Members opposite what the position is about the loan market in London, this is not a figment of my imagination, Mr. Speaker. It is my job to know the London market. I am paid to do it. Day in, day out, every hour of every day, I am doing that sort of thing.

Mrs. BLUNDELL: But you do it so badly! (Laughter.)

THE FINANCIAL SECRETARY: Sir, I would not like to insist that the hon. Member for Trans-Nzoia could get 15 bags of maize per acre from his land, when he says he can only get 12. Nor would I attempt to tell my grandmother how to suck eggs! The hon. Member must appreciate that I am not going to come before this Council and tell the Council what the position is about the loan market, if I were not absolutely certain of my facts. Moreover, Sir, Kenya is not the only country facing this situation. The hon. Member opposite from the Usain Githu is a member of the Transport Advisory Council. He will have heard exactly the same story from the Commissioner for Transport. And anybody on the Post and Telegraphs Advisory Board will have heard exactly the same from the Postmaster General. And if you happen to have been in Jamaica or in Tanganyika, or what have you—exactly the same story. There must be some truth in it, and I

can assure the hon. Member it is not a figment of the imagination, as he seems to suppose. What would any Financial Secretary prefer to do, Sir? Stand up in this Council and try to find the finance for a plan of this kind by moving export taxes, or would he prefer to put forward a Development Loan Bill? Which would he suppose is the easier to do? Is it supposed, I am like the gentleman who spends his time hitting himself on the head with a hammer because the feeling is so nice when he leaves off?

MR. BLUNDELL: I wish he would.

THE FINANCIAL SECRETARY: I must allow the hon. Members opposite to have their little jokes, I am sure they are enjoying themselves!

Now, Sir, I must express regret, if I gave any impression in my speech in reply to the main debate, that I was making a slighting reference to sisal; nothing was further from the truth. I make it quite clear, I have the greatest admiration for that industry, and if I gave that impression, my remarks be regarded as entirely withdrawn. All I set out to do was to meet an argument which stated that these agricultural industries *alone* are being singled out to make a contribution to development finances. All I intended was to point to the fact that £3,115,000 had already been contributed to that fund by industries other than agriculture. That is all I set out to do.

MR. HAVELOCK: Do not make it any worse.

THE FINANCIAL SECRETARY: The hon. Member will appreciate, I can hardly make it any better!

MR. HAVELOCK: No, you cannot.

THE FINANCIAL SECRETARY: Sir, it is true, as hon. Members opposite have been at pains to point out, that the sisal industry has had its ups and downs, but I think it will be admitted that the prosperous times through which it is now passing have persisted for some considerable time, and, after all, it is not as if we are inflicting any substantial imposition upon this industry. Hon. Members opposite speak as if we were inflicting a 20 per cent or even a 50 per cent imposition. Five per cent is all the proposal amounts to, and, if hon. Members really feel that is going to have the

[The Financial Secretary] disastrous effect that they predict, possibly a little quotation from the *Financial Times*, dated 6th September, 1951, will allay their fears.

MAJOR KEYSER: Out of date now!

THE FINANCIAL SECRETARY: This is in regard to generalities. It says this:—

"The prosperity of the sisal growers has been quickly recognized by investors. And probably the shares of these companies have never enjoyed such a period of activity as in the last eight months. Certainly they have never risen so far or so fast."

To those who have followed this market closely the splendid results announced yesterday by sisal estates will come as no surprise.

Group profits have jumped from £301,000 to £785,000—an increase of 127 per cent. And shareholders will note with a good deal of satisfaction that the bulk of this remarkable increase does not have to be paid over to the Treasury. The control of the company was transferred to Tanganyika on February the 1st last. The financial year runs to June 30, and U.K. taxation has therefore had to be paid only on the profits of seven months.

A similar performance next year would thus yield an even richer harvest in terms of net profit. If the changes have not been made a full distribution of profits would have attracted tax of 15s. 3d. in the £1. Tanganyika tax, on the other hand, demands only 4s. in the £1; though U.K. shareholders, of course, have to pay British income tax on dividends remitted. It should also be mentioned that the company pays a 5 per cent export tax on all sisal sales and this has probably cost over £100,000 in the past year, but on present prices that is not an intolerable burden.

That is the reaction of the London market to the tax structure in Tanganyika, *vis-à-vis* sisal, including the existing export tax at that territory.

Since certain hon. Members opposite have predicted we will face a severe fall in the market, I would like to go on for one moment in regard to the future. This is the considered opinion

of the London market in relation to the prospects of sisal.

"The stability of the price of sisal has been one of the features of the commodity market in recent months. The great post-Korean advance, which lifted the price for number one grade from £130 per ton to £230 per ton has been very effectively held. Since last March the fluctuation has been confined to the range £20-£25. This exaggerates the story because lower grades have not fared so well; but even here the decline from peak levels has in no place exceeded 30 per cent."

Nor is any immediate break likely. The shortfall in supplies continues unabated despite some big increases in production. And although it is commonly predicted that the position may be reversed some time next year, the long-term outlook can still be considered satisfactory.

There, Sir, is the considered opinion of the people who represent, I may suggest, the busiest financing houses in the whole of the world, and with that opinion, Sir, I would presume to agree.

MAJOR KEYSER: Mr. Chairman, in that quotation, I thought he said, the paper said, that the export tax in Tanganyika of five per cent was not an intolerable burden. Would he tell us whether he judges the equity of a tax by whether it is intolerable or not?

THE FINANCIAL SECRETARY: Sir, the hon. Member must realize that in reading newspapers, especially with reference to shares which are on the market, it is usual nomenclature to talk in terms of that kind. Those are not my words. Those are the words of the writer referring to particular shares in which he wishes to interest the market.

MR. HAVELOCK: Of course, that applies to the whole report.

THE FINANCIAL SECRETARY: If the hon. Member wishes an answer from me, I would ask him whether he thinks five per cent is, in fact, an intolerable burden.

MAJOR KEYSER: On top of everything else, yes, Sir.

THE FINANCIAL SECRETARY: If he thinks so, let us see what the average position is. I think the Chairman of the Kenya Sisal Growers' Association, in a recent speech, referred to the average

[The Financial Secretary.] price as being £175. If we take a figure of £60 as the cost of placing a ton of sisal at Mombasa port we arrive at a net profit of £115. *Net profit!* Let us not take such a high figure as £175, let it be £160. Nevertheless, that profit still remains at £100. On the imposition of a five per cent export tax, this net profit falls from the total of £100 *net profit* to £92 *net profit*. How can that be regarded as an intolerable burden?

MAJOR KEYSER: I will tell him how I think it is an intolerable burden. When he says the average cost of production is £60, he must remember, in some cases, it is lower than £60, and in very many cases, very much higher than £60. It varies enormously according to conditions in the country and the yield per acre, and it varies from year to year even, Sir, and it may not be intolerable on some sections but may be quite intolerable on others.

THE FINANCIAL SECRETARY: Mr. Chairman, I think the hon. Member—

THE CHAIRMAN: I think I must intervene. Getting a Member to give way is limited really to matters of explanation and matters of that kind, though, of course, it is within the control of the Member giving way, but it does seem to me we are carrying it to a point of continuing a debate by this means, by getting in really extra speeches—points which should have been made earlier on.

MAJOR KEYSER: In all respect, may I point out, Sir, the hon. Member is asking you questions.

THE CHAIRMAN: It is not merely that. When the Member, so to speak, asks you questions, he is really addressing the Chair, and is only asking you, not you personally, but all of you in a sort of personal manner. I cannot help his manner, I cannot control that (laughter)—but I do think it is unnecessary to keep debating the point over and over again. (Hear, hear.)

THE FINANCIAL SECRETARY: Sir, the hon. Member's point brings me conveniently to the next point in my reply, and that is this. The tax is legislated for in a Bill which seems to me to provide all the safeguards, and which should allay all the fears hon. Members opposite may express. Here we have an

Ordinance which in the first place it is to run for one year only. Surely if the serious consequences apprehended by hon. Members do, in fact, eventuate, surely there is the opportunity within 12 months to say: "Well we cannot go on with this, we shall have to let this Ordinance lapse". After all, it cannot go on without a positive resolution of this Council. There must be a positive resolution for the Ordinance to be renewed, and there is therefore the opportunity for the whole matter to be brought up this time next year to see what effect, in fact, this imposition has had upon the industry.

Secondly, there is a floor below which there will be no tax. Originally it was £100, but on the Motion of the hon. Member for Kiambu, we have raised it to £110. That should take absolute care of any of these estates whose cost of production is unusually high.

Lastly, Sir, in the Ordinance, there is provision that, if in any particular case, it is the opinion of the Governor that payment causes hardship, there is power of remission. What could be more reasonable than that? Every possibility has been thought of, every contingency will be met.

Sir, finally, I would like to say this, that the hon. Member for Trans Nzoia in reference to his mathematical graphs, stated that if it were right for Government to take off the top of the curve, it would be only equitable for Government to take off the bottom. Let him rest assured, that it is the opinion of the Government that this industry is of supreme importance, and the Government could not stand by and see that industry languish to the point of economic extinction. What is the past is the past, but I can assure him that no Government of this country could possibly stand by and see an industry of that kind disappear, as I say, from the economy of Kenya.

But, Sir, which kind of State would be in the better position to assist an industry which is suffering economic difficulties of that kind? Is it the country which has been starved of development, which its natural resources have not been properly exploited, and which is impoverished because of this failure, or is it the country where

[The Financial Secretary.] development has been pushed forward—the roads system developed, education flourishing, and natural resources developed to a stage where it enjoys, that economic enrichment of resilience enabling it to assist individual industries in temporary difficulties. Sir, I suggest it is the latter case, and it is because we wish to achieve that position in Kenya, that we wish to secure this money and for that object.

Mr. Chairman, I beg to move. (Applause.)

THE CHAIRMAN: I am going to express the terms of the Motion in accordance with the amendment, and before I call for the voices, if any Member thinks I am expressing it wrong, will be please rise.

The question is as follows:—
That subject to enactment in the present sitting of the Council of an Ordinance cited as the Export Duty Ordinance, 1951, and published as a Bill in the *Official Gazette*, dated 4th December, 1951, an export tax be imposed on sisal during the 12 months from 1st January, 1952, as follows:—

- When the average f.o.b. value per ton—
- (a) exceeds £110 but is less than £115 10/-, such amount per ton and *pro rata* for every part thereof as equals the difference of the average f.o.b. value per ton and £110;
 - (b) is £115 10/- or more, 5 per centum of the average f.o.b. value per ton.

The question of the amendment was put and carried.

The question was put and carried on a division by 25 votes to 11 votes. (Ayes: Mr. Carpenter, Major Cavendish-Bentinck, Messrs. Davies, Hartwell, Hope-Jones, Hunter, Jeremiah, Madan, Matthews, Mathu, Sir Charles Mortimer, Messrs. Nathoo, Omega, Padley, Palel, Pike, Pritam, Dr. Rana, Messrs. Rodden, Salim, Taylor, Thornley, Trim, Vasey, Whyatt, 25. Noes: Messrs. Blundell, Cooke, Lt.-Col. Gherrie, Messrs. Havelock, Hopkins, Major Keyser, Messrs. Mucoonochie, Welwood, Salter, Lady Shaw, Mr.

Shaw, Mr. Usher, 11. Absent: Messrs. Chelmalia, Shery, 2. Tied: 34.)

POINT OF ORDER

Mr. BLUNDELL: Mr. Chairman may I speak on a point of order.

Mr. Chairman, I think it would be better if the hon. Member for Transvaal, when moving his Motion, moved originally the substance of the amendment. I feel, Mr. Chairman, that a great many of the interruptions from this side, when he has been replying, are due to the fact that there has been a tendency on the part of the hon. Member to introduce new matter when replying. For instance, a specific point, Mr. Chairman; I feel that it would have been better had the article from *The Financial Times* been adduced when the hon. Member moved his Motion, because there were points in that which, in my view, were new matter and which we might have liked to reply to.

Now, I do not raise this as a matter of criticism of the hon. Member, because I know he has been anxious to expedite the debate and therefore has cut his arguments short to begin with. I believe it would have been better if he developed his arguments when moving his Motion, so that we could in fact have replied to them and not moving them at the house end.

Mr. COOKE: Mr. Chairman, while agreeing with the hon. Member for the Rift Valley, I think that new matter has been introduced by both sides and, I may say so, with the exception of one, I think a good deal of business has been allowed in there to see a little bit more confirmation of one side to the arguments brought up by the hon. Member on the other side.

THE FINANCIAL SECRETARY: Mr. Chairman, would you give your ruling as to whether the point raised by the hon. Member is a point of order?

THE CHAIRMAN: It is a point of order in every way, but the difficulty, of course, is that, if a Member speaking in reply is raising new matter in answer to a matter should be raised on a point of order (forthwith, not really, but, of course, I cannot now rule as to whether it is that I consider another difficulty that I can in that I was not present when the Motion was

[The Chairman] moved. So, therefore, points of order of this character should be taken at the time, and I cannot give any ruling now. It is impossible for me to rule when the matter has already passed and gone. But if you are asking me as a matter for future guidance, then I must point out it is not necessary for the opener of a debate—the Mover of the Motion—to disclose all his ammunition at once. There is that aspect of the matter to be considered. He probably needs to keep something in reserve.

Mr. COOKE: May I, Sir, give one instance? The question of equity or not of a cess, I think, was allowed to creep into debate yesterday. I do not see how the equity of a cess has anything really to do with an export tax, because we already have agreed with the principle of a cess; therefore, I do not see how it influences at all the question of export tax. I think they are entirely different subjects.

THE CHAIRMAN: Are we not really continuing a debate on a matter which has already been decided? (Hear, hear.)

I see you agree, so in that case we had better drop the matter.

EXPORT DUTY—WATTLE BARK AND WATTLE BARK EXTRACT

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That subject to enactment in the present sitting of the Council of an Ordinance titled as the 'Export Duty—Wattle Bark, 1951,' and published as a Bill in the Official Gazette dated 4th December, 1951, an export duty be imposed on wattle bark and wattle bark extract in accordance with the provisions of the said Bill. Now, Sir, in moving this Motion, I might refer to a remark made by the hon. Member for the Rift Valley, in that I do not make a detailed speech in moving these Motions. Well, Sir, I have discussed the principle of export taxes and the reason why particular commodities have been chosen for this particular duty both in the Budget speech and in the reply to the general debate and in those circumstances it seemed to me proper that my speech on the particular Motion should be cut short.

I can only say with regard to this particular commodity that both wattle

bark and wattle bark extract are enjoying and have enjoyed for some considerable time very high prices, and it seemed in these circumstances that if the Government is proposing the principle of export duties, this commodity was one which should attract that kind of tax. And for that reason wattle bark and wattle bark extract find a place in the Government's proposals, and consequently this Motion finds a place on the Order Paper under Committee of Ways and Means, and I find myself upon my feet moving this Resolution. (Laughter.)

I therefore beg to move.

Mr. HAYLOCK: Mr. Chairman, I would first start off, Sir, with a question which I am sure all hon. Members, and anyway producers, would like answered, the same question that was asked about another of these export duties—who in fact will pay this export duty?

Now, Sir, I think I might admit that as far as I am concerned this is also rhetorical. I understand that the company, or the exporters group who actually export both chopped bark and wattle extract, the company concerned—the biggest company that exports the majority—is guaranteed by Government a profit and, of course, the guarantee would take effect in that the price to the producer is fixed by Government after consultation with the exporters group and the manufacturers of extract. Now, Sir, when that price was fixed, Government must fix it to the producers so that there is a profit, and a good profit, to the manufacturers and exporters, which means, therefore, that if there is an export duty on these products, as far as I can see, the price to the producer will be lowered by that amount.

Now, Sir, the main objection that I have against this export duty—apart from the objection in principle, which has been aired in other debates—is the fact that wattle producers are not allowed, are not able to benefit from the real ruling market prices in the world. I am the hon. Member, the Director of Agriculture, shakes his head. But I can assure him that I know what I am talking about.

THE CHAIRMAN: It is quite out of order to address Members across the floor directly, even in Committee. That leads

[The Chairman] to an awful lot of interruption. Members should always address the Chair.

Mr. HAYLOCK: I apologize, Sir.

Now, Sir, the system, as I understand it, for the marketing of wattle is that there are two companies who form an exporters group and one mostly exports extract, and the other mostly exports chopped bark. There may be three companies—I think there is a third one which has a small export licence, or licence to export a small quantity of bark coming from Wakamba. Now, the actual control of the marketing of both chopped bark and extract lies with—as I understand it—the company who exports the greater quantity, and that is the East African Tanning Extract Company; and they in turn have financial relations—in fact, I understand, they are very closely associated—with another company carrying out similar operations in South Africa. As I understand it, also, the policy of that company—which is a wise one, possibly—is that they should keep the price low in the overseas markets in order to retain such markets and in order to compete—this is what they say—with the synthetic substitutes.

Now, Sir, exactly the same position faces other industries in this country, and they have dealt with it in different ways. Some have made contracts on fairly long-termed conditions, and at comparatively low prices with British buyers and other places, in order to keep their markets, but most of them have definitely retained freedom as regards a percentage of the crop to be sold at the highest world market price—that applies both to coffee and pyrethrum.

Now, Sir, the point here is that the actual growers are not in any way associated with the marketing of their crop. When I say not in any way, I may be exaggerating very slightly, because in the last few months an Advisory Committee has been set up—advisory to the Director of Agriculture, I understand—on this matter of marketing and anything to do with wattle—and on that Advisory Committee there are some producer representatives of course, but that is a very new departure and they are merely advisory and have no statutory powers whatsoever, whereas the marketing of

other industries is managed by statutory boards, on which there is possible representation by growers, and that, Sir, I contend is the right way of doing it.

I have taken some time on this argument, but I am bringing it back to the point where I say it is completely unfair—entirely unfair—to impose an export duty on an industry consisting of producers who do not have control of their marketing, and cannot therefore take advantage of world prices—they are completely under the control of one Government and the exporter group—the commercial concerns—and they cannot take advantage of the high prices ruling in the world. Then surely it is equitable they should be subjected to export tax? If there is any justification in export taxes, it is that some producers are getting fortuitous prices. As the hon. Financial Secretary has said to us, if there is any justification, that may be it, but that does not apply in this case to the wattle industry.

Now, Sir, there are a number of questions I should like to ask, but before I do that, I should like to quote some prices to support my contention. Sh. 340 per ton approximately is paid for bark to the producer; and I am taking Eldoret as the point at which there is a large wattle industry in that area. I have seen—in fact, I have very personally—some firms in a very reputable firm in this town, quoting the (L.S.) price for wattle bark if they were allowed to handle it and export it at Sh. 750 per ton, which, if you take that as L.S. 100 shillings—if you take that back to Eldoret it works out at about Sh. 650 per ton, or against the 300 paid to the producer by the exporter group. I suggest, Sir, that this was clearly not intended—this duty should not be levied—at least until there is a statutory board, with proper representation by growers, who can consider the whole marketing, the whole marketing system, the exact price that should be paid to the growers and then, possibly, if Government still feel that export taxes are right in principle—which, of course, I do not, in any case—if they still want to enforce it, then at that time they may consider getting in on, but even when the growers have no chance whatever of giving their opinion and arguing and trying to get the best

[Mr. Havelock] price in the world markets, it is completely inequitable such a suggestion should be made.

I should also like to ask a question for hon. Members on the other side to answer. What is going to happen to the bark which, I understand, is now being cut—stripped—in Teita, and which, I am told, is being exported through Tanganyika? Tanganyika are buying it—Tanganyika agents are buying it and exporting it through Tanganyika. I should like to know that.

I hope some other hon. Member will speak, so that I can speak a second time! I beg to oppose.

Mrs. SHAW: Mr. Chairman, I rise to oppose this Motion and, before giving my reasons for doing so, I should like to make it quite plain I have no financial interest in wattle whatsoever.

