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Date of Reproduction

7th ~~July~~ February, 1966.

Wednesday, 31st July, 1963

The House met at thirty minutes past Two

The Speaker (Mr. Siddle) in the Chair

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 25

RIPON FALLS AND FLOODING IN LAKE VICTORIA

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Ombao) asked the Minister for Natural Resources: Will the Minister tell the House what his Ministry is doing about the present rise in level of the Ripon Falls, Lake Victoria which has covered a part of Bonvali arabic area?

The Parliamentary Secretary for Natural Resources (Mr. Nguni): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply:

I would like to say that there is absolutely nothing in the Government or even the East African Commission can do about the high level of Lake Victoria because, Sir, it is due to natural causes, excessive rainfall, and to nothing else. It is not possible for us to believe in any way due to the building of the Owen Falls Dam. This is difficult to understand, I almost said I hope hon. Members find it difficult to understand because I myself find it very difficult to grasp at first. The point is that the Owen Falls is not the outlet from Lake Victoria. The Owen Falls Dam is built on the River Nile which starts 17 miles upstream from the Owen Falls where there is a bottle neck at the Ripon Falls. It is this "bottle neck", the Ripon Falls, which controls the start of the River Nile and the outflow of water from Lake Victoria. In order that enough water should flow over the Ripon Falls at all seasons to the power station at the Owen Falls, part of the Ripon Falls was blasted away, 17,000 cubic yards of rock were removed. In consequence more water flows out of Lake Victoria now at all times than it did at similar times before the Owen Falls Dam was constructed. The sluices of the Owen Falls Dam—sluices may call them gates or doors—are capable of taking away more water than flowed out of the lake before the dam was constructed and the Ripon Falls blasted away, but, by international agreement made between Kenya, Uganda, Tanganyika, the Sudan and Egypt, the opening of the sluices is regulated so as always to match the flow of the river between the outlet and the dam.

Now, Sir, when I said at the beginning that the high level of the lake was due to excessive rainfall, I hope hon. Members will not think that I am referring only to rain actually falling on the surface of the lake. The important factor is the rain which falls on the hills where the various rivers which feed the lake start, not only in Kenya but in Tanganyika, Uganda and Ruanda. The hon. Member should know the geography of the area where there are several rivers; the Nzoua, the Yala, the Nyando, the Kuni, etc., but the largest of all rivers flowing into Lake Victoria is the Kagera which rises and flows for a great deal of its length in Ruanda. When the lake level was rising it was estimated that the flow into the lake from rivers was at times as much as nine times as great as the flow out of the lake at the Ripon Falls.

I am glad to say that the lake level has now started to fall, and we trust that it will continue to do so.

Fatally, Mr. Speaker, Sir, I would like to inform Members that I have ordered some maps to be put in the library. If people would like to look at them, they will be able to understand this very important aspect, the question of natural resources.

Mr. Bometi: Mr. Speaker, Sir, will the Minister be able to give us an answer to the question: What does the Ministry intend to do on the rising of the Lake Victoria?

The Parliamentary Secretary for Natural Resources (Mr. Nguni): Yes, Mr. Speaker, I have answered the question. As I have said, there is absolutely nothing that this Government or the Federation Government can do. I said it would follow its natural course.

Mr. Murgori: On a point of order, Mr. Speaker. I thought that the Parliamentary Secretary was answering on behalf of the Kenya Government. Was he also answering on behalf of the Federal Government?

Mr. Nguni: Mr. Speaker, Sir, the hon. Parliamentary Secretary has given us two answers to the question. He has told us that the rising of the water level is due to natural causes and he has also told us that something has been built to provide electricity which also causes the water level to rise.

We would like to know whether the Parliamentary Secretary can give us one reason either that that flooding has come about because of natural causes or because of building the electricity plant near the Ripon Falls?

Wednesday, 31st July, 1963

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

The Speaker (Mr. Stales in the Chair)

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 25

IF ANY AVAILABLE LAND LEASED BY LAKE VICTORIA

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osope) asked the Minister for Natural Resources: Will the Minister tell the House what his Ministry is doing about the present rise in level of the water in Lake Victoria which has covered a large part of Buvaya and other areas?

The Parliamentary Secretary for Natural Resources (Mr. Nguni): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply.

I regret to say that there is absolutely nothing that this Government or even the East African Federation, can do about the high level of Lake Victoria, because, Sir, it is due to natural causes, to excessive rainfall and to nothing else. It is not, as many people believe, in any way due to the building of the Owen Falls Dam. This is difficult to understand; I almost said I hope hon. Members will find it difficult to understand because I myself found it very difficult to grasp at first. The point is that the Owen Falls is not the outlet from Lake Victoria. The Owen Falls Dam is built on the River Nile which starts 11 miles upstream from the Owen Falls where there is a "bottle-neck" at the Ripon Falls. It is this "bottle-neck", the Ripon Falls, which controls the start of the River Nile and the outflow of water from Lake Victoria. In order that enough water should flow over the Ripon Falls at all seasons to the power station at the Owen Falls, part of the Ripon Falls was blasted away; 17,000 cubic yards of rock were removed. In consequence more water flows out of Lake Victoria now at all times than it did at similar times before the Owen Falls Dam was constructed. The sluices of the Owen Falls Dam— you may call them gates or doors—are capable of taking away more water than flowed out of the lake before the dam was constructed and the Ripon Falls blasted away, but, by international agreement made between Kenya, Uganda, Tanganyika, the Sudan and Egypt, the opening of the sluices is regulated so as always to match the flow of the river between the outlet and the dam.

Now, Sir, when I said at the beginning that the high level of the lake was due to excessive rainfall I hope hon. Members will not think that I am referring only to rain actually falling on the surface of the lake. The important factor is the rain which falls on the hills where the various rivers which feed the lake start, not only in Kenya but in Tanganyika, Uganda and Ruanda. The hon. Member should know the geography of the area where there are several rivers; the Nzoua, the Yala, the Nyando, the Kupa, etc., but the largest of all rivers flowing into Lake Victoria is the Kagera which rises and flows for a great deal of its length in Ruanda. When the lake level was rising it was estimated that the flow into the lake from rivers was at times as much as nine times as great as the flow out of the lake at the Ripon Falls.

I am glad to say that the lake level has now started to fall and we trust that it will continue to do so.

Finally, Mr. Speaker, Sir, I would like to inform Members that I have ordered some maps to be put in the library. If people would like to look at them, they will be able to understand this very important aspect, the question of natural resources.

Mr. Bomett: Mr. Speaker, Sir, will the Minister please, while he has occasion, answer the question: What does his Ministry intend to do on the rising of the Lake Victoria?

The Parliamentary Secretary for Natural Resources (Mr. Nguni): Yes, Mr. Speaker, I have answered the question. As I have said, there is absolutely nothing that this Government or the Federation Government can do; I said it would follow its natural course.

Mr. Murgor: On a point of order, Mr. Speaker, I thought that the Parliamentary Secretary was answering on behalf of the Kenya Government. Was he also answering on behalf of the Federal Government?

Mr. Nguni: Mr. Speaker, Sir, the hon. Parliamentary Secretary has given us two answers to the question. He has told us that the rising of the water level is due to natural causes and he has also told us that something has been built to provide electricity which also causes the water level to rise.

We would like to know whether the Parliamentary Secretary can give us one reason either that that flooding has come about because of natural causes or because of building the electricity plant near the Ripon Falls?

The Parliamentary Secretary for Natural Resources (Mr. Njiru): It is a question I have answered already, but I did not mention about the electricity.

The Speaker (Mr. Slade): The Parliamentary Secretary has already answered that question of great length, even excessive length.

Mr. Ngala: Mr. Speaker, Sir, arising from the reply, can the Parliamentary Secretary tell us how many inches higher is the water level at the moment as compared to the level last year at the same time?

The Parliamentary Secretary for Natural Resources (Mr. Njiru): I would need notice to answer that question.

Mr. ole Tipis: Mr. Speaker, Sir, the hon. Parliamentary Secretary has just said that the rise of the lake is due to natural causes. Could he kindly also tell us if any steps have been taken by his Ministry to drain the water from this arable land?

The Parliamentary Secretary for Natural Resources (Mr. Njiru): I have already answered that question because, according to the agreement that was made by the Kenya Government and the Governments of Egypt and the Sudan, they have found excessive rain fall in the area.

The Speaker (Mr. Slade): I do not think you have followed the question Mr. Njiru, the question was on clearing the land which has been flooded.

Mr. ole Tipis: Mr. Speaker, Sir, with all due respect to the Parliamentary Secretary, he had not attempted to answer my question. It has nothing to do with international agreements. The question is what is his Ministry doing to drain water from this arable land which is Kenya land?

The Parliamentary Secretary for Natural Resources (Mr. Njiru): Mr. Speaker, that has nothing at all to do with my Ministry.

Mr. Murgor: Mr. Speaker, arising from the reply of the Parliamentary Secretary, could he tell us if the whole of Central Nyanza is going to be flooded and if so what he has done to tell the Governments of Sudan and Egypt to help the Luo whose land is flooded?

The Parliamentary Secretary for Natural Resources (Mr. Njiru): That question does not arise at all.

Mr. Agari: Mr. Speaker, I want to know from the hon. Parliamentary Secretary whether calamities caused by natural causes are not the responsibility of his Ministry?

The Parliamentary Secretary for Natural Resources (Mr. Njiru): Mr. Speaker, I would like to refer the hon. Member not always.

Mr. Ngala: Mr. Speaker, could the Parliamentary Secretary tell us whether this water could not be used in irrigating the dry areas around the lake?

The Parliamentary Secretary for Natural Resources (Mr. Njiru): Highlighted by Mr. Speaker, but that was not the question.

The Speaker (Mr. Slade): I would not say it is out of the question, but maybe you do not know the answer.

Mr. Murgor: Mr. Speaker, Sir, the Ministry is the Ministry for Natural Resources. The Parliamentary Secretary has told us that the floods are due to natural causes so can he tell us what his Ministry is going to do to get this water away to Uganda?

The Parliamentary Secretary for Natural Resources (Mr. Njiru): Mr. Speaker, Sir, in reply, I would like to tell the questioner that this is a matter of excessive rainfall and nothing else can be done.

Mr. arap Moi: Arising out of the Parliamentary Secretary's previous reply, the questioner, Mr. Speaker, wanted to know what Government is doing to enable those people living on this arable land to live, so that the Government can prevent water from occupying parts which they could till. What is the Government doing?

The Parliamentary Secretary for Natural Resources (Mr. Njiru): Mr. Speaker, Sir, there are some schemes which are going on now of draining water from that area.

Mr. Ngala: Arising from that reply, Sir, could the Parliamentary Secretary state specifically what these schemes are and where they are which could provide alternative cultivation areas for the Bumyala people?

The Parliamentary Secretary for Natural Resources (Mr. Njiru): Building walls to stop the water going on to the land.

Mr. Towett: Mr. Speaker, Sir, the Parliamentary Secretary did say that this was not the concern of his Ministry, is he now telling us that these walls which are being built to prevent water going on to the land are the concern of his Ministry or another Ministry?

The Parliamentary Secretary for Natural Resources (Mr. Njiru): No, they are not the concern of my Ministry, but I know there are some schemes going on.

Mr. Omon: Mr. Speaker, Sir, arising out of the reply given by the hon. Parliamentary Secretary, he has told this House that there was an agreement made between the Sudan, Uganda and Kenya Governments, will he tell this House how far Kenya has a special Government, that his Ministry will start new negotiations because the final negotiations were carried out by the former Government?

The Parliamentary Secretary for Natural Resources (Mr. Njiru): Mr. Speaker, it is not necessary at this stage because the agreement was made by the Kenya, Uganda and Tanganyika Governments which are soon to become a federation with Egypt and the Sudan. Therefore at present, it is not necessary.

Mr. Muruli: Mr. Speaker, Sir, the Parliamentary Secretary told us that someone had to know some geography. Would he assure this House that the water has risen because of the dam which has been built, that the Kenya Government is going to do something to drain that water away? That is what we want to know. The question is whether the water is to be stopped.

The Parliamentary Secretary for Natural Resources (Mr. Njiru): Mr. Speaker, I did not say that I said that it is because of excessive rainfall and therefore nothing can be done.

Mr. Khasakhula: Mr. Speaker, Sir, could the Parliamentary Secretary tell the House whether his problem of floods in Bumyala has ever existed before in past years and if not, what is he going to do to improve the area?

The Parliamentary Secretary for Natural Resources (Mr. Njiru): Yes, in 1918 and 1917.

Question No. 56

TRANSFER OF FORESTS IN SAMBURU DISTRICT

Mr. Rurumban: asked the Minister for Natural Resources: Is the Minister aware of repeated requests by the Samburu tribe for the transference of Crown forests in Samburu District to the local authority?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, on behalf of the Minister for Natural Resources, I beg to reply.

Yes, Sir, I am well aware that there have been several requests for the Crown forests in Samburu District to be handed over to the local authority. The Government has not in the past acceded to these requests and cannot do so now because these forests Mount Nyiru, Ndotos, the Matthews' Range and Leroghi are vital catchment areas for the water supplies to a great number of people. If the forests are not protected

the Samburu and other people who live in the already a water with final state analysis, but they have no right at all. The forests have to be protected against fire and overgrazing and this is not a large area of forest, over 1,200 square miles of forests (open woodlands and grasslands) and the cost of protection is very high. None of these forests are an immediate priority and this is in the prospect of their production, are crops in the foreseeable future. In the event, they were handed over to the local authority, that authority would be very unlikely to be able to protect them and there is little doubt that large scale fires would break out and the forests would be destroyed with grave effects on the Samburu, who are some of the poorest. Therefore, Sir, it is essential in the interests of the people of Kenya that Government should retain a central role in the forests.

Mr. Rurumban: Arising from the Minister's reply, will he on the House whether there is any difference between the present Government policy and the last Colonial Government, because the last Colonial Government had refused to agree to such a request?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, the Government implied in its reply to me that it was not going to protect the forests because they were such a small area. Last year, it is still necessary to do. The mere fact that you have a change in Government does not change the natural and geographical conditions of this country.

Mr. Murgor: Mr. Speaker, Sir, arising from the Minister's reply with regard to what he said about handing over to local authorities, meaning fires in the forest and catchment areas is he implying that the Samburu District local authority which has a forest to be handed over?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I did not say anything of the sort, which the hon. Member would have known if he had been listening.

The Speaker (Mr. Slade): Repeat your question without the preamble Mr. Murgor.

Mr. Murgor: Mr. Speaker, Sir, the Minister aware that there are many other local authorities which are able to look after forest and catchment areas, if the Samburu have given this opportunity of looking after the forests?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Yes, Sir, the Minister is aware but, in this particularly case, the Government's decision is still justified.

Model: This is not a point of order may only be raised in the House or the conduct of the House are not points of order.

to Kanu for the meeting. Would he be prepared to substantiate that? The Speaker (Mr. Shyamba) stated any allegation raised on an adjournment evening at the interjection.

ORAL ANSWERS

Question

TEACHER TRAINING COLLEGE

Mr. Omweri asked:

Why there was no teacher training college in the Kisii District?

When was the Minister prepared to start a teacher training college in the Kisii District?

Mr. Murgor: The Minister for Education (Mr. Kaggia) said that he had to reply to the question in the light of the information provided by the hon. Member.

We have got a teacher training college in the Nyanza Region to cater for the Kisii District.

Mr. Murgor: Mr. Speaker, Sir, the Minister for Education (Mr. Kaggia) said that he had to reply to the question in the light of the information provided by the hon. Member.

Mr. Murgor: Mr. Speaker, Sir, the Minister for Education (Mr. Kaggia) said that he had to reply to the question in the light of the information provided by the hon. Member.

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Mr. Murgor: Mr. Speaker, Sir, the Minister for Education (Mr. Kaggia) said that he had to reply to the question in the light of the information provided by the hon. Member.

The Parliamentary Secretary for Education (Mr. Kaggia): I have said, Mr. Speaker, that the schools have been instituted on the basis of regions and not on the basis of districts. Kisii is included in the Nyanza Region.

Mr. Makoni: Does the Parliamentary Secretary mean that we have not suitable people to join a training college in Kisii District?

The Parliamentary Secretary for Education (Mr. Kaggia): I said that there were not enough people to warrant a training college in the Kisii District.

The Parliamentary Secretary for Justice and Home Affairs (Mr. Nyamweya): Arising from the hon. Parliamentary Secretary's statement that Kisii District has got 267 teachers and less than 500 teachers to cater for the population of the district.

The Parliamentary Secretary for Education (Mr. Kaggia): We have got a teacher training college in the Nyanza Region to cater for the Kisii District.

Mr. Murgor: Mr. Speaker, Sir, the Minister for Education (Mr. Kaggia) said that he had to reply to the question in the light of the information provided by the hon. Member.

The Parliamentary Secretary for Education (Mr. Kaggia): This is irrelevant to the question.

Mr. Murgor: Mr. Speaker, arising from the statement of the Parliamentary Secretary that there are 200 intermediate schools in the district, have you been qualified teachers?

The Parliamentary Secretary for Education (Mr. Kaggia): Education is going on in the district.

Mr. Murgor: Mr. Speaker, Sir, the Minister for Education (Mr. Kaggia) said that he had to reply to the question in the light of the information provided by the hon. Member.

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awards are not made on a tribal basis, nor are the Education Department records kept on this basis.

However, research shows that one Mkisi, Mr. James Nyamweya received a loan for his legal studies in London. Mr. Protas Kybate, after enjoying a Kenya Government bursary for studies in Royal College, Nairobi, received a bursary from the Italian Government. Several others have received whole or partial assistance to study in America from American public funds.

Mr. Nyala-Abok: Mr. Speaker, Sir, would the Parliamentary Secretary tell the House whether the fact that scholarships are not issued on a tribal basis would not make certain tribes become frustrated, and therefore the Kisii Government should not follow the colonial line of thinking and the Kisii people be given the right to obtain scholarships for education overseas?

The Parliamentary Secretary for Education (Mr. Kaggia): Mr. Speaker, I think there was no discrimination here even during the colonial period. The deciding factor as to who should get a scholarship has been qualification, and who ever applied in the past with the necessary qualifications was awarded a scholarship, irrespective of his tribe.

Mr. Ndile: Mr. Speaker, Sir, would the Parliamentary Secretary measure the Minister for Education to see that some of the tribes are overlooked in the award of scholarships though these tribes we must not overlook.

The Parliamentary Secretary for Education (Mr. Kaggia): Mr. Speaker, Sir, when we have advertised and applications are invited from all areas, and anyone who applies with the necessary qualifications is considered.

Question No. 84

EDUCATION STANDARDS IN HAMISI

Mr. Murgor: I asked the Minister for Education to use his influence to have the standards of education in the Hamisi District raised to the level of the secondary schools in the other districts.

Mr. Kaggia: Mr. Speaker, Sir, the Minister for Education (Mr. Kaggia) said that he had to reply to the question in the light of the information provided by the hon. Member.

Mr. Murgor: Mr. Speaker, Sir, the Minister for Education (Mr. Kaggia) said that he had to reply to the question in the light of the information provided by the hon. Member.

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Mr. Murgor: Mr. Speaker, Sir, the Minister for Education (Mr. Kaggia) said that he had to reply to the question in the light of the information provided by the hon. Member.

[The Parliamentary Secretary for Education] country. I shall also use all my influence to see that the numbers of secondary schools are increased generally, not only in the Tinki country but elsewhere.

I look forward to the day when the standard of education and the financial condition of the country will permit the opening of more schools in the Tinki country.

Mr. Godia: Mr. Speaker, arising out of that reply is the best. Parliamentary Secretaries aware that towards the end of next year there will be about 400 pupils whose education finished K.A.P.E. and will have nowhere to go? Would he let me know what he thinks about that?

The Parliamentary Secretary for Education (Mr. Kagaga): Mr. Speaker, in the hope of this Minister to describe the progress of secondary school places for the next few years, I refer to the provision of the necessary capital and recurrent expenditure.

Mr. Anyieni: Arising from the Parliamentary Secretary's reply, Sir, is he aware that the colonial programme did not distribute allowances for educational grants in the country and as such a lot of the money into the places which were overpopulated?

The Parliamentary Secretary for Education (Mr. Kagaga): Mr. Speaker, I am aware of that and we are determined to correct every mistake which was made during the past.

Mr. Towett: Mr. Speaker, Sir, would the Parliamentary Secretary agree with me that there are two forms of influence, either you visit the place and ask people to build their own secondary schools or the Government build them for them? Is the Parliamentary Secretary agreeable to the former?

The Parliamentary Secretary for Education (Mr. Kagaga): I am not sure, Mr. Speaker, whether I understand the question, but the Ministry is prepared to use every influence.

BILLS

Consideration of *K. A. P. E. and Local Reading*

THE LAND AND AGRICULTURAL BANK (AMENDMENT) BILL

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, the Land and Agricultural Bank (Amendment) Bill was considered in Committee yesterday and agreed to with amendment. I now beg to move that the House do agree with the Committee on the said Report.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyeko) seconded.

(Question proposed)

The question was put and carried.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the Land and Agricultural Bank (Amendment) Bill be now read a Third Time.

Mr. De Souza seconded.

(Question proposed)

Mr. Towett: Mr. Speaker, Sir, I do not want to say much on this, but it appears that some of the new Members do not understand what it means when it comes to Third Readings, and I was just wondering whether you could give them an explanation because when it comes to Third Readings nobody is questioning anything.

The Speaker (Mr. Slade): If hon. Members do not understand the procedure on a Third Reading, it is a final opportunity to discuss the Bill in principle. I am taken though the main discussion on principle has already taken place on the Second Reading and the Bill has then been discussed in detail in Committee, it is still open to any hon. Member to talk about the Bill on the Third Reading again, and even to move an amendment that the Bill be read six months hence, which means in effect killing a Bill at that stage. We do not often get discussions on the Third Reading, because they are liable to be no more than repetition of what we have already had in the Second Reading. That is why it goes through usually without discussion.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I am grateful for this opportunity of replying. Because during the Second Reading, the hon. Member for Buret stood up and castigated Government for the explanation which it had given on the word "farmers". He spoke on this for a long time, using the time of this House, and I then said to him that I was prepared as Minister to discuss with him, if he wished, a further means of description of the word "farmers" and we would then bring forward the new description in the Committee stage. I would like the House to know, Mr. Speaker, that the hon. Member did not take advantage of this opportunity whatsoever, and I would like to report to the House that in my opinion, all the time which he spent castigating Government was a waste of time.

I beg to move.

(The question was put and carried)

The Bill was accordingly read the Third Time and passed.

(Order that the Clerk carry the said Bill to the Senate and desire their concurrence)

Second Readings

THE WIDOWS' AND ORPHANS' PENSIONS (AMENDMENT) BILL

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): Mr. Speaker, I beg to move that the Widows' and Orphans' Pensions (Amendment) Bill be now read a Second Time.

The Bill makes three amendments to the principal Ordinance as follows: (a) the replacement of the existing definition of the public service in the Ordinance by a new definition which defines more clearly what service is to be regarded as public service; (b) the exclusion from the scope of the Ordinance of officers appointed in future on agreement terms; and (c) the inclusion of the overseas addition and personal inducement allowance as part of the emoluments on which contributions to widows' and orphans' pension schemes should be determined.

Mr. Speaker, Sir, I beg to move.

Mr. De Souza seconded.

(Question proposed)

The question was put and carried.

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

THE PENSIONS (INCREASE) (AMENDMENT) BILL

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to move the Pensions (Increase) (Amendment) Bill, be now read a Second Time. The Governor has signified his consent to this Bill.