I cannot support this tax for the general reasons given in a previous debate—what might be called the "Debate of the Export Taxes"—by my hon. friend, the Member for Rift Valley, but, as well as being opposed to the whole principle of export taxes, I must make a special plea for this industry. The wattle industry, Sir, is one which is in its infancy in Kenya. The East African Tanning and Extract Company—one of the forestal group of companies—has been encouraged to come to Kenya by the Government to try and build up this industry here. In fact, I wonder if it has not been enticed to come here by Government—as, indeed, were the early settlers—by hopes held out of returns to accrue and benefit to both parties. Thus they have come to Kenya, and have embarked upon a programme, which I very much doubt they would have undertaken had they known how the building-up of their young industry was to be crippled in its infancy. I say in its infancy, Sir, advisedly, because wattle is a long-term crop, and in the Province which I have the honour to represent, the acres and acres of wattle envisaged are not even planted yet, and I very much doubt if they will be planted if this tax is introduced. The development of the industry in my Province alone means a great deal. It opens up a safe avenue to act as another branch in a mixed farming

economy, and this is open to Europeans and Africans alike, for the factories have been sited so as to serve the Kikuyu/Kipsigis Reserves, as well as the settled areas. Much of the preliminary work for the preparation of these acres has been done, and in this all to be lost?

If these taxes are imposed on this young industry, the company financing much of the development, and hoping to finance more from turnover, may well withdraw and decide to invest their money in some country where such development is not crippled by export taxes. Thus Kenya may lose this much-needed capital, and many farmers, both European and African, in the hope of benefiting from producing a commodity that has the stability for the backing of an industry, well established in other parts of Africa.

I submit, Sir, that to embark upon any long-term policy such as wattle planting, the planters—both European and African—must be assured of that stability, or else they will not risk tying up many acres of their land in a crop which not only does not give a return for ten years, but, during that time, drains much of their land of its fertility. So, with the uncertainty about the future which now faces the industry, as a result of this threat of export taxes, many farmers may not be prepared to take this risk. This uncertainty may result in the withdrawal of many growers, and is viewed with alarm by the company manufacturing the bark, who have already been committed to heavy expenditure on both factories and plant. Apart from this serious result, the fact that intending growers may not be prepared to wait for ten years unless the prospects are sufficiently attractive, those growers who have already invested in wattle and hope to reap some benefit from to-day's good prices will now be faced with a fall. For, Sir, in common with the other industries subjected to this inequitable treatment, the introduction of this export tax would have a depressing effect on the return to the growers, both European and African, alike. Nor, perhaps, are the ramifications of this industry fully realized, for apart from the wattle bark production, which is a long-term crop, grown by many Europeans and by thousands of Africans, wattle is not only a cash crop

[Mrs. Shaw] to these people, but provides their day-to-day necessities in firewood, charcoal and building poles, etc., as well as playing an important part in providing firewood in a country which has been denuded in many parts of its natural timbers.

In conclusion, Mr. Chairman, may I point out that the wattle industry, even at its present stage, is a valuable hard currency earner, and as such, if it is allowed to expand, will play yearly a more and more important part in the economy of this Colony. Now, Sir, are we to allow the hon. Member for Finance to fill his capital gap, a gap which we submit can be filled by economies and by a more correct estimate of the revenue of this Colony, from the industries which have been proclaimed the four saps? Or, in other words, to allow him to kill the goose which lay our golden eggs. Rather let us hope, Mr. Chairman, that as my hon. friend the Member for Kiambu says, at this Christmas season, the hon. Member for Finance will let his goodwill extend to this developing industry, and set up, possibly, a statutory board, or something of that kind, to go into some way of alleviating what will be hardship under this export tax, if imposed.

I beg to oppose.

The Committee adjourned at 11 a.m. and resumed at 11.15 a.m.

THE DIRECTOR OF AGRICULTURE: Mr. Chairman, I rise to give the hon. Member for Kiambu a further opportunity of airing his views—[laughter]—and at the same time to try and answer one or two of the points made by hon. Members opposite: The hon. Member for Kiambu made a big point of the high price that could be obtained overseas for, I presume, chopped wattle bark, a price considerably in excess of what the companies pay the producer here to-day. Well, Sir, that may be true of small quantities, and particularly true of small quantities that find their way into some black-market transaction, but I, Sir, in my position, as negotiator with the companies of the price which is to be paid to the producer, am perfectly satisfied in my own mind, that the producer, is getting a fair deal. Why should the companies export this product at a

reduced price, why should they artificially depress the selling price? It is to their advantage to get the highest they can, as much to the advantage of the company, as it is to the producer. The hon. Member also made a point in the same connection that it was unfair to impose this tax when the producers were not in a position to sell their produce in the free market. As the legislation stands to-day, the hon. Member is perfectly well advised, and hon. Members were granted to these companies for the reasons explained by the hon. and gracious lady, the Member for Nyanza, in order to encourage these companies to come here and get these very prosperous industries established. That is the legal position to-day. He also made a point that the growers had no say in the marketing of the product. He did refer to the fact that recently the Member for Agriculture established a Wattle Producers' Advisory Committee with terms of reference which empowers it to look into the prices agreed with the companies. That Committee has met on three occasions, it has not really got on its feet yet, and I feel that Government would agree to consider an even closer association of the producers with the marketers of this product, possibly by some statutory committee or board. The hon. and gracious lady, the Member for Nyanza, was rather at cross-purposes with the hon. Member for Kiambu when she said that Government had asked these companies to come here and now did not give them a fair deal. The hon. Member for Kiambu's usual line is that the companies are not giving the producer a fair deal. The hon. and gracious lady's main point, I think, was that the effect of the tax would be to discourage planting. I am quite certain that the price paid to-day with the tax deducted would still be an incentive to planting and I hope the hon. lady will be in a position to set her words to a year's time, because I am quite confident the effect of this tax will not be to reduce planting.

Mrs. MACDONALD—WELWOOD: Mr. Chairman, I rise to oppose this tax for the reasons the hon. Member for Finance has recently given that no one who does not represent the majority of growers of a new tax should oppose that tax. Nevertheless, it is important

[Mr. Maconochie-Welwood]

that some points should be made and even reiterated. The hon. Director of Agriculture has given an explanation of how the wattle industry is controlled; but he has not answered (and indeed there is no answer) to the fact that Government cannot have it both ways. They cannot impose a control of an industry, a control as regards export and then tax it as well. (Hear, hear.) He mentioned the black market. There cannot be such a thing as a black market on an export product. What does he mean by a black market? A black market, as I see it, is a means of avoiding a fixed price which is fixed because it is to the general benefit of the community, but Sir, this is an export product and an export product surely is entitled to find the best market that it can find in the world. It has been the policy to encourage the growing of wattle and to establish the industry, that is agreed by all sides. Is it the policy to weaken the confidence of growers by imposing an export tax? There is another point to mention here. It is this: in the area from which I come a large number of farms were bought for much higher prices than they were worth in years gone by, and proved incapable of growing the ordinary agricultural crops, for which they were intended. Those people tried to pull themselves out of the mire by growing wattle, some of them as a sole crop. Those people are hit indiscriminately with everyone else by this export tax, and I can assure the hon. Member that there are people to whom wattle is almost the only thing they have got to fall back on and to tax that, I say, is the most infamous thing for the Government to do. There is no other word for it. I do not propose to reiterate the arguments of my hon. friend the Member for Kiambu, but I do think that a proper answer should be given by the hon. Member for Finance for this, why you should tax a controlled industry, controlled in price by a board which is set up admittedly for the general development of the country, and which controls the price downwards. There are reasons why the present company is not prepared to deal in other markets. One reason I am prepared to give here, they are interested in South Africa; and it is not their policy to sell to certain markets, and some of those

markets are the markets where the higher prices are found than those paid by the markets with which they deal.

MR. NATHOO: Mr. Chairman, I only want to make one point, arising out of the remarks of the last speaker. Is it not a fact, Sir, I would like to ask the hon. Member for Finance, that when we talk of controlled economy, it is a controlled economy which affects all our products? Take, for instance, sugar. Why should the sugar manufacturer be given a price much below that due for the work? Why have we a price for cotton much below that ruling in the world? Surely in this late stage we ought to realize in a controlled economy so many things have to be done, which when they compete with the free market, are quite differently treated. The whole ground has been gone over again and again and I do not think any useful purpose can be served when we single out industries to show why the particular industries should be under a controlled price. I think the whole of our economy is such we must, living in the conditions of the world we do, we must appreciate it, and bear the burden which is our share.

I beg to support.

MR. HAVELOCK: Mr. Chairman, I am grateful to the hon. Director of Agriculture for giving me another opportunity to speak, but I had the opportunity before. The hon. Director of Agriculture said that the price which may be obtainable for these products would only be in small quantities, I would contend that he is wrong there. The demand is very great at the moment, and the two particular markets, as I know it, where high prices may rule overseas—that is the Indian market and the Italian market and I will not repeat word for word what the hon. Member for Usain Gishu said, but I am as well completely at a loss to see how anybody can describe the prevailing high prices on overseas markets as black-market transactions.

The hon. Member said, Sir, that he is satisfied, as the representative of Government who controls the price of wattle, he is satisfied that the producers are getting a fair price and a fair deal, but I think the hon. Member for Usain Gishu dealt, to some extent, with that point.

[Mr. Havelock:]

I would repeat really what I said before to some extent. Surely, there is every justification for an industry, in selling anywhere, a portion of its crop, not necessarily a very large portion, a percentage—20 per cent or 30 per cent—of its crop at the highest possible price it can obtain, if, at the same time, it covers the contract of long-term prices, long-term contracts, and looks after the future by selling the remainder on long-term contracts. I am sorry, I got rather involved in that one, but I think I have made myself clear.

No hon. Member of Government has yet answered the two questions that I have asked—in my first speech.

Firstly, is it not true that the grower will pay this tax? Secondly, and I think this is more a matter for the hon. Member for Agriculture or for the Director of Agriculture, has he considered this complication as regards as to the Teita wattle growers, and what is the situation there, and what is he going to do about it? If the Teita wattle bark, which, I understand, the Agricultural Department is encouraging—quite rightly—if that is sold to Tanganyika, where does the Kenya Government get the revenue on export tax? Is it fair to other growers that certain growers in the industry get away with it and will be paid a higher price, because they do not have to pay this tax, and, therefore, get a lower price.

That, Sir, I think, is one outstanding anomaly and there are a number of others.

I am very glad to hear, Sir, from the hon. Director that Government would consider a closer association—I think he said, by a committee or a statutory board of the growers—with the marketing policy. I am glad to hear that they will consider it, Sir, this matter has been put up and suggested, not necessarily in this Council, but certainly outside this Council, for a very long time, and indeed, the Advisory Committee which, has been referred to, was the first step, and that took a long time to set up, I believe, Sir, it is a very urgent matter, and I reiterated that, until the statutory board is set up, until the growers have some control over their marketing, then

it is quite impossible that a lot of this sort should be imposed.

That leads me, Sir, to the remarks of the hon. Member for Central Area, Mr. Nathoo, in the effect that other industries are controlled but yet export some as levied on them, and he would wonder I would merely remind the hon. Member, that this same matter was raised about the cotton industry, and the Department has passed an opinion in its opinion in spite of the objections on these lines.

That is passed now, but it certainly does not mean that the hon. Member's argument is correct.

The hon. Director of Agriculture made out that the hon. Member for Nyanza and myself were at cross-purposes to some extent. I would only say this, I do not think we are, because I think he has forgotten to take into consideration the fact that we all must realize that the companies who are talking about are also considered growers, and as growers they should be encouraged as much as any other grower. That, I think, is what the hon. Member for Nyanza is referring to.

Now, Sir, I believe this question of the control of the price of the products of this industry by Government, under the advice of some committee, and I will say here, that I am quite satisfied that Government cannot have a committee of this sort, unless it has all over the world. They cannot have all

the Members for Nyanza and Mr. Nathoo, necessarily, in control of the word "mechanism" in the sense of one of the best-known firms in the world. I think it is a very unfortunate word to be used.

THE CHAIRMAN: I think the hon. Member will be quite willing to withdraw that and substitute something else.

MR. HAVELOCK: I will certainly withdraw and substitute "control," but I think if you will look up in the dictionary, the term "mechanism" is not a derogatory term.

THE CHAIRMAN: As the matter has been raised, I will not rule upon it, but I suggest it to the hon. Member on a matter of going on with the debate. There is no ruling that "mechanism" is unparliamentary.

Mr. HAVELock: Thank you, Sir. May I withdraw the word "machinations" and substitute "activities".

The point I am making is, Sir, that Government here, and the representatives of Government here cannot appreciate the involved activities, financial and otherwise, of this firm all over the world. It is very widespread, they have very widespread interests and the reasons why they may wish to depress prices at certain times are not necessarily fully—cannot necessarily be fully—appreciated in the slightest, Sir, and may be the hon. Member for Agriculture and Natural Resources will object to that. I suggest that the comparatively cursory examination which the representatives of this country can give to the figures supplied by the company, and until the growers are associated closely, that they can go into all these matters and have some statutory powers on these matters, there is going to be a very great feeling of dissatisfaction and a growing feeling of dissatisfaction, which, surely, cannot be to the best interests of the industry itself. I feel so strongly on this, Sir, and so strongly on the principle that an export duty should not be imposed on an industry of this sort, unless the growers have the opportunity to advise and examine marketing potentials, that if Government are not prepared in the very immediate future to go ahead and set up a statutory board, as has been suggested, it will only remain to hon. Members on this side of the Council, interested in this matter, to take the matter up on another aspect, and see if this Council will not agree to passing a Motion to the effect that licensing and the control that has now been established should be completely done away with and that individual growers, indeed, will be given export licences. That is the other way to do it. Then they can get the world market prices. I do not believe that would be the best way of doing it. I feel that a certain amount of control is necessary, and good for the industry. But, there it is. Unless the growers in some way or another can get the world market price and have a real influence on the marketing of their products, either through the statutory board, or the other way by allowing growers to export directly, unless something can be done, then the industry is going to suffer very greatly

and the imposition of this duty is completely and absolutely inequitable. And, I would say, I must oppose, in spite of the half-hearted assurances of the hon. Director of Agriculture that the Government will consider this matter. I must oppose this duty until the growers have been given their proper influence on the marketing.

I beg to oppose.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I have not intervened in any of these debates in the Committee of Ways and Means before, but I feel that a point has been raised, Sir, which I must intervene.

The hon. Member for Kiambu spoke about Government not knowing the—I think he probably meant—ramifications of this particular company. Well, Sir, before I became a Member of this infamous, dishonest and otherwise general gang that sits upon the Government front bench—

MR. BLUNDELL: Hear, hear.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I was in business and was chairman of a company which had a tremendous amount to do with this organization, in almost every country in the world, because they depended upon the supplies of this company for the conduct of their business. I think, therefore, Sir, the hon. Member for Kiambu may assume that the Government knows a fair amount about the activities of this particular company, and we are not quite as ignorant as the hon. Member assumes.

MR. HAVELock: Why?

MR. BLUNDELL: Have you got the portfolio for Agriculture?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Because Government does not decide this on the responsibility of one Member alone. Sir, this is a collective responsibility.

The hon. Member also dealt with the question of individual growers having to have licences to export. Now, Sir, the hon. Member is surely well aware that we are dealing with two things, and one of them is wattle bark extract; that it would be entirely out of the question for individual growers to provide themselves with the machinery that is necessary to

[The Member for Education, Health and Local Government:]
process this type of thing, if it is to be sold upon a world market.

MR. HAVELock: It has got nothing to do with it.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Well, Sir, the hon. gentleman said that if this were done, the answer would probably be that individual export licences, to individual growers would have to be sold. They could be given licences, but unless they have the capital to prepare the extract, they would find themselves in very great difficulty when they came to try and dispose of their product overseas.

MR. HAVELock: Chopped bark.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I did try to point out that we were dealing with two things; one, wattle bark and the other, wattle bark extract. And, that wattle bark extract is a process which involved consideration of considerable capital expenditure.

Now, Sir, the other point is, would this particular level of taxation discourage a firm of this magnitude from developing in this country? I suggest, Sir, that the phrase used by the hon. Member, himself, shows how unlikely that would be. He said, directed markets, and this is a part of a world-wide organization, and as long as it suits their general policy to develop in this country, they will certainly not be deterred by what is, indeed, an almost infinitesimal export duty. (Applause.)

MAJOR KEYSER: Mr. Chairman, the hon. Member for Education, Health and Local Government has rather wandered from his own particular sphere into that of wattle woods. Sir, he implies that because he, at one time, was in commerce, because he dealt a certain amount with this firm, that, therefore, he must be able to impart very great knowledge on the wattle industry to Government. He then, Sir, proceeded to criticize what the hon. Member for Kiambu had said, and implied that because wattle extract machinery needed a lot of capital, that planters could not go in for that particular form of industry. But, Sir, perhaps the hon. Member does not know that

we, on this side, do know something about co-operative societies, and that it is the question of the growers themselves needing machinery of that sort, that they can do without practically every industry has done if they want to get up a factory and that is, form a co-operative society. That is the answer to that.

I do not think the matter arises, but the hon. Member did intervene in the debate and that is the reply.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Chairman, I have the right to speak a second time on this. The hon. Member for Kiambu deliberately used the word "individual" growers, "individual" licences. That was what I was endeavouring to point out to the hon. gentleman.

Now, Sir, the hon. Member for Kiambu also assumed, as hon. Members opposite have often assumed, a profound ignorance of Government on anything that has to do with commerce or with this type of activity. The fact remains, however, that at the time I was Chairman of this particular organization, we considered for some considerable time going into this particular type of activity, and we went into it fairly deeply, and we obviously could not go into consideration of that matter without negotiation and great discussion with the company we saw our interest in. That is why I wish to point out to the hon. Member that knowledge is not all on one side.

THE DIRECTOR OF AGRICULTURE: Mr. Chairman, I rise simply to speak on one point raised by the hon. Member for Kiambu, the question of wattle in the Taita Hills. To the best of my knowledge, and I have been there, there is very little wattle grown in the Taita Hills. I have no knowledge that it is going to Taita because of the back door, but I am most grateful to the hon. Member for pointing it out—I hope with the help of the hon. Mr. Jeremiah we will be able to put a stop to that and get it stopped from Mozambique.

MR. CHAIRMAN: Mr. Chairman, I am afraid the point I want to make is rather lost now. I wanted to get up after my hon. friend the Member for Education had spoken to ask him

[Mr. Cooke] whether the pronunciation of that word is "machination" or "marination".

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Might I point out, on a point of order, that I never mentioned "machination" or "marination".

MR. COOKE: I was only asking for guidance as it was asked on this side of the Committee.