It has been the policy of the Government in the past to consider an increase on pensions each time there has been upwards revision of salaries for serving officers. Increases on pensions were first agreed in 1945 and became operative on 1st January, 1944. Such increases are considered after only upward adjustment is made to the salaries paid to serving officers by way of either a cost-of-living allowance or a general revision of salaries. The grant of increases at present paid to pensioners was made in 1956, that is the date from which serving officers' salaries were consolidated

by including the cost-of-living allowance which was payable at that time. The Flemming Salaries Commission recommended a revision of salaries for serving officers ranging from increases of 71 per cent to 30 per cent. These increases were accepted by Government and took effect from 1st April, 1960.

In view of the precedents to which I have referred and representations made to Government by the Pensioners' Association, Government has given careful consideration to possible increases in pensions. Having regard to Government's financial position, a limit of relief to pensioners has been agreed and increases will be awarded with effect from 1st July, 1962, on the basis of the conditions set out in clause 6 of this Bill.

Mr. Speaker, Sir, I beg to move.

The Speaker (Mr. Slade): As a matter of procedure, Mr. Okelo, the Governor's consent has to be signified by a Minister. Perhaps one of your colleagues will do it.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, the Governor's consent has been signified. I beg to second.

(Question proposed)

Mr. Atari: Mr. Speaker, Sir, when I read this amending Bill, I could not understand it all very clearly. I have two unfair aspects to point out. One concerns whether this concession is not going to cost us more. We are crying out for money for development. Secondly, it is true that as we go through the transition period when most of the Government servants who are to have pensions are colonial civil servants and will be leaving, will the Government not incur much more expenditure through these people leaving the country? They will be paying for those who are not going to continue to help us, and this will drain us of our money and it will go to overseas countries. I would like to have more information with regard to this Bill and how that is going to be handled. Is it going to cost the Government more? How is it that the Government bring this Bill at this time, when we know that it is going to rob us of the money in this country? We shall be paying out money to those who are not serving Kenya any more.

Mr. Gichoya: Mr. Speaker, Sir, I have been trying in vain to get a copy of the original Bill which I understand was enacted in 1956 during the Emergency period. Unfortunately, I do not have it, only the present copy of the so-called amendments which are the amendments of our own Government.

[The Parliamentary Secretary for Education] country. I shall also use all my influence to see that the numbers of secondary schools are increased generally, not only in the Tsimbuc country, but elsewhere.

I look forward to the day when the standard of education and the financial condition of the country will permit the opening of two schools in the Tsimbuc country.

Mr. Godia, Mr. Speaker, sitting out of that room is the hon. Parliamentary Secretary aware that towards the end of next year there will be about 400 pupils who will have finished K.A.P.E. and will have no other to go? Would he let me know what he thinks about that?

The Parliamentary Secretary for Education (Mr. Kizera): Mr. Speaker, the members of the Ministry to decide provision for secondary school places over the next year will be subject to the provision of the necessary capital and recurrent expenditure.

Mr. Muticik: Arising from the Parliamentary Secretary's reply, Sir, is he aware that the Government did not allocate places for education equally in the country, and as a result all the best sites in the places which were overcrowded?

The Parliamentary Secretary for Education (Mr. Kizera): Mr. Speaker, we are aware of this and we are determined to correct every mistake which has been made during the past.

Mr. Towett: Mr. Speaker, Sir, would the Parliamentary Secretary agree with me that there are two forms of influence, either one way or the other, and as a people to build their own secondary schools or the Government build them for them? Is the Parliamentary Secretary agreeable to the former?

The Parliamentary Secretary for Education (Mr. Kizera): I do not know, Mr. Speaker, whether I understand the question, but the Ministry is prepared to use every influence.

BILLS

Consideration of Report and Third Reading

THE LAND AND AGRICULTURAL BANK (AMENDMENT) BILL

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, the Land and Agricultural Bank (Amendment) Bill was considered in Committee yesterday and agreed to with amendment. I now beg to move that the House doth agree with the Committee in the said Report.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko) seconded

(Question proposed)

(The question was put and carried.)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the Land and Agricultural Bank (Amendment) Bill be now read a Third Time.

Mr. De Souza seconded.

(Question proposed)

Mr. Towett: Mr. Speaker, Sir, I do not want to say much on this, but it appears that some of the new Members do not understand what it means when it comes to Third Readings, and I was just wondering whether you could give them an explanation because when it comes to Third Readings nobody is questioning anything.

The Speaker (Mr. Slade): If hon. Members do not understand the procedure on a Third Reading, this is a final opportunity to discuss the Bill in principle. Even though the main discussion on principle has already taken place on the Second Reading and the Bill has then been discussed in detail in Committee, it is still open to any hon. Member to talk about the Bill on the Third Reading again, and even to move an amendment that the Bill be read six months hence, which means in effect killing a Bill at that stage. We do not often get discussions on the Third Reading because they are liable to be no more than repetition of what we have already had in the Second Reading. That is why it goes through usually without discussion.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I am grateful for this opportunity of replying, because during the Second Reading the hon. Member for Buret stood up and castigated the Government for the explanation which it had given on the word "farmers". He spoke on this for a long time, using the time of this House, and I then said to him that I was prepared as Minister to discuss with him, if he wished, a further meaning description of the word "farmers" and we would then bring forward the new description in the Committee stage. I would like the House to know, Mr. Speaker, that the hon. Member did not take advantage of this opportunity whatsoever, and I would like to report to the House that, in my opinion, all the time which he spent castigating Government was a waste of time.

I beg to move.

(The question was put and carried.)

The Bill was accordingly read the Third Time and passed.

(Order that the Clerk carry the said Bill to the Senate and desire their concurrence.)

Second Readings

THE WIDOWS' AND ORPHANS' PENSIONS (AMENDMENT) BILL

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The Bill makes three amendments to the principal Ordinance as follows: (a) the replacement of the existing definition of the public service in the Ordinance by a new definition which defines more clearly what service is to be regarded as public service; (b) the exclusion from the scope of the Ordinance of officers appointed in future on agreement terms; and (c) the inclusion of the overseas addition and personal indultment allowance as part of the emoluments on which contributions to widows' and orphans' pension schemes should be determined.

Mr. Speaker, Sir, I beg to move.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried.)

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

THE PENSIONS (INCREASE) (AMENDMENT) BILL

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It has been the policy of the Government in the past to consider an increase on pensions each time there has been upwards revision of salaries for serving officers. Increases on pensions were first agreed in 1948 and became operative on 1st January, 1949. Such increases are considered after any upward adjustment is made to the salaries paid to serving officers by way of either a cost-of-living allowance or a general revision of salaries. The grant of increases at present paid to pensioners was made in 1956, that is the date from which serving officers' salaries were consolidated

by including the cost-of-living allowance which was payable at that time. The Flemming Salaries Commission recommended a revision of salaries for serving officers ranging from increases of 7½ per cent to 30 per cent. These increases were accepted by Government and took effect from 1st April, 1960.

In view of the precedents to which I have referred and representations made to Government by the Pensioners' Association, Government has given careful consideration to possible increases in pensions. Having regard to Government's financial position, a limit of relief to pensioners has been agreed and increases will be awarded with effect from 1st July, 1962, on the basis of the conditions set out in clause 6 of this Bill.

Mr. Speaker, Sir, I beg to move.

The Speaker (Mr. Slade): As a matter of procedure, Mr. Okelo, the Governor's consent has to be signified by a Minister. Perhaps one of your colleagues will do it.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, the Governor's consent has been signified. I beg to second.

(Question proposed)

Mr. Agar: Mr. Speaker, Sir, when I read this amending Bill, I could not understand it all very clearly. I have two unfair aspects to point out. One concerns whether this concession is not going to cost us more. We are crying out for money for development. Secondly, it is true that as we go through the transition period when most of the Government servants who are to have pensions are colonial civil servants and will be leaving, will the Government not incur much more expenditure through these people leaving the country? They will be paying for those who are not going to continue to help us, and this will drain us of our money and it will go to overseas countries. I would like to have more information with regard to this Bill and how that is going to be handled. Is it going to cost the Government more? How is it that the Government brings this Bill at this time, when we know that it is going to rob us of the money in this country? We shall be paying out money to those who are not serving Kenya any more.

Mr. Gichoya: Mr. Speaker, Sir, I have been trying in vain to get a copy of the original Bill, which I understand was enacted in 1956 during the Emergency period. Unfortunately, I do not have it, only the present copy of the so-called amendments which are the amendments of our own Government.

[Mr. Gichoya]

We are here, as the previous speaker stated, actually stopping certain development projects because the country has no money, and yet this is a situation whereby we are told we are to increase the pensions which are determined during a period when the Africans had no say in the Government of the day. My problem is this: Sir, are we going to perpetuate the old policies, or are we going to amend the bad policies to suit the new circumstances before *uhuru* comes? Any commitment we make today, Mr. Speaker, as the elected representatives of the people of this country, are going to cost us something, both on the national level and among international circles. Whatever commitment we make today, we have to stand by them, tomorrow, and after 12th December.

This is something which has the blessing of the country. This is an amending Bill to increase something when someone asks for a new headquarters for the new district Kitinyaga, he is told there is no money, but we are told here that there is money to enhance the pensions which were determined in 1956 during the war period. I feel, Mr. Speaker, Sir, that this is not in conformity with the party policy, with the Kanu policy, which we stand on, we were elected on the basis of it.

Mr. Speaker, Sir, this is a Government of the Africans by the Africans for the good of the citizens of Kenya. Anybody who is going to be a citizen of this country will be an African of Kenya, regardless of the colour of his skin. However, before the Citizenship Bill comes into the picture, then we have to emphasize here that priority should be given to African needs. For over six years we never had a say. I take a pride in being in the National Assembly, not the Legislative Council, but the National Assembly, Legislative Council had no say, but the National Assembly has a Prime Minister, a choice of the public, of the people.

The Speaker (Mr. Slade): I think you are rather far away from the point now, Mr. Gichoya.

Mr. Gichoya: Yes, Sir. Coming now to my real point, what I am trying to say is that this Bill is an embarrassment to the Government, it is an embarrassment to the public. I am 100 per cent a Member of the Government of Kenya, the party which is in power, but I would feel insulted if I had to tell my mother and my father they have to pay something towards the increased rate of pensions, pensions which were determined during the period they were in a detention camp.

We have to decide on the fate of this nation during a peaceful period, not during a period of war. The laws of the Emergency period should be repealed. On this basis, Mr. Speaker, this Bill, even, should be repealed and removed. If pensions are to be given, let them be given by the future Government of Kenya; no decision should be taken before *uhuru* comes. There is no point in rushing through a Bill which is going to put us in an embarrassing position financially. It was just a few days ago that the Parliamentary Secretary to the Ministry of Finance and Economic Planning stated here that we cannot implement 70 per cent of the Kanu Manifesto because we do not want to frighten away foreign investment. To frighten away foreign investment is to tell the foreigners who are here—industrialists and magnates in business here—

The Speaker (Mr. Slade): I think you are rather far away again.

Mr. Gichoya: I am coming to the point, Mr. Speaker.

The Speaker (Mr. Slade): You have made your point really but if you want to go on talking you must keep from wandering off the subject of this bill.

Mr. Gichoya: My point, Sir, is this: when we say we do not have capital, it means our gold reserve in Kenya is very small. What we are aiming at is to get more gold in the country, so that we can have a capital reserve, and our economy is boosted. Then we shall be able to finance any undertaking of the Government. Here we are told that without foreign investment we cannot do it. At the same time we are told we have money to increase the pensions of those who are leaving. We cannot be beggars always. Any idea which puts us in a dangerous position should be rejected.

I would request my Ministers, with all due respect, to see how we can at least maintain the status quo with an idea of improvement.

Mr. Towett: Mr. Speaker, Sir, as usual—

Hon. Members: Government is confused!

Mr. Towett: The Government is now full of my ideas of confusion and they have been very confused.

I do not know when this particular amending Bill was discussed, whether it was an inheritance from the old Government or is it something new. I want to find out, Sir, as a matter of principle, what happens when a person who has attained the age of 55 retires and is given a pension and then looks for employment at the age of 56. Does

[Mr. Towett]

the Kenya Government today agree to employ such a person because of his experience, his know-how? Does the Kenya Government agree to employ him on new terms, probably on contract, for one, two, three, four, five years?

The Speaker (Mr. Slade): Mr. Towett, I do not think that is relevant to this Bill. You are discussing the general principle of pensions, but you can only discuss the actual increase of pensions proposed by this Amendment Bill.

Mr. Towett: Yes, Sir, but if these people are taken on after pension, I wanted to propose that the pension be reduced. I was going to say that when it comes to people being taken on after they have retired, whether they are completely out of Kenya Government employment, I do not know whether that is in order.

The Speaker (Mr. Slade): I do not think you can bring that in. That is really general pension policy. This is varying the amounts payable under the same policy as before. It is to the amending Bill that we are strictly limited.

Mr. Towett: Then I have nothing to add, Sir.

Mr. Anyieni: Mr. Speaker, Sir, I understand that it was the Coalition Government which agreed that £29,000 should be given as an increase on the pensions of the people who served with the Colonial Government two years ago. This is a shameful example of what our Kanu Government is doing. There is no money in the country at this time. We have been asking for our children to be educated and we are told that there is no money. We have been asking for better roads and again we are told that there is no money. We have people in the country who do not even have sufficient food to eat because they have no money with which to buy food. Mr. Speaker, we have people who were asked to come and work during the time of the Colonial Government, they have served to suppress the African people and now we are asked to approve £29,000 to help them. Some of them were working in Kenya about 30 years ago. Perhaps some of these people are now in India and may have set up very big *dukas*. They may be millionaires today, and the poor taxpayer in Kenya is being asked to provide £29,000 to help increase the pension of these men.

I feel I must ask my hon. Friends in the Cabinet to look into this: if we can afford it, it is perfectly alright to go ahead. But we know that we cannot afford this money. Why give an increment to a person who has completed his services, a person who cannot now go on strike. What is the point of giving people more pay

when they cannot help at all. Instead of giving people whose services have been terminated more money it will be far better if we give extra pay to the people who are presently employed.

Mr. Speaker, Sir, I am of the opinion that this Vote is racial. I would like to know from the Minister when he replies how many Africans would qualify for any part of the £29,000. What is the proportion of Europeans and Asians who qualify?

Mr. Speaker, Sir: I think we must not allow this Bill to go through. If it must be opposed because the taxpayer will not agree to an increase of £29,000. This is not the policy of this Government, it was the policy of the Coalition Government and we are not going to be the carriers, the fulfillers of the policies initiated by the Coalition Government, a Government which brought *Majimbo* into this country and an expensive Constitution.

Mr. Oduya: Mr. Speaker, I have not very much to say. However, this point of increasing the pensions does not arise. I think it is high time that we became realistic in our duties. We have a new Government and the new Government must try to behave. We do not want this Government to start beating about the bush if attacked; we want the Government to be realistic because if it is a Government formed by the people—

The Speaker (Mr. Slade): Mr. Oduya, what do you think of this Bill?

Mr. Oduya: This Bill should not go through. If I am not going to be allowed to speak very strongly about this Bill in this House, I will go to the public and say that sections of this Bill must be abolished and must not be allowed to go through. This country is poor, but if we feel that we have sufficient money to allow this Bill to go through, then we should feel that we have the money to help the Africans now. We must help the Africans who have so far been segregated or given very little pay. We can give them increments instead of giving additional money to people who have already retired from the services and are already receiving pensions. If we give more money to an Asian or European who is about to retire and this person goes away to India or Britain of what use are they to this country? They do not spend the money they receive here. We want the money to remain in this country and thereby help us in building the nation, help us in building Kenya to become a rich country.

The person who suggested the Bill—perhaps the Minister for Finance or his assistant—must be told that this Bill will be strongly opposed.

[Mr. Oduya]

My colleagues on this side, and the Members on the opposite side will, I am sure, join me in opposing this Bill.

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

Mr. Khasakhata: Mr. Speaker, Sir, I am entirely opposed to this Bill. Somebody said that this Bill was passed by the Coalition Government. It does not matter if it was passed by the Coalition Government, or any other Government. The fact remains that it is a most unfortunate Bill for this country. It is apparent that the people who are going to leave us when Kenya gets *Uhuru*, people who are going to retire just when Kenya gets independence must be helped in getting extra pensions. They want to leave us at a time when we need their assistance and thus we will suffer. It is therefore unfair to the taxpayer of this country to be asked to contribute towards the additional pensions that these people are to receive. If these people want to leave, they should have left long before we achieved our independence.

There is a very big increase to the tune of £29,000. This is a colossal sum of money. We need better roads, better services and yet when we talk of improving these things we are told that there is no money. Why, therefore, should we be asked to approve such a Bill which is going to cost the taxpayer of this country £29,000?

Mr. Speaker, this Bill ought to be strongly opposed and I am sure that my friends on this side of the House as well as the Members on the opposite side will all be of the same opinion.

Mr. Jahazi: Mr. Speaker, Sir, I am not quite happy about this Bill. The idea behind the Fleming Report was that expatriates should be remembered by the British Government and be given a golden handshake on retirement. They knew that *Uhuru* was fast coming to this country and that an African Government would not feel so kindly disposed towards them. The British Government contributed a very large sum towards these awards. I would therefore like to know how much the British Government is prepared to contribute in making up part of this £29,000. Until we know where we stand, I do not think we should contribute anything towards this idea which was mainly suggested in order to help expatriates. The present Government had nothing to do with that; it was the idea of the British Government and if they want to compensate the pensions of their people, they must do it themselves. It is not fair to expect this Govern-

ment to contribute to any plans made by the British Government to help their own kith and kin.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I rise to make only two points. Firstly, it would be unfortunate if Members treated this kind of Motion purely from an emotional point of view and, secondly, if they treated it merely as a racial question because it, in fact, is not a racial question. A lot of generalities have been mentioned here which are, to a large extent, irrelevant to the issue before the House and if Members would have taken the trouble to do a little bit of homework they would have found that some of the remarks made are totally unnecessary.

In the first page they would have seen in paragraph 3, subsection 3 (i) which starts with "Provided that". This excludes those who benefited from the Fleming Report, those who have received their pensions or received the benefits after 1st April, 1960. There is so much talk about people who are not our responsibility, who should be the responsibility of the Colonial Government. Now, Sir, the Cabinet is even more nationalistic than some Members would like to accept. A Government must accept its responsibilities and responsibilities do not end with the day when one becomes independent. However much people may like that to be the case. There are people who have served this country well and to whom we have a certain responsibility, a continuing responsibility. To that extent, we must carry out that responsibility. It would be highly irresponsible if we were today to suggest that any responsibilities which this country carries must be ignored merely because we are entering the status of independence. In fact, that status of independence demands that we carry out these responsibilities and they are not things which we can treat as lightly as some Members would like us to do.

Now, Sir, there is a very simple principle involved here, and that principle is that those who continue in employment have the opportunity from time to time to have their earnings reviewed whenever the cost of living rises or whenever circumstances change. They are in a position, therefore, to continue to have the benefits of increments in salaries and changing circumstances. The pensioners are not in that position and if we pay pensions irrevocably for all time on a certain standard, we will reach a point where, unless there is a review, the pensioners are left in a position where they can hardly support themselves. It is an accepted principle in all countries that, after a certain reasonable period, these

[The Minister for Justice and Constitutional Affairs]

matters are reviewed, and what is being done here is a very natural and logical review which this Government considers it has the responsibility to do. Hence, I myself, cannot understand what exactly Members are quarrelling with. Whether we like it, or not, we have got this responsibility. We are not suggesting that we should wipe out the responsibility. Already we have had to pay them something. What we are talking about is an increase in their pensions. To the extent that they have agreed that we should continue to pay them, and if they only quarrel with an increase in the pension, they are accepting that responsibility. If we accept that responsibility, then I think what we should ask ourselves is whether the sum suggested is too high or not.

Lastly, Mr. Speaker, it is not entirely correct to say that this is a racial question, because there are a few Africans who will be affected in so far as pensions are concerned. The mere fact that there are a few does not altogether wipe out the responsibility which this Government must carry. I would like, Sir, strongly to urge Members, when debating this particular amendment Bill, not to get too involved in general, emotional, racial attitudes. We are going to be independent, nobody can take that away. We do not have to sing about it in order to show everybody that we are going to be independent. We can afford to be magnanimous. There is no reason in the House to exaggerate the harm which £29,000 will do to our economy. On the contrary, it will boost our position and raise our status and show that we are able and prepared to continue to accept our responsibilities.

Mr. Alexander: Mr. Speaker, the previous speaker has relied in his argument entirely on the need for responsibilities to be accepted, pledges of the past to be kept. Mr. Speaker, as I understand the debate so far—and this extra £29,000 per annum has drawn attention to it—it is not that hon. Members on both sides, and I think that on both sides they have spoken in this vein, want necessarily to have this responsibility of pensions withdrawn completely, but they want it—and I believe this is right—to be placed where it should fairly rest and that is with the British Government. The difficulty that faces us now is—and this is the first opportunity that we have really had of discussing this subject since the new Government came into power—the weakness of the colonial Government system in not funding pension responsibilities. If there had been a proper funding system we would not have had today to read this figure of £29,000 in the explanation to this Bill. If there had been a funding

system, the British Government would have contributed, particularly in the years in which we have been contributing, entirely or substantially to that fund, and would have cleared this responsibility before we ever reached the stage of independence. In the Motion which I am about to raise concerning £25 million, there is the same principle involved and that is that we believe that the British Government should be paying this sum.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Before we get too emotionally involved in the House, I would like Members to think seriously of the words that they are uttering here. Mr. Speaker, the same people who are being very emotional about what responsibilities are ours and which are British, are the people who have been demanding that they want independence tomorrow. The responsibilities of independence have got to be faced and it is no use indulging in "ifs" as the hon. Member who has just spoken is doing.

We all know that if Britain did not colonize Kenya that we would not have had to fight for independence; we know that if somebody had had foresight and built a large National Assembly before, we would not have had to spend money on extending it now; we know that if the hon. Member had not been born he would not have spoken in this House; we know all these "ifs", so, Mr. Speaker, but let us be honourable Members and not indulge in emotions. I agree with the hon. Member that if these funds had been funded in the way which he suggested the pension scheme would have been self-financing. That we all know. But that is not the issue. The question is that we are going to be independent and we have to face the responsibility and we have to inherit the mistakes of the previous Government; this is the hard part. You cannot say that when a new Government comes into power and the old one made a given mistake, you cannot say that because it was the mistake of the previous Government you are not responsible. The question involved here is very simple. I can explain it in two sentences. It is an accepted principle, of which this House will approve, that people who are pensionable have to be looked after by the Government to make sure that they do not become destitute. The Government has accepted the responsibility of paying the pensions. There is no question of paying or not paying the pensions.

An hon. Member: I want to get from you, Mr. Speaker, on a point of order, whether it is obligatory for this House to pay for a commitment which is repugnant to them?

The Speaker (Mr. Slade): I have told you already what constitutes a point of order and what does not. That is not a point of order.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): If a country gets independence it has to accept the responsibilities that accompany it. In this case, the principle of the payment of pensions to the people who have served this country has been accepted. I agree with the Member who has just spoken that if this had been organized properly in the past we would not have to pay this increase. It is a fact that in every country, from time to time, there is review of the payments to keep in line with the changing standard of living, with the increase in that cost of living and, above all, to make sure that a man who serves in a given capacity does not sink to an incredibly low standard of living because there has been an increase in prices and because other people around him who are now serving are earning a higher wage. The occasion for this commitment was that, some two or three years ago, there was a Commission, the Fleming Commission, which revised the salaries. The Commission decided that from the 1st April, 1960, the salaries would be revised and there would be increases in them ranging from 7½ per cent to 30 per cent. Consequent on the increase in salaries, it was clear that the people who—in many cases—have not had their pensions reviewed in a very long time, were now going to be placed in a position whereby they were going to be at a tremendous disadvantage.