MR. MACONOCHE-WELWOOD: I rise briefly to make two points. The point made by the hon. Member for Kiambu is, surely, simple enough. It may well be that with this export tax, the growers will prefer to export chopped bark than to sell wattle extract at a lower price. Another point, or another argument, when you have a statutory board controlling an industry; that Board can only work with the goodwill of the growers. I am perfectly certain my hon. friend, the Member for Agriculture, knows that, and in putting on this export tax you are jeopardizing the goodwill of the growers and you may succeed in breaking what is building up into a very great industry. The growers of this commodity will not appreciate the arguments of the hon. Members opposite. In favour of this tax, I can assure them. They will see a perfectly clear-cut issue that not only are they controlled—and they are not like the control, let me assure them, hon. Members—but also in addition that a tax is superimposed, and I think that tax will lead to the greatest trouble to the hon. Member for Agriculture and the Director of Agriculture, simply because you will have forfeited the goodwill of the producers by imposing this additional tax.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Chairman, I feel that in the anxiety of hon. Members opposite to oppose the export taxes, they have introduced a number of almost idle issues which, in some cases, are quite justifiable, and in some cases—mostly, I think—are somewhat regrettable. Now, Sir, as regards the price paid for wattle bark, and incidentally for one or two other commodities that have been mentioned, it has been suggested that Members on this side of the Council—it has been vaguely suggested—either themselves, or by giving encouragement to

certain firms, are depressing prices. In other words, we are not trying to get taking all aspects into consideration—the best possible price; for various commodities and for the producers thereof in this country. I think, Sir, we cannot follow statements of that kind—used for specific purposes in a debate of this kind—to pass unchallenged. I must point out that that is not the case. Sugar has been quoted. Sugar to-day does get the Ministry of Food price. As regards the price paid for wattle, we have got to remember that there was a time when there was very little wattle grown in this country, and that those who now look, for instance, at some of our native areas, some of our African land units, and see them comparatively well-wooded, and with this industry prospering in those areas—if they cast their minds back they will remember a time when there was not a tree of any sort in sight, and it was partly for that reason and partly to introduce this industry, that the Government of those days had to devise a plan by which such an industry could be started. In order to do that we did divide suitable parts of this country into zones, and we did ask for persons to come to this country and set up the necessary plant: to encourage and help and generally to develop this industry in those zones. I think it is a pity, and I think it may react to our disadvantage, if we are too prone in our enthusiasm in debate, sometimes to pick on one or other of these bigger firms that we have been fortunate enough—and I repeat fortunate enough—to induce to come and help us develop this country. (Hear, hear.) Now, Sir, it may be that the system which operates to-day is not sufficiently up to date, and it may be that improvements could be introduced in the relationships as between the producer and the firms in question, or in the method of assessing producer prices, or details of that kind, and I would be the last to deny, for instance, to my hon. friend, the Member for Kiambu, that such improvements, if feasible, are not desirable. But I repeat it is a pity in the course of arguments of the kind in which we have been engaged to bring into question the bona fides of these firms—and there are three of them in this country—the main one, I know, is the one we have been discussing—of

[The Member for Agriculture and Natural Resources] suggest that their methods of operation are, perhaps, not for the best. Now, Sir, when you come to develop an industry of this kind—

MR. HAVLOCK: On a point of explanation, my words were supposed to convey that the operations of this firm may not have been in the best interests, under modern conditions, of the growers.

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: I know the hon. Member has a very vocal and dissatisfied section in his particular constituency, but I have to put to this Council the point of view, not of one small section of one constituency, but a far wider aspect in that I am the person for the time being responsible to the Members of this Council for the industry as a whole. (Hear, hear.) And in that regard, it is easy to suggest that a certain product, such as chopped wattle bark, could obtain a very high price—I do not deny it—certain parcels of quebracho bark or chestnut or any of the particular commodities they use for making extracts for tanning are in demand. But from the point of view of developing the industry as a whole, developing it in the real interests of the producers as a whole, I am quite sure we are right to go forward in the encouragement of substantial big companies, putting up proper plant here, and disposing of wattle in the form of wattle extract. (Hear, hear.) That is what we have done, and the price paid to the producer is fair—the figures are based on a formula and laid down by the Director of Agriculture in proportion to the price obtained for the extract. I still maintain, Sir, in the interests of the industry as a whole, that this policy is right.

As regards the statutory board which has been asked for, as recorded by my hon. friend, the Director of Agriculture, we have introduced an advisory board, and I say here and now that it is extremely likely that we shall find it necessary to introduce a statutory board, but I want to make quite sure when we do introduce this statutory board, that it is a board which is going to serve the purposes for which it is set up, and that is why I want to have a little more time to try out this advisory board before we

take the further step and set up a statutory board. I think I shall be very glad to discuss the whole of this question with my hon. friend when this debate is over.

Well, Sir, I really rise to intervene in this debate because I thought I will say if, in our enthusiasm on both sides, and in the heat engendered at the moment over export taxes, we get statements on record in the Minutes of the Council regarding those matters which are not correct.

MR. JEREMIAS: Mr. Chairman, I get to comment on a little matter which is mentioned by the hon. Member for Kiambu. He said the price paid to the exporter for wattle bark is about Sh. 600 a ton and the price paid to the grower is about Sh. 100 which shows there is a profit between the figure obtained by the grower—and the figure obtained by the middleman or the exporter of about Sh. 270. Now, Sir, the hon. Member for Agriculture did not try to deny that, in my view, it shows that the producer does not get the proper price he should get if his interests had been looked after properly, because, Sir, I think that the producer gets only half the price which is obtained in the world market—I think it is quite unfair. Of course, the export board to be constituted will take the interests of the producers into consideration. In that regard, I would like that the Government should be asked to consider the best means of getting to the hon. Member for Agriculture. Mr. Chairman, I think it is a controlled industry, but that it cannot be a profitless one. There are many producers, but not all manufacturing producers, get an fair manufacturing price for their products. I think that control is not the answer, but that it is necessary to try and remedy it.

THE FACILITATOR: Mr. Chairman, I think it would be inadvisable with the Committee if I indicated with the hon. Member, Sir, were to be very brief. (Hear, hear.) Most of the points of intervention have now been answered by my colleagues on the other side of the Committee and I rise only to deal with what your friend said. I will only say that the question of wattle does not arise with the question of the price of the extract. The hon. Member for Agriculture has indicated that the price paid to the producer of wattle bark is based upon a formula instead of the price obtained for wattle extract. I think

(The Financial Secretary) it was in 1946 that the price being paid for wattle extract was £12 per ton f.o.b. and, after the market began to rise, a formula was evolved whereunder part of the rise went to the producer of wattle bark, and part to the extract company, which is also the exporter. Now, it takes on an average, about two tons of bark to produce one ton of extract, and the accepted proposal was that, where the export price, f.o.b., of extract increased by £1 the producer should get an extra Sh. 7/50 for every ton of wattle bark sold to the extract company, and the company took the balance of Sh. 5 out of the total £1. Now, Sir, I hope that formula is quite clear to hon. Members. What this tax will do, as far as extract is concerned, it will reduce the net return to the exporter. In other words, the present price being in the neighbourhood of £70 per ton f.o.b., a five per cent tax will reduce the net return roughly to £67 or thereabouts. I know this is not quite accurate, but let us use those figures for the sake of discussion. That means to say the net price secured by the extract exporter is reduced by £3, and the position is that the £3 reduction will be shared between the company and the producer, in the same proportion as would be the share out of an increase by that amount. That is to say, for every pound reduced net return to the exporter, the producer will get Sh. 7/50 less per ton of bark and the extract company exporting it will get Sh. 5 less per ton of extract. Now, that seems to me a very reasonable proposition, and in accordance with the accepted procedure in regard to this industry, and I suggest that an analogous system would be the right way to deal with bark which is being exported as a stick bark by the exporting company.

Now, Sir, just one more remark about the suggestion that this imposition is going to ruin the industry. I do not think any hon. Member opposite can be serious when they state that. Certainly the industry itself does not think that at all. When I explain to hon. Members that the ruling price for extract last year, a year ago, was in the region of £40 per ton or perhaps a little more, and the price of bark correspondingly, and this year it is £70 for extract, and a corresponding figure for bark, I think that if

the industry was flourishing at the time when the price for extract was £40 per ton—and the effect of the tax will reduce the present £70 to £67—there is no great danger of ruination. Moreover, I would point out that in the Schedule wherein is specified the floor below which no tax will be imposed, the figures representing the respective floors, is higher than was secured for extract and bark last year. So I think, if last year the company and the general industry was flourishing, as indeed it was, and we are fixing a price well above the price actually secured last year, the danger to which the hon. lady from Nyanza referred has no foundation in fact.

Mr. Chairman, I beg to move.

The question was put and carried by 24 votes to 10 votes. (Ayes: Messrs. Carpenter, Davies, Hartwell, Hope-Jones, Hunter, Jeremiah, Matthews, Mathu, Sir Charles Mortimer, Messrs. Nathoo, Obanga, Padley, Patel, Pike, Pritam, Dr. Rana, Messrs. Roddan, Salim, Shatry, Taylor, Thornley, Trim, Vasey, Whyatt, 24. Noes: Messrs. Blundell, Cooke, Lt.-Col. Gherie, Mr. Havelock, Major Keyzer, Messrs. Maconochie-Welwood, Salter, Lady Shaw, Mr. Shaw, Mr. Usher, 10. Did not vote: Major Cavendish-Bentinck, Mr. Hopkins, 2. Absent: Messrs. Chamallan, Madan 2. Total: 38.)

POINT OF ORDER

Mr. COOKE: Mr. Chairman, on a point of order, is it in order for an hon. Member who has paired to take part in a debate in this Committee?

The CHAIRMAN: I think this matter has been raised before.

Mr. COOKE: It was raised before the present Rules were introduced, Sir. Is it in accordance with the custom and usage of the House of Commons?

The CHAIRMAN: Can you cite someone who has paired and has taken part in a debate, so I understand what the point is?

Mr. COOKE: The Member for Agriculture and Natural Resources said just now he had paired, but he has just taken part in the debate, and I submit according to the usage of the House of Commons, anyone who pairs is not allowed to take any further part in the debate.

The CHAIRMAN: While that may be so in accordance with the usage of the House of Commons, it is always open to doubt how far the usages can be usefully applied here. There is a convenient practice here of what is called pairing. All it means really is that the two Members concerned abstain from voting and they should not even use the word "paired" if it is always going to give rise to a point of order. They should simply use the words "not voting".

Mr. COOKE: Thank you, Sir.

COMMITTEE OF WAYS AND MEANS—(Contd.)

The FINANCIAL SECRETARY: Mr. Chairman, I beg to move that the Committee do report back to Council.

The question was put and carried.

Council resumed.

REPORT OF COMMITTEE OF WAYS AND MEANS

The FINANCIAL SECRETARY: Mr. Speaker, I beg to report that the Committee of Ways and Means, having considered a Motion to amend the Customs Tariff, a Motion to amend the Beer Ordinance, a Motion to amend the Income Tax Ordinance and a Motion to impose an export duty on cotton, hides and skins, sisal, wattle bark and wattle bark extract, in accordance with the terms of the Bills which have been published in this behalf, approved those resolutions, with one amendment in relation to sisal, the amendment being that the limiting figure below which the tax should not be imposed upon sisal should be increased from £100 to £110, with consequential amendments to other figures.

Mr. Speaker, I beg to move that the Report of the Committee of Ways and Means be adopted by this Council.

The ACTING CHIEF SECRETARY seconded.

The question was put and carried.

BILLS

SECOND READING

Customs Tariff (Amendment No. 2) Bill

The FINANCIAL SECRETARY: Mr. Speaker, I beg to move: That the Customs Tariff (Amendment No. 2) Bill be read a second time.

Sir, I do not intend to speak on this Motion beyond pointing out that the amendment is designed to give legislative expression to the views just presented in the Committee of Ways and Means and approved by this Council. I give notice that in the Committee stage I will move the amendment in relation to sisal and calcium carbide to which I referred in the discussion in Committee of Ways and Means.

I beg to move.

The ACTING CHIEF SECRETARY seconded.

MAJOR KEYZER: Mr. Speaker, I do not our intention to enter into a long debate on this Bill or the subsequent Bills. We have opposed them in the Committee stage, and I presume, Sir, that if we forced them to a division that the voting would be precisely the same as in the Committee stage. Therefore, Sir, I would just like to record our disapproval of this Bill, and the subsequent ones, and we will take no further action, Sir, in the debate.

Sir, I beg to oppose.

The question was put and carried.

Beer (Amendment) Bill

The FINANCIAL SECRETARY: Mr. Speaker, I beg to move: That the Beer (Amendment) Bill be read a second time. Here again, the Bill is designed to give legislative expression to what is the view of the present Bill and with the amendments made by me.

I beg to move.

The ACTING CHIEF SECRETARY seconded.

Income Tax (Amendment No. 2) Bill

The FINANCIAL SECRETARY: Mr. Speaker, I beg to move: That the Income Tax (Amendment No. 2) Bill be read a second time. It is, I presume, Sir, that the hon. Member for Nyandarua, speaking on behalf of the Government, has because it is designed to give relief to those taxpayers who families who are most in need of it.

I beg to move.

MAJOR KEYZER: Sir, I only wish to express my support of the Bill. (Laughter.)

The ACTING CHIEF SECRETARY seconded.

Export Duty Bill

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to move that the Export Duty Bill be read a second time. Sir, the provisions of this Bill are designed to give effect to those decisions which have been taken in Committee of Ways and Means and endorsed by the Council. The main provisions of the Bill are really contained in the Schedule. The Schedule sets out the commodities upon which this tax is to be imposed. It also sets out the floor below which this tax will disappear, and provides for marginal adjustments between the floor and the level at which the tax begins to disappear. I will draw particular attention to clause 6 which empowers the Governor in his discretion to remit the duty or any part thereof in a case where, in his opinion the payment of the tax has caused hardship. I do not think there is any point of principle in this Bill which has not in fact been discussed in the Motions concerning the impositions of these duties, and I will not take up the time of Council longer, but accordingly beg to move.

THE SECRETARY TO THE TREASURY seconded.

The question was put and carried.

Appropriation Bill, 1951

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to move: That the Appropriation Bill, 1951, be read a second time. The function of this Bill is to provide the authority for the grant of supply for the Government to carry on the necessary services during 1952. It is in standard form and I think hon. Members will not wish me to speak to it. I give notice that there will be certain amendments which will have to be made in Committee, because of the various reductions to the total amounts under each head which were made in Committee of Supply.

I beg to move.

THE ACTING DIRECTOR OF MEDICAL SERVICES seconded.

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

The Customs Tariff (Amendment No. 2) Bill.

The Beer (Amendment) Bill.

The Income Tax (Amendment No. 3) Bill.

The Export Duty Bill.

The Appropriation Bill, 1951.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried.

COUNCIL IN COMMITTEE

THE EXPORT DUTY BILL

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That sub-clause (2) of clause 5 be amended by substituting a full stop for the colon after the word "applicable" and by inserting the following words: "the average price so calculated shall be deemed to be the average f.o.b. value".

The reasons for that, Sir, is to make it quite clear that the price calculated in accordance with the provisions of that clause shall be the price upon which the tax shall be assessed.

The question of the amendment was put and carried.

The question that clause 5 as now amended stand part of the Bill was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that in clause 6 the word "tax" shall be replaced by the word "duty". The word "duty" has been used throughout the Bill, and this word "tax" has crept in by error and should be replaced by the word "duty".

The question of the amendment was put and carried.

The question that clause 6 as now amended stand part of the Bill was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that paragraph (b), clause 7, be deleted, and paragraph (c) be relettered as paragraph (b).

Sir, the function of the sub-clause which I wish to delete is to provide that the produce of other territories being exported through Kenya does not attract this duty; now that that particular provision has been made in a full clause at the end of this Bill, this sub-clause is no longer required.

The question of the amendment was put and carried.

The question that clause 7 as now amended stand part of the Bill was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That item 3 of the Schedule to this Bill be amended by the substitution for the symbols and figures £100 and £105, wherever they occur in the second column thereof, the symbols and figures £110 and £115 10s. respectively.

I do not think I need speak to this amendment.

The question of the amendment was put and carried.

The question that the Schedule as now amended be the Schedule to the Bill was put and carried.

The Appropriation Bill

THE FINANCIAL SECRETARY: Mr. Chairman, you will remember that last year we did not publish the Appropriation Bill until after the Committee of Supply had finished, and owing to the shortness of time, as would always be the case with such a procedure it was necessary to move the suspension of Standing Rules and Orders to permit the introduction of the Bill. You ruled, Sir, that such a procedure was improper, and that what we should do is to publish the Appropriation Bill in sufficient time with the figures and amounts as stated in the Estimates, and amend the Bill in accordance with the decisions of the Committee of Supply when the Bill is actually in the Committee. For that reason, Sir, we have followed that procedure this year, and certain amendments will now be necessary in the Bill. We have reached clause 2, Sir, and I now beg to move that in clause 2 there be substituted for the words "four hundred and fifty-two thousand six hundred and thirty-six pounds" the words "three hundred and thirty-six thousand nine hundred and ninety-six pounds" and for the words "two hundred and eighty-eight thousand and thirty-one pounds" the words "two hundred and eighty-six thousand five hundred and eleven pounds".

MAJOR KEYSER: Mr. Chairman, may I ask the hon. Member whether that is the total of the items which were re-

duced only; or is it also the consequential reductions which would follow when items being control?

THE FINANCIAL SECRETARY: Mr. Chairman, in accordance with the understanding that was given to hon. Members regarding all consequential reductions following from the actual specific cuts that were made have been included in these figures.

MR. HAZELOCK: Have they included?

THE FINANCIAL SECRETARY: Yes, I will make it a little clearer. Hon. Members, for instance, pointed out that 200 were cut this would mean that 200 of Living Allowance under the Staff Head 4 would also be cut. These have been included.

MAJOR KEYSER: Leave Allowance?

THE FINANCIAL SECRETARY: All allowances which attach to posts.

MR. HAZELOCK: Mr. Chairman, if this is the case, especially if that is the case, I suggest that hon. Members on this side of the Council should have had notice of these amendments which are extremely important. This is the first we have heard, and I feel that such amendments should have been tabled before this date.

THE ACTING CHIEF SECRETARY: Mr. Mr. Chairman, simply these are consequential on the undertaking which have been given, and on the decision which have been taken.

MR. COOPER: How will hon. gentlemen included the consequential figures cut so on to the million? Has been retired?

THE FINANCIAL SECRETARY: Sir, it was not possible to do that for the simple reason that it may be possible to identify some of these "cuts" which are necessary vacancies, and until we know in advance how many can be so absorbed, it is obviously impossible to do that. My satisfaction and persistence with the expenditure of that nature will necessarily have to be covered by a Special Warrant in 1952.

MAJOR KEYSER: Mr. Chairman, would the hon. Member say on the table of memorandum showing what the total has been arrived at? Is that side of the Council hon. Members on this side of the Council are entitled to know exactly what the total figures mean.

THE FINANCIAL SECRETARY: Mr. Chairman, if it is the wish of hon. Members, I will certainly do so. But they have no real reason to doubt the arithmetic of the Treasury; the undertaking has been fully implemented.

The question of the amendment was put and carried.

The question that clause 2 as amended stand; part of the Bill was put and carried.

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move: That the First Schedule be omitted and the following First Schedule substituted:—

Head No.	Head	Amount
1-1	The Governor	32,907
1-2	Judicial Department .. .	142,311
1-3	Legislative Council .. .	40,905
1-4	Audit Department .. .	65,927
2-1	Central Administration— Secretariat	80,715
2-2	Administration .. .	757,178
2-3	African Information Services .. .	32,150
2-4	Public Works Department .. .	1,064,065
2-5	Public Works Recurrent .. .	357,570
2-6	Public Works Non-recurrent .. .	145,222
3-1	Office of the Member for Law and Order .. .	5,480
3-2	Immigration Department .. .	38,125
3-3	Legal Department .. .	24,020
3-4	Police .. .	1,051,551
3-5	Prisons .. .	522,486
3-6	Registrar General's Department .. .	18,850
4-1	Assistant General Department .. .	90,451
4-2	Loans from Revenue .. .	222,000
4-3	Inland Revenue Department .. .	67,025
4-4	Miscellaneous Services .. .	2,078,962
4-5	Pensions and Gratuities .. .	808,800
4-6	Public Debt .. .	287,019
4-7	Rent and Interest to H.E. the Sultan of Zanzibar .. .	16,000
4-8	Subventions .. .	135,902
5-1	Office of the Member for Agriculture, Animal Husbandry and Natural Resources .. .	16,005
5-2	Services under the Authority of the Member for Agriculture, Animal Husbandry and Natural Resources .. .	107,430
5-3	Agricultural Department .. .	479,311
5-4	Forest Department .. .	212,050
5-5	Grazing Department .. .	69,613
5-6	Veterinary Services .. .	423,345
6-1	Coast Agency .. .	15,590
6-2	Labour Department .. .	151,872
6-3	Land Department .. .	74,510
6-4	Survey Department .. .	98,580
6-5	Military .. .	694,170
6-6	Miscellaneous Services .. .	60,920
6-7	Printing and Stationery .. .	207,875
6-8	Registrar of Co-operative Societies .. .	12,065

Head No.	Head	Amount
7-1	Office of the Member for Education, Health and Local Government .. .	14,875
7-2	Services under the Authority of the Member for Education, Health and Local Government .. .	17,246
7-3	Local Government Department .. .	11,325
7-4	Education Department .. .	1,977,713
7-5	Government Chemist's Department .. .	4,755
7-6	Local Government Contributions .. .	579,295
7-7	Medical Department .. .	1,123,534
7-8	Town Planning Department .. .	7,070
8-1	Office of the Member for Commerce and Industry .. .	15,015
8-2	Services under the Authority of the Member for Commerce and Industry .. .	7,676
8-3	Mines and Geological Department .. .	41,330
8-4	Weights and Measures Department .. .	12,990
	Contributions to the cost of Commission Services .. .	990,295
	War Expenditure—Civil .. .	232,445
	Total .. .	216,336,994

THE FINANCIAL SECRETARY: Mr. Chairman, I beg to move that in the Second Schedule the figures appearing should be replaced by the figures £6,286,511.