In view of the changing circumstances, changing cost of living and all those other factors, it was therefore thought, and, quite rightly, that there should be a review of what was paid to these people. The question does not arise whether these people are Asian, European or African. The answer is simple. If any hon. Member here was a civil servant, when he retired he would be the first to demand that the pension he received from the Government was in proportion to the changing standard and cost of living. He would be the first to demand, because he would be placed in the position where his standard of living would be declining when everybody else's would be going up. A destitute position. That position is intolerable, Mr. Speaker. What I am trying to express is that hon. Members have to face up to the fact that the British Government paying pensions is quite distinct from the question of compensation. These are not the same, Mr. Speaker, they are separate issues.

On the question of compensation for loss of career, an arrangement has been arrived at between ourselves and the British Government;

indeed, this arrangement was made by the previous Government—and one of the leaders of that Government is here now talking about pensions. This arrangement is an entirely separate issue from that of pensions. Pensions are payable by the Government to people who have served that Government. It is a well-known fact that Governments do not die, they change and new Governments come in to inherit the responsibilities. These Members—

An hon. Member: On a point of order. Is it in order for the Member to refer to other Members merely as "Members"?

The Speaker (Mr. Slade): Strictly speaking it is not correct. "Hon. Member", please, Mr. Kibaki.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): These "hon. Members". What I am trying to say is that if a company changes hands, you would not refuse to pay salaries to the people who served that company before you took it over. It is an accepted principle of etiquette in dealing with other human beings in all walks of life. What we are talking about here has nothing to do with the extraneous matters that have been raised about the Government being unable to do anything. This is part of our responsibility and I would ask the hon. Members to face the challenge of being independent. Do not talk as if you do not want to be independent.

Mr. Kibaga: Mr. Speaker, Sir, there are a few things the Minister needs to clarify to persuade the House to accept this Bill. One thing that we must know, and know quite clearly, is how much of this pension money is going away from the country. We know that the present Government will have to accept the responsibility left by the former Colonial Government, but there are some things which we cannot be forced to accept.

An Hon. Member: Cross the Floor.

Mr. Kibaga: This is not a question of crossing the Floor; I am speaking from the Kapu point of view. What we need to know is that the people who are paid these pensions will remain in the country and will spend the money in the country. How much is going with the other compensation with the expatriates? As soon as the Government clarifies that, then it should think whether to accept the payment of the pensions or not. We say that the responsibility for their going away should lie with the British Government who employed them and not with the people left in the country. I suggest to the Government that although they should accept the payment of pensions to the people who stay in the country,

[Mr. Kibaga:] they should wait until the 12th December, *Uhuru* day, when we shall know who are citizens and who are not.

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

Mr. Pandyn: On a point of order, Mr. Speaker, I would like to propose that the Mover be called upon to reply.

The Speaker (Mr. Slade): I think it is reasonable to put that in the hands of the House now.

(The question was put and carried)

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): Mr. Speaker, Sir, I must say that the Government has benefited very much from the criticisms which have been made of this Bill here and also from the remarks of the Back Benches of the Government.

I think it should be made very clear to everybody concerned that this Bill is sponsored by the Government and that this Government has the interest of everybody in this country at heart. This Government is going to see to it that the wealth of this country is well distributed and that no one is going to suffer, it is not going to be on a racial basis or anything like that. This is a Government of the people by the people for the people of Kenya.

Mr. Speaker, Sir, I do not think there is very much to be answered. The Minister for Justice and Constitutional Affairs talked of the principle which is involved here and this seems to be the main thing which everyone should note: that it would not be a responsible Government if it were to run away from its obligations. It is quite clear that the Government is spending some money here, but, on the other hand, it has to be considered, as has been put very clearly, that salaries are generally reviewed and, when you review salaries, it is natural you should review the question of people who are getting pensions, because of the cost of living is rising for everyone, not only for the people who are actually working but also those receiving pensions; they suffer from the cost of living as well. That is why this has to be considered.

Again, I think the point which Members should remember here is that, although it might be very easy to say that the Government should refuse to pay anything and just say "No" to these people, this would be doing wrong. Although the Government may not be doing something—for example, it is not building a capital for a district or not building a hospital somewhere—and this

also is wrong, two wrongs do not make a right. Just because we are not doing the right thing somewhere, it does not mean that we should do another wrong somewhere else.

So I think Members should consider very carefully that here we are involved in a matter which is concerned with a principle and one in which the Government has been committed and, as a Government, we have to fulfil our commitments and this is what we are doing.

As far as the Opposition is concerned, I think the Opposition knows about this very well, because it was approved when there was the Coalition Government, and they oppose it here just because they want to oppose the Government all the time, not because of their convictions.

Mr. Speaker, Sir, I think we have to remember here, too, as my colleague, the hon. Parliamentary Secretary to the Treasury, the hon. Mr. Kibaki, pointed out, we have to think of individuals in this case. Somebody who was working for the imperialist Government is an individual and he has his own problems. It is not right to punish him just because somebody made a mistake. It was pointed out by the hon. Member, Mr. Alexander, that if there had been funds kept for this purpose, the problem would not have arisen. That is quite true, but I do not think that we should punish this very innocent individual because somebody has made a mistake. The British Government, of course, is paying for quite a lot of things in this country, but we want to be independent and we are not going to go to the British Government for everything we should do. It is the responsibility of the Government to pay for this and it would not be right for the Kenya Government to go to the British Government for this. In the first place, we do not know what the response is going to be. This is our responsibility and I think that we must be prepared to carry out our responsibility.

Mr. Speaker, Sir, I am therefore appealing to the House and everybody here to realize that there is a big principle involved here. If the Government is going to meet its commitments or not, is the Government going to be a responsible Government or not? Are we going to remember the innocent individual or not? The Opposition should remember that it did support this at one time, and that it should examine its own conscience and find out why it is now opposing it.

Mr. Speaker, Sir, I do not think I should go any further than that, except to remind hon. Members that it is a principle which is involved

[The Parliamentary Secretary for Finance and Economic Planning]

here, that the Government is fulfilling this and has sponsored the Bill which it would like to go through.

Mr. Speaker, Sir, I beg to move.

DIVISION

(The question was put and the House divided)

(The question was carried by 46 votes to 28)

AYES: Messrs. Achieng-Onoko, Agar, Angaine, Anyieni, Argwings-Kodhek, Ayodo, Bala, Chanan Singh, Chepliki, De Souza, Gataguta, Gichoya, E. D., Godana, Godia, Jahazi, Kaggia, Kali, Kamau Kariuki, G. G. Kariuki, J. M. Kerre, Kibaki, Kibuga, Lorema, Mairori-Itumbo, Mbogoh, Mboya, Mohamed, Mulana, Dr. Mungai, Messrs. Mwendwa, Ngala-Abok, Njeru, Nyamweya, Obok, Odera-Sar, Oduya Okelo-Odongo, Okwanyo, Onamu, Osogo, Otiende, Oyoo, Sadalla Theuri, Warithi.

NOES: Messrs. Alexander, Babu, Choge, Kase, Kerich, Khasakhala, Kioko, Masinde, Matano, Moi, Muliro, Murgor, Muruli, Mwalwa, Mwatsama, Ndile, Ngala, Ngei, Olotiipiti, Omar, Pandya, Rurumban, Seroney, Sol, Tanju, Tipis, Too, Towett.

The Speaker (Mr. Slade): As regards a point of order raised by Mr. ole Tipis before the Division, I understand that one or two hon. Members did manage to creep under the Bar after it was drawn. That was due to a slight error of procedure, because the door should be locked before the Bar is drawn, and then the error cannot arise. Actually anyone who gets through the door before it is locked is entitled to share in a Division.

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

The Speaker (Mr. Slade): I should draw attention to the time hon. Members, it is already half past four, which means that we shall not have a full Supply Day unless we run till after half past six. Perhaps hon. Members would like to run on even to ten minutes to seven, if we can finish the next two orders in the next ten minutes. So we will run on with the Order Paper until ten minutes to five.

Second Reading**THE ASIAN OFFICERS' FAMILY PENSIONS (AMENDMENT) BILL**

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to move that the Asian Officers' Family Pensions (Amendment) Bill be now read a Second Time.

The Bill makes for amendment to the principal Ordinance as follows:—

- The replacement of the existing definition of Public Service in the Ordinance by a new definition which sets out more clearly what service is to be regarded as Public Service.
- The inclusion of overseas addition and personal inducement allowances as part of salaries on which contributions to the Asian Officers' Family Pensions Fund should be determined.
- The exclusion from the scope of the Ordinance of officers appointed in future on agreement terms.
- The introduction of a new provision which should enable a widow whose pension is on remarriage to be remitted as the beneficiary upon the death of her second husband.

Mr. Speaker, Sir, I beg to move.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko) seconded.

(Question proposed)

Mr. Towett: Mr. Speaker, Sir, I rise to query the logic of clause 5. It says that when a lady remarries and her second husband dies, if she was entitled to a pension from her first husband, she then continues to receive the same pension. I find it difficult to understand how the Cabinet or this Government arrived at this. If they agree that, after remarriage, the widow is entitled to a pension, why does the Government stop at the second marriage, why do they not go on to the third and fourth and fifth marriages, if all the husbands in between continue to die? I find this completely unintelligible on the part of Government. Maybe I misunderstood, Sir, but supposing the second husband was able to contribute a pension to the woman, could she then receive a pension from her first husband and also from her second husband or not? I would like to have this clarified. I do not understand. Does the Government think that, when the second husband dies, the wife of the two husbands who are dead inherits the property of the first husband? Does the Government here imply that the law is that, when the second husband dies, then the first husband of this widow is the legitimate husband? There is some loose thinking here, Sir, and I would like the Government to establish the principle of whether when the first husband and the second husband dies, what the woman will be called after her first husband or after her second husband? I would like the Government to explain

[Mr. Towett]

this before we go into the complicated matter of saying that when the second husband dies, then the wife is entitled to draw a pension from her first husband. It would have made sense if this woman was entitled to the pension of her first husband only because of the children of the first husband which means that there will be two categories of children from this one woman, the children belonging to the first husband, and she would be entitled to a pension for those children who belong to the first husband. The second group of children who belong to the second husband, and she would, of course, be entitled to draw a pension which had accrued because of the first husband's death for the second group of children.

Now, Sir, the hon. Parliamentary Secretary, in introducing this Amendment Bill, I do not know whether it was because he did not get enough briefing on this, but we would like it to be clarified so that we do not land ourselves in a Government muddled way of thinking.

There is nothing I could attack which is wrong in this Amendment Bill, apart from that we are moving into a Kenya nation in which some of us are scared, and especially some Members from the Government side, to say the words "Asian", "African", "European". I want the Government to see what can be done to bring this into conformity with the present way of thinking so that we do not have "Asian", which brings in a feeling of discrimination and all the rest of it.

The Speaker (Mr. Slade): That is outside the scope of this Bill. It is only an Amendment Bill.

Mr. Towett: Yes, Sir, I was not quarrelling with it, but just saying for the future notice of Government.

Sir, if the Parliamentary Secretary could be more specific on clause 5 and explain to the satisfaction of this House what this is intended to mean, I would have no objection to supporting this Amendment Bill.

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): Mr. Speaker, Sir, I think that this discussion of the pension of the wife's second husband does not arise here, because I think that, according to the hon. Member's pledge, the wife would probably still be the wife of the dead husband. The amendment referred to here is made to accept a widow who has remarried as the beneficiary when her second husband dies. Under the present provisions of the Ordinance, a widow who remarries does not receive any pension to which

she is entitled under the Ordinance, and her right to such pension do not revive on the death of her second husband during her lifetime, that is the present case, so clause 5 of the amending Bill introduces the required amendments which corresponds to a similar amendment already incorporated in the Widows and Orphans Pensions Ordinance, Cap. 192 of the Revised Laws of Kenya. It includes provision for the type of case in which the second husband was also a contributor but the pension paid to the widow on his death is smaller than the last pension. The rights of the children of both marriages are safeguarded. The rights of the children of the second marriage would, of course, only be beneficiaries in respect of the pension purchased by their father's contribution. Mr. Speaker, Sir, I think that answers the question the hon. Member wanted to know, that the wife will be affected either way, whether she is considered the official wife of the second husband or the first husband, it does not make any difference. If there are no children she still gets the pension for herself.

So, Mr. Speaker, Sir, I do not think that there is anything to add and I beg to move.

(The question was put and carried)

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

The Speaker (Mr. Slade): I think, it being ten minutes to five, we must go on to Committee of Supply, so as to preserve our Supply Day, and for the convenience of hon. Members I will delay interruption of business this evening until ten minutes to seven, so as to get the full Supply Day.

COMMITTEE OF SUPPLY

(Order for Committee read)

VOTE 8—MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR
(Resumption of Debate interrupted on 30th July, 1963)

Mr. Ngula: Mr. Speaker, Sir, when the House rose yesterday, I had just reminded the Minister for Justice and Constitutional Affairs of the need for paying attention to the training of court staff, the clerks, the presidents and the registry.

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

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

Mr. Kibuga: On a point of order, Mr. Deputy Speaker, is an hon. Member supposed to speak twice on the same Motion?

The Deputy Speaker (Mr. De Souza): Speakers in this particular debate are allowed thirty minutes. Mr. Ngala has spoken for twenty minutes, so he still has ten minutes remaining from his previous speech.

Mr. Ngala: Mr. Deputy Speaker, the hon. Member has wasted two minutes, so I hope I can claim twelve now.

I would like to go on to another point, and that is the question of the implementation of the Constitution. At the end of the Lancaster House talks, and particularly when we were concluding the agreement, it was stated very clearly that, after the elections—that is, the elections which we have had—and here I quote, “—thereafter—that is, after the elections—the Constitution will be implemented.” I must put the blame squarely on the Minister for Justice and Constitutional Affairs for not seeing that the present Internal Self-Government Constitution is wholly implemented. The Minister, Sir, is very quick in rushing to the East African Federation Constitution and also to the Independence Constitution, but he is brushing aside the need for implementing the Internal Self-Government Constitution.

Therefore, when the Minister is replying, I would like a clear statement and explanation as to how far he has gone and what stage he has reached in implementing the present Constitution for the internal self-government phase, because although the regions have been started and Presidents have been appointed or elected, we need to have the establishments transferred from the Central Government here to the regional governments, so that the regional Governments can function smoothly as Governments. It is strange to hear a Minister of the Government sitting there saying that, in fact, he is standing in the way of the implementation of the Constitution which he signed himself.

Before that is done, it is a daydream to talk of Independence very shortly.

Mr. Deputy Speaker, Sir, some assurance has been given very clearly, and this was stated by Mr. Sandys on the 23rd May in the House of Commons when he was asked if he would give an assurance as to whether it still remained the policy of the British Government not to make basic alterations in the Constitution between internal self-government and Independence, and whether he remained satisfied that the present Constitution would be suitable in all respects for Independence and the circumstances during Independence. Although some of the Ministers and, particularly, the Back Benchers have been giving the impression that they can sweep away

the Constitution, his reply was this, and I quote: “As I informed Kenya Ministers during my recent stay, it is not the intention of the British Government to make any basic changes in the Constitution between the achievement of self-government and Independence.”

I would like to make it quite clear that the agreement cannot be altered without the consent of the three parties which signed the agreement: that is, Kanu, Kadu and the British Government, and this is quoting the British Government stand.

The other point, Sir, which I would like to touch on is the question of changes in the Constitution. On the 2nd July, it was stated by Mr. Sandys in the House of Commons, and I quote, “I have already made a statement to the effect that we are not contemplating basic changes in the Kenya Constitution which would upset the arrangements arrived at with so much difficulty between the parties.” This was an agreement between the parties and he has clearly said so. Those people who have been talking on their platforms, and so on, of changing the Constitution, thinking that it is a very easy thing, have been playing without realizing what the implications are.

There is no question of departing from the present agreement on the Constitution. This was made quite clear again in a statement in the House of Lords where one person said, “At the Independence Conference the British Government will not suggest departures from agreements to which they are a party.” I would like to make my position quite clear. The internal self-government Constitution must be fully implemented. Here the Minister has delayed the implementation of this Constitution and I think the Government has been challenged, but it is dragging its feet, particularly in those Ministries in the centre here. The establishments here in the centre are very reluctant to comply with the Constitution. I would like to say that if there is this reluctance I can see delay even on Independence.

Mr. Deputy Speaker, Sir, I have never seen a British colony—any colony—which has been given Independence before it has the internal self-government Constitution working.

Mr. Deputy Speaker, Sir, the Civil Servants, for example have to choose whether they should belong to the central Civil Service Commission or the regional government Civil Service Commission. This Government has given them the option to choose up to June, 1964. Up to June, 1964, they have the option to choose whether to belong to the regions or not. This will be six of

[Mr. Ngala]

seven months after Independence. Where have you seen a country implementing an internal self-government Constitution six or seven months after Independence? This is ridiculous. It is not freedom of choice, it is a fiducious position.

Mr. Deputy Speaker, Sir, the last point I would like to bring up is the question of the inclusion of paragraph 19 in the final Constitution. The fact that paragraph 19 has not been included in the present Constitution is because Kenya, with internal self-government, is not sovereign and is therefore unable to make Constitutional changes without reference to Her Majesty's Government. However, the provision of paragraph 19 was agreed and signed upon by Kadu, Kanu and the British Government, and must be a part of the Independence Constitution. There is no question about that.

Mr. Deputy Speaker, Sir, I would like to refer to sections 63 and 97, referred to by the Minister as powers of the Central Government. These are powers on subjects reserved to the Central Government. We have no quarrel at all with any power which are reserved to the Central Government, but our quarrel is that we should have our own right as far as the powers which are exclusively reserved to the regions are concerned.

Mr. Deputy Speaker, Sir, the hon. Members seem to think that just because they are in Government they can do everything. I would like to remind them that Governments all over the world are governed by Constitutions, and this Government should behave properly now and take the Constitution as the only instrument which governs this Government. Any people who think that, just because they are in the Government, they can do anything, are deceiving themselves and are having a daydream.

Mr. Gatuguta: Mr. Deputy Speaker, Sir, I was shocked and horrified to hear the Leader of the Opposition's statement that Independence should be delayed until the Constitution works. I want to make it clear to him that in this country—

(At this point the Leader of the Opposition left the Chamber)

Hon. Members: Tshombe! Tshombe!

Mr. Omar: On a point of order, Mr. Deputy Speaker, is it in order for hon. Members on the Government benches to mention Tshombe here when we do not have him here?

The Deputy Speaker (Mr. De Souza): I do not think the mention of Tshombe is unparliamentary language.

Mr. Seroney: On a point of order, Mr. Deputy Speaker, are hon. Members in order in imputing improper motives to the hon. Member who has just gone out? He may have other duties. Are they in order to impute cowardice to that hon. Member?

The Deputy Speaker (Mr. De Souza): I did not hear anyone impute cowardice. If they did, it is wrong.

Mr. Omar: On a point of order, as you have said that there is nobody called Tshombe in this House—

The Deputy Speaker (Mr. De Souza): I did not say that there is nobody in this House called Tshombe. I said that I do not think it is written anywhere that mention of the word “Tshombe” is unparliamentary language. There is an insinuation, I agree, but I think it would be a little far fetched to declare it out of order.

An hon. Member: Mr. Deputy Speaker, Sir, I would like to know whether it is in order to give nicknames to some hon. Members here. I want your ruling on this.

The Deputy Speaker (Mr. De Souza): I do not think it is out of order to give them nicknames, but I would rather nobody gave hon. Members nicknames.

Mr. Kibuga: On a point of order, Mr. Deputy Speaker, am I in order if I draw the attention of the House to one occasion when the hon. Member who has just gone out—

The Deputy Speaker (Mr. De Souza): That is not a point of order; you are obviously going to make a speech.

Mr. Gatuguta: Mr. Deputy Speaker, Sir, as I was saying, we are not going to allow this kind of thing to continue in our country. We know that we had a General Election in this country and during the Election the question of the Constitution was a big issue. The people of this country have voted against the Constitution. That is why Kanu was elected with such a big majority. We are not going to be bound by pieces of paper drawn up by the British and their stooges. We have been given a mandate by the people of this country to draw up another Constitution suitable to our circumstances, and we are not going to listen to people who are being—

Mr. Omar: On a point of order, Mr. Deputy Speaker, does the hon. Member realize that the Minister for Justice and Constitutional Affairs yesterday gave an assurance to this House that there is not going to be any change?

The Deputy Speaker (Mr. De Souza): That is not a point of order. Hon. Members must not attempt to make a speech under the guise of a point of order.

Mr. Gatuguta: I wish Members of the Opposition would pay attention to what I am saying, because I am speaking on important issues. What I am saying is the feeling of the majority of the people of this country. The question of the Constitution was decided by the people during the Elections. It is, not, in fact, going to be decided here, and it is not, in fact, going to be decided in London. The question has been decided already. What is actually remaining now is for the British Government and the Kenya Government to sign a declaration that they have accepted the mandate of the people of Kenya that the Constitution shall be amended accordingly. I do not think it is necessary for any Member of this House to waste time trying to defend the amendment of the Constitution; it is useless. You had a full opportunity during the Elections to defend his Constitution and to tell the people of this country that this is the only Constitution they should have, and you failed because the people voted against your opinion and your views. Mr. Deputy Speaker, Sir, these people come here to waste our time talking about this Constitution. You wait and see what is going to happen. Your job in this House, I think, is merely to wait and see what the Government is going to do.

When we first came to this House we saw how difficult it was to implement this Constitution. When we were to elect the Speaker of this House we had all agreed that we were going to have our present Speaker, but the Constitution provides that we must all go and vote, even when there is no opposition. This kind of Constitution is not worthy of a nation which is proud of its past, nor which is confident of the future.

I do not know whether many of you realize how much money we are wasting in this country because of the regional set-up. The various Commissions which are provided in this Constitution—Police Commission, Security Commission, Land Board Commission—are very numerous and the taxpayer is being asked to pay all these Commissions. We are not going to tolerate this kind of thing and I must warn the Opposition very strongly that we might have to go to their constituencies now that they have been defeated in forming a Government, to ask their people whether they still support them and whether they would like to declare that they have no confidence in them.

Mr. Deputy Speaker, I would like the statement which was made by the Leader of the Opposition

to be known all over the world. Here is a man who has been elected by his people and he comes to this House to tell us that we are getting independence too soon, before the Constitution is implemented. This is a very dangerous statement. I do not know whether he has been given a mandate by his people to make such an allegation.

Mr. Deputy Speaker, Sir, as for the Constitution, I do not wish to talk much about it because I know the Minister for Justice and Constitutional Affairs dealt with this question fully yesterday and even previously, and anybody who was here in the House would have been able to hear what he was saying. He has interpreted the Constitution properly for the people of this country and they have understood it, except those who have refused to understand it.

Coming to the other points, Mr. Deputy Speaker, Sir, raised by the Minister yesterday, I wish to say a few words first in regard to the African courts.

I am very glad that the Minister has made a decision to do away with the African courts. It has been an institution which never provided any justice for the people, and I think the step he is taking is very good. All I would say with regard to that point is that we wish immediate steps to be taken, because even at the moment a lot of injustice is being perpetrated in those courts, and we wish our people to have justice as soon as possible.

As far as the point of Kenyanization is concerned, which he raised, I think this is a very important point, particularly in the Ministry of Justice and Constitutional Affairs. It is one of the departments which is least Africanized. Even the clerks in the Judiciary, except the office boys, are mostly either Asians or Europeans. I think we have a lot of people in this country who can perform some of the jobs being done in this Ministry by immigrant communities. Some of these jobs do not require any legal knowledge and can be done by our people who have School Certificate, and there are many of them. They can be done by many graduates who are coming back to this country; so I think that, as far as that aspect of the department is concerned, immediate Africanization should take place.

As regards the question of magistrates and judges, I do agree with the Minister that we do not have very highly qualified people who can become judges, and so on, at the moment, but I know we have many lawyers in this country who, if given the opportunity, would start by being magistrates, and so forth, until they become judges eventually. There is no point in waiting for

[Mr. Gatuguta]

the people who come from overseas, as he mentioned yesterday that some people are being trained—because we have trained people already here. In this country already we have about 17 trained African lawyers who are qualified; some are practising, others are employed in the Civil Service, others are in this House. Surely, as magistrates, if we want to Africanize this sphere, if we want to have some African lawyers, and so on, we can have some of these people there. It looks a little odd to see that in the whole of Kenya we do not have a single African magistrate. It is not because we do not have them, we have people who could take these positions.

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

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

It is up to the Government to try and encourage these people, to give them positions, so that they can advance quickly. The Minister for Justice and Constitutional Affairs has already taken the important step of Africanizing the position of the Attorney-General, and we are all very glad about this, but we feel that much more could be done and I wish that the Minister would consider this point more seriously. We do not want to say that we do not like other communities—the Europeans or Asians—who are serving us, but there is no doubt that where we have our own people they should be given priority, because they understand our mind, they understand our spirit and they know what this country needs. It is no use having some of our qualified people walking around the streets looking for a job. Sometimes they do not even get jobs for three months after returning from abroad. I know lawyers who have been here in this country for at least three months looking for jobs, which they do not get. They are told there are no vacancies or that they have no experience. How can a man have experience when he has just left college? He can only get experience by being employed and by working.

Mr. Speaker, Sir, I wish the Minister to consider these points when he replies to the debate.

As to the question of juries, this is a point on which people will have different opinions. Some people would think that justice could be done without having a jury, and others would think that justice cannot be done without a jury. My personal opinion is that this country requires a jury. The idea of abolishing the jury is probably a question which might have been considered by the previous Government which knew that the new Government might introduce a jury which might have to try even the Europeans and Asians.

Rather than have a jury which will try Europeans and Asians, the previous Government might have said "Let us abolish it altogether". That might have been the consideration and this Government is now expected to rubber-stamp their decision which is wrong. I do not see the conflict between law and the system of having a jury, because the juror is not supposed to understand the law. We cannot be told that we cannot have a jury in this country because we have no qualified people.

Jurors are merely supposed to help the judge to decide matters of fact only and the judge attends to the matters of law. What I am trying to say is that anybody can become a juror and we have people in this country who can become jurors. It would be a good idea if we have a jury system because the jury helps the judge. It makes the work of the judge much easier in deciding questions of fact.

In view of this I thought the Minister could have considered the question of maintaining the jury instead of abolishing it altogether. We have various cases which come up in the courts, particularly murder cases, and many of them are very complicated and difficult cases. The judge alone may not be able to come to a satisfactory decision. This is an important point for the Minister to consider—along with the others—and it is not too late for the Minister to change his mind.

Mr. De Souza: Mr. Speaker, Sir, I would like to start by congratulating the Minister on his very fine speech to the House in proposing the Motion that Mr. Speaker do now leave the Chair. It is, Sir, very encouraging to know that in the short time he has been in office he has already made far-reaching changes in the legal structures of this country. It is particularly praiseworthy considering the fact that he has devoted so much of his time to the important negotiations on the East African Federation and I would like to pay him a compliment and tribute for the excellent work he has done.

Before I deal in detail with some of the points made by the Minister in his speech I would like to support the hon. Mr. Gatuguta and assure the Minister that this country has voted, by an overwhelming majority, against the Constitution which we have at the moment which is called the *Majimbo* Constitution. It is quite clear that the Minister has the full support of this country. If he does ask for fundamental changes, particularly in view of or in regard to the decentralization or regionalization of the Civil Service and the police, it is, Sir, quite correct and convenient that this particular aspect of the Constitution which deals with breaking up of the police in the country should be suspended and, in my opinion, they

[Mr. De Souza] should be expunged from the Constitution completely. It is very essential that the police and the Civil Service be of the highest standard possible and that is not possible if it is divided and fragmented and subjected to all the forms of bribery in a small Regional Civil Service.

I now want to examine one or two points that have been made by the Minister. First of all, Sir, I would like to congratulate him on his decision to do away with the African courts. It was only last year that my hon. learned friend, the Member for Nandi, and I raised very strong objection to the consideration of the African courts and I am sure he will now support the Government in this action to abolish the African courts. The reasons have been given by the Minister, but I think it is not merely that these courts are very susceptible to bribery and corruption, not merely that the standard of qualifications of many of the persons who run these courts is much lower than it should be, but also, Sir, that when these courts were introduced in this country they were, in fact, a form of discrimination. It was felt that in the ordinary criminal cases it was too much of a bother to take any of the Africans to a magistrate's court and so it could be very quickly and easily dealt with by sending him to the *Wazees* to be put out of action for a few months, and possibly for a few years. In fact, I remember, on quite a few occasions when I went round to see persons who were arrested, I said that I was going to defend them and the police inspector with a very cynical smile said to me, "Well, now that we know who is going to be his defence counsel we are going to send him to the African courts." There he will have no defence counsel and there the police will have no difficulty of putting him inside for six months. I felt quite helpless knowing that this man, because I went there a little too early perhaps, was taken out of the reach of the ordinary rule for criminals in this country and put before the *Wazees* and he was quite correctly put in prison for six months or so.

I, myself, am disappointed that the Government of this country for so many years did not have the courage to change this in particular and I am grateful that the Minister has done away with these courts immediately.

The second point that he made is the question of codification of African customary law. Now, there are two points that I would like to make here. The first is that all law should be referable or should be easily ascertainable and I feel that when a person is accused of having committed an offence, or of having done something like a civil offence for which he might be punished civilly,

he should be able to recognize or be able to find out the law or the code or the rule by which he is supposed to have broken. If this law is so nebulous, or so vague or so ambiguous, that when he tries to follow a particular course of action he does not know whether it will or will not land him in trouble then, of course, we have a very sorry state of affairs. It is, therefore, quite right that we should proceed with all due haste to get this law codified so that the people of this country know exactly what course of action to follow at a particular time and that that course of action is, in fact, the correct one and the least susceptible to further punishment.

The second point is, I think, equally important. One cannot superimpose a system of law from another country into this country merely because it was found to be very successful in that country, particularly in civil matters. Laws, Sir, as we know, include a sense of values, rules and regulations that evolve in a society with the growth of time. They are caused, or they come about, through cases, legal actions, etc.: the wise words of judges, of authors, etc., who have over the ages expounded and dealt with different problems that arise in the social, economic and political framework of the country and they have, by announcing their own decisions on these problems, evolved this particular body which we call the Common Law in England. It is not possible entirely to superimpose or transplant this system on another country, because it may not, in every case, be completely successful or completely suitable to the needs and aspirations of people of that country. It is true that the greatest work, or the greatest legacy, the British people have left throughout the world is their system of law. To a very large extent—I repeat to a very large extent—this law has been found suitable not only in Africa but in India and in many other countries of the world and there is no doubt that when we consider the codification of the customary law of this country, a lot of the procedure and other elements of the law of Britain will, no doubt, be used in this country. Codification, however, does not mean stagnation and I would like the Minister to assure us that when the customary law of this country has been codified, particularly in cases of marriage, property relations and many other similar things, that there are methods for review to ensure that this law is changed gradually over the years to suit the political and social conditions that will arise from time to time. This, I believe, is very important.

There is always the danger, particularly in a country which is nationalistic as ours is at the

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moment, that one might begin to overglorify certain ideals and principles just because they have been followed by one or other community and not to see that change is in fact desirable and necessary in certain cases. It is very dangerous, Sir, when the legal framework and law of the country becomes impervious to change.

The third point with which I would like to deal is the question of juries. Again, Sir, I fully support the abolition of the jury system. The jury system is one of those peculiar inventions of the British which developed in Britain more as an historic accident than as any calculated, rational ideal. One of the Members said that he thought that this was the best system and that none other would do. It is quite true, Sir, that in Kenya if one tries to get juries of ten or twelve people to try every criminal offence in this country we would not only be imposing an impossible burden on the finances of this country but also on the people of the country, because, by law, every person can be compelled or should be compelled, if one follows a jury system, to serve on a jury whenever he is called upon to do so. I do not think that all the Members of this House or any other person would like to be called upon to serve on a jury at any time when their turn comes and whether they like it or not. My learned and honourable friend, Mr. Gatuguta, said that there are persons in this country who could serve in a jury. That is quite true, Sir, but the last thing that we should like to do is to have a form of professional jury. The essence of a jury system is that any ordinary person is picked and put on a jury. The twelve persons who are picked listen to the addresses on both sides, or the counsel from both sides and the address by the judge and then weigh the pros and cons of the facts of a particular situation and give a verdict. I think that in the particular circumstances that we have in this country, a trained legal mind in the form of a judge who has been proved competent and of the highest integrity is very valuable to us. There is, of course, the other point that in this country there is always the possibility of corruption. I do submit to the theory—and this can be found in other countries—that if one picks ten or twelve people for a jury without knowing their background or anything else one is inviting political, social and economic pressure to be applied to individuals to make sure that the decision of a jury was brought one way or another. We would also come across the big problem that we have met in the land consolidation business, whereby elders were chosen to decide who got the land, and it was later found that a good lot of *pombe* did the trick and one

person got the land. If we are determined to have a jury system, then I feel that we must appreciate the dangers that are incumbent on that system. I do, however, suggest to the hon. Minister that in cases of capital punishment I think the burden on a judge to decide whether a person is guilty or not is a very great one indeed. I myself have experienced the case when I have almost heard the judge's mind tick, trying to decide whether the accused is guilty or not. Sometimes the decision was very close. I felt that I would not like to be in the judge's shoes. I do believe that in cases of capital punishment, where you cannot undo a mistake, that at least two judges should be assigned to try every capital case. This, of course, will involve more expense, but I do not think there are all that many capital cases in this country and I think the little extra expense would be justified when one considers the lot of the judges. Two heads are better than one in such cases. We do get judges sometimes who hold on to one point which they consider to be important and follow that to the bitter end, whereas if there are two judges I think there will be less chance of error.

Fourthly, Sir, the question of discriminatory laws. We have for many years now said that a list should be prepared of all the laws that discriminate against one or other sections of the community. The jury system was one of them. I know that a list was prepared a few years ago and I am glad to hear that the Minister is, in fact, going into this and sooner or later we shall have in this country a Bill which makes it illegal to discriminate against any section of the society, whether they are white, black or brown. The law must be the law for any person irrespective of his religion, race, tribe or colour.

Lastly, Sir, I would like to congratulate the Minister on his assurance on the question of the judiciary. We are going to get the persons with the highest qualifications, integrity and merit to be the judges and magistrates of this country. I am sure that hon. Members will agree with me that judges are the persons who are going to decide the rights and wrongs of a particular action. It is scant comfort, I admit, that if a person has been wrongly hanged or sentenced to heavy imprisonment terms, assuming there is incompetence—I hope there is not—but assuming incompetence, it would be scant comfort to know that this happened because of racial matters. It is the danger that one must guard against in the judiciary and the only way that one can do that is to keep only persons of the highest ability and integrity in the judiciary. I would like to point out to the hon. Minister that we have in this country great talent as far as our local Bar

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goes. We have persons here of integrity, loyalty to this country and ability for which we are looking. There are persons who will devote their lives to the welfare of this country and who would like to contribute towards the legal profession in all its branches. I am sure that this is a great store and a great wealth of talent on which we can draw and tap for the benefit of this country. I am sure the hon. Minister will look into this as he has done with so many other things.

With these few words, Sir, I beg to support.

Mr. ole Tipsis: Mr. Speaker, Sir, first of all I would like to congratulate the hon. Minister for his manner of presenting his speech: the calm way in which he introduced the Vote of his Ministry. Listening to his speech very carefully, Sir, I was just wondering what has changed his attitude, and the usual fiery tone that the hon. Minister uses into such a cool, calm tone. I thought that miracles had been brought by the wind of change in the attitude of the Minister. I do hope that this change is for the good of this country and I hope that we shall continue to hear such constructive speeches from the hon. Minister. I have known the Minister for a number of years in political life and I know that at times he can be swayed to change with the times; but let us hope that he has changed in a good direction.

Here, Sir, I would like to comment on a few points raised by the Minister for Justice and Constitutional Affairs. He rightly emphasized the necessity of training personnel who might add to the body of persons available as resident magistrates. We know he is not at all lacking in initiative. He has the drive which is expected of a Minister of his standing, and I hope he will not overlook a few of our people here, who in the past have served as district commissioners, who are Africans and who are now known as regional government agents. During the time of their service, they were classified as first-class magistrates. With a little additional training and experience here and there, we would have something to work on; we could bring them to the post of resident magistrates.

He went on to say, Sir, that although he would like to accelerate the pace in the Africanization of various posts in his Ministry, this will entirely depend on the intelligence of the would-be candidates, the persons concerned. I agree with him absolutely here, but what I am wondering is whether in this acceleration process he really has an accelerator which has been fully overhauled to cope with the strong foot of the Africanization programme. I hope he has.

Another point, Sir, concerns the question of trained and qualified lawyers available in this country; by that, I mean local personnel. In the past, some were directly or indirectly discouraged, something of that nature, and, if I am rightly informed, there may be one or two who left their mother country to seek employment elsewhere, where the conditions were more favourable, or where there was not that tight business of trying to hold them up. If this is the case, perhaps he could go into this. Let him by all means call them back. Their services are badly needed here, and we want these lawyers back.

The hon. Minister went on to mention that we might expect a Motion on stock theft very, very shortly. I do not need to repeat what I have said in this House time and time again. Of course, the records and my actions, my speeches at public meetings are there for anyone to see with regard to what I feel about stock theft. This is a menace, and we must do all in our power to stamp it out if this country is to prosper. This, Mr. Speaker, Sir, will depend entirely on the application of the law to stamp it out. However, I know there are strong agitations in some quarters for just going blindly on and strengthening the law without sorting out the pros and cons of the situation, and this will not help. Let me say here once again, Sir, that if we are to stamp out this menace and I believe we ought to do so—any penalty which includes communal fines or the communal impounding of cattle, simply because the tracks of stolen cattle have led to that particular area, has failed for the last sixty years of British administration in this country. If this Government adopts the same practice—which I believe is an injustice in all sense and meaning of the word—then it will fail. I beg the hon. Minister to go into this very carefully. He has the advice, the help and the sympathy of everybody in this country. Let us find the best way of tackling this situation. It does not only involve Africans and other African tribes, nor Africans and European farmers. It is a very dangerous game of playing with fire, and it could explode and endanger the security of this country. It needs most careful attention.

As I said in my opening remarks, Mr. Speaker, we accept the assurance given by the hon. Minister, but one cannot help wondering whether this Government means exactly what it says. We have had a very clear demonstration here this afternoon; despite the assurance we accepted wholeheartedly as given by the Minister, when one of the Government Back Benches a few minutes ago went to the extent of describing the present Kenya Constitution as pieces of paper drawn up

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by imperialists and their stooges. How misinformed he is. This is a Constitution drawn up by the people then representative of this country.

Hon. Members: Question, question.

Mr. ole Tipsis: Ask the Minister for Constitutional Affairs. He was there. Gentlemen, if you want to shout, I can shout loudest, but we must be realistic and not try to evade the issue. Shouting will not erase the Constitution. It is there.

An hon. Member: Wait and see.

Mr. ole Tipsis: I do not need to wait and see. I am not blind. I can see already.

Mr. Speaker, they are trying to divert my attention, so I shall address you on something else until my mind cools down. It is no good trying to describe this Constitution as pieces of paper drawn up by imperialists. It is the Constitution agreed upon and it is the Constitution which brought the same hon. Members to this House, to that side on the Government Benches. If it was drawn up by the imperialists, those imperialists must be entirely wrong to send them here.

The hon. Member, Sir, Mr. De Souza, went on to mention the inability to work the Constitution as far as civil servants are concerned, the standards and the rest of it. This, of course, Sir, is quite irrelevant, because the standards, the qualifications for their appointment to various posts in the Civil Service, the Central Government or the six regional public services are laid down, so there is no question of lowering the standards. The training is centralized, so I do not see where the lowering of standards, and what have you, come into it at all.

Now, the other point, Sir, is the question which the Minister admitted yesterday, when he stated that the present Constitution is a decentralized government to the extent that certain powers have been given to the seven regions. This is quite correct, but these powers have not been given. They are a right of the region. They are derived from the Kenya Constitution.

An hon. Member: They are just pieces of paper.

Mr. ole Tipsis: As such they are not given by anybody. Talking on this aspect briefly, Sir, we welcome his views on the independence celebrations, but I think he misapprehended the situation when he went to the extent of saying—and this is what he said—that contributions from the National Fund will be made to each district and not to the regional authorities. I think, Sir, this is a very negative approach, of trying to by-pass the Regional Assemblies. We know that the regions

exist, but if the powers of the administration have so far been transferred to the Regional Assemblies then it is only right and proper that any funds from the centre should go direct to the Regional Assemblies which are capable of making a fair distribution or allocation, otherwise the interpretation will mean that what the present Government is trying to do is to by-pass the regions.

The other thing the Minister said was that they on their side accepted the challenge. We are all delighted, we are all happy and we all accept the challenge, which the changing circumstances of this country in its political development has placed on our shoulders. But, let me make it very clear in every body's mind that the challenge is there. It is up to us to shoulder it, but not in the sense of saying that some people are becoming destructive. You cannot be a judge of your own utterances and you cannot be a judge of yourself, and this destructiveness is not a one-way traffic. Let us accept it now, and realize that both sides are equally to blame, and unless we change our attitude we must accept the consequences for these big mistakes, that instead of doing a great service to the country we are doing a disservice at this time when time is not in our favour. The challenge of unity is there, it is a slogan. We accept it in a good spirit but it must be unity through *Ujamaa*. There is nothing new in that, nothing unheard-of about *Mujimba*, it has been in existence since God created this country, so I do not know what the hon. Members are shouting about.

The hon. Minister went on to mention about repealing some of the discriminatory laws. How delighted I was to hear that from him, because our people have been subjected to some of these discriminatory laws for too long. The sooner some of them are replaced and such Statute Books in which they are written are thrown away and burned, we can celebrate the doing away of such discriminatory laws.

There is one point here of which I hope the Minister of Justice is well aware. Here we have a law, I do not know what section of the Penal Code or whatever Codes there are, where an individual, any person in this country can go to a shop, buy two dozen bottles of beer, or even brandy, whisky or gin, whatever he wants, keep it in his house to entertain his guests. There are some traditional leaders, to which he referred yesterday, who are not used to these very highly intoxicating drinks. They are used to native *pombe*, made of honey, sugar and a little other good stuff, which is healthy, nutritious and so on.

[Mr. ole Tipsi]

I am not for one minute suggesting anything like the dangerous drink such as Nubian gin which should be banned and anyone caught indulging in the manufacture of it should be heavily punished. There are some healthy drinks which our forefathers used to drink, and they were healthy, strong, tall people. There is nothing wrong with such drinks. I fail to understand a man found with two cases of beer in his house, not arrested by the Police or embarrassed at night over the fact that he had some sort of illegal drink and the other chap who only has a small calabash of native liquor, enjoying it with his friends, is just pushed out by the Police and forced to carry that calabash to the Police Station. He was not selling it and the rest of it. This is one of those discriminatory laws. If it is a question of banning drinks, ban them altogether indiscriminately, and anybody who is found with a bottle of beer, or a calabash of native liquor, all right he is in for it.

Mr. Alexander: What is this stuff?

Mr. ole Tipsi: I will bring you a bottle next time I come to Nairobi. No licence is needed. It is just like milk and mixed with blood it is very good.

The question here which is very important is that we want our Independence as soon as possible. We are glad the date has been fixed, and it is December 12th. The question here is whether and this is a serious question for the Government—they are trying to do everything possible to prepare for Independence and the Independence Celebrations. Are the Government going to ignore certain fundamental factors which go hand in hand with the Independence Constitution? I think it is quite illogical and unreasonable that this country should now be putting the finishing touches to the Independence Constitution when the Internal Self-Government Constitution has not yet been implemented. We know the trap and this trap must be toppled by a stone thrown from a certain distance. We want the Constitution for Internal Self-Government to be implemented. There is absolutely no reason for this delay.

The second point I want to mention, Mr. Speaker, is the talk which is going on about amending the Constitution; we cannot amend a Constitution which does not exist. When you implement the Internal Self-Government Constitution fully you can then begin to talk of amending that Constitution. This is also connected with the East African Federation. We are very much concerned—even perturbed—at the secrecy of the present discussion going on between the

Ministers of the three or four East African Governments. Why do they not tell the country exactly what stage they have reached? The Federation must have the consent of the people, of the Government and the Opposition, not only in Kenya but in the other territories; they must be fully associated with any discussions which take place. It is not a question of the Government benches of the four territories federating, but of the people. We want the complete integration of our peoples so there should be no secrecy regarding this. Of course, if they think that they can come here one day and tell us, "Oh, Gentleman, the Constitution has been finalized," and think we have no alternative but to accept it, they are mistaken. We refuse to be dictated to and to have a gun held over our heads to make us follow something. We are Africans, this is our country and we are as concerned about the destiny of our country as they are. The Federation of Kenya, Uganda, Tanganyika and Zanzibar is not an act of the Imperialists, it is the will of the people to federate and it is not the Government who wishes to do so.

My last point is regarding this delay in the transference of powers to the regions. It is very surprising that since the elections the Administration has been transferred to only one region, the Coast, and possibly part of the Rift Valley. What is this deliberate attempt to undermine the Constitution, to undermine the regions? Is it for the good of the country? If there is any conspiracy between the Government and Her Majesty's Government, let them understand that this delay will be a great disservice to this country.

In conclusion, let me say that we must check our speeches. Members must not deceive themselves that just because they sit on the Government Benches they are angels and all the others are devils. This is not the case; we all have an equal share to contribute for the good of our country.

I beg to support.

Mr. Omweri: Mr. Speaker, Sir, I would like to join with the other hon. Members who have spoken in congratulating the hon. Minister for Justice and Constitutional Affairs for presenting his Vote to us in such an excellent manner.

I would like to make one point with regard to the Constitution and also one or two others concerning the Department of Justice. I think it is high time that we on the Government side remembered when making speeches, either inside this Chamber or outside, that there is no need now to talk about the Constitution since it is going to be changed. The answer is to explain to the parties which form the Opposition that the

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Constitution has actually been changed. The election proved that, and matters concerning the election were in one of the clauses included in the Constitution. The Opposition wishes to adhere to constitutional means when it comes to any amendment of the Constitution. However, it is only as a result of the elections that the Constitution can be altered, and the party which was declaring earlier on that the Constitution will not be in the interests of this country has been empowered to carry on with whatever amendments will be necessary. I wanted to give an analogy, Mr. Speaker, if you take a child to hospital, you do not keep telling him that he will be injected because an injection is painful and the child would cry. You need to tell the child that he will be treated and that he will be all right. What we need to tell the Opposition is that the Constitution will be changed to help them, not to suppress them in any way. Mr. Speaker, I think that is a point which we should realize right now. This is not the time when we should keep on saying to those who are opposed to amending the Constitution that it will be amended. They know it has already been amended through the election and will again be amended at the Conference, which again is a constitutional means that was laid down in this Constitution about which they keep talking.

Mr. Speaker, Sir, referring now to a system of African courts, the Minister told us that they will be reconstituted soon. I want to talk about the training of African court elders. In the past, most of these court elders were appointed mainly on account of their tribal understanding and the knowledge they had of tribal customs. Nowadays, young people who may not be very conversant with tribal customs—some of them are brighter than that—are being appointed, given jobs as court elders. What would help them to run the courts well would be if they received a background of training. They should be trained to know African customs which could be compiled in books so that they could refer to them when dealing with a case and execute it according to the law. Formerly, some of these court elders were quite illiterate; they could not read because they had not had time to go to school, and they gave judgment which some people, in considering the case in question, would have felt was quite wrong. Therefore, I would like to ask the Minister, Mr. Speaker, Sir, to look into the question of giving training to court elders so that they understand exactly how to execute cases which they may have in their courts.