The question was put and carried.

MR. HAVELOCK: Mr. Chairman, on a point of order, a stranger has passed the rope.

THE CHAIRMAN: Most out of order—completely; the stranger will withdraw. (The stranger withdrew.)

THE ATTORNEY GENERAL moved: That the Customs Tariff (Amendment No. 2) Bill, the Export Duty Bill and the Appropriation Bill, 1951, be reported back to Council with amendment and the Beer (Amendment) Bill and the Income Tax (Amendment No. 3) Bill without amendment.

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

BILLS

THIRD READING

THE FINANCIAL SECRETARY moved: That the Customs Tariff (Amendment No. 2) Bill be read a third time and passed.

THE SECRETARY TO THE TREASURY seconded.

The question was put and carried and the Bill was read a third time and passed.

THE FINANCIAL SECRETARY moved: That the Beer (Amendment) Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill was read a third time and passed.

THE FINANCIAL SECRETARY moved: That the Export Duty Bill be read a third time and passed.

THE SECRETARY TO THE TREASURY seconded.

The question was put and carried on a division carried by 22 votes to 9 votes. (Ayes: Messrs. Carpenter, Davies, Hartwell, Hope-Jones, Hunter, Jeremiah, Madan, Matthews, Sir Charles Mortimer, Messrs. Nathoo, Obanga, Padley, Pike, Pritan, Dr. Riano, Messrs. Rossan, Salim, Taylor, Thornley, Trim, Vasey, Whyatt, Z. Nee; Messrs. Blundell, Cooke, Lt.-Col. Gherrie, Mr. Havelock, Major Keyser, Mr. Maconochie, Waiwood, Lady Shaw, Mrs. Shaw, Mr. Usher, 9. Absent: Messrs. Chermannall, Mathu, Patel, Salter, Shatry, 5. Did not vote: Major Cavendish-Bentock, Mr. Hopkins, 2. Total: 38.)

The Bill was read a third time and passed.

THE FINANCIAL SECRETARY moved: That the Income Tax (Amendment No. 3) Bill be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried.

THE FINANCIAL SECRETARY moved: That the Appropriation Bill, 1951, be read a third time and passed.

THE ACTING SOLICITOR GENERAL seconded.

The question was put and carried and the Bill was read a third time and passed.

ADJOURNMENT

THE FINANCIAL SECRETARY: Mr. Speaker, I would suggest, as I will take a little time to introduce this very important Motion, that Council do adjourn now.

Council, [rose at 12.40 p.m. and adjourned until 5 p.m. on Thursday, 20th December, 1951.]

REFERENCE OF REPORT OF DIRECTOR OF AUDIT TO PUBLIC ACCOUNTS COMMITTEE

MR. BLUNDELL: (Applause.) I take it hon. Members are applauding my rising. Mr. Speaker!

Mr. Speaker, I beg to move: That the Report of the Director of Audit on the Accounts of the Colony and Protectorate of Kenya for the year 1950 be referred to the Public Accounts Committee.

Mr. Speaker, this is a purely General Motion, and I will not name the name of Council in speaking on it.

THE SECRETARY TO THE TREASURY seconded.

The question was put and carried.

ADJOURNMENT

THE FINANCIAL SECRETARY: Mr. Speaker, I would suggest, as I will take a little time to introduce this very important Motion, that Council do adjourn now.

Council, [rose at 12.40 p.m. and adjourned until 5 p.m. on Thursday, 20th December, 1951.]

Thursday, 20th December, 1951
(Evening Sitting)

Council assembled in the Memorial Hall, Nairobi, on Thursday, 20th December, 1951.

Mr. Speaker took the Chair at 5 p.m.

The proceedings were opened with prayer.

MOTION

INCREASE IN COST OF LIVING ALLOWANCES

THE FINANCIAL SECRETARY: Mr. Speaker, I beg to move the Motion standing in my name on the Order Paper. Sir, I would remind hon. Members that when the Select Committee Report was debated in the February sitting of this Council one recommendation by the Committee was that the scheme proposed should be reviewed early in 1952. That proposal, Sir, was endorsed by this Council. In any case, therefore, the Financial Secretary would have been involved in moving a Motion of this nature at this time of the year, although it had been hoped that he would have moved a Motion only in terms of Part 2 of the Motion standing on the Order Paper. That part of the Motion provides for the setting up of a Select Committee to undertake this review. Now, Sir, it was hoped at that time that we should, in fact, get through the year 1951 without amending the scheme, and that it would come up for its first review, as I have stated, in or around January, 1952.

I must say, however, that apprehensions were expressed both by Members of the Government and by hon. Members opposite, that such was the tempo of the rising cost of living that we were, in fact, hardly likely to get through the year without having to make some adjustment, and, indeed, such has proved to be the case. It was necessary in the August sitting of the Council, for me, as Member for Finance, to move an adjustment of the cost of living scheme to provide for an increase in the percentage applicable to the first £100 of salary. As the hon. Member will recall that amendment was made in order to provide for Government personnel on salaries up to £100 per annum, it being stated and accepted that it was persons within that salary group who had no margin of manoeuvre in relation to a

rise in the cost of living. Now, Sir, I may say that that amendment was accepted by the Council and the adjustment came into force with effect from 1st July. Since 1st July the retail price index, which is the index applicable to African employees has risen by another 30 points, which means that the index is now something over 40 per cent higher than it was in the basic year of 1948, when salaries revision came into force. The wage adjustment index which applies to Asians and Europeans has risen by 23 per cent since 1st July, 1951, and by a total of 94 per cent since 1st January, 1951. In the light of these changes, Sir, it is quite clear that the review referred to in the original debate is now due, but I think it will be agreed that having regard to the very substantial rise in the African retail price index that some emergent measure in respect of personnel covered by that index must be taken immediately. That, Sir, is the substance of the part (1) of this Motion, the proposal being that the percentage representing the allowance on the first £70 shall be increased by a further 10 per cent. Inasmuch as the present percentage applicable to the first £70 is now 30 per cent, if this Motion is passed, the percentage applicable on the first £70 will become 40 per cent. Since, Sir, it is proposed that the whole scheme should be reviewed by a Select Committee in January of the coming year it is not proposed that the increase to 40 per cent on the first £70 should subsist throughout the whole scheme, but that it should stop at £70 with marginal adjustments up to £77 to prevent anomalies. Now, Sir, it may well be asked, why, if in August the Government considered that it was up to salaries of £100 per annum that employees had no margin of manoeuvre, why if £100 was taken in August, the Government is now suggesting £70. That is a very fair question, Sir, and I will answer it. The Government is of the view that the limit of £100 is, in fact, the limit below which there is no margin of manoeuvre, but hon. Members will appreciate that in the matter of Cost of Living Allowances we must have very careful regard to other administrations and particularly large employers of Africans, such as the Railways. Hon. Members will appreciate that before the step of placing this

[The Financial Secretary]

Motion before the Council was taken it was necessary to have discussions with the High Commission, the Railways and Harbours, the Post and Telecommunications, and so forth. It was agreed that immediate relief was called for in relation to such employees, but the Railways made a very strong plea for us to confine the increase for the moment to £70, because £70 is an important point in their salary structure and were we to go beyond that they would be caused very serious embarrassment.

Now, Sir, I think the Government cannot ignore a plea of that kind and since this is only an interim measure and is entirely without prejudice to the findings of the Select Committee, or the decisions that this Council may take upon those findings, the Government has felt impelled to use the figure of £70 in this Motion. I do not think I will say very much more. The principles applying to Cost of Living Allowances and the reasons underlying them are well understood by hon. Members of this Council. This is the third time they have been discussed this year within this Council, and I think the principles upon which they are based will be absolutely clear to all hon. Members. I would, however, before I sit down, draw attention to that part of the Motion wherein it is suggested that the Select Committee should have careful regard to the need for co-ordination to the maximum extent possible with the other Administrations, especially with the Railways and Harbours, and the Post and Telecommunications. These administrations are very big employers of African labour, as I have said, and it is necessary to do what we can to keep in step with them.

Mr. Speaker, I beg to move:

THE ACTING SOLICITOR GENERAL
seconded.

MAJOR KRYSER: Mr. Speaker, the attitude of the European Elected Members to this Motion is not unanimous on all aspects, and therefore Sir, I would like to explain one aspect on which we are, however, unanimous. Sir, on this side of the Council, we have, at the various debates on the Cost of Living Allowance that, have taken place in the past, expressed the view that the cost of living of civil servants has now risen to such a

stage that we can no longer continue to see the establishment of departments increased, and the general expansion of the Colony thereby maintained. Sir, that if the Cost of Living Allowance is going to be allowed to continue to rise that there must be a corresponding reduction in the establishment of departments.

We did understand, at the time of the previous year debate, that a considerable amount of the lower establishments would be taken up by the Government, and while, as a result of the first Cost of Living Allowance that was given in 1951, upon a number of posts which had not been filled were filled during that year, nevertheless, there same posts did appear in the Estimates for 1952, and either, presumably, have been filled or are going to be filled.

We feel therefore that that aspect should be considered in line with this Motion now. Therefore, Sir, if Government is prepared to set up immediately the Efficiency and Economy Committee, that was approved by the Committee of Supply a few weeks ago, to consider all establishments of departments, then there would be a certain amount of support from this side of the Council. But if Government would not agree to set up that Committee, then, Sir, we would oppose the Motion.

Now, Sir, by immediately, I mean commencing early in January, and the 15th January happens to be a convenient date. Government should make known on this side of the Council and draw the terms of reference, the personnel and other details of the Efficiency and Economy Committee, and that has been done, the Efficiency and Economy Committee should start work.

Now, Sir, I think that that is a resolution that Government can very well agree to, and will show that they did agree to that Committee in a brief hour, but meant what they said and were honestly going to try and reduce the cost of Administration and other Departments in this Colony.

Sir, I will not support what I have what the member is from the other side.

MR. MACQUEEN-WALSHAM: Mr. Speaker, subject to the proviso that the hon. Member for Trans Valetia has not, I also support the Motion. I support it

[Mr. Maconochie-Welwood]

as an interim measure, not because I believe in the principle that it purports to perpetuate, that is to say, the principle of raising the lower grades so that they gradually come towards the grades immediately above this one. But, I do realize that something of this sort has got to be done for these people. Therefore, I support.

There are two other points I should like to mention briefly. One is, I do not believe when we come to consider this matter permanently that we can go on making a Cost of Living Allowance for the whole country. I believe that we shall have to accept the method of zoning. It is obvious that in civil life, that zoning is admitted. The minimum wage, for instance, in Nairobi, Mombasa and Eldoret is not the same. It accepts the principle that in certain areas, the cost of living is very much more onerous than it is in others, and I hope that when the Committee sits to consider it, the matter of zoning will be considered.

The other point I should like to mention briefly is that in the second part of the resolution, it is stated that the object will be to run, as far as possible, in agreement with the East African Railways and Harbours and the Posts and Telegraphs. Well, that is a very laudable thing to want to do, but I ought to sound this note of warning, that I do not believe you can permanently run a civil service in line with a great commercial undertaking like the Railway, serving three territories, with differing ideas and differing costs of living, and entirely different work. I do not think you can indefinitely go on comparing a clerk in the service of the Administration, with a plate-layer in the Kenya-Uganda Railways. I think if we go on trying to do that, that we shall find we are completely defeated. It is utterly impossible, that is all I have to say, and subject to the provision laid down by the hon. Member for Trans Nzoia, I support the Motion.

Mr. HAVELOCK: Mr. Speaker, there is one important point, I think, that the hon. Member for Finance, when moving the Motion, left out. I may have missed it, but I do not think he told us what the cost of this Council respecting to part (i) of the Motion would be, or gave us any indication. The cost of part (i) of the Motion. There was no indication given as far as I know.

I am afraid, Sir, I feel rather more strongly on this point, than most of my colleagues. I feel that, as I have said before in this Council, that the expenditure and, I would say, especially the expenditure on Government employees as covered by part (i) of the Motion, is really out of line with what the Colony can afford to-day, and I would put it the other way round to the hon. Member for Trans Nzoia, that I would not be prepared to see Cost of Living Allowances granted until there had definitely been an investigation and the Council had had the opportunity to study the arguments, the pros and cons, for further Cost of Living Allowances. I am by no means convinced that they are entirely necessary at the moment, and, of course, when I say that I must refer to section (i) of the Motion, because that is all that is being suggested should be granted immediately.

I am sure, Sir, and hon. Members on this side of the Council on a number of occasions have pointed out, that there is a considerable waste of manpower in the Government service, and very often at this particular level, and I am afraid that, holding the views that I do, I cannot support this Motion. I would only be prepared to support further Cost of Living Allowances when the whole ranks of the civil service had been reviewed and all possible economies had been effected.

I, therefore, Sir, beg to oppose.

Mr. UJUMA: Mr. Speaker, I agree, I think, with everything that has been said by my colleagues who have spoken so far, and particularly, do I feel that I can associate myself with the remarks of the Member for Kiambu, in regard to the possibility of deferring this matter until the Economy Committee has been able to get to work.

I must add to that my own personal and frequently voiced objection to Cost of Living Allowances as a solution to the difficulties in which we find ourselves. I feel that almost any other way would be better. I constantly urged and shall continue to urge that other means such as have been discussed in previous debates should be explored.

Apart from that, Sir, I have a particular objection to this Motion in its present form, and I therefore shall have to move the following amendment:

[Mr. Uther]

That for "December, 1951" in part (i) of the Motion, there be substituted "January, 1952".

Now, in view of what I have said before, that, of course, is without prejudice, the manner in which I shall vote upon this Motion, and the reason why I moved this amendment, Sir, is that we have found very frequently, particularly in Mombasa, that retroactivity proves a great embarrassment, not only to commercial firms, some of which are large employers of labour on various forms of contract, but also, and perhaps more particularly, where a large amount of casual labour, such as in the port of Mombasa, is employed.

Now such a condition as retroactivity causes great discontent and unrest and it is most difficult to explain to those affected what is the reason for it, and why they cannot share the benefits which appear to be granted to their fellow.

Sir, I beg to move my amendment.

LADY SHAW: I rise to second formally, Mr. Speaker. May I second an amendment, reserving my right to speak?

THE SPEAKER: Not an amendment.

LADY SHAW: I merely want to speak on retroactivity. Mr. Speaker, the whole principle of retroactivity, when Cost of Living Allowances are being reviewed so frequently, does appear to me exaggerated when regarded from this point of view.

We have not waited a long and weary, some while to examine this problem, or to avert the situation. It seems quite absurd to me that this should be brought back to 1st December. It would appear more right and proper that we should increase these allowances, if we do increase them now, and that the thing should start from 1st January, and not from 1st December. I do not wish to labour the question. I think it is quite clear what I mean and what I feel about this matter.

THE SPEAKER: The hon. Member should take advantage now of speaking generally to the Motion if he wishes to do so.

LADY SHAW: I do not wish to speak to the Motion.

Mr. BLUNDELL: Mr. Speaker, if I speak on the amendment, will I be able

to speak on the general Motion also?

THE SPEAKER: Yes.

Mr. BLUNDELL: Mr. Speaker, I very much regret that I do not feel that I can support the amendment. I think we have got to look at this from the angle of people who are, after all, although on occasions write them off as odd servants, they are in effect, the people who are working for the whole country. (Applause.) Well, I think, naturally, Sir, in the discussion of the debate, we are apt to forget that.

These are not intangible figures who can be written off as so much waste. They are really human beings who, from 1st December, have been working what we have been debating. (Hear, hear, applause.) I do not imply, Sir, that we are, especially on this side of the Council, have not worked as well as debated. (Laughter.)

Mr. HAVELOCK: Speak for yourself!

Mr. BLUNDELL: Mr. Speaker, what I feel is, I believe, the best way of looking at this, apart from certain benefits which members in the public service get as distinct from the commercial community, is the angle which you would place on this, if one was a great commercial house with a tremendous number of employees who are doing

Now, the truth of the matter is that it is no such of these people that we have not been able to deal with this Motion earlier. I suspect, although I do not know it, I suspect that the program of work that has come out of the Budget, has prevented the consideration and the general discussion of pay and which is relevant to this Motion, coming forward earlier, and I believe it would be quite wrong if the cost of living index, which is the link between what originally would be quite wrong and postpone this matter until 1st January, because, through no fault of these people, we, in this Council, were unable to deal with the matter earlier. (Hear, hear.)

I suggest, Mr. Speaker, if one gets it forward in that light, hon. Members possibly will view the payment back to 1st December with favour. I do not say, of course, if that was a commercial

[Mr. Blundell] transaction, that we would call payment back to the beginning of the month in which a person is working an element of retroactivity. That being so, Sir, although I understand thoroughly the point the Member for Mombasa made, and I sympathize with this because Mombasa is in a very difficult situation with regard to this cost of living. Nevertheless, Sir, I feel I cannot support the amendment for the reasons I have given.

SIR CHARLES MORTIMER: Mr. Speaker, I rise to speak as Chairman of the Wages Advisory Board, and to oppose the amendment now proposed. At a meeting of the Wages Advisory Board a few days ago, consideration was given, at the request of the Government, to an increase in the minimum wages level in urban areas. The Board realized, on going into the question in detail, that there is at present very acute distress amongst the lower-paid African workers. On humane considerations alone, that distress must be remedied in the earliest possible moment. The law, as it at present stands, will permit an increase in the minimum wage level only from 1st January next, because the law provides that an increase in the minimum wage cannot come into effect until the beginning of the next wage period, and, on a monthly wage, that means 1st January next, with wages payable on 31st January.

During our deliberations, we received witnesses from the commercial communities of Nairobi and Mombasa, and evidence was presented to us of the considerations that have been put forward by all the reputable commercial houses of both these towns. In both instances the commercial communities, representing the largest employers of labour in those towns, have already agreed to quite substantial increases in wage levels from 1st December, 1951. Now, Sir, I submit, for the consideration of hon. Members, that the Government should not be ranked amongst the meanest of employers, but should stand equal to the best—at any rate, well above the average—in its treatment of its staff.

I beg to oppose. (Applause.)

MR. HAYLOCK: I am speaking to the amendment, Mr. Speaker.

I would like the hon. Sir Charles Mortimer, or another hon. Member opposite, especially in view of the hon. Member's remarks, to make it quite clear to what persons this section of the Motion, which is now being amended, applies. Sir Charles Mortimer has been referring to minimum wages. I understand here that this refers to salaries of £70 per annum, or less. If I am right, and it is scales of salaries as far as I can gather from information I have, the lowest scale of salary that Government has is about Sh. 80 a month, and this particular—

SIR CHARLES MORTIMER: Mr. Speaker, it will perhaps save time if I make the position clear to the hon. Member. The Wages Advisory Board was, in fact, considering only the minimum wage level—that is, the lowest level of all represented by the poverty datum line, a figure below which it is considered no single man can reasonably exist in the towns. The evidence we had from the commercial communities was concerned not only with African labourers working on that level, but with levels above that, adding up to somewhere about the figures mentioned in the Resolution.

MR. HAYLOCK: The hon. Member has made the matter clear. I thank him, but I would suggest then it would be no very great hardship for employees on the scale of salary which is suggested in this Motion to have their award given them—if it is given them on the 1st January, instead of the 1st December.