Another point concerns their pay. Some of these court elders receive very low pay, and because of this there is a tendency for corruption,

bribery, and so forth, to be prevalent. Many of the people who come to court would be offended because of the way their cases were handled if they did not bribe the court elders as others have done. You find that these cases would be judged in a wrong way and the man would be the loser in the case if he did not bribe the court elders. To stop this I feel the court elders should receive good pay and possible stricter instructions against bribery.

Another point is this, Mr. Speaker. I do not know whether during this reconstruction the second and third class magistrates in the districts will still carry on dealing with cases. In former times this has been very haphazardly done, at times probably done at random. In our district where I have some experience of this, Mr. Speaker, one time I saw a magistrate who, without trying the so-called offenders, ruled that these people who had been arrested by the police should be fined Sh. 50 each, and if they failed to pay they would be imprisoned for a period of not less than two months. This was very, very unjustly done and we do not like such things to be repeated when we have our own Government and people feel that we are really representing their interests. Whoever makes a mistake should be tried and then judged according to the evidence at the trial.

Another point which I would like to raise with the Minister, Mr. Speaker, Sir, is that we have certain laws which are not desired at the moment. I know there are a number of them, but I will give one example only which goes quite against the wishes of the people in the areas where this law is operating. Certain areas in the country have been and are still declared closed areas. To go to these closed areas from other areas which are open, one has to obtain a pass. The one I have in mind, Mr. Speaker, is the closed area of the Masai. The result of this area being declared a closed area is just sheer bitterness and suspicion.

Mr. Olotipiti: What are you going to do?

Mr. Omweri: The remark which the Member for Kajiado has just made shows he is just suspecting something. This is just the original thought which the closed area law caused our friends to have; they keep on suspecting things. Probably a gentleman going from, shall we say, Central Province to Kajiado, is suspected of going to do something, or somebody coming from Nyanza is going to. We are not going to be under suspicion. We are living on friendly and good terms and in brotherhood, and we would like to get closer.

At the moment the Masai district lags behind other districts, the reason being that where we

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could have had new ideas going into the Masai area freely—particularly in Narok West, which we border—we find that the area is still in darkness. We want this to be opened and new ideas to be taken into this area, and the people to be enlightened so that they know exactly what is happening.

In this case, Mr. Speaker, I might be speaking about the Masai and the Kisii which are in a closed area, but there might be other places where these closed areas are. We would like the Minister for Justice and Constitutional Affairs to go into this immediately and lift these laws, so that the people live in harmony and freedom, because this is the freedom we have been fighting for and we should not have any suspicion that somebody from this corner will come to do something wrong if he comes here. What we would like to have is free movement and free contact throughout the country, without having this business of suspicion and closed areas. We would like to embark on educating our Masai friends particularly well, because at the moment I know two schools in the Masai area which have no teachers, and certain friends of ours in the district who feel that they could have taught very well are hanging about.

So what we feel, Mr. Speaker, is that such laws which are undesirable at the moment should be lifted, and then we believe that we shall live in freedom and shall be exercising our wishes accordingly.

With that, Mr. Speaker, I support the Vote.

Mr. Godia: Mr. Speaker, I wish to welcome the speech made by the hon. Minister for Justice and Constitutional Affairs, which he made to this House regarding the Vote.

I know from what has been said, Mr. Speaker, that the whole House welcomes it. The point at issue regarding the Constitution is obvious. Everyone in the country knows that an amendment of some kind is going to take place to make the work of the Government easier. The country only expects to see what reasonable change can take place in the Constitution to make it work for this Government more easily, because in fact this year we are having somewhat more expense than last year because of the regional Constitution. Indeed, it will help people all over the country to make some changes here and there in the Constitution, which will be acceptable to the people of Kenya.

As we have heard, Mr. Speaker, it seems the country voted for Kanu, knowing that Kanu was the only party which would amend the Constitution, that was drafted in London, to help the

people in this country. Therefore, the people in this country expect that this Government will do its best just before Independence to see that some change is made in the Constitution, so that the work is easy. In fact, as you can see, we have the ordinary local governments we know and we now have the regional local governments and the Central Government, so that there are three Governments altogether, instead of two. That is the reason why I think the people in the country find it pretty expensive to pay for it, and it would be helping these people and the country if the Government, in consultation with the Opposition, of course, made amendments here and there in the Constitution. However, if the Members of the Opposition would oppose it; it is definitely true that the amendments will take place because the Government has a majority.

Mr. Speaker, it is really a source of pleasure that the Minister for Justice and Constitutional Affairs has planned to do away with all the laws which are discriminatory in this country. That is a matter which has received good support from the people all over the country. What is needed, Mr. Speaker, is for certain sections of all the laws of this country to be studied and any part where there is some form of discrimination should be deleted for the benefit of the people in the country.

At the same time, Mr. Speaker, I hope the Government knows that we do not have very many lawyers in this country. We have had very many foreign lawyers and it has been very difficult indeed to get many of our students going out to study law. Therefore, the Government should consider increasing places in schools where our graduates would be able to study law, so that they may come to this country and become the lawyers all over the country.

It is true that we shall continue using the foreign lawyers that we have in the country because at the present time we do not have many of our own who are qualified. However, steps have to be taken to make it possible for many of our students in the colleges to take law so that they may be able to give the required help to this country.

It is a pleasure to know that some of the Regional Agents have been studying law and have been acting as judges when necessary. This, however, has not been in favour of the people because some of them have been one-sided in their decisions. We hope that the qualified lawyers will replace such people in the courts and whatever they decide will be decided on a point of law regardless of what a Regional Agent may say.

[Mr. Godia]

I also hope, Mr. Speaker, that the Government will consider promoting some of our own workers in African courts. In some cases their work has been very good. I appreciate the fact that they may not have had very much education but they know what the customary law of this country is. Such people should be considered by the Government for promotion so that they could continue to help until we come to such times that we have a sufficient number of lawyers who will take their rightful places.

Most of the laws which we use in this country are British laws and I do hope the Minister for Justice and Constitutional Affairs will consider compiling our own laws which should be tribalistic for use all over the country. We hope at the same time he will make use of some of the British laws which are most suited to this country and to be made use of by the lawyers.

Many of our laws are not easy ones. For example, those dealing with thieves are very strict and I do hope in future in those cases where African thieves are dealt with—or an African who has committed a very serious crime—they will not be so harshly treated.

In this respect I should request the Minister concerned to consult the Government of Tanganyika because some of their laws appear to be exactly suited to the needs of our country. It will therefore be a good idea to incorporate some of the laws of Uganda and Tanganyika when compiling new laws for Kenya.

With these few words, Mr. Speaker, I wish to support.

Mr. Seroney: Mr. Speaker, there are one or two things which I should like to say. In the first place I should like to congratulate the Minister for Justice and Constitutional Affairs on the abolition of African courts which I think was considerably overdue and I can only urge him to expedite this abolition because it is an anomaly which should have been done away with long ago. I also wish to congratulate him with regard to what he is doing to train African lawyers and to make sure that we have more first-class judges who can take over from the existing foreign judges.

With regard to the abolition of the jury system, I am afraid I cannot find it in me to agree with him. It is quite true that at the moment only the Europeans have that right, but, rather than abolishing this right because Europeans have it and the non-Europeans do not have it, surely the answer would be to extend it. Now, it is very important that the question of fact, the question of which witness to believe, should remain with

the laymen who can discuss it among themselves as to whether a particular witness is telling the truth or not. We have had sad instances where magistrates have deliberately chosen to believe one person instead of another and later it was discovered that particular magistrate was wrong. If the question of whether the witness is telling the truth or not is not left to just one person but to seven or twelve people, I think the question of credibility would be better dealt with. After all, one man can easily be deceived as he is not infallible.

We have heard much loose talk about the people of this country having given a mandate to the governing party to do what they like with the Constitution. I am going to explain the constitutional position to Members who appear not to have done their homework or who appear not to have taken the advice of their Ministers to try and get hold of a copy of the Constitution and study it, before making wild statements in this House or outside. Mr. Speaker, Sir, there are two types of mandates. There is a mandate to run the ordinary Government of the country but there is also another mandate to organize the structure of the Government of the country and the rights of the people who live there. The two mandates are entirely different. The only country which accepts the same mandate for both is the United Kingdom where there is no difference between altering the Constitution and passing any other law. But in most other countries like the United States, the Republic of Germany and practically all the modern states prescribe an entirely different procedure for dealing with the basic law of the country. You cannot treat the basic law of the country like you can treat any other law, like passing a law for licensing arms.

All constitutions are made by what is virtually a Constituent Assembly which decides how it is going to be altered or what section can be altered more easily than the others. If the party opposite really had the mandate of the country to alter the Constitution then they would have had 90 per cent of the seats in the Senate. Some of the hon. Members opposite, or at least those who were a part to the London talks and the talks in Nairobi in the Coalition Government, must have known what they were doing unless they would like to tell the world that they put their signatures to something of which they were not fully aware.

It is clear that the Constitution can only be altered in the way provided for under paragraph 19 of the Lancaster House Agreement. The Lancaster House Agreement is a tri-partite agreement between Kanu and Kadu and the British

[Mr. Seroney]

Government and we are going to insist that it can only be altered in accordance with that agreement and in no other way. The only way the Government can alter the Constitution is to have another election and this time make sure that they have a 90 per cent majority in the Senate. I was glad as we all were on this side of the House when we heard that the Constitution was not intended to be scrapped. The assurance was given by the hon. Minister and we hope that he will be able to discipline his Back Benches so that they do not make ridiculous statements either in this House or outside it. I am rather perturbed however, with certain statements made by the Ministers—I am not talking about the Back Benches now—and I intend to take two or three and show how they relate to fundamental rights. I am referring to the implied threat issued by the Minister for Information to the Press that the Press will be closed down unless they report what the Government want. The very fact that the Members opposite are cheering is a sad reflection of the mentality of the Government which seems to speak with two voices. Section 10 of the Constitution says quite categorically "except with his own consent, no person shall be hindered in the enjoyment in the freedom of expression i.e. freedom to hold opinions without interference; freedom to express ideas without interference; freedom to communicate ideas and information, whether the communications be to the public generally or to any other person or class of persons, without interference." Although this section does not mention the Press I am sure that it is a fundamental right which cannot be tampered with, unless amendments are brought in accordance with section 19 of the Lancaster House Agreement. I will be very grateful when the hon. Minister stands up to reply—

Mr. Kibuga: On a point of order. I beg to move that the House do now adjourn as it is after 6.30.

The Speaker (Mr. Slade): The only thing is that if you do this, we shall have lost a whole Supply Day, which means that some time later on we shall have to find an extra day for debating the Estimates and hon. Members should realize that before they decide to support the Motion.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I believe that the hon. Member did not know that we were not going to stop at the normal time. He may not have understood that today we are continuing until 6.50. I think there is no need for debate for I am sure that if the hon. Member had known

that we were to continue after time he would not have interrupted.

Mr. Kibuga: No, I did not know. It is all right with me.

The Speaker (Mr. Slade): It is at my discretion to modify, within reason, the time when we interrupt business having regard to the convenience of Members. On this occasion, I have said that we shall sit until 6.50 p.m.—

Mr. Seroney: Mr. Speaker, Sir, the other aspect which—as I was saying, I would be grateful to the hon. Minister to cast some light on statements like that one issued to the Press by the Minister for Information with regard to banning the Press; the Minister also made a statement at Kisumu that he had a mandate from the Prime Minister to suppress the Press. One hon. Member asked whether I was actually there. If I have made an allegation which is not true, then I stand to be corrected but it is for the Minister to deny that he ever made such a statement.

Mr. Ngala-Aboki: I was present when he made that statement, but what he said was that if the Press does not conduct itself in the manner which will help the Government to move forward, then he had every right to do something about it. If the hon. Member bases what he is saying on what appeared in the paper, then he is incorrect.

Mr. Seroney: The hon. Member has said that he was there and he has explained what actually did happen, but I think that we are getting into dangerous waters when the Government set themselves up as judges to decide what is constructive criticism and what is not. There is enough law with regard to sedition or libel to discipline the Press but when the Government tells the Press how they are to report things then we are getting to a stage where we have no freedom of the Press. We are contravening section 10 of the Constitution.

The other point is a statement made by the Prime Minister. He said that the Parliamentary system of the United Kingdom was not the suitable one for this country. I hope that is not an implied notice that we are going to be landed with a one-party system. If we have a one-party system enforced by the law, we will have to amend section 11 of the Constitution which provides for freedom of association in any way. Two sections have been mentioned and the two persons who mentioned the sections seemed to have the idea that the Constitution gave the Central Government overriding powers to control the regions. There is nothing of the sort. The Constitution divides the responsibilities between

[Mr. Seroney]

the Central Government and the regional governments and also provides for a third list of concurrent responsibilities where the central bodies and the regions can legislate. With regard to the matters which are the exclusive, executive or legislative authority of the regions there can only be questions in the Court as provided for under section 165, where a Supreme Court will decide whether an act of the Central Government was valid or invalid, or whether any act done by the regions is constitutional or not so. The only authority which the Central Government has is over the functions of its own which it delegates to the regions. Let there be no mistake about this. These are specific, distinct powers, subject to the laws about breakdown and emergency. Apart from emergencies, in the normal course of things, the two are distinct and they have their own rights which can only be interfered with either by the amendment of the Constitution or by an unconstitutional action on the part of the Central Government.

There has been a great deal of talk about the dismemberment of Kenya. There is no intention to dismember Kenya. It is a pity that this misunderstanding has been created because people who did not want a particular type of government in this country have chosen to misrepresent that Government as dismembering Kenya. Kenya under the regional system will still be a Kenya, just as the United States is still united, although New York is an autonomous state. Neither regionalism or autonomy in Kenya imply the dismemberment of Kenya.

We are all glad, Mr. Speaker, that before very long we shall be independent, and we are glad to see the preparations which are being made to celebrate independence suitably. We do not quite know yet what type of independence we shall have, but we would like some light to be shed by the Minister concerned, because he made a statement to the Press recently to the effect that Kenya would move into independence as a republic. We on this side of the House completely support that, because we do not want any trappings of imperialism to continue after 12th December. So for goodness sake let us move straight into independence as a republic, because we do not want false emotions to be generated afterwards by arguments that we are not yet independent and that our *Jamhuri* will really bring us independence. If we must have *Jamhuri* let us have it straight away.

An hon. Member: What does that mean?

Mr. Seroney: The hon. Member asks what that means. All that it means is that before 12th

December, once the procedure for electing a President has been agreed on, he can be chosen and can take the oath of office at midnight on 11th December. That is precisely what it means. It means we move into independence as a republic where the highest office in the State is an elected one.

An accusation has been made that some of us desire to delay independence. We are doing nothing of the sort. We are as anxious as hon. Members opposite to speed up independence, but we do not want trickery, we do not want attempted sabotage of the existing Constitution, and we do not want things to be done behind our backs. The people who are delaying *Uhuru*, Mr. Speaker, are those who are delaying the implementation of the Constitution and giving the wrong advice, and the civil servants who are dragging their feet about the implementation of this Constitution. We demand that this Constitution is implemented even before we go to London, otherwise our attitude to these talks will be radically revised.

We urge the Governor to implement the Constitution and we give him a deadline of 1st September to see that he has implemented the Constitution. We are not interested in seeing the Constitution being sabotaged, we do not appreciate the Treasury sabotaging the regions financially because they do not wish to see them working successfully. We want the constitution to be implemented honestly; we shall find out what aspects are workable and what aspects are not workable and then by agreement they can be altered. You cannot say something is not workable, Mr. Speaker, unless you have honestly tried to work it. I appeal to Members on the opposite side of the House to get it to work.

Hon. Members opposite seem to suffer from a disease which I can only call "local governmentitis", because they are always trying to side-step the regions and deal with the local authorities. Then they come here and tell us that the Constitution is not workable. The appeal I make to the Minister and to the Government party is to let this Constitution work, because if they now start tampering with it, they may in effect delay independence. If we confine ourselves to consequential amendments which are necessitated by the status of independence, then our timetable can carry on smoothly and, God willing, we shall be a republic on 12th December.

An hon. Member: Question.

Mr. Seroney: The hon. Member said, "Question". Presumably he is an imperialist, one of the monarchist party!

[Mr. Seroney]

Mr. Speaker, Sir, it is a pity that the Constitution has been made the focus of contention, because we should be going ahead with the government of our country instead of diverting the attention of the people from real issues to arguing about the Constitution which we have not even tried. Let us work this Constitution, and then in the prescribed method we can alter it later if we find that any aspect of it is unworkable. It is not only the Members opposite who are dissatisfied with certain aspects of the Constitution; there are certain other aspects which we on this side are satisfied are undesirable.

An hon. Member: Why not change it?

Mr. Seroney: The hon. Member opposite asks why not change it. All these sections were fully discussed between the two parties in the last Coalition Government, and what emerged was a compromise which was not in all cases entirely acceptable. But it was a compromise which should be given a chance to work.

An hon. Member: We do not recognize the Constitution.

Mr. Seroney: The hon. Member says that we do not recognize the Constitution, but the hon. Minister himself gave an assurance that there was no intention of scrapping the Constitution.

Mr. Gatuguta: Do you have the confidence of your people?

Mr. Seroney: The hon. Member for Kikuyu has challenged us with regard to whether we still enjoy the confidence of our people. Mr. Speaker, I invite him to share a platform with me in my constituency to prove his point, or we can both resign our seats and he can contest the seat against me in my constituency to prove whether I have lost the confidence of my constituents.

The hon. Members have been making a lot of useless points, Mr. Speaker, Sir, but what I urge in conclusion is that if we want to dismember Kenya, let us argue about the Constitution; if we want a united Kenya, let us stop attacking the Constitution and direct the minds of the masses to other issues.

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

Mr. Kiamba: Mr. Speaker, Sir, I beg to move that the Mover be now called upon to reply.

(The question was put and carried)

The Speaker (Mr. Slade): Just start for one minute, please, Mr. Mboya.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, there are many points which have been made in this debate which I shall not attempt to reply to at the moment, but I want to thank all those Members who have taken part in the debate for their contribution, and also for the very generous words they have said about me. I shall deal with their points when we sit next time, and I can assure the hon. Member who has just sat down that there is an answer to practically everything he has said which is going to come.

I think at that point, Sir, I had better stop.

ELECTION OF TEMPORARY DEPUTY SPEAKER IN MR. SPEAKER'S ABSENCE

The Speaker (Mr. Slade): Before adjourning the House, I have to crave the indulgence of hon. Members for my absence, for the whole of tomorrow for another function elsewhere. The Deputy Speaker has kindly agreed to sit in my place all afternoon, but he will also need to be relieved for half an hour in the course of the afternoon. We do not have at present anyone to take his place. Under section 44 of the Constitution, in the absence of the Speaker and Deputy Speaker, another hon. Member has to be elected by the House to take his place, just for that occasion. We do not want great formality for the purpose of that election to fill the seat for half an hour. At the suggestion of some hon. Members, I would like to propose that Mr. Wariithi be elected for this particular occasion, for half an hour tomorrow afternoon. It is not a permanent appointment.

May I take it, without formality, that hon. Members will elect Mr. Wariithi for that purpose tomorrow afternoon?

(The House signified agreement)

ADJOURNMENT

The Speaker (Mr. Slade): The House is now adjourned until tomorrow, Thursday, 1st August, at 2.30 p.m.

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

Thursday, 1st August, 1963

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

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 50

COST OF SETTLEMENT

Mr. J. M. Kariuki asked the Minister for Lands and Settlement: Would the Minister inform the House of the amount it costs to settle each family under the settlement schemes; whether the houses provided included furniture, baths, stores, etc., and whether water was also provided?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Deputy Speaker, Sir, I beg to reply. The average cost of settling a family on an IBRD/CDC Scheme is about £920 and on a High Density H.M.G. Scheme about £475.

Houses are not provided to settlers, but a portion of the development loan made available to each settler is intended for the purchase of building materials. No furniture, baths or stores are provided.

Watering points are provided on all schemes, wherever possible, at distances of not more than half a mile from any plot.

Mr. J. M. Kariuki: Mr. Deputy Speaker, Sir, I would like to ask the Minister whether he is aware that in many of the settlement schemes there is no water at the moment, and whether he found this himself during his recent visit to the Aberdares?

The Minister for Lands and Settlement (Mr. Angaine): I am aware of that, Mr. Deputy Speaker, Sir.

Mr. J. M. Kariuki: If the Minister is aware of this, what is he intending to do to provide water to the settlement schemes?

The Minister for Lands and Settlement (Mr. Angaine): I am looking into the matter, Mr. Deputy Speaker, Sir.

Mr. Murgor: Mr. Deputy Speaker, Sir, would the Minister tell the House, as far as the water supplies to the new farmers are concerned, when he will consider it an appropriate time to provide water or to consider including money for the water supplies to the schemes?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Deputy Speaker, Sir, I have already said that I am looking into this matter.

Mr. ole Tipis: Mr. Deputy Speaker, Sir, arising out of the Minister's original reply that no houses are provided for the new settlers, could he kindly tell us what happened to the existing houses, some of which were graded as palaces, when the new settlers were put on this land?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Deputy Speaker, Sir, these houses are being used for the officers at the present moment, and I think, if I am not mistaken, that the settlers are provided with Sh. 200 to buy materials and build their own houses.

Mr. Murgor: Mr. Deputy Speaker, could the Minister tell the House that he could live in a house with only Sh. 200 provided?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Deputy Speaker, Sir, I think the hon. Member himself is living in such a small house.

Mr. Mutiro: Mr. Deputy Speaker, Sir, arising from the Minister's original reply, is the Minister aware that the amount is too high for the landless Africans?

The Minister for Lands and Settlement (Mr. Angaine): What amount?

Mr. Mutiro: The amount which is required to be put down by the new settlers, the landless Africans who are being settled.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I am not aware of that.

Mr. Towett: Mr. Deputy Speaker, Sir, arising from the Minister's two replies when he said that he was not aware of what is happening and that he was looking into this matter; how long has he been looking into this matter?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Deputy Speaker, Sir, the hon. Member has heard that I have been out to see all these places and now I have a full picture of them and I am going to do something as soon as possible.

Mr. arap Moi: Mr. Deputy Speaker, arising out of the Minister's previous reply, would he tell the House whether the Government intends to make these schemes expensive and not to allow the poor Africans to settle on these farms? Is it the Government's intention not to have poor Africans settled on such schemes?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Deputy Speaker, Sir, that is not the Government's intention at all.

Mr. Murgor: Mr. Deputy Speaker, what is the Government's intention, if that is not its intention?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Deputy Speaker, Sir, that is another question altogether.

Mr. Murgor: The Minister for Lands and Settlement was asked a simple question by my hon. colleague, the Member for Buret, and he said it was not the Government's intention. Could the Minister tell us what is the Government's intention?

The Deputy Speaker (Mr. De Souza): That is another question.

Mr. Murgor: On a point of order, Mr. Deputy Speaker, in view of this unsatisfactory answer from the Minister I want to raise this matter on an Adjournment.

The Deputy Speaker (Mr. De Souza): You can apply to have this matter raised on an Adjournment, but I am afraid there is only one day more and that will be tomorrow. I do not think this is sufficient notice, you will have to give notice to the Speaker and it will have to come in the next session in September, but not before.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Speaker, I was only going to ask exactly what the hon. Member thinks, it's up to the Minister to answer, because I have a feeling that the hon. Member does not know what he wanted to ask.

The Deputy Speaker (Mr. De Souza): That is not a point of order.

Question No. 51

INTEREST PAYMENT FROM SETTLEMENT FARMERS

Mr. J. M. Kariuki asked the Minister for Lands and Settlement: Would the Minister tell the House what was the amount of interest farmers under the settlement schemes were required to pay on their loans and the amount of interest the Government was being charged by the World Bank?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): On behalf of the Minister I beg to reply.

The rate of interest that farmers on settlement schemes are required to pay on all their loans, whether for land purchase or for development

of their holdings, is 6½ per cent, which has been taken as an average of the varying rates of interest payable by the Government to the various bodies from which it borrows money for the settlement schemes—the British Government, the World Bank, the Commonwealth Corporation, etc. This average rate has to take account also of the probability that the rates charged by these lending agencies may rise even above 6½ per cent in the future.

The rate of interest to be charged by the World Bank has still not been fixed, but will certainly be about 6 per cent, plus a commitment charge of 1 per cent on any loan money set aside for drawing by the Kenya Government, from the date it is set aside until it is actually drawn.

Mr. J. M. Kariuki: Mr. Deputy Speaker, I would like to know whether the Parliamentary Secretary is aware that most of the new farmers will not be able to meet this 6½ per cent because it is a high percentage for them to pay?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Deputy Speaker, all schemes as they are designed are drawn out on an economic basis to give: (1) subsistence, (2) the ability to repay charges, (3) a certain sum of money dependent on where the scheme is, East of the Rift it is Sh. 500 per annum and West of the Rift it is Sh. 1,400 per annum.

Mr. Muliro: Mr. Deputy Speaker, Sir, is the Parliamentary Secretary aware that this interest already is causing serious concern and hardships to many Africans who have already taken these loans?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Deputy Speaker, as I have said the planning has been done on an economic development proposition. It may well be that in certain cases there have been adverse climatic conditions which have made it difficult for the new farmer. In such cases as this it will receive the sympathetic consideration of the Government in respect, perhaps, of an amortization of the repayment.

Mr. Khasakhala: Mr. Deputy Speaker, Sir, arising from the Parliamentary Secretary's reply, can the Parliamentary Secretary tell the House whether this 6½ per cent which is paid by the farmer goes direct to the bank or whether there is another interest or a part of this goes to the Government?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Deputy Speaker, Sir, when a leading organization lends money, it

[The Parliamentary Secretary for Lands and Settlement]

normally charges a small interest rate by way of commission for its overhead expenses over and above the payment that is to be made in order to borrow the money. Therefore, the Colonial Development Corporation, for instance, will borrow, let us say, from the British Government at a certain rate of interest and will charge a small mark up. No such charge is made by the Kenya Government which lends money at precisely the same rate as it borrows money because the overhead charges involved is a matter of a grant or free gift from the Colonial Development and Welfare Corporation.

Mr. Murgor: Mr. Deputy Speaker, Sir, is the Parliamentary Secretary aware that all these overcharges are due to the fact that inexperienced officers or ex-farmers are being employed as settlement officers?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Nonsense.

Mr. Murgor: It may be nonsense to the Minister for Justice and Constitutional Affairs, but it is not to me.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Deputy Speaker, Sir, as I have informed the hon. Member who asked the question on innumerable occasions, the salaries of the so-called inefficient officers are covered by a grant from the British Government and, therefore, they do not cost the taxpayer one penny.

Mr. J. M. Kariuki: Mr. Deputy Speaker, Sir, I would like to know what guarantee there is on the side of the Government if some of the farmers cannot afford to pay 6½ per cent?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Deputy Speaker, Sir, the security of the loan is the title to the land.

Mr. Gatuguta: Mr. Deputy Speaker, Sir, could the Parliamentary Secretary tell the House how soon after settlement the farmers are supposed to pay this 6½ per cent?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Deputy Speaker, Sir, on land and all improvements the period is thirty years. On all other loans—that is, for houses, livestock, seeds and the normal loans required for running a farm—the period is ten years.

Mr. ole Tips: Mr. Deputy Speaker, Sir, arising from one of the replies from the Parliamentary Secretary to the effect that the salaries of the settlement officers are provided for by grant money from the British Government and it does not cost this country's taxpayers any money, does he want to tell us that this grant money comes from the moon and not from the British taxpayers in the United Kingdom? If this is so, is it an excuse to debar us from debating this extravagance?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Deputy Speaker, Sir, it would have been more apposite if the hon. Member had asked this question in the House of Commons in London. It does not come from the moon, it comes from the British Government.

Mr. ole Tips: The taxpayers of the British Government.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Yes, but not you. This, Mr. Deputy Speaker, is a grant and it equals one-third of the total cost of settlement.

Mr. Anyien: Mr. Deputy Speaker, Sir, if the Ministry of Settlement gives a settler some money, this settler buys milk-producing cows and then some thieves come in the night and steal all the cows, who is expected to pay back the loans, the thieves or the man who received the loan?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Deputy Speaker, Sir, while sympathizing very much with the farmer who loses his cows, either because of theft or because of death, this is considered by the Board to be a normal hazard of farming for which it cannot accept responsibility. In the event of extreme urgency in a situation, the Settlement Board naturally would do its best to help the farmer with further loans.

Mr. Towett: Mr. Deputy Speaker, Sir, does the Parliamentary Secretary imply, when he says that this money comes from the British Government free for the employment of officers, that this money is there to be wasted and we must not worry about what these officers do?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Deputy Speaker, I never said that.

Mr. Kibuga: Mr. Deputy Speaker, Sir, arising from an earlier reply, can the Parliamentary Secretary tell us who employs these officers, the British Government or the Kenya Government?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): The Kenya Government.

Mr. Murgor: Mr. Deputy Speaker, arising from the previous reply of the Parliamentary Secretary—

Mr. Ngala-Abok: On a point of order, Mr. Deputy Speaker, in view of the fact that we have had several questions asked on this matter, would it not be better if we were now to call upon the next questioner?

The Deputy Speaker (Mr. De Souza): It is up to me to decide if there have been enough supplementary questions asked.

Mr. Murgor: Mr. Deputy Speaker, arising from previous replies of the Parliamentary Secretary for Lands and Settlement, when he said that this money is a grant from the British Government, when I was asking whether he felt that the ex-farmers who are employed were inefficient and the reason why so many people cannot pay their—

The Deputy Speaker (Mr. De Souza): Are you asking a question?

Mr. Murgor: Yes, I am asking a question. Would the Parliamentary Secretary say that this money was provided for the British Government only for wastage, or it was meant to help the African farmers?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Deputy Speaker, Sir, of course it is not produced for wastage and is for the help of the farmers. I have already told the hon. Member that if he would like, as he suggests, to bring forward to the Settlement Board some of the more progressive Elgeyo farmers who would like to help in the settlement schemes, we would be only too pleased to have them.

Mr. Bomett: Mr. Deputy Speaker, Sir, arising from the former reply of the Parliamentary Secretary, he did mention that the security is the land. Since the British provide the money, does it mean that any land which is not paid for belongs to the British Government?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): No, Sir, the position is that the money is loaned by the British Government or any other lending authority to the Kenya Government, and it is to the Kenya Government that these loans have to be repaid. The Kenya Government itself has an international obligation to repay these loans. Therefore, any default by the settler is a default in respect of the Kenya Government and not any outside authority.

Mr. arap Moli: Mr. Deputy Speaker, Sir, arising out of the Parliamentary Secretary's reply, what happens if the farmer or a settler fails to pay the interest?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Deputy Speaker, if a man fails to pay the interest and has received an adequate warning, the only sanction that the Kenya Government can operate on is the sanction of eviction.

Mr. Kerre: Mr. Deputy Speaker, I would like to know why it is that the land offered for settlement schemes is bought on B and not A.

The Deputy Speaker (Mr. De Souza): You mean why is it bought from one farmer rather than another?

Mr. Kerre: That is not so. What I wanted to know is this: there is land called A and land called B, and when land is bought for settlement schemes, usually land B is bought and not A. I want to know the reason why.

The Deputy Speaker (Mr. De Souza): I am afraid I do not understand your question, but I think we are straying too far away from the question which is on the Order Paper and which is about the amount of interest paid by farmers.

Mr. Makone: Mr. Deputy Speaker, Sir, would the Parliamentary Secretary tell this House whether the cost of the farms includes the cost of building schools and social halls?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): No, Sir, the money from the Settlement Board cannot be used for the erection of social services which is a matter for the county council.

The Deputy Speaker (Mr. De Souza): Next question, Mr. Rurumban.

Mr. Towett: On a point of order, Mr. Deputy Speaker, I would like to have your ruling on this. The gentleman opposite was trying to find out whether the land classed B land had less interest charges than the land classified as A land?

The Deputy Speaker (Mr. De Souza): We have now come to the next question.

Mr. Murgor: On a point of order, Mr. Deputy Speaker, on behalf of this side of the House, as a result of this unsatisfactory reply from the Government, I wish to record that when the first—

The Deputy Speaker (Mr. De Souza): That is not a point of order, I think we must be quite clear about what the Speaker said yesterday, that it is quite wrong for an hon. Member to abuse the procedure of the House which is to stand on a point of order in order to attempt to make a

[The Deputy Speaker] speech. I think it is quite unfair on the other Members if everybody tried to make a speech under the guise of a point of order, so I would be grateful if everyone made points of order strictly as points of order and nothing else.

Question No. 57

RETIEMENT OF GAME IVORY

Mr. Rurumban asked the Minister for Natural Resources: Would the Government agree to the Samburu retaining game ivory from their Game Reserve?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On behalf of the Minister for Natural Resources, Mr. Deputy Speaker, Sir, I beg to reply:—

Ivory and rhino horn from animals killed for control in the Southern Game Reserve or found in the reserve is the property of the Samburu Local Authority. There is, therefore, no need for Government to agree now—it has agreed.

Mr. Rurumban: Mr. Deputy Speaker, is the Minister aware that the Samburu were only given the right to retain the ivory within the Game Reserve but not all over the district which is allocated to them?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Speaker, Sir, I do not understand the question. Could the hon. Member repeat it again, please?

Mr. Rurumban: Is the Minister aware that the Samburu are only allowed to retain the ivory within the Samburu Lodge area but not over the whole Game Reserve?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Speaker, Sir, I am not aware of it but I am prepared to look into the question if the Member would bring specific instances.

Mr. Murgor: Mr. Deputy Speaker, Sir, would the Minister tell the House that all the ivory in all the Game Reserves in the country could be classified as belonging to particular authorities in the areas?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Speaker, Sir, I am not responsible for the hon. Member's inability to understand simple English.

Mr. Murgor: Mr. Deputy Speaker, Sir, the Minister said that the ivory in the Samburu District would belong to the African County Council. Would he extend that to other counties?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Speaker, Sir, the question was very simple: "Will the Government agree to the Samburu retaining game ivory from their Game Reserves?" The answer is yes.

The Deputy Speaker (Mr. De Souza): I think we have exhausted the question. Next question, please.

The Parliamentary Secretary to the Ministry of Labour and Social Services (Mr. Odero-Jowi): Mr. Deputy Speaker, Sir, if the Samburu County Council is allowed to retain this ivory, the other county councils should also.

The Deputy Speaker (Mr. De Souza): That is the same question. Next question, please.

Question No. 70

HAMISI HEALTH CENTRE

Mr. Godla asked the Minister for Health and Housing: In view of Government's policy to provide every Kenyan with free medical treatment, will the Minister take steps to develop the Hamisi Health Centre into a General Hospital as soon as the money is available?

The Minister for Health and Housing (Dr. Mungai): Mr. Deputy Speaker, Sir, I beg to reply.

No. The hon. Member for Hamisi is confused because the purpose of a hospital and the purpose of a health centre. A hospital is for the reception and treatment of the sick whereas a health centre is fundamentally for the prosecution of preventive and promotive medicine.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, Sir, is it in order for the hon. Minister to refer to the North Nyanza District when it should be the Kakamega District?

The Deputy Speaker (Mr. De Souza): That is not a point of order.

The Minister for Health and Housing (Dr. Mungai): To continue, Mr. Deputy Speaker, Sir, as regards to the hospital beds in relation to the size of the population of North Nyanza District, it is rather better supplied than the average rural district of Kenya. Nevertheless, as the Government Hospital, Kakamega, is to become the regional hospital it will no doubt be expanded as and when funds become available. I am sure the hon. Member will agree with me that there are certain areas in Kenya that do need medical facilities faster than the district that we are concerned with. We could think of the Elgeyo-Marakwet and Tugen districts, the Turkana-Samburu areas, the Narok and the other Masai areas—

Mr. Towell: Mr. Deputy Speaker, Sir, on a point of order, is it in order for the hon. Minister to refer to these areas all over Kenya when we are talking about one specific area?

The Deputy Speaker (Mr. De Souza): It is up to the Minister to decide how he replies to a question.

The Minister for Health and Housing (Dr. Mungai): Thank you, Mr. Deputy Speaker, Sir. The hon. Member is too anxious to hear where we are going to build hospitals. If he would only keep quiet for a while I will be able to let him know.

The other areas that do need medical facilities urgently are such areas as Tana River, Lamu, Kilifi, Kwale, and there are other districts which do not have district hospitals as yet. These include Njanjirawa, South Nyanza, and the new district of Busia. Therefore, I would say that these places need medical facilities more urgently than the district concerned.

Mr. Godia: Mr. Deputy Speaker, arising out of the Minister's reply, is he not aware in that particular area it is quite a distance to travel, but many people cannot afford to travel the distance? The next hospital is in Kaimosi and it is a private, expensive mission hospital. People, therefore, die because they cannot get the treatment they need.

The Minister for Health and Housing (Dr. Mungai): There are many other areas that do not have as many hospitals, and I do feel that this being an African Government and caring for the African people we must give priority for those people who are in desperate need.

Mr. Khasakhaha: Mr. Deputy Speaker, Sir, could the Minister tell the House whether it is Government's policy to implement free medical treatment as was written in the manifesto, and when will we get it?

The Minister for Health and Housing (Dr. Mungai): Mr. Deputy Speaker, Sir, there are very few things in this life that are free except maybe, air and sunshine. However, we have said that we are going to attempt to provide free medical services. Some countries have provided this and others are attempting to provide it. In the United Kingdom they do have a national medical service for which the people do pay their taxes and out of that the medical services are provided to the people. There are other programmes, such as in New York they have H.I.P., which is a free plan, and other schemes like the Kaiser Permanent in California. The whole thing is that

the individuals get free medical service but the country pays for the service. The pharmaceutical houses that make the drugs do not give free medicine to anybody, you have to pay for medicines. The houses that manufacture the medical and surgical equipment and instruments insist on payment for their goods. Therefore, Sir, whereas we may say in future and in time we are going to have a well-worked out plan whereby an individual in Kenya may get free medical service yet this country is going to pay for the medical services so that the individuals may not go to a doctor or hospital and have to pay. We have already started on this. There is a European scheme of insurance and also an Asian and Arab scheme, which was also an insurance scheme, but Africans were not permitted to take part in these schemes. So now these two schemes have been opened to everybody, they are no longer only open to the Europeans, Asians and Arabs, now the Africans can pay into the insurance scheme so that most of those who can afford to pay for their free medical treatment under the insurance scheme which is a prepaid form of free medical service. So most of those who can afford to pay into this scheme will not have to use the basic medical hospitals like the King George VI and that will be left for those who cannot afford an expert who will advise us on how to start a National Health Service in Kenya and we shall be starting it as soon as we can so that everybody in Kenya will be able to get the medical services as needed. I must say that this thinking will put Kenya ahead of every other country in health development and it will be the proper place where Kenya will be the leader.

An Hon. Member: Arising from the Minister's earlier reply where he mentioned certain areas that needed a Government hospital, why did he not include South Nyanza as a place that needs a hospital just as urgently?

The Minister for Health and Housing (Dr. Mungai): Mr. Deputy Speaker, Sir, may I give medical advice to the hon. Member to wash his ears properly. I have already answered that question.

Mr. Towell: Mr. Deputy Speaker, Sir, would the Minister agree that if the regions concerned find the money they should convert their health centres into general hospitals?

The Minister for Health and Housing (Dr. Mungai): Mr. Deputy Speaker, Sir, Kenya believes in planning for her medical services but it cannot be haphazard, it has to be well planned and the plans have to come from the head office.

Mr. Agar: Arising from the Minister's reply in his previous speech on lack of hospitals in many needy areas where hospitals cannot be built at once, can the Minister inform the House what provisions are planned, like mobile dispensaries, to help the areas where people are suffering?

The Minister for Health and Housing (Dr. Mungai): Mr. Deputy Speaker, Sir, we do have health centres, we have about 140 of them in the country today and we are planning for 400 and we want to increase them at the rate of 20 per year. We do have subcentres and dispensaries and we also have mobile clinics and we send them out. In fact, there are places like El Molo where we send planes because a mobile clinic would not get there in time to attend to the sick people.

Mr. Shikuku: Arising from the Minister's earlier reply when he referred to the Kakamega hospital which was going to be the regional hospital, and that it will be enlarged as time goes on, could he tell the House specifically when he intends to enlarge that hospital, in view of the fact that Kakamega has already been made the regional headquarters?

The Minister for Health and Housing (Dr. Mungai): Mr. Deputy Speaker, it is not necessary for me to tell the hon. Member just when it is going to be done, when it is done I shall let him know.

Question No. 71

KENYANIZATION: MEDICAL POSTS

Mr. Godia asked the Minister for Health and Housing if the Minister would inform the House what steps he was taking in the Kenyanization of all the existing medical posts in the country before 12th December, 1963?

The Minister for Health and Housing (Dr. Mungai): Mr. Deputy Speaker, Sir, I beg to reply as follows:—

Since the new African Government took over my Ministry has adopted a policy of giving preferential consideration to a suitable local candidate wherever such a person is available for such a post. I would remind the hon. Member, though, of two facts: firstly, that it is the health of our people which is the prime consideration of my Ministry; and, secondly, that we cannot let the standard of medical services drop, even at this stage when we are going to face a shortage of doctors. Because of these two considerations, therefore, we cannot risk a haphazard promotion of persons inadequately qualified or lacking in experience.

I am sure, Sir, that the hon. Member will agree with me that if he had to undergo a major abdominal, thoracic or brain surgery he would want a trained and experienced hand and one that has the professional discipline to operate on him rather than just a black hand doing the operation without the necessary "know-how". In my Ministry, Sir, we like that, after such an operation, the patient lives and we do not want the operation to be a success but afterwards the patient dies.

In the Ministry of Health there are 218 doctors who are in Government service, out of which thirty-eight are Africans. Therefore, it is not possible to Africanize all the positions since we cannot Africanize 218 positions when we only have thirty-eight African doctors. Out of these thirty-eight doctors, eight are interns, they have not been registered and they still have to do a few months before they become registered and are called doctors. Of the remaining thirty, seven were registered in May this year. Registration means they were promoted to becoming doctors. Of the remaining twenty-three, eight are training to be specialists, some in medicine and others in surgery. Some of them are about to finish and others have still a long way to go. Of the remaining fifteen only two have already completed their specialist courses, one of them, Dr. Odiambo, an M.R.C.P., and the other, one Dr. Warambo, F.R.C.S., one a surgeon and the other a physician. Both of these men will be returning to Kenya as the first African specialists in Government service. We have to congratulate these two doctors because this is a great achievement on their part. They will be posted as specialists in Kenya and that is a very high honour and a very high position.

Of the thirteen remaining, Sir, ten hold very senior positions in the Ministry. Two of them are at the moment senior medical officers and two of them are soon going to become senior medical officers. One in tuberculosis, one in leprosy, one in health education and the other is in charge of training throughout Kenya. Five others hold the highest positions in the medical services in the regions; at the Coast, in the Eastern Region, the Rift Valley Region, the Nyanza Region and the Western Region. They are the top people in the medical services in those regions; they are known as the Regional Medical Officers of Health.

Finally we have one doctor who has also to be congratulated—a Masai, the only doctor the Masai have ever produced—because he holds the highest post in Kenya. He holds the highest position in Kenya as far as African doctors go. He is the Assistant Director of Medical Services and he is the doctor who holds the highest position in Kenya.

[The Minister for Health and Housing] in the medical services, he is also a Masai and he will most likely become the first African Director of Medical Services when the time comes.

We have, therefore, not lagged behind in our Ministry in Africanizing it and we have done it as fast as possible, particularly since this Government only took over on June the 1st.

Mr. Gataguta: Mr. Deputy Speaker, with particular regard to this word "Kenyanization". Could the Minister tell this House how he decides that a particular doctor is a Kenyan when we do not, as yet, have citizenship laws?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I have thirty-eight of them who were born in Kenya and it is very easy to tell that.

Mr. Shikuku: Arising from the Minister's reply, when he told this House that we have one of the highest medical officers an African and he is the Assistant Director of Medical Services, he said that he will be promoted when the time comes. Could the Minister tell us that, as we have an African Government, that this gentleman will be promoted to the Director and not as the Assistant?

The Minister for Health and Housing (Dr. Mungai): This man is more than a Medical Officer. It will be demoting him if we made him a Medical Officer.

Mr. Oyoo: Mr. Deputy Speaker, arising from the hon. Minister's reply, the hon. Minister dwells on the subject of our doctors. I would like him to enlighten this House as regards the position of women nurses.

The Minister for Health and Housing (Dr. Mungai): We have very few nurses in Kenya and of the ones we have some of them are hospital sisters. On the 4th December the Chief Matron of Kenya will be an African woman.

Mr. Towett: Mr. Deputy Speaker, could the Minister tell us precisely what the answers to the questions are because the questions asked are on Kenyanization and out of the 38 Africans does the Minister mean that the others do not want to be Kenyans and they cannot be grouped under the term Kenyanization?

The Minister for Health and Housing (Dr. Mungai): Those who have been holding high positions, Sir, have been expatriates and they have not yet decided to become Kenyans. When they do, they will be Kenyans, but for the time being we cannot consider them to be Kenyans. In fact we know that most of them are leaving and going away from Kenya; they are going back to Europe.

Mr. Agar: Mr. Deputy Speaker, arising from the Minister's reply, and in view of the fact that sleeping sickness is very prevalent in Kenya, can the Minister tell the House whether there is an African doctor being trained to specialize in this disease?

The Minister for Health and Housing (Dr. Mungai): Well, we have some of them who are very good at this, and one of them is Dr. Aruwa who comes from near his own district.

Mr. Khasakhala: Mr. Deputy Speaker, arising from the Minister's reply that some of these expatriate officers will be leaving us very soon can he tell us what the position of our hospitals will be on the 12th December; whether we will have a big shortage of doctors or whether the position will remain as it is?

The Minister for Health and Housing (Dr. Mungai): Mr. Deputy Speaker, Sir, that has little to do with Kenyanization of doctors, but the Ministry is taking care of that and you do not have to worry. We shall get people to take care of all the hospitals at that time.

Mr. G. G. Kariuki: Is the Minister aware that there are some hospitals at present where there are no nurses at all?

Mr. Ngala-Aboki: Mr. Deputy Speaker, the first question I would like to ask is this. In view of the fact that hospital assistants are now functioning as assistant doctors could they not be designated as assistant doctors and their salaries arranged accordingly?

The Minister for Health and Housing (Dr. Mungai): Hospital assistants are not assistant doctors and we are going to place those two categories completely separate, the doctors from the non-doctors. They may be working under the supervision of a qualified medical officer but they are not going to be considered as doctors at any time.

However, at this particular time we are taking some back into training for further training for a year and they will move from the stage of hospital assistants to clinical assistants and they can be in charge of a health centre. However, there will always be a medical officer in charge.

Mr. Gichoya: Arising from the explanation given by the Minister, could the Minister make us understand that in view of the fact that hospital assistants have managed to maintain certain medical institutions in the absence of doctors are these hospital assistants going to be given further training so as to be made assistant doctors or assistant medical officers?