In supporting the amendment, Sir, I feel that the hon. Mover of the amendment is also considering principles, which is very important as long as there is no real considerable hardship, which I do not think there is to people on this scale of salary. We have always said in this Council that retroactivity or retro-spectivity, whichever is the right word—is a principle that we must avoid. I am afraid, although the hon. Member for Rift Valley put the matter, as usual, in a very attractive form, that I do not agree with his arguments, and that we should keep to the old principle which this Council has recognized in the lower scale by passing the Conditions of Employment Ordinance, which I think the hon. Sir Charles Mortimer works under, as Chairman of the Minimum Wages Advisory Board. We recognized the fact

[Mr. Haylock] when we passed that Ordinance that retroactivity was not a correct principle to follow. Therefore, Sir, I suggest the same should apply in this case.

I beg to support the amendment.

THE MEMBER FOR COMMERCIAL AND INDUSTRY: On the amendment proposed, I only want to refer to one point raised by the hon. Member for Kiambu—which is that it is in ordinary commercial practice, to post-date a salary-rise or any wage-rise to the beginning of the month during which it was under consideration, such a step is not in any respect considered retroactive. It is merely ordinary commercial practice.

MR. COOKE: I always have considerable difficulty in catching your eye, Mr. Speaker, so I am not going to waste time—

THE SPEAKER: There is no difficulty at all. I am looking straight down the hall. The Member for Commerce and Industry was up before you. You have no right to complain.

MR. COOKE: I am not going to waste the time of the Council now, except to say I thoroughly agree with the arguments put forward by my hon. friend the Member for Rift Valley, and I oppose the amendment. (Applause.)

THE SPEAKER: There are three gentlemen on their feet at once, all trying to catch the eye.

THE LABOUR COMMISSIONER: On a point of information, I would like to elaborate what Sir Charles Mortimer said to my hon. friend, with regard to Mombasa. My information is that the agreement reached by the Employers' Association there was that there was to be an increase of about 10 per cent going right through the wage levels from top to bottom, and stopping nowhere, so far as I am aware, in the African scales. I think, Sir, that if there were differentiation made in the case of Government servants to 1st January, commercial servants 1st December—we would have a considerable degree of dissatisfaction in Mombasa itself.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, there is one point arising from what was said by the hon. Member for Kiambu, which I think I should correct. He suggested that the

Cost of Living Allowance became applicable only to employees paying Sh. 50 a month, or more. That is not correct. It applies to all people whose salaries, the scales of whom was approved at the time of salary revision, and was set out in a circular. They go down considerably below Sh. 50 a month—in fact, they include on the next group of employees, who do not get a Cost of Living Allowance, and are a little above the minimum wage. So there is a very intimate connection between the groups of people Sir Charles Mortimer is referring to, and these groups of other employees who receive none of them.

MR. USUEN: On a point of information, Sir, it really strikes me that Sir Charles Mortimer's speech, and I tried to make the point of explanation before. I think it will save time if I do so now. I had not realized the possibilities which had gone on with the first amendment by the hon. Member Sir Charles Mortimer, and had I done so, I might not have brought this amendment. I think, in fact, I ought to withdraw it, and I am quite willing to do so, and I think it will save time if I do, but I must say in self-defence that this Motion has been brought only very, very honestly, and I had not any opportunity to examine all the facts. (Applause.)

THE SPEAKER: I take a pleasure in observing, and the members in withdrawing. We will now proceed to the debate on the substance of the Motion.

MR. BLUNDELL: Mr. Speaker, in considering this Motion, I wish to draw the attention of the Council to the remarks which the hon. Member for Commerce made some time ago, to the effect that there is a correlation between wages and the cost of living, and if we can accept these proposals, put forward by a national secretary in an increasing amount from the general receiving the benefits.

Now, Sir, that means, in effect, a reduction in a number of posts, and hon. Members on this side have stressed that. Members on the other side say that it is already, as I will not say money on it now, but it would be, if a Motion like this were to be passed, that the Government would be unable to carry out the duties of increased responsibility which it has, and before the Council should be asked to pass the Motion, it would be preferable to see the savings which are to be made within the establishment.

[Mr. Blundell] to ensure the increased output from those who are left, brought to our notice when the Motion is moved for our approval. I believe it would be a far better way of placing the position before us.

One small point, Sir, there is often comment about the inevitable rise in the cost of farm prices. I mention that because hon. Members must understand that a natural consequence of this Motion will probably eventually be a rise in the wage structure of the agricultural industry. Unless that is also compensated by increased output, inevitably, there will be increased rises in the cost of agricultural produce.

That brings me on to say that we must inevitably consider the point the hon. Member for Mombasa made, whether, in effect, Cost of Living Allowances is a method of meeting the problem. Sir, the Member for Usin Gishu urged that consideration should be given to zoning and I wish to support him in that. I am very uncertain indeed whether even the present rates, plus this Cost of Living Allowance, are sufficient for a large element of the African population; for instance, in Mombasa. Now, I mentioned Mombasa specifically, although perhaps, it is rather treading on the province of the hon. Member for Mombasa, because there is an African population largely recruited many miles away, from up-country who, for the period of their work, are almost completely forced from access to the land or their own land, and I believe that, in meeting dissatisfaction in Mombasa, we must bear that point clearly in mind, and I am uncertain whether a general structure of Cost of Living Allowance right through the Colony is sufficient to meet that divorce of the African from the land to which he is accustomed, and which obtains in Mombasa. And that is an argument, in my view, in favour of zoning.

Again, Sir, we must remember that in the Beecher Report when they were considering, I think, the salary scales, they did quite clearly come out in favour of zoning, and I suggest that point made by the hon. Member for Usin Gishu should be very clearly and very quickly considered.

Now, that brings me back once again to my original plea. I do suggest to the hon. Member opposite that, instead of moving a straight Motion of this nature which merely, in effect, is really rather like putting one's hand against a dam in the hope that the water will be stopped, I suggest it would be better if a more concrete and more considered statement could be put before the Council dealing with all the sorts of problems which Members on this side have raised. Sir, I should oppose very strongly deferment of this increase. I believed, if one's employees are suffering from immediate hardship, willy nilly, one has got to face it. We have suggested methods of reducing the costs, i.e. a certain amount of greater efficiency, etc. If we defer, we are now prolonging what we know to be a hardship.

I am going to support the hon. Member for Trans Nzoia, in supporting the Motion, only on condition the Efficiency and Economy Committee, for which he asked, is set up as soon as possible and some sort of conference held on its terms of reference on 10th January.

THE ACTING CHIEF SECRETARY: Mr. Speaker, I rise to deal with the points made by the hon. Member for Trans Nzoia. I am afraid, Sir, that I could not agree to the meeting which the hon. Member has proposed for 10th January. It happens that that day would be a very inconvenient one for the Government and I am afraid that it just would not be possible for the conference to take place on that date. I will, however, undertake that a conference with hon. Members opposite will be called for the first convenient date to both sides after 10th January, and not later than the end of January. I hope that that will go some way to meet my hon. friend. I am also unable, at this stage, to prejudge what the terms of reference of that committee will be. I said, when giving the undertaking that the Government would have these consultations with hon. Members opposite, that we would, at that time, discuss together what those terms of reference would be, and I think it would be wrong to anticipate in any particular detail what they should be in advance of the conference.

I beg to support the Motion.

MAJOR KEYSER: Sir, would I be allowed to express a view on that, on the hon. Member's speech?

THE SPEAKER: I think the Council will permit you to speak twice on this occasion.

MAJOR KEYSER: Thank you, Sir.

Sir, I am afraid, Sir, that a date after the 10th January and up to the end of January would not suit hon. Members on this side. For one reason, Sir—we do attach very great importance to this Committee that has been set up and we do feel that it should start its deliberations and its work as soon as it is possible. Secondly, Sir, we have, during the last few weeks, tried hard to effect economies in Government. It so happens that on 10th January, we are having to come to Nairobi for various meetings to be held on 10th and 11th January. Now, Sir, I do think it would be an awful waste of time and money to ask hon. Members on this side of the Council to come down again later in January. What, Sir, the objection is to holding a meeting somewhere about 10th or 11th January when hon. Members are here? After all, it is not the whole of the opposite side we want to meet: it is only two or three. It is a simple matter. I am quite sure the whole thing could be arranged, as far as we are concerned, in half an hour, and that is all we are asking, Sir. I do think it is a request that could be easily agreed to from the opposite side. Sir, if it cannot be, then I am afraid we will have to oppose the Motion.

THE ACTING CHIEF SECRETARY: Sir, I should naturally, on a matter of this kind, like to be able to agree with the hon. Member, but I must insist that for reasons which will perhaps become apparent to him later, it would be impossible for the meeting to take place on that date.

MAJOR KEYSER: Are they secret?

THE ACTING CHIEF SECRETARY: No—you can learn about it later on, but there are good reasons.

MR. HAVELOCK: What date?

THE ACTING CHIEF SECRETARY: The earliest convenient date after the 10th and before the end of the month.

THE SPEAKER: I shall have to ask the hon. Member to reply.

THE FINANCIAL SECRETARY: Sir, the major objection really that I have against the amendment moved by the hon. Member for Mombasa, and that is really not a great deal to reply to.

The hon. Member for Trans Nzoia, in opening his speech, pointed to the increasing cost of Government establishments and said that, in these circumstances, we should get down to agreeing to this. I think that, in fact, it has increased. Now, Sir, that point was made very strongly during the Budget speech by Government spokesmen, and I think it was made clear that the means whereby the increase in office hours in Government offices was to be the paying work—and there is increasing work—that the increasing work should be absorbed by increasing hours and therefore by increased pay costs output. That point was also made, I think by the hon. Member for Rift Valley who pointed that increased pay should mean increased output. I must, however, make the point to him that, after all, we are paying those people in symbols or tokens called money and, if our calculations are correct, that position, which is the great accumulation of life is unchanged by this allowance. To that extent it is not quite the same thing as increasing real wages and therefore denoting a real increase in output. Sir, I would still like, Sir, to be able to discuss the point with the hon. Member for Trans Nzoia, but I am afraid that is not possible. I am particularly desirous to get the Government to make steps that would, in my view, be a very important step towards the production and the getting on to the production of more and more in our own present financial position. But that is the fundamental aim of wage structure to which we must move in this country, more if our economy is to be maintained on a sound basis.

Finally, Sir, the hon. Member for Kisumu said quite rightly, that I had not mentioned the cost of this measure in my opening speech. The cost over a full year is expected to be about £1,000,000.

Mr. Speaker, I beg to move.

MR. BLUNDELL: Thank you, Sir.

The question was put and a division carried by 23 votes to 10.

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(Ayes: Mr. Carpenter, Major Cavendish-Bentick, Messrs. Davies, Hartwell, Hope-Jones, Jeremiah, Madan, Mathu, Mathews, Sir Charles Mortimer, Messrs. Nathoo, Ohanga, Padley, Pike, Pritam, Dr. Rana, Messrs. Roddan, Salim, Taylor, Thornley, Trum, Vasey, Whyatt, 23; Noes: Messrs. Blundell, Cooke, Lt.-Col. Gherrie, Mr. Havelock, Major Keyser, Messrs. Maconochie-Weiswood, Salter, Lady Shaw, Mrs. Shaw, Mr. Usher, 10; Paired: Messrs. Hopkins and Hunter, 2; Absent: Messrs. Chemalian, Patel, Shatry, 3; Total: 38.)

MINUTES

THE SPEAKER: The Minutes have now been circulated. Have Members yet had the opportunity of seeing them? I will leave it to later then.

AMELIORATION OF HOUSING AND TRANSPORT SITUATION

MR. USHER: Mr. Speaker, I beg to move as follows: That this Council requests Government to consider and make early proposals for amelioration of the housing and transport situation, particularly in respect of non-Africans in urban and suburban areas.

Now, Sir, in recent debates, it has been stated and not contested that, in urban areas, the rent—anyhow for Europeans—lies somewhere between a quarter and a third of their salaries, that is to say in respect of those in the lower income groups. Let us call it 29 per cent. Now, expenditure is therefore round about 37 per cent on rent and transport as against 31 per cent on food, drink and tobacco. I have mentioned particularly Europeans, but that is only for lack of knowledge that I have with regard to the cost of living in respect of food and so on for Asians. But I am quite sure that, for Asians, the housing situation is at least as bad, and probably, certainly in Mombasa, worse than for Europeans.

MR. PRITAM: It is worse.

MR. USHER: Now, Sir, it is to be seen that I have said in my Motion—particularly in respect of non-Africans. Now, Sir, I do not wish at all that Africans should be excluded from any inquiry, but I do feel that there have been schemes for Africans, not only adumbrated but, to some extent ensued, and I should not

wish to put the hon. Members who will be troubled with this matter to more expensive inquiry than is necessary and it is for that reason that I put it in those words.

Then again, Sir, it is really with a view to expeditious treatment that I have not asked for another Select Committee. I think a very great deal of the information that is required is already available to the hon. Members who are concerned in this matter, and that they will be able to deal adequately with it. Sir, speaking first on housing, I think I must read a passage from the Cost of Living Report dealing with that. It occurs upon page 24, paragraph 105:—

"In the long run, no answer to the problem of high rents can be so effective as the provision of more buildings. The resources of the Colony are already fully strained in the matter of providing buildings. Private enterprise will only build if the incentive is enough to encourage the taking of whatever risk there may be in the enterprise. The success of the policy by which new buildings were freed of Rent Control in the case we have mentioned is sufficient for us to recommend that relaxation along the same lines be made in order to allow full play for private enterprise in the building of residential housing. It must be said, however, that there is nothing in this recommendation likely to cause any immediate fall in rents. The hope is that it will result in a condition in which the supply of and demand for housing more nearly approximate to each other, and that rents will fall as shortage conditions disappear. It is likely, however, that if present standards are maintained, there will be no very great fall in the cost of rents, and no policy involving the permanent subsidization of rents can be recommended."

Now, Sir, I can only indicate in a Motion of this nature, the kind of consideration which I hope that the hon. Members who will deal with it, or I hope will deal with it, are the considerations I myself have in mind. Thinking about the housing part of the Motion first, let us consider the land, and as we all know the greatest difficulty of all arises from the very high cost of land. People may say that it is land speculation, or what

[Mr. Usher] you like, but speaking of that speculation, I think it has often been said, and I think will not be denied, the greatest speculator is the Government itself. The Government is continually being urged to release Crown land for the purpose of housing, and I must say if the Government is the speculator, then, perhaps, it has a right to that position, and that it should use its position as a speculator in the interest of the public at large and demand such prices for land as are in accordance with the existing market. That, indeed, is arguable, but it is a point which has to be considered, because I am not at all sure the Government should not make land available at what one might call an economic rate or price, and that the difference should be taken up in the interest of those who need houses and carry it on the general revenues of this country.

In regard to houses I can only suggest certain lines of inquiry, and the first clearly must be building materials. Is there really a way by which the cost of materials can be reduced, say, by removal of customs duty on cement and certain other materials. The second thing that will have to be considered, it may indeed be a matter for the conference of builders, or with builders, the style and density of the houses which are required to fill the shortage. Sewerage and water supply also, of course have to be considered. Then, Sir, there is another question which I have to bring forward, and that is in regard to building contractors that perhaps the public need some protection in this matter. We have firms of high repute here doing good work; and we have, unfortunately, building contractors who have let the trade down. It is my suggestion, Sir, that consideration should be given to certain matters in regard to building contractors. In the first place, I would suggest that the question of their registration be considered. In the second place, I would suggest the possibility of legislation which would oblige them to make a deposit just as deposits are, in fact, required where contracts are given for public buildings. In the third place, Sir, and here I am sorry again to have to say it, but I feel the time has come when we should consider the provision of penal sanctions for mal-

practice. (Hear, hear.) Let us pass to the general question of the supply of housing buildings and whether it should be undertaken by local government. That is a question which I also feel should come under consideration because it is not necessarily the case that local government in one city or town can undertake it and, therefore, that all could, in fact, if I may speak parenthetically for the moment, I feel very strongly against, for instance the Municipality of Mombasa going into the housing estate business. Let it build houses indeed for its own employees, but beyond that I think there are certain very good reasons, among them, the availability of land here, against that course.

Now, Sir, let me proceed, perhaps to the last consideration that has been in my mind in regard to housing. We know that 600 servants have the privilege of being able to lay their hands on Government funds for the building of their own houses, and I am glad that they are able to do so. I do not certainly do not wish to oppose it, but I do wish consideration to be given to the possibility of extending that privilege to others; even if on a very modest scale, because, it is most important as in the case of Africans, that people should be able, if possible, enabled to own their own houses. Therefore, help is required for those who cannot get down a sum of money which would be necessary if they were to buy from a building society. Finally, upon the subject of housing, Sir, may I read the recent words of Mr. Harold Macmillan:—

"It will not be easy, but we have, as a nation, overcome far greater difficulties when we have really put our minds to the job."

Of course, in addition to the building of houses and flats to let and without prejudice to this programme we shall allow more freedom to the private builder. Shoddy or extravagant building will not be allowed.

If a man wants to own his house, we need to see that he has the chance.

Of course, a lot of red tape will have to go. Planning must be made constructive, not restrictive."

And so, Sir, I pass to the question of transport, with which I shall deal very briefly, and I shall start as before, if I may by reading the relevant passages from

[Mr. Usher]

the Cost of Living Commission Report, at page 23 and paragraph 101:—

"Precisely the same considerations apply to civic and municipal transport. It might also be said, in the present state of the Colony's affairs, that if such an undertaking were run at a net profit it would be unlikely that it was being run in a manner designed to secure the greatest advantage. If, say, a frequent service from any district could not be run profitably so that the residents of that district would be obliged to use motor-cars if they are in many places around Nairobi, the general influence on prices and wages is great and unfortunate for the running of a motor-car, for perhaps 20 or 30 miles a day, must be taken as a necessary item in the general cost of living and the whole price and wage structure of the Colony must reflect this fact. Yet, it is an item which could be eliminated at comparatively small cost by running a bus service and accepting a loss."

And the consequent recommendation in paragraph 102, recommendation (15) was:—

"That the attention of civic and municipal authorities be drawn to the desirability of local public management of local road passenger transport services in the light of paragraph 101."

I think it will be within the recollection of hon. Members that in the Cost of Living Report which was adopted by this Council, the majority did not at that time recommend consideration of transport but that, I think, was for the reason they had to give early relief to the civil servants. It was, however, made a point of in the minority report signed by my late colleague, Mr. Preston, and myself. Sir, what I am asking the Government really for in effect is some sort of a White Paper which will cover the varying conditions to be found in the different towns in this country. I feel that in moving it I have not asked too much. Anyway, Sir, I am not committed to either of the two major blaspheemies. One was to say that the maize grower is always wrong, and the other is to say that many sometimes does not know best.

Sir, I have, like so many people perhaps of my generation do, been dipping into Charles Dickens' work 'The Chimes', and I can seldom read unmoved the passage where there is that cry for better homes, better food and kinder laws, but I am pleased to note, that he puts "better homes" first. There can be no greater handicap to human progress than the lack of homes. A family may worship in a mosque or in a synagogue, or in a temple or in a church but it is through good homes that great virtues are engendered and perpetuated.

Sir, I beg to move. (Applause.)

MAJOR KEYSER: Mr. Speaker, I beg to second and reserve my right to speak later.