The Minister for Health and Housing (Dr. Mungai): Mr. Deputy Speaker, I have already answered that question. These people have always worked under the supervision of a medical officer and we are taking them back in for a year to give them training in medicine and surgery, and they shall become clinical assistants who will also continue being in charge of health centres, but under the supervision of a medical officer.

Mr. Ndile: Mr. Deputy Speaker, Sir, would the Minister tell us what steps he is taking to induce some of our private practitioners, the African doctors who are practising on their own, to join the Government service?

The Minister for Health and Housing (Dr. Mungai): Mr. Deputy Speaker, the Government service is open, they can apply, and we shall receive them.

ORDER OF BUSINESS

PRIVATE MEMBERS' MOTIONS

Mr. Gataguta: Mr. Deputy Speaker, Sir, I would like to know whether it is in order for an item which was on the Order Paper last week to be omitted from the Order Paper today. I am referring in particular to a Motion which concerned the youth. It was on the Order Paper last week, on Thursday, and it is not on the Order Paper today.

The Deputy Speaker (Mr. De Souza): The business of the House is determined by the Sessional Committee. It has got representatives from both sides of the House. The Sessional Committee may, if it considers fit to do so, move one particular Motion and substitute it for another. It is perfectly in order.

Mr. Towett: On a point of order, Mr. Deputy Speaker. Is it in order to have a Motion that was interrupted last time put at the back of the Order Paper when it is a Private Members' day?

The Deputy Speaker (Mr. De Souza): As you must be aware, the Speaker has ruled that the first two hours on any Private Members' Motion day shall be occupied with what are called group Motions or party Motions. Those two are given in Numbers 5 and 6 on the Order Paper. After the two hours expire we shall come to your Motion.

Mr. Gachago: How is it determined which Motion is to be on the Order Paper? Is it on the basis of importance or how is it decided which Motion is to come first?

The Deputy Speaker (Mr. De Souza): As I have explained, it is for the Sessional Committee to decide. I suggest you ask your Member on the Sessional Committee to give you an idea why they decided on this particular Motion coming up at this time. But it is certainly not to be decided here. The Sessional Committee in turn has certain rules by which it determines the priority of Motions.

Mr. Towett: Arising from what you have said, that you cannot interrupt another point of order, is it in order for us to allow a Member who is inaudible to continue talking?

The Deputy Speaker (Mr. De Souza): Yes, I think it is in order. You cannot interrupt a point of order.

MOTION

GAME PRESERVATION

Mr. Kioko: Mr. Deputy Speaker, Sir, I wish to move the following Motion:—

That this House, being aware of the great importance of game preservation in Kenya, urges the Government to consider—

- making more funds available for the Royal National Game Parks of Kenya;
- handing over the Parks to the respective local authorities.

Mr. Deputy Speaker, with your permission I should like to alter the word "regions" to "local authorities".

The Deputy Speaker (Mr. De Souza): Yes, I am entitled to accept an amendment of a Motion which is slightly different from the one of which notice was given. Under Standing Orders 15 and 31 I do give you permission to so amend your Motion.

Mr. Kioko: Thank you very much, Mr. Deputy Speaker.

(b) handing over the Parks to the respective local authorities; and

(c) making the local authorities responsible for the issuing of hunting licences.

Mr. Deputy Speaker: I hope that this Motion will be accepted in the interest of this country. I would not have decided to move this Motion if we had had the imperial Government, but at this stage I am pretty sure that my Motion will go through as it is in the national interest.

Mr. Seroney: On a point of order, Mr. Deputy Speaker, does the amended Motion not involve a Constitutional amendment?

The Deputy Speaker (Mr. De Souza): We can indeed have a Motion which does involve a Constitutional amendment. Any Member can move a Motion which might suggest an amendment to the Constitution as a Private Member's Motion. It is the prerogative of Private Members to move Motions on almost anything under the sun.

Mr. Seroney: In that case, the question of a provision to amend the Constitution will apply?

The Deputy Speaker (Mr. De Souza): Yes.

I think I should make it quite clear that passing a Motion in this House, if it involves a Constitutional amendment, does not alter the Constitution. It is merely an expression of the views of the House on a particular subject when a Motion is passed, if it is passed on a particular subject.

Mr. Kioko: Mr. Deputy Speaker, as I have said, I would not have considered moving this Motion during the period of imperial rule, but at this time, seeing that we have our own African Government, I thought I would move this Motion in the national interest and I hope it will be accepted.

I do not wish to waste time over my Motion, because the Government have declared that they are prepared to look after the preservation of game in this country. First of all, I would thank the Minister for Natural Resources for the speech he gave at the Annual Meeting of the Wild Life Society on 15th June. I would also congratulate the Minister for Information, Broadcasting and Tourism on the speech he gave in this House, when he gave an assurance that the Government is prepared to look after the game because that is the main tourist attraction and will bring the tourists here.

Mr. Deputy Speaker, Sir, as regards part (a) of my Motion, "making more funds available for the Royal National Parks of Kenya", I would request the Government to allocate more money to the National Parks of Kenya so as to develop them. I was very interested to hear the Minister for Information, Broadcasting and Tourism mention in his report that we had received £81 million from tourism last year, of which Kenya enjoyed £5.2 million, and I was very much impressed when I came to that point. Mr. Deputy Speaker, I thought that if more money could be allocated to the Royal National Parks of Kenya, which is the Board running the parks, we could double our tourist industry. It is well known all over the country that Kenya is leading in the tourist

All the visitors who come here are coming only because of the game we have in this country. I think it is high time that we should put to the

Government, which is an African Government now, that it should consider doubling our natural resources. I am very pleased at what has been stated by most Government officials, as I have just quoted, and I hope that my Motion will be accepted.

Mr. Deputy Speaker, Sir, in the first section of my Motion, (a) I have talked about making more funds available for the Royal National Parks of Kenya, and I want to concentrate on that. As far as the second and third parts are concerned, I do not know whether the Government will accept them simply because it would like this to be treated at the national level. However, I shall continue and hope that the Motion will go through.

Mr. Deputy Speaker, Sir, if more money could be found and allocated to the Royal National Parks of Kenya, which is the Board running game preservation now, I think, as I have already said, we could double our tourist industry. For instance, the amount of money given to the Royal National Parks of Kenya last year was £54,000, which was quite inadequate. If we want to encourage visitors to come to this country, so as to have more money, I agree that the Government must produce money so as to develop these National Parks. First of all, we must have better lodges. We must also have the money to develop our roads, so as to enable the tourists who are coming from other countries to get to the lodges, in order to see the animals, because after all their main object when they leave their country to come here is to see the animals. If it had not been for the animals I am speaking about the £5 million would not have come into this country. We received this money from the tourists whose idea was to come to Kenya and see the animals. It was for that particular reason that we received £5.2 million in this country, so I decided the only thing to do was to bring this Motion to the House, and then this House could put the world in the picture and show them that we as Africans and the first African Government are prepared to protect these animals, and will welcome the tourists.

Mr. Deputy Speaker, Sir, my Motion is very clear, but I think some people might be a little mixed up because I changed part of it. I know some of my friends said, "Why not regions, why local authorities? Is it through the Constitution?" That is not for me to know, Mr. Deputy Speaker. What I am interested in is to see my country well developed and making a lot of money. I do not want us to live by begging, and that is why I thought it was time to bring this Motion and decide this in the House.

[Mr. Kioko]

Being formerly employed in game preservation, I am sorry to say that I have seen some visitors who have come a very long way and have been very much disappointed when they have reached our bad roads. I have seen a millionaire from the United States of America who came particularly to Kenya to see the animals, but once he reached the park he was disappointed because there was nowhere for him to lay his head as there were no beds available. The Kenya Government does not have money and he was prepared to come and spend as much as he could in this country.

For that reason, when I was elected I thought that first of all we should maintain these natural resources, so that we could get a lot of money in the country, instead of living by begging. The only way I thought I could do it was to bring this Motion to the House.

I have also received a letter from a friend of mine, Mr. Deputy Speaker, in Vienna just recently. He was very much worried because he thought that as soon as we became independent we would clear all the game we have. He wanted to know if he could go on arranging for his team to come to Kenya. When he saw the statement which was made on the 15th June by the Minister for Natural Resources and then the one by the Minister for Information, Broadcasting and Tourism he was very much impressed and wrote me a letter telling me that he would go on arranging for parties of visitors to come to this country and spend money.

So I thought it was a good time to bring this matter to the attention of the Government again which, I trust, will take action. Then with the help of the Press we can put out that we have not changed, we are still the same.

Mr. Deputy Speaker, Sir, in Tanganyika, after getting their independence they have doubled their tourist industry. They have allocated 50 per cent more funds. Also, in Uganda they have done the same. I thought, since we in Kenya have been the leading figures, why can we not do the same? With further help we might do even better than the others are doing. For this reason, Mr. Deputy Speaker, I would request the Government to allocate more funds in order to double our national economic stability.

Mr. Deputy Speaker, as I have said, you cannot preserve the game if you do not protect the people living in the game areas; it would be a waste of time. Therefore, I say the money should be allocated so as to employ rangers to protect the Africans who are living in those areas. Mr. Deputy Speaker, I am not speaking of the Masai

only here, I can mention more than five or six tribes who are living in game areas. I have witnessed Masai being mauled by leopard and lions, with no one to protect them. I have seen a Kamba who was killed by elephant. There is no protection because there is not enough money to employ rangers to protect our property and people. That I have witnessed myself. People in places like the Yatta, and a part of Kitui, Masai, Samburu and others should be congratulated for having lived among the animals for years and years and never finished them. They have suffered quite a lot, and I suggest the Government should consider trying to find some money to employ rangers to protect these people, because it is quite impossible to protect the animals while the people are being destroyed by the animals. I would mention that point to the Minister concerned, so that when he replies he can make it clear to me and the House, because I am advocating the preservation of game, but I wonder how I could feel strongly on that if there were no protection for my people as well.

Mr. Deputy Speaker, I have a few figures I should like to mention. The Game Department last year was given about £100,000 as a grant.

In selling trophies and other things, they managed to produce £116,000 which proves that if it is improved even more we will be able to make even more money out of it. Also, I would mention that the Forest Department was given £7,000 but they brought in only direct revenue of £150,000 which is not very much although they were given more money in the first place. Now, I think, if the game is well preserved and we look after it well, then we can make more money out of it.

Mr. Deputy Speaker, Sir, I now come to my next point, namely, handing over the parks to the respective local authorities. Even at present, there are certain local authorities running their own National Game Reserves, such as Amboseli which is being run by the Kajiado District Council, the Samburu-Mara National Reserve, the Meru National Reserve, and the National Reserve in the Shimba Hills at Kwale. Well, if, for the benefit of this country, the Government has accepted that those local authorities are running those Parks properly, I do not see why the other National Parks like Tsavo, the Mt. Kenya National Park and so on, cannot be handed over to the local authorities concerned. For, in that way people feel that they are getting something out of their animals. We, particularly, used to kill animals and I am sorry to tell you that I come from one of the biggest poaching tribes in Kenya, the Akamba. We, in particular, used

The Deputy Speaker (Mr. De Souza): We can indeed have a Motion which does involve a Constitutional amendment. Any Member can move a Motion which might suggest an amendment to the Constitution as a Private Member's Motion. It is the prerogative of Private Members to move Motions on almost anything under the sun.

Mr. Seroney: In that case, the question of a provision to amend the Constitution will apply?

The Deputy Speaker (Mr. De Souza): Yes.

I think I should make it quite clear that passing a Motion in this House, if it involves a Constitutional amendment, does not alter the Constitution. It is merely an expression of the views of the House on a particular subject when a Motion is passed, if it is passed on a particular subject.

Mr. Kioko: Mr. Deputy Speaker, as I have said, I would not have considered moving this Motion during the period of imperial rule, but at this time, seeing that we have our own African Government, I thought I would move this Motion in the national interest and I hope it will be accepted.

I do not wish to waste time over my Motion, because the Government have declared that they are prepared to look after the preservation of game in this country. First of all, I would thank the Minister for Natural Resources for the speech he gave at the Annual Meeting of the Wild Life Society on 15th June. I would also congratulate the Minister for Information, Broadcasting and Tourism on the speech he gave in this House, when he gave an assurance that the Government is prepared to look after the game because that is the main tourist attraction and will bring the tourists here.

Mr. Deputy Speaker, Sir, as regards part (a) of my Motion, "making more funds available for the Royal National Parks of Kenya", I would request the Government to allocate more money to the National Parks of Kenya so as to develop them. I was very interested to hear the Minister for Information, Broadcasting and Tourism mention in his report that we had received £81 million from tourism last year, of which Kenya enjoyed £5.2 million, and I was very much impressed when I came to that point. Mr. Deputy Speaker, I thought that if more money could be allocated to the Royal National Parks of Kenya, which is the Board running the parks, we could double our tourist industry. It is well known all over the country that Kenya is leading in the tourist industry.

All the visitors who come here are coming only because of the game we have in this country. I think it is high time that we should put to the

Government, which is an African Government now, that it should consider doubling our natural resources. I am very pleased at what has been stated by most Government officials, as I have just quoted, and I hope that my Motion will be accepted.

Mr. Deputy Speaker, Sir, in the first section of my Motion, (a) I have talked about making more funds available for the Royal National Parks of Kenya, and I want to concentrate on that. As far as the second and third parts are concerned, I do not know whether the Government will accept them simply because it would like this to be treated at the national level. However, I shall continue and hope that the Motion will go through.

Mr. Deputy Speaker, Sir, if more money could be found and allocated to the Royal National Parks of Kenya, which is the Board running game preservation now, I think, as I have already said, we could double our tourist industry. For instance, the amount of money given to the Royal National Parks of Kenya last year was £54,000, which was quite inadequate. If we want to encourage visitors to come to this country, so as to have more money, I agree that the Government must produce money so as to develop these National Parks. First of all, we must have better lodges. We must also have the money to develop our roads, so as to enable the tourists who are coming from other countries to get to the lodges, in order to see the animals, because after all their main object when they leave their country to come here is to see the animals. If it had not been for the animals I am speaking about the £5 million would not have come into this country. We received this money from the tourists whose idea was to come to Kenya and see the animals. It was for that particular reason that we received £5.2 million in this country, so I decided the only thing to do was to bring this Motion to the House, and then this House could put the world in the picture and show them that we as Africans and the first African Government are prepared to protect these animals, and will welcome the tourists.

Mr. Deputy Speaker, Sir, my Motion is very clear, but I think some people might be a little mixed up because I changed part of it. I know some of my friends said, "Why not regions, why local authorities? Is it through the Constitution?" That is not for me to know, Mr. Deputy Speaker. What I am interested in is to see my country well developed and making a lot of money. I do not want us to live by begging, and that is why I thought it was time to bring this Motion and decide this in the House.

[Mr. Kioko]

Being formerly employed in game preservation, I am sorry to say that I have seen some visitors who have come a very long way and have been very much disappointed when they have reached our bad roads. I have seen a millionaire from the United States of America who came particularly to Kenya to see the animals, but once he reached the park he was disappointed because there was nowhere for him to lay his head as there were no beds available. The Kenya Government does not have money and he was prepared to come and spend as much as he could in this country.

For that reason, when I was elected I thought that first of all we should maintain these natural resources, so that we could get a lot of money in the country, instead of living by begging. The only way I thought I could do it was to bring this Motion to the House.

I have also received a letter from a friend of mine, Mr. Deputy Speaker, in Vienna just recently. He was very much worried because he thought that as soon as we became independent we would clear all the game we have. He wanted to know if he could go on arranging for his team to come to Kenya. When he saw the statement which was made on the 15th June by the Minister for Natural Resources and then the one by the Minister for Information, Broadcasting and Tourism he was very much impressed and wrote me a letter telling me that he would go on arranging for parties of visitors to come to this country and spend money.

So I thought it was a good time to bring this matter to the attention of the Government again which, I trust, will take action. Then with the help of the Press we can put out that we have not changed, we are still the same.

Mr. Deputy Speaker, Sir, in Tanganyika, after getting their independence they have doubled their tourist industry. They have allocated 50 per cent more funds. Also, in Uganda they have done the same. I thought, since we in Kenya have been the leading figures, why can we not do the same? With further help we might do even better than the others are doing. For this reason, Mr. Deputy Speaker, I would request the Government to allocate more funds in order to double our national economic stability.

Mr. Deputy Speaker, as I have said, you cannot preserve the game if you do not protect the people living in the game areas; it would be a waste of time. Therefore, I say the money should be allocated so as to employ rangers to protect the Africans who are living in those areas. Mr. Deputy Speaker, I am not speaking of the Masai

only here. I can mention more than five or six tribes who are living in game areas. I have witnessed Masai being mauled by leopard and lions, with no one to protect them. I have seen a Kamba who was killed by elephant. There is no protection because there is not enough money to employ rangers to protect our property and people. That I have witnessed myself. People in places like the Yatta, and a part of Kitui, Masai, Samburu and others should be congratulated for having lived among the animals for years and years and never finished them. They have suffered quite a lot, and I suggest the Government should consider trying to find some money to employ rangers to protect these people, because it is quite impossible to protect the animals while the people are being destroyed by the animals. I would mention that point to the Minister concerned, so that when he replies he can make it clear to me and the House, because I am advocating the preservation of game, but I wonder how I could feel strongly on that if there were no protection for my people as well.

Mr. Deputy Speaker, I have a few figures I should like to mention. The Game Department last year was given about £100,000 as a grant.

In selling trophies and other things, they managed to produce £116,000 which proves that if it is improved even more we will be able to make even more money out of it. Also, I would mention that the Forest Department was given £7,000 but they brought in only direct revenue of £150,000 which is not very much although they were given more money in the first place. Now, I think, if the game is well preserved and we look after it well, then we can make more money out of it.

Mr. Deputy Speaker, Sir, I now come to my next point, namely, handing over the parks to the respective local authorities. Even at present, there are certain local authorities running their own National Game Reserves, such as Amboseli which is being run by the Kajjado District Council, the Samburu-Mara National Reserve, the Meru National Reserve, and the National Reserve in the Shimba Hills at Kwale. Well if, for the benefit of this country, the Government has accepted that those local authorities are running those Parks properly, I do not see why the other National Parks like Tsavo, the Mt. Kenya National Park and so on, cannot be handed over to the local authorities concerned. For, in that way people feel that they are getting something out of their animals. We, particularly, used to kill animals and I am sorry to tell you that I come from one of the biggest poaching tribes in Kenya, the Akamba. We, in particular, used

[Mr. Kikoko]

to kill the animals because we thought they were of no use. But since we now appreciate that they are useful, why cannot the care of the Parks be given to the local authorities concerned so that we can get something out of them? These animals are eating our grass, they are eating our crops, why cannot they be transferred to us? Mr. Deputy Speaker, Sir, I think it is quite clear that I would like the Government to hand over the National Parks to the local authorities concerned because they will then learn that they can get money out of these animals. They think, at the moment, that the animals are only there to be killed, but as soon as they get the idea that they can get something out of them it would help a lot.

Mr. Deputy Speaker, Sir, I think there are now five local authorities who are running their National Parks and I think they are doing very well. So I do not see how there can be any objection to the same responsibility being given to the others. So I think my argument is quite clear, and if the Government think that this is impossible, they must tell us why.

I now come to the point of making the local authorities responsible for the issuing of hunting licences. I know the Government is at the moment making a lot of money out of that. But I would like to see the revenue from these shooting licences, if they are not issued by the local authorities, distributed to the local authority concerned because that animal has been living in that district, eating the grass there and destroying the property of the people there. So that local authority is entitled to a proportion of the revenue. In fact when a visitor comes from the United States or anywhere else, he pays £50 for a hunting licence, and if he has come to shoot an elephant he pays £100. Well, that is quite a lot of money. So a certain amount of the money should be given to the local authority so that the people can enjoy their animals. They can also see how they are benefitting from the animals. Let us look after these animals, not destroy them. We must preserve our game.

Another point, Mr. Deputy Speaker, is that I suggest it is high time for the Government to start educating our people about the use of our animals. I would request the Government to start an educational programme, including such things as films on the wild life or books to be distributed around the schools. The children will then grow up believing that the animals are useful, they will not grow up as we did believing that any animal is an enemy and must be shot on sight. If they are brought up in that way, Mr. Deputy Speaker,

Sir, I think that people will appreciate the animals. It is the task of the Government to start working on this now. The District Officers and Chiefs and so on must tell our people and in that way we will begin on the preservation of our animals in the right way.

Mr. Deputy Speaker, Sir, lastly I would like to mention I know that soon we are going to have double the number of visitors coming to this country. It was previously only people from the Western world who came to this country, but now that we are going to be free the people from the Eastern world will be free to come to this country as tourists. During my stay in one of the most popular lodges in Kenya I did not happen to meet a Russian or a Chinese. But when we are free they will come. I would not mind saying that on the 12th December Mr. Kruseber will be the guest of honour in this country and many other people from the Eastern countries will follow suit and we will have much more business than we used to have. So we need more lodges to cover this.

Mr. Deputy Speaker, Sir, with these few points I beg to move.

Mr. ole Tipsi: Mr. Deputy Speaker, I beg to second the Motion. Without wasting too much time, Sir, this Motion is a very clear one and I hope that there is no quarrel or unnecessary argument about its acceptance. It is quite true that we must preserve the game in this country, not only as a heritage but as an asset for which we are responsible, and which we must pass on to the future generation. We have enough examples of other countries in the world where the wild game in their natural surroundings have been exterminated and, of course, we have a challenge before us to show the rest of the world that we can preserve this great national asset, not only in Kenya but in the East African territories. Sir, in this game preservation exercise we have to be very, very careful and study the causes which have led to the extermination of game animals in other parts of the world, because unless we avoid these causes then we shall be fighting a losing battle. This case is simple and is there for everyone to understand.

The first thing which can lead to the extermination of game animals is failure on the part of the Government or on the part of the people inhabiting these game areas to provide adequate measures to protect human life and to protect humans from injuries caused by game. The second thing, Sir, is any failure to provide for protection against loss of property in both livestock and crop caused by wild game. Thirdly, failure to provide adequate compensation in respect of those unfortunate

[Mr. ole Tipsi] human beings who happen to be killed by game or who happen to sustain serious injuries which cause permanent disablement. The other thing, Sir, is that here in areas which neighbour the game parks where the people live with their herds of cattle, sheep and other livestock, it is, of course, a well known fact that game animals are carriers of some of the livestock diseases. It is all very well to place a certain area under quarantine for foot-and-mouth, pleuro-pneumonia, rinderpest or East Coast Fever, but nothing is done to quarantine or to put in quarantine the wild game which carry these diseases and infect the domestic animals living in the neighbourhood. Now, Sir, there is another point which cannot be overlooked and that is the over-grazing caused by the increasing herds of zebras, wildebeest and other animals, and this cannot be neglected. It is all very well to say that a certain area is over-grazed or over-stocked, and even to advocate the reduction of the livestock population in the area, but the breeding of some of these game animals must be checked. Of course, Sir, the soil is eroded in these areas I am referring to, and this Government or the previous Government has done absolutely nothing in the way of water-provision. Whatever little water there is, is rain water, and these big herds come and use this amount of water in a few days. Then these people are left with absolutely nothing.

Another point, Sir, is that if the Government wants to exterminate the game in this country, the only quick way of doing so is to become so selfish, to become so power grasping, that everything is confined to the Central Government and those people who suffer from damage caused by game are denied everything. What I mean is that this is the easiest way to make people put money into the pockets of those who play a major part in the game preservation of this area. Otherwise, if we do not do this we will make these people hostile and you will make them regard the game of this country as a liability and not an asset. Of course, I would be surprised if this Government does not come up with its usual amendments, trying to amend this Motion this way or the other, because it has been proved in areas where the game parks have been transferred to the African district councils concerned that the preservation of the game has not deteriorated in any way at all, in fact it has improved. This has made the people take measures to catch the poachers and anybody else who has no right to go and mess about with the game in these particular areas.