MR. MADAN: Mr. Speaker, I consider there is the greatest urgency for Government to do what this Motion asks them to do. I should like to say at the outset that figures of cost in regard to housing and the cost of food are more or less the same both in the case of Europeans and Asians, where, allowances are made for the fact that the Asians are in a lower income group, but when an average is worked out you will find that the figures approximate very close to each other. So far as the problem of Asian housing is concerned, I do not think my hon. friends opposite who sit on Government benches, realize how serious that problem is. First of all, you have got to realize that an amount of residential land that is available for Asians, keeping in view all the obnoxious restrictions that we have here in regard to occupation and ownership, is so limited that the Asian community is driven into overcrowding. They have no choice whatever in the matter, and I say this, and I lay the blame at the door of the Government, that Asians have to live in hovels. They have to crowd themselves into kitchens, not because they will not live better, or they would not provide better houses, but because there is not sufficient land to provide better houses. The first obvious remedy appears to be that more land should be released to Asians for the purpose of building houses. If Government would be agreeable to lease more land, I should like to make it clear that we do not want any more land to be released on the basis of High Ridge. You will recall, Sir, that land was released nearly three years ago, or over three years ago,

[Mr. Madan]

and the poor unfortunate owners of plots in High Ridge have still not got their title deeds and because of the difficulties that prevail owing to lack of surveyors, and the provisions it was not until about three months ago that people were able to build any houses in that area. Even now, a great portion of the plots allotted to various Asians still remain undeveloped. That is a problem, Sir, which I should like to bring home to the hon. Members opposite, though they might find it difficult to plead how miserable and dismal the conditions are in which Asians have to live, because they themselves, I suppose, live in luxurious bungalows supplied by Government surrounded by acres of pleasant gardens. The second difficulty which stands in the way of providing an increased number of Asian housing is the return that investors can obtain if they put up houses for the general public. This is a point, Sir, where the Rent Control Ordinance comes in. As hon. Members are aware, the value of land that is permitted or calculated in an assessment for rent by the Rent Control Board is the value which prevailed on the prescribed date, that is 1959 valuations. Now nothing, Sir, I submit could be more ridiculous or could be more out of date than to have that valuation in. We are all aware that the value of land has risen so. That if I purchase a plot it is impossible for me to get a reasonable return on an assessment by the Rent Control Board because I am bound to lose at least 25 per cent of the cost of the house by way of reduction in the price of land. Because that happens, Sir, there is a great amount of speculation in the price of the land, especially in so far as land in which Asians are able to deal is concerned. And it is naturally so because of the limited quantity. This is a case, Sir, where too much money is chasing very little land, and the price goes on soaring up. So the first remedy, Sir, I submit, is for Government to release more land, and secondly, it would act as an inducement to investors to change the price level which is fixed in the Rent Restrictions Ordinance from 1949 to a suitable date when prices were more reasonable, and consequently the price would be more so than they are to-day.

A third factor, Sir, that affects the issue is this. As the hon. Member for

Commerce and Industry does not seem, there are hundreds of thousands pending, and they have not been dealt with by the Rent Control Board. I do not blame the Rent Control Board in this matter, I consider they have not done the necessary, provided to complete these assessments, and this applies, Sir, both to official and private investment. Because of that, the landlords, though what they please. It is so far from being they ought not to charge more than what is permitted by the law when they do not know how much the law will permit them to charge. I suggest, Sir, that it is need for another Assessment Office, or an Assistant Assessment Officer, and if his services are engaged temporarily, to help the present Assessment Officer to complete his work as speedily as possible.

In so far as the Asian housing is concerned, Sir, you must be aware, I believe, that the City Council have a sum of about £150,000 reserved for that purpose. Now it may be some hon. Members from the Government side will say that they cannot interfere with the affairs of the City Council, but pressure of moral pressure, perhaps, could be brought by the hon. Member for Land Government to see that that money is utilized on suitable projects. However, the need is so great that we cannot do so long as the money is not being used. The City Council is, for all practical purposes, paralysed. So I would, Sir, urge upon the Member for Land Government to see his usual passport appear, and to see that the City Council is enabled to spend that money.

In so far as the Commission for Transport is concerned, Sir, I believe nobody is allowed more seriously by the lack of good public transport than the Asian and African communities. (Cheers.) The average Asian is unable to bear) afford a private car. The public transport that exists is inadequate, and, I say, it is also inefficient. I would like to say that there are not enough vehicles available to cope with the demand that the increased population in Nairobi, especially in regions. If the public transport is being run, and I think it is being run by a private Company, if they could not cope with the demand, it should, Sir, the Government, or the City Council, took it over and tried to run it more

(Mr. Madan) adequately, and provide a greater number of vehicles, so that people can proceed to and from their work more comfortably than they do at present.

Now I am on the question of public transport, Sir, I should like to mention that in the vehicles that run, at the moment, in Nairobi, the drivers and conductors often show a certain amount of lack of courtesy, which is not becoming to employees who work in those buses. Of course, we cannot compare them to drivers and conductors in the beautiful red London buses, but it is not too much to ask that they should, or their employers should enjoin upon them to exercise and show to members of the public, a greater amount of courtesy, and enjoin upon their drivers to ensure that they do not have a monopoly of the road, and that other drivers and pedestrians also use the road.

Sir, I would like to congratulate the hon. Member for Mombasa for moving this Motion. (Hear, hear.) I earnestly hope that Government will take immediate, not only immediate, but urgent action on this Motion, and put up proposals which are very badly needed to take to the members of the public a feeling of satisfaction that Government is not oblivious of their plight, and that Government will assist them as far as possible.

Sir, I beg to support. (Applause.)

THE SPEAKER: It is nearly 6.30 p.m. and some members, I think, are rather anxious that there should be a suspension of business for ten minutes.

Council adjourned at 6.27 p.m. and resumed at 6.43 p.m.

MINUTES

THE SPEAKER: Before the debate is resumed, may I take it that nobody has any objections to raise on the minutes?

The minutes of the meeting of 19th December, 1951 (Morning Sitting), were confirmed.

The debate continued.

MR. HAVELOCK: Mr. Speaker, I would like to make one or two comments in this debate in support of the Motion.

Sir, I notice that the Motion is especially worded to include the suburban areas, and, of course, I have a particular interest in the suburban areas. (Cries of "Shame!") Sir, the matter of housing in the suburban areas, is very greatly influenced by the policy which is being laid down in these areas, especially around Nairobi, as regards the subdivision of land. Now, Sir, the procedure up to now—as I understand it—is that a Regional Planning Board has been set up, and has sat now and then, and has certainly not sat for a very long time, because I am a member of it, and that Board makes recommendations as to the planning round the Nairobi areas—as to where industries shall go, and where residential areas shall be planned, and what size of residential plots shall be allowed in certain areas. The Public Health (Division of Lands) Board, Sir, which is a statutory Board, deals with subdivisions, and they allow or disallow the subdivisions according to the recommendations laid down by the Regional Planning Board. Up to the present, the Nairobi Regional Planning Board—which, as I say, has not met for a very long time—has allowed the minimum acreage round Nairobi in certain areas to be five acres per plot. It used to be ten, and it is now five. In some areas it is still ten, but in certain other areas it has now gone down to five.

Now, Sir, there are a number of reasons that one has to take into consideration when deciding on the acreage of land, and that is, of course—the matter of water is the most important reason, and there are other reasons, such as roads, and so on; but I do suggest, Sir, that, especially in the areas where water is available around Nairobi, unfortunately mostly underground water, from boreholes, where there are plentiful supplies in certain areas, that it is now time that the area of land per plot should be lowered.

Now, the Public Health element comes into this, but I am told by Government Public Health advisers that, down to about two of three acres, sewage pits may be used, and sewers are not necessary. So, I would suggest, Sir, that, as quickly as possible, in the areas where water is available, that land

(Mr. Havelock) owners should be allowed to subdivide in the suburb down to at least three acres. (Hear, hear.) That will make a great difference to the cost of a house. The price of land has risen considerably lately, owing to normal economic fluctuations, and considerably, and five acres is a lot of land, firstly to buy and secondly to keep up.

Now, there is another consideration, Sir, which may not have direct influence on this Motion, but it does certainly have influence on the cost of living—that is, especially in these areas I have been referring to, a lot of agricultural production has been going out because you can confine the suburban element in the areas around Nairobi, the less coffee, for instance, will go out of production, and it is an extremely important point. (Hear, hear.) There is a very great difficulty, and I would like the hon. Deputy Chief Secretary—if he is to speak in this debate—to tell me—there is a great difficulty not only in the matter of surveying these plots, but in getting the surveys checked in the Survey Department, and until the surveys are checked, in the Survey Department people who subdivide their land cannot get their title deeds and cannot borrow money in order to build their houses, and this adds very considerably indeed in the areas I represent to the cost of living in that numbers of people—very considerable numbers—are adding to the congestion in hotels and boarding houses in towns until they can get the money to build their residence in the suburbs. I do not know what the actual reason for this delay is, but the delay in most cases, I understand, is somewhere in the region of six to eight months before the check can be made. Is it a matter of lack of staff, or is it a matter of lack of posts in the Survey Department? Or is it a matter of lack of bodies—in other words, is it that a number of posts have not been filled? Or is it a matter of rather complicated procedure? And I would like an answer to that to see if we cannot work out some way of getting over it.

Now, Sir, this is another aspect of this suburban development especially. I do not know what Member of Government would or could take any interest in this

aspect, but I do suggest to some way or other the Government should give its interest private enterprise in developing residential areas in the suburbs. Now, Sir, it is not a matter of expense. There is still land available, and it is very good for agricultural production. There is still land available with water and amenities for subdivision, and especially those lands would be available if subdivision were allowed in greater scope, and I am quite certain there are a number of people, especially in Britain, who would be interested in developing these areas if they knew about them, and if they had aid—especially in form of a loan from Government. It may be the Ministry of Commerce and Industry, but I do feel that Government could do very much more in this direction, and I hope they will do so.

Speaking of private enterprise—another matter that I have touched on before in this Council—is using private enterprises—capital—private capital—to develop the water supply. It is a very worthwhile thing to do. This does not mean that the considerable bearing on this Motion, in a lot of smaller townships houses cannot be built because the water is not available; and we have, in this Council, studied the Estimates just lately, and we can see a lot of money devoted to small schemes—water supply, but I do suggest that there may well be people in Britain especially, who would be prepared to develop the water supply of these townships with private enterprise on a reasonable scale. It would certainly be a long-term investment, but I do believe that with such an investment that would have to give an understanding that after a certain period, such as ten years, the scheme would be handed over to local government, but, of course, if they should be interested at a later date.

As regards housing, Sir, especially in towns, I believe that the responsibility greatly lies on local government, and I have no doubt that the hon. Member for Local Government will tell us what schemes are in mind, but there is one aspect—namely, I think, that probably the only way to move these things forward is to give very considerably to the Government, and this is a matter, again, of making the use of a building for houses within the townships, and within the City of

[Mr. Havelock]

Nairobi. I understand that the difficulty in many cases of reducing the size of town plots for houses is that sewers are not available. Of course, the provision of sewers is the responsibility of the local government authority. Would the hon. Member for Local Government tell me what steps he has taken to consult the City Council of Nairobi and other local authorities on this matter, to see what priority has been given by those authorities to sewage construction, in order to be able to reduce the size of plots in townships, and thereby reduce the cost of building houses. I would like, in this connexion, to refer to the Hill, which I think some other hon. Member referred to. The Government housing on the Hill is, I suggest, rather extravagant, as regards the use of land per house, and it may well be Government cannot reduce the size of those plots and save money to some extent there, because there is no sewage. I do not know, but have they considered this question, and have they asked the City Council of Nairobi if sewers can be put in that area, so that Government housing can be cheaper? If it does not matter when we are talking about housing—whether it is private housing or Government housing—it is housing that we want.

Now, Sir, transport. Again, the heaviest burden, I think, probably falls on the town dweller and, as regards public transport, it is a matter for local government, but what discussions have Government had with local government authorities on this matter to see if public transport can be cheapened in a way to help the town dweller? And, of course, that applies to the suburban dweller as well. For instance, the residents in a part of my constituency—since this morning, it is not my constituency—the residents beyond Karen are not serviced very well by public transport, and I think there should surely be services there. Is it possible for the Nairobi District Council, in these areas the suburb lies, to be interested in this matter, or have they been in consultation with the City Council on the matter, or have Government helped to bring these two bodies together to see if they can both work at that part of the country? Of course, this matter of cheapening public transport—the

provision of better public transport—also has a bearing—a great bearing—on what I have been discussing as regards houses. The greater concentration of houses—smaller plots—the cheaper obviously it is to run transport to that particular area. There will be more people to use it.

I have not touched on the matter of flats—I am going back again. There again, both in the city and certainly in the suburbs, I do not think sufficient encouragement has been given to the building of flats. Some flats are going up in the suburbs, but under this particular regulation—that one house only can be built on five acres—it is very difficult to get round it, although some people have tried to do so, and flats are not allowed to be built, because that is more than one homestead for one five-acre plot but, providing the water is there, providing the health and sanitation problem is easily looked after, surely there can be real reason why flats to house four or five of six families should not be built on a plot of five acres. That, again, would cheapen the housing.

Again, going back to transport, I would only just touch on it, and as a Member of the Road Authority—it is very near to my heart—I would merely say another aspect of cheaper road transport is by economic expenditure on roads, and I am not advocating increased overall expenditure. I am merely saying it may be to the detriment of other things—but I still do not believe roads are given proper priority of expenditure, because, after all, transport is, all over the country, a basic expense of everything—it is basic expense of production, it is basic expense of living, and I believe that good roads are one of the most economical ways of spending your capital and recurrent money, and I still believe that not sufficient priority is given to such expenditure.

One more small point on transport, Sir. It may be that it will be received with horror by, possibly, the hon. Member for Commerce and Industry, but it is not possible to start negotiating—at least, with the Railway—to provide some cheap form of rail transport to the suburbs? It is not impossible, and I believe that such transport might well be economical, especially with the suburbs that are now becoming more and more developed and more and more populated.

[Mr. Havelock]

I do hope Government will take note of that suggestion as well.

Mr. COOK: Mr. Speaker, the hon. Member for Klambu has taken such charge of this Council, I wondered whether he was the Mover of the Motion or not. I would like to say I entirely agree with his remarks about subdivision of agricultural land. Now, there may be arguments against getting over the alienation of agricultural land for building purposes, but once the policy is decided that agricultural land should be so divided, I think Members will agree that the subdivision should be as small as possible. And there is every argument for that conclusion. I would like to express my full agreement with the eloquent advocacy which he made just now. I think one may say the operative word in his Motion is "early proposals" because this, in itself—his proposals must be, to a certain extent a long-term policy. So I think we should try to make it as short-term as possible.

Now, as the hon. Mover himself well said, and he quoted from the Vasey Report—we had in the Vasey Report strong recommendations in favour of better housing and quicker building of housing and we also had very pungent remarks about transport, but in the 12 months that have elapsed since that valuable report was published, practically nothing has been done and this matter was also referred to by the hon. Mover himself, and by the hon. Member for Nairobi North, and I think, by myself, in the Motion in May last year. But it does not show, Sir, the absolute need for what the hon. Member calls "immediacy". It is no use Americans call these things, and I hope we will not have any homilies or lectures on higher economics from the gentlemen on the other side of the Council as we had when I moved my Motion the other day. What we want is practical calculations of practical problems.

Now I am going to anticipate and I am going to try, to a certain extent, pull the leg of my hon. friend the Member for Education, because, I feel, Sir, that he has made his notes and that he is going to approve of suggestions, and rightly so, of suggestions of my hon. friend the Mover. I think he is going to approve, and I hope he is, of cheap land being

made available and of reduced ground duties on building materials and that the municipality or the Government or whoever it might be, should not over the bus services. These arrangements, of course, if adopted, would assist subsidizing which, as you have said the Council knew, is a matter very much after my own heart. So that I want and hope that my hon. friend the Member for Education will realize these suggestions of my hon. friend the Mover.

Sir, I support the Motion. (Applauds.)

THE MINISTER FOR COMMERCE AND INDUSTRY: Mr. Speaker, I will be glad to state the Council long—I will be glad with the very constructive points that my hon. friend the Member for Klambu raised in so far as they affect us.

First of all, and most important from my point of view, is his suggestion that regard to suburban rail services. That matter has been discussed with the Railway Authorities. This is the position as it stands at the moment. Under the Order in Council, the Railway Authorities, as I think hon. Members know, must satisfy themselves as to the economic feasibility of a particular service before undertaking it. (Hear, hear.) The alternative is that, if that service is not an economic service, that of the Government is concerned, and we should possibly pay a subsidy and so make possible an economic service. This is the position as it stands at the moment. I think that we have discussed this matter in the past, but I do not know, Sir, whether any such suggestion has been made recently. I think that the Government is not very keen to subsidize services which are not economic. However, it is very much to be desired, and of the nature of the thing, that in other places, the hon. Member with the leg of my hon. friend the Mover, and the hon. Member for Nairobi and the gentleman on the other side of the Council, who are approaching the Government, these things, I am sure, will be very much appreciated. I am sure that we can get such a service without any very heavy pay.

Now, Sir, in connection with my hon. friend the Member for Upper Glenora, who is my colleague on the Transport Advisory Council, and also on the Railway Commission, I think I can say, and I know he will agree, that we will be taking up this point very much with the Railway Authorities. (Applauds.)

[The Member for Commerce and Industry]

On the second point, which my hon. friend raised and asked me if it did concern me, which was the development of estates outside the city boundaries by private enterprise, "well, Sir, that question does not concern me directly, but I do recognize some merit in the hon. Member's proposal, and as far as I am concerned, I will pursue it with my colleagues who are concerned with the land question. On the point raised by my hon. friend Mr. Madan—I do not think he would wish at this stage to go into the complexities of rent control because he touched on it, and it is very complex matter, I can assure him, as I did yesterday to other hon. Members when this point on rent control was made, that the arguments are being considered by the Committee—to which I referred, and I think one or two of his hon. colleagues could set his mind at rest on that point, with particular reference to the value of land to which he referred.

I think, Sir, I have now dealt with the points raised by my hon. friends in so far as they affect me. (Applause.)

MR. PRITAM: Mr. Speaker, I will restrict myself with regard to Asian housing, Sir.

So far as up-country is concerned, Sir—so far as Asians are concerned—housing is just as bad as anywhere else. I will cite the instance of Kisumu. Government has been good enough to sell residential plots by direct grant more than once, but in very small numbers, with the result there has been no improvement at all. There were a couple of military transit camps and the Municipality, in order to relieve pressure, bought one of these camps from the military in order to house the Asians there. I think there are something like 200 families living there at present, but the rent has been raised to such an extent that it is now Sh. 70 per room and I do not think the accommodation is even worth half the amount, but the Indians have got to pay it. In my respectful submission, Sir, the housing shortage up-country is more or less the creation of the Government. If Government had taken some action, the present order of

things should have ceased to obtain long ago.

Land belongs more, or less, to the Crown everywhere in the small townships. I have been drawing the attention of the Government for years so far as small townships are concerned, but nothing has been done. The only thing to convince them that things are very serious indeed I would just request them to visit these places such as Kericho, Kakamega and Molo. There is no dearth of land, but there is something wrong somewhere—I do not know why these plots are not being made available to these unfortunate people.

In this connexion, Sir, I would refer to the Sessional Paper No. 8 of 1945. In this Sessional Paper, Government did undertake certain obligations towards Indians or, say, Asians, but how far these obligations were discharged by the Government I would like to hear from the Member in charge. Paragraph 29—it is said: "The Government is fully alive to the urgent needs of the Indian and European population for increased accommodation and to the congestion that at present exists in residential areas. Indeed it is preoccupied with and very anxious concerning the problems that face the Indian community in obtaining adequate employment and a reasonable standard of living for a rapidly increasing population. As far as housing is concerned, the Nairobi Municipal Council had far-reaching plans for urban housing schemes which will, however, raise difficult problems of finance."—Well we have heard, Sir, about land which is lying idle—"The Government will confer with other Municipal Councils with a view to procuring a more adequate provision."

I do not want to waste the time of the Council. Now, Sir, this Sessional Paper was issued in 1945, and there is another Sessional Paper. Now I ask the Government how far did it discharge the obligations that it imposed upon itself? It is all very well, Sir, to issue Sessional Papers, satisfy the public and then do nothing about it. These things, Sir, have been existing since 1945. The hue and cry was raised then and this Sessional Paper, was the result, but since then I can assure you, Mr. Speaker, nothing has been done as far as small townships are concerned. I have been trying. I have been seeing. I

[Mr. Pritam]

have been doing everything, but every time I got something like—that is a time I got something like, or four months matter of three months, or four months or five months—since 1946.

I have heard from the hon. Member for Kiambu some very elaborate proposals as far as European houses are concerned. Europeans can occupy land anywhere they like, but, unfortunately, such is not the case for Indians. As the hon. Member for Central Area has said—that too much money is chasing too little land—perhaps it would surprise some people to know that one-eighth of an acre has fetched £2,000. One-eighth has fetched £2,000 in this town—and yet the Member for Government says—"Oh, well, there is a remarkable demand"—they would not do that sort of thing in European communities because they are too poor. (Shame, shame.) I do not know what is being done, and it should be done by the Member for Lands—all these particulars. That one-eighth of an acre should fetch £2,000 because the Asians cannot get any place to go—such things are really disgraceful. And I should say, so far as the Indian community is concerned, I should blame the Government, and the Government alone. They say: "Oh, well, the Indians have some land, why do they not develop it?" What land have they got? The biggest land holder is the Crown. It is absolutely in a residential area, but still nothing has been done. We approach the Government. They have got no sort of excuse. I think, in so far as Asians are concerned, it is really very serious. The time has come that we should speak and bring it to the attention of the Council so that something should be done.

With these few words, Sir, I support the Motion.

THE ACTING DEPUTY CHIEF SECRETARY: Mr. Speaker, the Government accepts this Motion. It will at a convenient opportunity, and as soon as possible, publish either in a White Paper or in some other convenient form, proposals for dealing with this problem.

It is not correct, as the Motion suggests that the Government has not yet given any consideration to the matter. I shall explain what has already been done and is projected with regard to land for housing. The Member for Health and

Local Government, about which I am talking, is well read with that part of the subject. Now does any member of the Motion mean that we have something which has been said by Ministers on the other side in moving or in support of the Motion.

One of the main objectives of the Motion is that there is delay in releasing Crown land for the purpose of providing sites for housing. I will give a short account of what has to be done in order to make land available for that purpose, and in doing so draw attention to some of the difficulties which we have to overcome.

The demand for land for housing in the municipalities or townships is usually brought to our notice by the local authority. It is then necessary for the town planner to prepare a layout of a suitable piece of Crown land—which, of course, has got to be found in the best place. Usually a preliminary site plan, which is a contour survey, is prepared. The development plan, however, is not completed, it has to be referred to a number of Government departments and to the local authority, for them to agree. When those steps have been taken, the layout has got to be surveyed and land marked on the ground and, of course, the survey for that purpose has got to take its turn with other surveys which are required for different purposes. An arrangement has been made, I think by a Statute, for the Lands by which a certain percentage of the cost of the survey is borne by the local authority. The last such arrangement was in the 18th of this month, and as it is not particularly in mind amongst the hon. Member, both in the municipalities and in the townships.

MR. COOK: What about government sites?

THE ACTING DEPUTY CHIEF SECRETARY: Might I deal with that later on? Now, Sir, when the development plan has been approved and the plots have been surveyed, it is necessary to make arrangements for facilities which are needed before land can be built on, it may be for water, roads, drains, and in some cases for sewerage. The cost of road schemes, sewers, the cost of rough drains and sewers is inevitably a heavy charge, and is usually considerably more than what the purchaser has to pay for the land itself. I will explain the reasons for that later on. Up to the present it has been necessary for the Member to get

The Acting Deputy Chief Secretary) separate financial provision in each case) cover the cost of those development charges in order that the work can be done, although it is ultimately recovered from the purchasers of the plots. This arrangement is very slow and cumbersome and has in the past led to a great deal of delay. Recently, as a result of the approval of the report of the Planning Committee, it has been agreed that a Land Fund shall be created which will be self-replenishing. This will enable the Land Department to meet these development charges from the Fund, and to replenish the Fund by paying into it the development charges when they are paid by the purchasers of the plots. This arrangement will, I am sure, result in considerable acceleration of the process of development.

It has been suggested that one serious difficulty is the high cost of land sold by the Crown for housing purposes. I must make it clear that all urban plots are alienated on a basis of stand premium and rental. Only 20 per cent of the capital value of the plot is payable as stand premium, together with the whole of development charges, and a rental of 4 per cent of the capital value of the plot throughout the period of the 99-year lease. That means that the lump sum payment is only 20 per cent of the capital value. That is usually quite small compared with Development Charges. In some cases which I have dealt with since I have been acting as Member, where the object of the scheme has been to provide land for lower middle class people, it has been agreed that the stand premium shall be set against the Development Charges. When this is done, all that is taken by the Crown, on account of land is the annual rent.

At this stage it might be convenient to refer to the particular scheme which the hon. Mr. Madan mentioned, that is High Ridge. I was not aware that the development at High Ridge is being held up because title deeds have not been issued. If that is the case, I will endeavour to remedy the situation. But to my knowledge, a considerable number of people have started building at High Ridge, and I do not know why some should be able to do it, and others should not.

MR. MADAN: Sir, would the hon. Member agree that it would be impossible for

a large number of Asians to build on the allotted plots in the High Ridge area unless they have their own title deeds on which they can raise money, which is quite a normal practice for people before they can pay for their house.

THE ACTING DEPUTY CHIEF SECRETARY: I did not know that difficulty existed and I will do my best to overcome it. But while we are talking about High Ridge I think I ought to say that while that scheme was intended for lower middle class people of the Asian community, and while we appointed a Selection Committee to see that people of that type were selected to receive land there, it is a fact that some of the houses which have been built are not the sort of houses which you would expect a person of limited means to be able to build. In fact, they would compare very favourably with houses provided for Government servants in the locality in which I live, which the hon. Member Mr. Madan, I think, described as palatial, standing in pleasant acres of their own gardens.

MR. MADAN: On a point of explanation I did not call them anything so grandiose as all that. I merely called them luxurious.

THE ACTING DEPUTY CHIEF SECRETARY: I can assure them some of the houses in High Ridge are very much more luxurious than the Government house in which I live myself.

I have figures here of the number of plots which have been made available for European and Asian housing in various towns in Kenya, but I will not quote those figures now, because it would be laborious. We will include them in a schedule when the White Paper is published, so that one can see what has been done since the year 1946.

The Member for Kiambu referred to the desirability of building flats instead of houses so that you get more people on the same area of land. That is fully recognized. There is provision in a number of development schemes which have been approved for flats. For example, there is provision for flats at High Ridge, which is an Asian scheme. There is provision for flats at Nairobi South, which is a large scheme for which advertisements will be published very

[The Acting Deputy Chief Secretary.] shortly. A layout has recently been prepared by the Town Planner for the area on Anderson Road.

MR. HAVELOCK: Mr. Speaker, I was referring especially to the suburban areas, not the city area.

THE ACTING DEPUTY CHIEF SECRETARY: I see. Nevertheless, this is interesting and relevant, so I will give the facts. A development plan has been prepared for the Anderson Road area which will help to provide for a big block of flats and will make a very big difference to the accommodation available in Nairobi. Reference has also been made to the desirability of high density development, and that matter has been referred to very frequently in the Press in recent weeks. The question of making land available for development of that kind, of a density of perhaps six to eight houses to the acre has recently been examined by the Lands Department in collaboration with the Town Planner and the City Council. They have now all found an area of Crown land which all the authorities think will be suitable for the purpose, and I hope it will be possible to make it available some time next year. There again, of course, there are difficulties of surveying, and the provision of the physical facilities which will be required, in including sewer.

The hon. Member for Mombasa referred to the conditions there. He will be interested to learn that outside the Island of Mombasa it is expected that in the near future, development plans covering some 122 plots up the coast from Mombasa beyond Shauri Moyo will be completed, and will be advertised. I think that will happen sometime early next year.

It has been the practice for a long time for Government to make land available to local authorities for housing, not only for housing their own employees, but for housing generally. This has normally been without charge. Of course when that is done it is essential for the local authority to make sure that the benefit is passed on to the consumer.

That point also has to be kept in mind when the Government itself is considering alienation of land, either for the houses or flats at a cost below the economic figure. It is obviously necessary

to ensure, firstly, that the right person should receive the benefit of the government aid, secondly, that the aid should merely make a money profit out of it by selling the land and the house on it to somebody else at a profit.

There are various plans which have been raised by hon. Members on the other side which require an answer.

The hon. Mr. Mwangi referred to the shortage of land for the Asian community. Well, I admit, Sir, that that is true. There is competition in the Asian market, but there are two points I would like to say about that. Firstly, we are taking such steps as we can with the land and the staff available to remedy that situation. Secondly, it is true, as far as I can see from discussions with the Lands Department and the City Council, that there are fairly large areas in places owned by the members of the Asian community, which could be developed by them.

MR. MADAN: Sir, will the hon. Member kindly describe what steps have been taken to provide such areas for Asians that he has mentioned?

THE ACTING DEPUTY CHIEF SECRETARY: The High Ridge scheme has already been referred to. The Nairobi South scheme is now coming to the stage where plans are being submitted. I believe that within a month or two the thing is developed, and most of the land is a considerable amount.

The Member for Mombasa referred to the delay which might occur in the surveys. He wanted to know why that delay occurs. It is a fact that there are such delays, and it is a matter which we are anxious to remedy. In the case of the Commission of which I was Chairman, which went into the Lands and the Survey Department some time ago. We considered, in consultation with the Survey Department and the private surveyors or representatives of the private sector—whether these should be consultants. We came to the conclusion—and this conclusion was agreed by both the Survey Department and private surveyors—that the checks are essential, and cannot be avoided, and that there must be a short cut. These checks are done partly by qualified surveyors and partly by people called counters. At the Survey Department. Most of the computers are

[The Acting Deputy Chief Secretary]—girls, and they must have mathematical qualifications of a reasonably high standard. These people are difficult to obtain, and we are, at the present time, in contact with the appropriate people in the United Kingdom—the recruits have, up to the present, been local—with a view to getting them from the United Kingdom. It is likely that, during the early part of 1952, I shall come to the Standing Finance Committee, assuming that the Financial Secretary agrees, asking for more posts and an improvement in the scale, so that we may have more computers. The more computers we have, up to a certain point, the fewer surveys will be required in the checking branch, and the more surveyors will be available for field work.

MR. COOKE: What about presumptive titles?

THE ACTING DEPUTY CHIEF SECRETARY: The hon. Member for Kilambu also referred to the Hill area, and suggested that there should be closer development there. I mentioned that conferences are held to fix survey priorities. There is a similar arrangement for priorities for town planning. At the last of these conferences it was agreed that a high priority should be given to the preparation of a development plan for that area, with a view to user building.

The Member for the Coast keeps on referring to presumptive titles. I confess I do not know what he means, so I am afraid I cannot answer that one.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker, I feel that this Motion has, if I may say, two senses of urgency. One is the urgency of the problem, and the other is the urgency on the face of almost every hon. Member opposite, and some hon. Members this side, I have no doubt to finish this debate. (Applause.) That does not alter the fact that this is a most important and serious problem and that hon. Members opposite have made several statements which need, shall I say, correction, of which need amplification.

MAJOR KEYSER: Reply.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: One of the main points, Sir, which I think must be

covered straight away is that of the hon. Member for Kilambu.

I would like to say, Sir, how very much I agree with him in his remarks on the treatment of land on what, I should call, the perimeter of Nairobi—(hear, hear)—that if land has been taken away from agricultural development, and it is a pity that such land is taken away so frequently, once land has been taken away, there is, in my opinion, no reason why that land should not be developed down to at least one, or half an acre—(hear, hear)—because a septic tank and a general sewerage and drainage system is worked, even in Nairobi, on half an acre in many cases. If we adhere to this policy, that only a five-acre subdivision shall be carried out, then more and more do we make demands for further agricultural land to be eaten up. (Hear, hear.)

The hon. Member is a member of the Public Health Division of the Lands Board and—

MR. COOKE: Shame!

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I hope that he will push that policy inside the Board, and I can give him my assurance that it will have my strong support.

MR. HAVELOCK: As I said, Sir, the Public Health Division of the Lands Board acts on the advice of the Nairobi Regional Planning Board and that has not met for a year, and when it did meet, Sir, there were a number of strong objections to reducing suburban land to such acreages or fractions of acreages as the hon. Member has suggested, especially from city representatives.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker, I have known the hon. Member too long to believe that he is not independent enough to disregard bad advice. I would suggest, if he is in any doubt about the advice that he is receiving, he should fight it out on the Board, with the assurance that he will receive support from myself.

MR. HAVELOCK: Thank you.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: That, I think, Sir, is the main point that he dealt with, except for the question of transport, which I will deal with a little later.

[The Member for Education, Health and Local Government]

Now, Sir, we have called some time ago for a review of the housing needs in the main urban areas. These housing returns are now coming in, and will, I return, be published in the Schedule to trust, be published in the Sessional Paper. The situation that is disclosed in, for instance, the area of Nairobi, is interesting. The estimates of the number of dwellings in permanent buildings, permanent materials, for the European population is 3,000 against an estimated number of 3,750 families, which means, indeed, we are 750 houses short at the present time.

The Asian population—the estimated number of dwellings is 4,000; the estimated number of families is 9,000. Now, Sir, those figures will show how serious is the problem in so far as the Asian population is concerned.

The plans that have been put forward for direct building by the City Council in the next five years represent some 255 European houses at an estimated expenditure of about £500,000; they represent for the Asian population some 150 houses at a cost of about £150,000.

Those are the plans, Sir, and I must correct the hon. Member Mr. Madan when he talks about finance lying idle. These plans cover a period of four to five years; they have to be placed against the entire programme of sewerage and water works that the City Council water works that the City Council does not raise to-day the finance of five years ahead.

I know the hon. Member is going to tell me that this has been in the plans for two years past, but I am dealing with finance as it occurs at present, and when I have finished, if he still wishes to raise a query, I will give way.

The point is, Sir, that the finance is not lying idle to that extent. It is part of the future plan, and, of course, whether these plans can be carried out must depend upon the credit-worthiness of the Nairobi City Council, which is an autonomous financial body and raises its own loans.

If the hon. gentleman wishes—

Mr. Madan, I think the hon. Member, Sir, for giving way. I should like to know on that £220,000 which amount reserved in the funds of the Nairobi City Council. If it is correct that a sum of £150,000 has been lying idle for at least three years, and, especially, in relation to Member will explain in relation to European housing, been money, Asian houses have been built, and the period of time to each scheme?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I think, Mr. hon. gentleman is well aware that the answer is so far as the £120,000 is "Yes," but he is also well aware that I have made representations to the City Council from time to time to push Asian housing forward.

The answer is so far as the number of houses built, I cannot give him the exact details, but I think I am right in saying that since the Ngara Road Asian housing scheme was built, considerable houses about 1946, as Asian houses have been built directly by the Municipality. I think that is a correct statement of fact.

Now, Sir, as I was saying, the Nairobi City Council is an autonomous financial body, and its finance has to be raised, and it is necessary to make allocations, as you have said, to the various departments. One of the Deputy Chief Secretaries has pointed in the past of course, some of the ways in which the City Council expenditure of just hundreds of millions of pounds, if the entire cost of the loans were to be covered. The fact of the loans were to be covered. The City Council has quite rightly, I think, concentrated upon the most development concentrated upon the most development of the development of the High Ridge Estate as City Council put into other parts of its programme, and to assist the development of that estate, and spend, I think, some £200,000 on sewerage in order to develop that housing.

I am afraid if you are going to deal with heavy sewerage programmes you cannot do them in a very, very short time. On the question of land, the situation, depending as it is, on the fact that there come in from the £150,000 Municipal loan, that is that such an amount is available and the amount for

[The Acting Deputy Chief Secretary] girls, and they must have mathematical qualifications of a reasonably high standard. These people are difficult to obtain, and we are, at the present time, in contact with the appropriate people in the United Kingdom—the recruits have, up to the present, been local—with a view to getting them from the United Kingdom. It is likely that, during the early part of 1952, I shall come to the Standing Finance Committee, assuming that the Financial Secretary agrees, asking for more posts and an improvement in the scale, so that we may have more computers. The more computers we have, up to a certain point, the fewer surveyors will be required in the checking branch, and the more surveyors will be available for field work.

MR. COOKE: What about presumptive titles?

THE ACTING DEPUTY CHIEF SECRETARY: The hon. Member for Kiambu also referred to the Hill area, and suggested that there should be closer development there. I mentioned that conferences are held to fix survey priorities. There is a similar arrangement for priorities for town planning. At the last of these conferences, it was agreed that a high priority should be given to the preparation of a development plan for that area, with a view to user building.

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THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I hope that he will push that policy inside the Board, and I can give him my assurance that it will have my strong support.

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THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mr. Speaker, I have known the hon. Member too long to believe that he is not independent enough to disregard bad advice. I would suggest, if he is in any doubt about the advice that he is receiving, he should fight it out on the Board, with the assurance that he will receive support from myself.

MR. HAVELOCK: Thank you.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: That, I think, Sir, is the main point that he dealt with, except for the question of transport, which I will deal with a little later.

[The Member for Education, Health and Local Government]

Now, Sir, we have called some time ago for a review of the housing needs in the main urban areas. These housing returns are now coming in, and will, I think, be published in the Schedule to either the White Paper or the Sessional Paper. The situation that is disclosed in, for instance, the area of Nairobi, is interesting. The estimates of the number of dwellings in permanent buildings, permanent materials, for the European population is 3,000 against an estimated number of 3,750 families, which means, indeed, we are 750 houses short at the present time.

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The plans that have been put forward for direct building by the City Council in the next five years represent some 255 European houses at an estimated expenditure of about £500,000; they represent for the Asian population some 150 houses at a cost of about £150,000.

Those are the plans, Sir, and I must correct the hon. Member Mr. Madan when he talks about finance-lying idle. These plans cover a period of four to five years; they have to be placed against the entire programme of sewerage and water works that the City Council finances are needed for. The result of that is that, of course, the City Council does not raise to-day the finance of five years ahead.

I know the hon. Member is going to tell me that this has been in the plans for two years past, but I am dealing with finance as it occurs at present, and when I have finished, if he still wishes to raise a query, I will give way.

The point is, Sir, that the finance is not lying idle to that extent. It is part of the future plan, and, of course, whether these plans can be carried out must depend upon the credit-worthiness of the Nairobi City Council, which is an autonomous financial body and raises its own loans.

If the hon. gentleman wishes—

MR. MADAN: I thank the hon. Member, Sir, for giving way. I should like to know on that £250,000 which stands reserved in the funds of the Nairobi City Council, if it is correct that a sum of £150,000 has been lying idle for at least three years, and secondly, Sir, if the hon. Member will explain, in relation to European housing, how many Asian houses have been built, and the period of time to each scheme?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: I think, Sir, the hon. gentleman is well aware that he is answer in so far as the £150,000 is "Yes," but he is also well aware that I have made representations to the City Council from time to time to push Asian housing forward.

The answer in so far as the number of houses built, I cannot give him the exact details, but I think I am right in saying that since the Ngara Road Asian housing scheme was built, somewhere round about 1946, no Asian houses have been built directly by the Municipality. I think that is a correct statement of fact.

Now, Sir, as I was saying, the Nairobi City Council is an autonomous financial body, and its finance has to cover water and sewerage. One of the main difficulties, as my hon. friend the Deputy Chief Secretary has explained, is the lack of sewage in certain areas of the town, and it would mean an expenditure of not hundreds of pounds but of millions of pounds, the entire area of the town were to be sewered. I think the City Council has quite rightly concentrated upon the most developed areas, and we must remember that in the question of the development of the High Ridge Estate the City Council put back other parts of its sewerage programme to assist the development of that estate, and spent, I think, some £40,000 on sewerage in order to develop that housing.

I am afraid if you are going to deal with heavy sewerage programmes you cannot do them in a very, very short time. On the question of slumness, the situation, according to the estimates that have come in from the Members of the Municipal Board, is that there are 320 European families and 300 houses have

[The Member for Eldoret, Health and Local Government]

been erected. The Asian figure is given as 2,300 houses, dwellings erected, and 9,200 families, so that the situation is seen to be extremely serious. It is unworthy that none of these authorities are building houses for their own European or Asian staff. As I have said, Sir, these figures will be published, and I do not propose to go into them in much more detail. The Nakuru figures are also there, and here I would like to pay tribute to the Nakuru Municipal Board (Appointed). During the time that I had the honour to be Chairman of the Finance Committee of the Nairobi City Council I endeavoured to persuade the Council to adopt in all these schemes a basis of tenant purchase, in order that a sense of ownership could be created in the occupier of the house, and in order too that the Local Government authorities should not have to bear too heavy a loan burden, because if they are to carry very heavy loan burdens it is to the disadvantage of the State. Sir, I have failed completely but the Nakuru Municipal Board has now launched a scheme which will provide some £82,000 worth of Asian housing, and a large proportion of that will be on a tenant purchase basis, so that through the medium of a slightly increased monthly rent, the occupier will in time become the owner. It is my belief that that is the soundest way for local government authorities to indulge in housing schemes. (Hear, hear.) Kitumu—Sir, the hon. Mr. Njindan is murmuring, I think, something about why did not they do it in Nairobi. I thought I had explained, that my persuasive powers have failed completely. The hon. gentleman had been listening late as the hour is, the wouldst of course have heard.

Now, Sir, the Kitumu position has been raised. It might interest the hon. Mr. Pitman to know that the figure for Asian houses 315, population 607. That is a rough estimate of the position in the main urban areas.

MR. PITMAN: Is it up to date?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: This report came in only about a week ago from

the Mombasa Municipal Board. The hon. Member of this Motion said he did not want local government authorities to go into this estate's business.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: Mombasa is a local government authority. If going into this estate's business is a risky business for a local government authority, it is an even more risky business for a central authority; where the organization becomes extremely large. The hon. Member has spoken with some pride, I think, the word of the Minister for Housing in Great Britain, Mr. Harold MacMillan. I do not know how much I agree with him, because it may be a coincidence, Sir, that when His Excellency the Governor made his communication from the Chair at the beginning of this very session, he included a paragraph on the fact that housing was primarily a local government responsibility, and expressed the Government's belief in the value of tenant purchase. The Minister for Housing in Great Britain, Mr. Harold MacMillan, had a fortnight afterwards in the House of Commons expressed the very same policy, and being the one which the Government of Great Britain would see was carried out.

MR. COOKE: Great minds think alike.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: —that the responsibility for housing must remain primarily a local government responsibility. Otherwise the taxpayer is called upon to pay too heavy a share of the burden. If Sir, we take the question of housing in Mombasa, or Nairobi, I think unnecessary that the main benefit from housing is recognizing the proportion of national responsibility, the main benefit from housing is a local benefit. It is very obvious and obviously unfair that the taxpayer in other areas should be called upon to pay too great a contribution to a solution of what is largely a local problem, and Sir, I do not believe that Government should depart from that standard. That does not say that the Government, when the figures of survey are in front of it, and when the paper is published, will not consider what it can do to help local government authorities. It may be by increased expenditure in the Estimates, it may be by the provision of loan finance

[The Member for Education, Health and Local Government]

that the low rate of interest, in order that the burden on the tenant can be eased to some extent, but, Mr. Speaker, I must at this point call the attention of hon. Members to the present position that as Member for Local Government I find myself in, in so far as local government loans are concerned, excluding Nairobi which raises its own loans I have been given in the Development and Reconstruction Authority Plan some £1,800,000 over the next five years for re-tening on a self-reimbursing basis to a local government or authorities.

MR. BLUNDELL: Out of experts?

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: The position today is that the applications that I have already received reached £1,170,000 and that is before any District Council has assumed any question of local government responsibility at a county council level or before, as the hon. Mr. Mathews knows it inevitable, the African District Council have entered the field as borrowing authorities and it is against that background of—not a lack of money, but a complete absence almost of available loan finance that these questions of assistance must be placed.

MR. COOKE: The answer is a loan.

THE MEMBER FOR EDUCATION, HEALTH AND LOCAL GOVERNMENT: No, Sir, I think the answer, strange as it may seem, may be found provided that there is co-operation from some of the hon. Members opposite, something which will be explained, I trust, at a later date.

Now, Sir, I think I have covered the general survey of the position with the exception of transport, and here, Sir, I will try to be quick and brief. The position on transport is, of course, that transport agreements are the responsibility of the local government authorities. The hon. Member, the Member who remember that Mr. Kenji, the Nairobi City Treasurer and myself, carried out a survey of Mombasa's finances, I think it was in 1947 or in 1948. In that we said was in 1947 or in 1948. In that we said to the Mombasa Municipal Board "Be extremely careful before you conclude a new agreement with the Bus Company. I think I am right in saying—the hon. Member will correct me if I am wrong—

that they have just concluded an additional 15 years' agreement, and surely there is no suggestion that at this stage Central Government should desire to override the wishes and desires of local government authorities as expressed by the people's representatives, if these bus services and these transport services are to be profit in this problem, they must obviously be subsidized. (Hear, hear.) It will be the ratepayer who will have to bear the subsidy because it will be of local benefit and it is for the representatives of those ratepayers, therefore, to say whether, in fact, they wish to subsidize the service or not. I believe that at the present moment negotiations are still going on in Nairobi between the Bus Company and the local government, as to whether there can be an agreement reached and I think it would be unwise for me to comment any further on that aspect.

That, Sir, I think covers the main points I am sorry if there are points which I have missed. I have missed only it has been in the attempt to make any of a most important and the survey of a subject as short as possible in recognition of the hon. Members opposite have not bothered to listen sometimes to the points that have been made. (Applause.)

MR. PATEL: I beg to move that the question be now put.

THE SPEAKER: Subject to the hon. Member's right of reply. If no other Member wishes to speak—

MR. JEREMIAH: Mr. Speaker, I only ever to explain the Motion says it is exempt because the Motion says it excludes Africans completely. Although I understand, Sir, the best to Government housing, still a lot remains to be done. With that adjustment, I believe the Africans are in more difficulty and whatever steps Government take the local authorities are going to take regarding the amelioration of this position, I trust African interests will not be overlooked.

I beg to support

THE ACTING CHIEF SECRETARY: Mr. Speaker, I think that we on this side of the Council would like the hon. Member to have the opportunity of reply.

THE SPEAKER: He will have the opportunity to reply. Is it the wish of everybody to close the debate? Either one thing or the other must happen. No other Member rising to speak, I will ask the hon. Member to reply.

MR. USHER: My Speaker, I will be very brief indeed, may I say that I feel much obliged to the hon. Member for Local Government for the information he has given us. He has almost given us the overall survey which I have asked for, and I think he has completely misunderstood the scope and intention of my Motion. I would like to take him up on one point only this evening, and that is that the suggestion that I was putting forward the idea that Central Government should usurp the functions of the local government. I did not express strong opinions—I asked for certain matters to be explored, and above all, I asked that the Government would consider the creation of certain conditions favourable to the operation of private enterprise and I enumerated them. Sir, I came into this debate much in the spirit of Socrates, who described himself so often as the "midwife" (laughter). I was here to invoke the ideas of others and I must thank hon. Members who have supported this Motion and have so well contributed to it. My own contribution was nothing. When I listened to myself, I recalled the words of Courtenay in the *Parliament of Birds*, "By all the dodos, these are thoughts of fate, most venerable, wise and out of date." Sir, we have been promised, I think, we have been more or less, that we shall have the overall survey which was the object of this Motion. I know we cannot have it as a Christmas gift in time for Christmas, but I hope we shall have it very soon. "He gives twice who gives quickly." (Applause.)

The question was put and carried.

PERSONAL STATEMENT

THE MEMBER FOR AGRICULTURE AND NATURAL RESOURCES: Mr. Speaker, with your leave and before the Motion for adjournment is formally put, I wished just to make a statement. It will be within the recollection of hon. Members that I have on several occasions recently referred to a Commissioner who is coming

inquiries and consequential recommendations regarding the fixing of the price of cereals and regarding agricultural indebtedness generally. We had succeeded in obtaining the services of Dr. Meenzies Kitchen, who is Professor of Agricultural Economics at Cambridge University, and who was to have arrived here before the end of this month. I have just received a letter informing me that Dr. Kitchen has been taken ill, and has had to undergo an operation, and therefore will not be able to come out here, at any rate, for the moment. This is a matter of great import, Sir, and as I am extremely worried over this disappointment, I thought it only right to inform hon. Members of the position.

VALECTORY. MR V. G. MATTHEWS, O.B.E., AND SEASONAL GREETINGS

THE ACTING CHIEF SECRETARY: Mr. Speaker, in rising to move the adjournment, Sir, I have to inform Council that my hon. friend the Member for Finance has been invited by the High Commissioner to go to London as Commissioner for East Africa in succession to Mr. Roger Norton (applause) and, Sir, he has accepted that invitation. This means, Sir, that this will be the last occasion on which my hon. friend will take his seat in Council as Member for Finance, and I should like to pay a tribute to him for the great services which he has rendered to this country during almost two and a half years now as the occupier of this highly responsible post in the Government. (Applause.) He has, Sir, during that period, given unsparringly of his energies and his wide experience and I believe that this country has, indeed, great cause to be grateful to him for the services which he has rendered. (Applause.) As a colleague in the Government and in this Council, it has been a pleasure and a privilege to serve with him, and for my own part I am very deeply grateful to him for the assistance and advice which has always so readily been forthcoming from him, particularly during these last few months, while I have had the honour to lead the Government on this side of the Council.

I believe, Sir, that we can congratulate ourselves at the same time as congratulating my hon. friend in that he is

[The Acting Chief Secretary] his new post in London, and I would like to wish Mrs. Matthews and himself every happiness and success in that new sphere. (Applause.)

The Governor, Sir, with the concurrence of the Secretary of State, has invited my hon. friend the Member for Education, Health and Local Government to take office as the new Member for Finance. (Applause.) Mr. Vasey has informed His Excellency of his willingness to do so.

I am sure, Sir, that all hon. Members will agree with me in noting the high qualifications which my hon. friend has to move to this particular post—(applause)—although I think they will also agree with me in regretting that his great talents should of necessity have to be removed after so short a period from the Education, Health and Local Government office. (Hear, hear—applause.)

There are, Sir, very important Commonwealth financial discussions arranged to take place in January next, and the Secretary of State has invited this and the other East African Governments to be represented. The most convenient way to arrange for this to be done adequately will be for Mr. Matthews to attend those meetings as East African Adviser to the Secretary of State. He will accordingly assume his new office on the 10th of January next year, and thereafter proceed to London.

After the discussions have been concluded, he will return to report in person to the three Governments and to assist in any local discussions which may have become necessary, and will then finally return to London.

Mr. Vasey, therefore, Sir, will assume office as Member for Finance on the 10th of January next.

MR. COOKE: Poor chap! (Laughter.)

THE ACTING CHIEF SECRETARY: The Governor, Sir, also with the concurrence of the Secretary of State, has invited my hon. friend Sir Charles Mortimer to resume office in the Government as Member for Health and Local Government, and also for Lands, (Applause.)

The responsibility for Education will be resumed by the Deputy Chief Secretary. (Applause.) This is an interim

arrangement, and Sir Charles has therefore been asked by the Governor to take office for 18 months. It will be within the recollection of hon. Members—indeed, we have only recently been discussing it—that a part of the agreement of the constitutional question reached with Mr. Griffiths when he visited the Colony last year as Secretary of State was that within 12 months of the next general election there should be set up a Constitutional Body to examine the constitutional question which had been discussed with him. It is in order to give time for that to be done, and to make adequate provision for the administration of the department concerned, that the Governor has decided to make the arrangements which I have just explained, which restore the position to what it was before Sir Charles Mortimer retired from office and, indeed, these arrangements involve the least disturbance of administrative continuity. I must, however, at the request of His Excellency, repeat that this is purely an interim measure to fill over to the immediate future. A nomination to this side of the Council to fill the vacancy which will then be caused by Sir Charles Mortimer's appointment will be made shortly.

Sir Charles Mortimer, Sir, with the public spirit which we have all learned to expect of him, has agreed to take office in these circumstances. (Applause.) And I feel that hon. Members will agree with me that the Council and the country are so deeply indebted to him for doing so—(hear, hear)—and for once more taking up so heavy a burden as the office in question involves. (Applause.)

It remains for me, Sir, to thank all hon. Members for the way in which they have tackled the very long and heavy session that we have just now completed. It was not with any tittle that the Special Committee going ahead how difficult it was going to be to complete the business before Christmas, decided the business before Christmas. But I am grateful for the way that hon. Members have attended and for the speed at which we have, with these extra sittings, been able to get through the very heavy programme of business.

May I, Sir, in conclusion, express to you, to all Members opposite, and to the entire staff on behalf of my colleagues and myself, our very best wishes

[The Acting Chief Secretary] for Christmas and the New Year—(applause)—and might I, perhaps, as my last remark, and at the risk of being accused of discrimination, express the hope that my hon. friend the Member for Trans Nzoia will find a nice fat turkey which will co-operate with him over the period of the Christmas holidays in the accommodating manner that we have come to expect of these birds at this season of the year. (Applause—laughter.)

MAJOR KEYSER. Mr. Speaker, on behalf of the European Elected Members, I should like to congratulate the hon. Member for Finance on his appointment as Commissioner for East Africa in London [Hear, hear—applause.]

The hon. Member, Sir, had only been in Kenya for a comparatively short time when he was appointed to one of the most important Government offices in the Colony at a period when finance was more difficult than usual and while, Sir, we have probably disagreed with him on more occasions than we have agreed with him, nevertheless we all appreciate the sincere and conscientious manner in which he has carried out his arduous tasks. (Applause.) We also, Sir, admire the very fine spirit in which he has taken many knocks. (Hear, hear—applause.) Sir, by his genial and friendly manner he has created a very large circle of friends in Kenya, and we, Sir, are sure that he will represent these territories in London in a very suitable manner. We hope, Sir, that Mr. Matthews and he will greatly enjoy their stay in London and will in due course come back to live here. (Applause.) They go, Sir, with our wishes for the best.

Sir, may I also, on behalf of the Elected Members, thank you, Sir, for the very kindly and firm manner in which you have ruled the deliberations of this Council. (Hear, hear—applause.) And also, Sir, to thank the Clerk and the Assistant Clerk to this Council for the very great assistance they have been to us. (Applause.) And, last but not least, Sir, may I also thank our Hansard staff, Sir, who have so very efficiently—(applause)—and with great rapidity produced the frightful shocks of the morning of what we have laid the evening before! (Laughter.)

Finally, Sir, may I wish all hon. Members on the other side a very Happy Christmas and a very prosperous New Year. (Applause.)

MR. PATEL. Mr. Speaker, on behalf of the Asian Elected Members I wish to congratulate most heartily the hon. Member for Finance on his new activity now as Commissioner for East Africa in London. This country will lose his able services in the field of finance. In my opinion, Sir, he has tackled the problems concerning the finance of this country with great insight, ability and spirit of independence—(hear, hear—applause)—and I am quite sure that he will render great services as Commissioner for East Africa to these territories. (Applause.) I wish Mrs. Matthews and himself the best of time in the new sphere and wish him complete success as Commissioner of East Africa. (Applause.)

Sir, it is good fortune for this country that his successor is an able man in the field of finance, for which he has already given indications in regard to the handling of municipal finances. (Applause.) But, as an Asian Member, I certainly feel in my mind that the Indian education, which was receiving a great deal of attention of late and was giving satisfaction to the Asian community, we will be sorry to lose his services as Member for Education.

Sir, I associate myself completely with all the remarks which the hon. Acting Chief Secretary made in regard to all the new appointments, and before I sit down, on behalf of the Asian Members, I wish you, Sir, and all the Members of this Council, I wish to express the best wishes for Christmas and the New Year. (Applause.)

SHARIFF ABDULLA SALIM. Mr. Speaker, it appears that some hon. Members on this side of the Council knew that some compliments were going to be paid to the Financial Secretary, and they took notes, but I knew nothing about this, Sir, and I have not had time to take notes at all—I was taken by surprise.

Mr. Speaker, I do not know whether I should say that on behalf of my colleague and myself—because he is not here. But I should like to associate him with me when I say it is with the greatest possible pleasure I associate myself with

[Shariff Abdullah Salim] the tributes paid to the Member for Finance, and I wish him the greatest success and every prosperity in his new post. (Applause.)

MR. MATTHEWS. Mr. Speaker, I do not think I can add very much more to what has already been said by previous speakers, except to repeat that African Members on this side of Council associate themselves with these tributes in congratulating the hon. Member for Finance in his new appointment as Commissioner for Eastern Africa.

Personally, I think that the appointment may be even of a greater benefit to us, when he is in London, because I think there is a possibility of his going out to forest all at a distance, and I am sure that in his capacity as Commissioner for East Africa we will find that we might be able to benefit ourselves materially from his services, and I would like to wish him and Mrs. Matthews a very prosperous time when they are in England.

MAJOR KEYSER. Mr. Speaker, in the toasting that took place in the hall between the hon. Member for Finance and yourself and a lady, and the Hansard ladies, Sir, I completely forgot to congratulate our late comrade from this side, colleague Mr. Vasey on his recent appointment and say how very glad we are. (Applause.) We feel, Sir, that he has been brought up in a very good school, and that the finances of the Colony must, therefore, be in very good safe hands from now on.

I should also, Sir, like to say how very glad we are to see Sir Charles Mortimer back again in harness. (Applause.)

THE FINANCIAL SECRETARY. Prolonged applause. Mr. Speaker, I rise to give my most sincere thanks to my colleagues on this side of the Council and to hon. Members opposite for the very kind tributes they have paid to me. Sir, it has been an honour to serve this country, and I should like to thank my colleagues, and an honour to see a Member of this Council, I shall never forget.

Sir, I rise with very mixed feelings. I think no human being ever does something with such consciousness for the last time with quite some feeling of regret and nostalgia—(even this!) (Laughter.) I think that possibly, the most lurid episode in the

very lurid life of a Financial Secretary is the Budget debate. I think it was Mr. Churchill who once described war as "long periods of intense boredom, punctuated by short, sharp periods of intense fear". Now, Sir, I can certainly cap that, because, as my hon. friend who will succeed me will soon discover, a Budget debate, from the point of view of the Financial Secretary, can be described as "long periods of intense fear, punctuated by short, sharp periods of intense fear". (Laughter.)

Now, Sir, it is true that in the Budget debate there is a great deal of "cut and thrust" in the elation of speaking, or in a moment of being carried away, one sometimes says something a little harsher a little harder, than one would otherwise do—and I am sure that I, like everybody else, will have been guilty in this misadventure. I hope, Sir, I shall have the indulgence of my colleagues opposite if I have done so. But whatever we may have in the way of differences, we all have the same objectives. Sir, if I may say so, we all have the same object (Hear, hear.) It is peace, and the good and the prosperity of this country, our home, Kenya. (Hear, hear.)

THE SPEAKER. I would only say one word or two of acknowledgment on behalf of those who have to remain silent, and take down the many words which you all utter. The staff have, undoubtedly, gone through a rather trying time with these evening sessions, but they have performed their tasks most manfully. (Hear, hear—applause.)

For the kind words which the hon. Member for Trans Nzoia has uttered in respect of myself, I thank him very much indeed. He must remember that my talk indeed has been greatly lightened in this long session by the assistance of Sir Charles Mortimer. (Applause)—and by the very able support to the Chair given by all Members.

I wish you all the compliments of the season and the Council will now stand adjourned until 10 o'clock of the forenoon of Tuesday, 12th February.

ADJOURNMENT

Adjourned till 8.25 p.m. and adjourned until 10 a.m. on Tuesday, the 12th February, 1951.

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Fourth Session—First Sitting

Volume XLV

30th October, 1951, to 20th December, 1951

EXPLANATION OF ABBREVIATIONS

Bills: Read First, Second or Third time = 1R, 2R, 3R;
In Committee = IC; Referred to Select Committee =
SC; Select Committee Report = SCR; Recommended to
Council = Re.C.I.; Withdrawn = Wdn.

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