Sir, we might be told that as far as the hunting licences are concerned uniformity is required. I

agree this is required, you cannot have different hunting licences in different parts of the country. This will be achieved by forming a sort of board or a council; call it what you may, to make uniform regulations for the hunting licences, photography and the rest of it.

With these few remarks, Mr. Deputy Speaker, I beg to ask the Government and everybody else to accept this Motion without any unnecessary argument.

(Question proposed)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Speaker, Sir—

An Hon. Member: Are you the Minister?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Yes, I am today. Mr. Speaker, Sir, when the seconder of the Motion started speaking for a few minutes I wondered on which side he was speaking. I wondered if he were not supporting the Motion. He gave us some of the reasons why control must continue and why the Central Government, the Government of Kenya, must take a real interest in this matter of game preservation and the promotion of our tourist industry.

If I may first deal with some of the things he has said. He told the House about the need to protect people living in these areas, inside and around the parks, and their protection from wild animals and game. He has also talked about protection of the crops these people grow, and he has also referred to the need to protect domestic animals from any of the diseases that may be spread by game. He has asked if there could be a quarantine for game that may infect domesticated animals. He referred to over-grazing by herds of game in different areas.

Now, Sir, these are clearly questions which are not directly part of this Motion; the Motion raises three main points which are not, in my submission, at this stage at any rate, part of this other issue. Sir, I would like to state very specifically that the Government is aware of these problems. They have been raised from time to time and we know that there are times when the lives of persons have been in danger and that protection is necessary against game in certain areas. We are aware that there is the need to protect the crops of the people living in the game parks and around them from destruction by game, and, of course, compensation, as it is well known, has been accepted and has been authorized to the extent that it is physically possible to do so. Steps have been taken to safeguard domesticated animals from infection

[The Minister for Justice and Constitutional Affairs]

from game to the extent that it is physically possible to do so. As the hon. Member is a Masai he should be able to go into the parks and collect all the infected game and then take them to our officers and they will be very glad of this service and they will do what they can.

Mr. Deputy Speaker, Sir, the Government accepts the responsibility and this is precisely why I said that to the extent that it is physically possible to do so, steps will be taken to ensure that the infection is not passed on to domesticated animals. I do not wish to take the time of the House in discussing these particular points because they are not immediately relevant to the subject of this Motion. I wanted to have it on record that Government appreciates this problem greatly and that, in many cases, effective steps have been taken to remove and minimize the incidents of destruction to life, property or crops and infection of domesticated animals with diseases carried by game.

An hon. Member: Will you give us an example?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Speaker, Sir, the hon. Member asked me to give them an example. I do not know, an example of what?

An hon. Member: What steps has the Government taken?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Your ignorance is surprising.

Mr. Deputy Speaker, the three main issues raised in the Motion are: first, making more funds available for the Royal National Parks in Kenya; second, handing over the parks to the respective local authorities; and third, making the regions responsible for issue of hunting licences. I would like to congratulate the Mover of the Motion for some of the things he has said about the economic and social importance of game to our country. We associate ourselves fully with him when he emphasizes the importance of the friend and colleague, the Minister for Tourism, will be speaking on this aspect of the Motion later. However, I do want to say from the outset that Government fully appreciates, and indeed believes, that this country would not be the same without its game and wild animals. They are an important part of our society and they play an important role in the whole psychological composition of our nation, Sir, that is including my friends, as a whole set-up, sitting opposite.

Sir, having said the Government is therefore in agreement that, as far as possible, steps should be taken to make available funds for the Royal National Parks of Kenya with a view to securing improvements of the National Parks and with a view to ensuring better protection and promotion of the game and wild life of our nation. To the extent that to raise this money we must make other people see the importance of this wild life, and to this end the Government will spare no efforts. Therefore, Sir, I assure the hon. Member that his call to the Government is a very welcome call and one which the Government is continuing, all the time, to try to meet and it will continue to increase its efforts in this direction.

I would also like to take this opportunity, Sir, to address myself on behalf of our Government, to those interested persons, organizations, foundations and bodies outside this country, in overseas countries, who are interested in game and wild life. I want to tell them that the Kenya people, and this Government, fully appreciate the need for the protection and the preservation of game and wild life. There have been people who have wondered, sometimes, whether our Government would realize the need for game preservation, and whether our Government would wish to be associated with measures to preserve game. To them I say that there is no doubt at all in our minds that this very important task must be carried out and whatever assistance and whatever contribution others, overseas, are able to make we will welcome. We appeal for this help and we think the preservation of wild life in Kenya is not only a Kenya responsibility because game and wild life preserved in any part of the world is, in fact, in the interests of the world at large. There are many countries in the world whose game and wild life is completely non-existent today because of the carelessness and mistakes which they made in their early days. It is for these reasons, Sir, that many people travel thousands of miles today to come and see a giraffe, a zebra or a lion in this country. We would like to make our contribution to the world in the form of natural reserves where those who have destroyed nature may come and see how it lives naturally.

Now, Sir, having said that and having assured the hon. Member and the House that whatever can be done we are doing and are going to continue to do, in the way that we are going to try and find more funds for these parks, I would want this House to realize that it is not as easy as some people think to find this money. Finding money is quite an involved task. The Government has made approaches, and will continue to make approaches, but we cannot find the money that

[The Minister for Justice and Constitutional Affairs]

we need, we cannot find even half of the money that we need to promote the game and wild life of our country and to promote the tourist industry.

I would like, Sir, to recall to the House what the Government has done in the last few years. During the past nine years sums totalling £641,300 have been made available and paid by the Government to the Trustees for the upkeep and development of the Royal National Parks.

The sum of £77,000 is also being made available by the Government in this financial year to the Trustees towards development and upkeep of the Parks. It is obvious, Sir, that these sums have not been enough, from what the hon. Member has just said and also from what we know from the Trustees is their need. However, as I have already pointed out, you can only spend as much as you have or as much as you can raise.

Future grants and contributions to the Trustees or expenditure in the development of the Parks will, of necessity, depend on our ability to raise more money and this is something that is a hard fact which we cannot gloss over nor meet by sheer wishful thinking.

The Government will, however, welcome any suggestion from anyone, including the hon. Member who moved the Motion, which might help us in raising more money. The Minister for Natural Resources on whose behalf I speak is greatly concerned in trying to find more money.

The position, then, very briefly, is that Government wants to do it; if it can find more money it will do it.

The other point raised in this Motion is the question of handing over the Parks to the respective local authorities and the third part, making the local authorities responsible for the issuing of hunting licences. Clearly, Sir, these are two questions with which the Government cannot agree. Having said that it is important to preserve wild life and to promote our tourist industry, it is inconceivable that we effectively preserve wild life and promote our tourist industry by handing over the Parks to little local governments. It would be, in fact, to achieve the opposite to what we want to obtain. Clearly, this is a case where it is necessary to have one uniform policy throughout the country. It is a case where it is necessary to have maximum and effective co-ordination of our efforts throughout the country. It is also a case where it is necessary to utilize our little resources to the maximum benefit and spread as far as we can throughout the country. Can you imagine, Sir, what would

happen if we handed over the Parks to a local authority which itself is financially unable to meet its other responsibilities, whose teachers are being dismissed because their salaries cannot be paid? What will happen is the exploitation of the Parks in order to meet other commitments and in the end, in fact, we might have deliberate elimination of the game in order to accommodate some of the local needs. This, Sir, means that we must retain control, centrally, of the policy, co-ordination, training of personnel and the promotion of tourism. I am sure, Sir, the hon. Member, having made such a reasonable and responsible appeal, will see that the Government's rejection of this point is not based on any theory against the Opposition, but rather on purely and basically the national interests as we see them.

The hon. Scorder of the Motion touched on a number of questions to which I have referred, which, in our view, if we hand over the Parks to the local authority could become so important in the eyes of that local authority that they might even agree to the elimination of game in order, in their opinion, to protect people, crops and various other things.

It is true that some Parks have been handed over to local authorities and that these are still a going concern; but it is equally true that they have had their problems and problems which we would not like to see multiplied in the National Parks as we know them today.

The hon. Member has spoken of the need for roads, lodges and other improvements which, I submit, would not be possible if we handed over the responsibility to local authorities.

What I have said would not have been different even if the Motion was in its original form; handing over to the regions or local authorities would still be the same thing. You end up with different regions or local authorities doing exactly the opposite of the other and one cannot, in those circumstances, preserve game. There are other important considerations, including the whole question of scientific and psychological requirements, questions of research and contacts with international agencies and bodies. It would be impossible if we handed over to local authorities for international organizations and bodies to be expected to come to Kenya and deal with well over forty local authorities in trying to decide what is Kenya's policy on game and wild life. It would be difficult for international agencies to accept a position in which they have to deal directly with local authorities on matters of finance or other research and scientific questions. For these reasons, Sir, Government cannot accept these two points of handing over to local authorities.

[The Minister for Justice and Constitutional Affairs]

Sir, the question of handing over the power of licences to local authorities is one which would create such chaos that it is unthinkable that anyone should ask the Government to allow local authorities to issue the licences. Can you imagine a visitor from the United States arriving in Nairobi, having to rush to this little district centre here, and the other one there, in order to get eighty-eight licences before he can go into the National Parks? It is ridiculous, and I would not be surprised if immediately we introduce this system none of them are interested to come. We must take into account the fact that our neighbours, Uganda and Tanganyika, are very anxious themselves to develop their tourist industry and they are willing, if they can, to give better terms, better facilities to tourists than we may be able to provide.

The quickest way to ensure that Uganda and Tanganyika give better terms and better facilities would be to hand over our national parks to local authorities, to hand over the right to issue licences to local authorities, whilst in Uganda a person needs only to go to Kampala and he gets overall licences to travel all over the country, in Tanganyika he will go to Dar es Salaam and get overall licences and travel throughout the country. Whereas in Kenya he will not even be able to get it in Nairobi, because Nairobi as a city would not have a game park of its own. He would have to go to Narok, Kajiado, Machakos, Kitui or Kibwezi. It is ridiculous to ask that this kind of thing should be accepted.

Consequently, Mr. Deputy Speaker, on these grounds the Government cannot entertain this suggestion in the Motion. As a result of what I have said, it will be seen firstly that we reaffirm our own policies as regards game and wild life and our own policies as to the need of promoting tourism. We also reaffirm our own policies as regards the need to take into account the needs of the people living in the area of the national parks and around them. They are not being ignored. Nor do we have

(Inaudible) that this is a question of deciding between the needs of human beings and wild animals. This has not arisen as yet and nobody should pretend that this is our big problem today, because it is not. Where minor problems of this nature exist they are dealt with, but as far as having said and having confirmed that we would like the Mover of the Motion to find more money, I find it, Mr. Deputy Speaker, difficult to accept the Motion.

The Motion asks the Government for something which, as I have already explained, the Government cannot accept and cannot do on (b) and (c). Some Member wondered whether the Government was going to amend this Motion as this has become usual. We do not see the need to amend the Motion on this occasion because, in the first place, there is no possible meeting ground on the two points made in the Motion and on the second one there is no issue that is raised by the Motion. Therefore, there is no need to amend the Motion but to reject it. We reject it on the understanding that we are in full agreement with the Mover of the Motion on the remarks that he has made and he can take comfort in the fact that he has today earned the respect of the Government by having made some very responsible, very considered and useful suggestions which the Government will not only use but which the Government has always had. In this, Mr. Speaker, I am deeply disappointed that I cannot accept the Motion but I have seen the Mover nodding his head several times as I spoke and I am sure he appreciates my difficulty and he knows that we are in fact together in fighting for a better National Park in Kenya.

Mr. Ole Ololipitip: Mr. Deputy Speaker, the Motion is a very important Motion and I am glad to hear that the Government is considering making all these facilities available to the local people who are mostly concerned with game.

First of all, Mr. Deputy Speaker, the question of making funds available is very important. It is very important that we should have funds in order to preserve the game. It is not that this Government tells us to preserve the game; we like the game, and especially we, the Masai, do not eat game; we do not kill game wantonly and we have been preserving them for years. Therefore, we are ready to help the Government at any time to preserve the game in East Africa because we know that it brings a lot of revenue to the people of East Africa and consequently it is a very important asset for East Africa as a whole.

However, when we say that game must be confined to certain places, this is quite another matter. Game carries infectious diseases to our domestic animals and when we say that they kill our people it is quite true. I was therefore surprised to hear the Minister telling me that I am ignorant of the fact. In fact he is ignorant of game life in Kenya. He is a man who works in Nairobi and when he leaves Nairobi he travels to Kisumu by train or car and returns the same way.

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

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

Sometimes he flies to England and his people are not harmed at all by game.

Therefore, Mr. Deputy Speaker, I stand up and say the Minister who has just replied has no knowledge of game, he is not a sufferer at present, his cattle are not infected—I doubt, in fact, whether he has a single cow—and therefore he is a very ignorant Minister as far as game is concerned.

Mr. Deputy Speaker, Sir, we are ready at all times to assist game life in East Africa, and I thank the Colonial Government for giving the Masai Amboseli National Reserve, of which the Masai are very proud. Recently, due to the drought, Mr. Deputy Speaker, our African district council has become nearly bankrupt. Therefore, some Europeans, because they knew that they could make money out of Amboseli, wanted to lease Amboseli. I attended the meeting on this matter myself and I was opposed to that idea, and also the Masai are opposed to the idea of leasing Amboseli, simply because we do not like to surrender our responsibility. We would like to continue preserving the game and protecting it in the interest of Kenya as a whole. However, because our African district council is a little down, some people say that we shall not be able to run the game reserve, but the answer from the Masai is that, no matter how much it will cost, they are even ready to sell their swords and spears to keep the park going.

Therefore, this being an African Government led by the Prime Minister, the old father of the nation of the age group of Nairobi who knows actually the business of preserving game, I am quite sure the Government, headed by him, is going to assist such authorities as that of Kajiado, Samburu and Narok and other places and get them some money, so that they are able to recover and continue to protect the game, of which they are very proud.

One thing I wanted to mention is that today we know, Mr. Deputy Speaker, that this is an African Government. So I do not see any reason why we should go on calling these places Royal National Parks. In my opinion, we should call them Kenya National Parks instead. The Minister told me that I was ignorant, but he has been the Minister for Justice and Constitutional Affairs and never knew that it is necessary for this name to be changed to an African name. Therefore, I would say to the Government that if they are proud of the game and want to protect it—as I think

they do—they should change the name from the Royal National Parks to the Kenya National Parks.

The question of handing over the parks to the respective regions I feel is very important, because the local people would feel that this is really their property. The animals whether they are going to be confined in certain places or not, the local people would still think that it is their property out of which they can get capital and therefore they will look after their game. But, if this game is going to be nationalized, I am afraid, many people who are ignorant of what is going on, will still kill game as they do not realize that this is a valuable asset to the country. Since two years the Masai have ceased killing lions. We used to kill lions, because we thought that a man could only be called a brave man after he had killed a lion himself, but since, Mr. Deputy Speaker, the National Park, the Amboseli Game Reserve was handed over to us, the Masai are no longer killing lions, because they know that they are making money out of this game. However, if we leave the animals as they are and we do not hand them over to the respective people in the various regions, many people will still be killing animals. Therefore, although I know that most of the African district councils will not be able to run these parks, it is high time the Africans themselves should learn to value the game and try to preserve the game, and I think they can only do so if it is handed over to the respective regions, and if they take every possible care to see that all game is under control. Sir, it will be the duty of the Central Government to assist the people by giving them money, grants, or loans to improve their respective game reserves. I feel, Sir, that if people regard the game as their own property they will take better care.

The Temporary Deputy Speaker (Mr. Warlithi): You cannot continue, your time is up.

Mr. G. M. Mutiso: I rise to support this Motion and at the same time, I would like to pose a few questions which I think when the Minister replies to this Motion, he will be able to answer.

We talk of game preservation and all of us realize that game is a natural asset to our country, but at the same time there are certain circumstances which must be considered. One, that the game we have today in our country is not guarded. We have these animals moving here and there, to and fro and everywhere, and in doing so, Sir, they do create unnecessary difficulties and cause unwarranted deaths to our people, destruction of crops and they also spread some diseases to our domestic animals. I would like the Government, while realizing that game preservation is

[Mr. G. M. Mutiso]

essential, to also take some drastic steps to ensure that these animals are grouped in places where the tourists will go and see them and that they should be well guarded. If necessary, Sir, I suggest to the Government that a fence, strong enough to resist tall animals like giraffe or elephants, be drawn around all the parks. There are also other animals or reptiles and I would like to know whether they are classified as game, particularly snakes, which in my opinion are unworthy, because they endanger our lives, they do not constitute any national interest. Mr. Deputy Speaker, one hon. Member suggested that some people do eat snakes, but I wonder whether there is anybody in Kenya who would eat snakes. If these reptiles are classified under this class of game preservation, I would like the Government to take a serious view with regard to reptiles. In other countries people can walk in their forests, lie down and enjoy the beauty of the forest without fear of snakes. In our country one could not dare to go into certain forests, not because one is afraid of elephants or lions but of snakes which are the greatest danger to ones life.

There is one point I would like to mention. In my constituency which is Yatta, in Machakos, the people are continuously disturbed, day and night, by elephants and monkeys destroying their crops. Mr. Deputy Speaker, you know a monkey is almost a human being and is such a funny animal, it will almost try to imitate people. They are very clever, especially during the time when the crops are ripe.

It is unnecessary labour, Sir, for our people to keep on watching these animals day and night. If these animals are to be of any national interest then I think that the Government must also take steps to fence them in to some area so that they cannot come out and destroy the crops and endanger the lives of our people.

I do have some cases in my Constituency where people have been overrun by rhinoceros, killed by elephants, and when they are reported to the Government concerned nothing like compensation is paid to these people's next of kin. I would like, Mr. Deputy Speaker, while realizing the importance of game preservation, some steps taken by our Government to ensure that they are not a nuisance and that they do not cause any deaths amongst our people.

Mr. Deputy Speaker, I think the hon. Member is asking how we can trap a snake, but I think he is on the Government side and perhaps the Government has more intelligent people who are able to understand that question.

Sir, I see that time is running out, but I would also like to raise another point, which is the question of handing over game to the local authorities. I think, Sir, in my opinion the local authorities are not capable of running these Parks up to international standards in which, as the Minister for Constitutional Affairs put it, some people from overseas will find it difficult to obtain about forty licences for them to tour all over the country and who do have some interest in seeing our game. Therefore, I think, Sir, this is an issue which should be wisely handled by the Central Government, and with those remarks I beg to support the Motion.

The Prime Minister (Mr. Kenyatta). Sir, I rise to say a few words on wild life. I think that many of the Members know that game, wild life, is one of the most important aspects of our economy and I think you all know, if that is the case, we must take great care of wild animals. There is a feeling of danger and I do not know what the last speaker wanted to do with this question of game, whether he wanted to destroy them all so that they would not be dangerous to him or to other people; I did not quite get what he wanted to do, but what I can tell you is that the Government is determined to take care of and to protect wild game. Just as the Government is determined to protect you so you need not be afraid of being bitten by snakes. If you are we have very good medicine to cure you.

Therefore, do not be afraid, we will protect you and you must know that snakes, if they were to speak, they will also say that they are very much afraid of you and they sometimes only attack you in defence, thinking that you will attack them and so in defence they attack first.

So, Sir, I want to assure the House that the Government will take great care to protect the tourists who visit this country; they have nothing to fear. They will not be attacked by wild animals. I do not think that we have had cases when people have been attacked. I have been myself to some parts of these Parks and I have never been in fear and sometimes I have gone very close to lions and they just lie down and play and I have never seen them attacking anybody. So I do not think that we should cry about fear, about the destruction that these animals make, and I do not think that they are as dangerous as some people imagine. Maybe some people are very cowardly and they have perhaps never gone out in the fields to see these animals. Some of them are very friendly and I can tell you my experiences with lions. I have seen them at close quarters many times without arms and

[The Prime Minister]

they have never attacked me and, unless you attack them, they are very gentle creatures. I mean that, I have seen them at very close quarters. The Member for Kajiado, who was speaking before, he will know that I speak from experience because I have lived in many parts of Masai country where lions once upon a time were numerous. So I think the burden of responsibility of protecting wild animals is a responsibility for all of us. There is no need to look upon the Government and say, "This is the business of Government. Let the Government do this and do that." I think this is something which everyone of us ought to be interested in. They are a national asset and as such we must take great care to protect them.

Another point I would like to raise is the handing over of some of these Parks to either local authorities or regions. I think if we must take care of our game we must place the responsibility in the hands of the Central Government or for that matter of the Kenya Government. It is not a Government of a particular region, a particular part of Kenya, but a Government of the whole country and the revenue that is derived from this game and tourism is shared by the whole country. If you look, and I think the Mover of the Motion, if he reads the words which he himself used, National Parks, if he knows the meaning of the word "National" then I do not think he will have cause to ask for division because if it is national then it must be assets, which must be placed in the hands of the Kenya Government, not in the hands of a particular region or local authority.

I agree, and I think that the Government agrees, with the suggestion. I think the Mover of the Motion was not thinking on the lines which one of the speakers has brought up. I think one of the speakers rejected the word "Royal". There is no need to bring this to the notice of any nationalist, because I should have thought he would have taken it for granted that all these marks of colonialism and imperialism would be scrapped. This is not the time to talk about this, but I want the people to realize that we are not blind about these things. If we are blind we would not call ourselves nationalists. We have no intention of keeping any of these unnecessary legacies of colonialism, and therefore you can rest assured that your wish will be fulfilled. I am afraid that we shall not be able to fulfil the wish of the Mover as we shall not be handing over any part of our responsibilities as far as game is concerned, to any local authority.

What I say is that as far as the care and protection of these animals and the protection of

visitors is concerned the Government will take the responsibility to see that there is no danger or need for fear for anybody.

With these few words, Sir, I want to assure the House that it is the duty of us all, both the Government and the Opposition, to build a strong and prosperous nation, regardless to which party they belong. If we are going to build a strong nation we must do this in co-operation. If we can consider ourselves Kenyans or citizens of Kenya, working for the benefit of our people and our country then I do not think that we will have a lot to argue about, because you in the Opposition want to see a strong Kenya, you want to see a prosperous Kenya. The Leader of the Opposition tells us he wants to build a strong *Majimbo*. If he wants to build a strong *Majimbo* different from Kenya, well he might as well build it in the air.

[The Temporary Deputy Speaker (Mr. Waritili) left the Chair]

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

Mr. Seroney: Mr. Deputy Speaker, Sir, I beg to move that the Mover be called upon to reply.

The Deputy Speaker (Mr. De Souza): For a Motion like this two hours are given. I think we still have half an hour to go. We have time for at least two more speakers.

The Minister for Information, Broadcasting and Tourism (Mr. Acheng-Oneko): Mr. Deputy Speaker, Sir, I think that the two Ministers who have spoken on this Motion have clarified certain points and have put the policy of the Government very clearly to the House.

I would, however, like to elaborate certain points. Kenya is divided into eighty-eight hunting blocks, scattered in different regions. The hunters who form a large percentage of the tourists coming to Kenya every year must be able to come to one office and the place which is suitable for these people is the capital, Nairobi. If these tourists come and try to get their licences at different places it will mean that they will have to go to more than forty offices to get their licences. If they had to take out a new licence for every region it would not only reduce the number of people visiting Kenya, but it would also reduce the overall money spent in the country. This would not be in the best interests of the country. Therefore, we are rejecting this idea for good reasons. The Government is decided that the hunting industry must be based under the control of the Game Department, and so it will have to remain a Central Government responsibility.

[The Minister for Information, Broadcasting and Tourism]

Mr. Deputy Speaker, Sir, on the question of tourism, my Ministry is not seriously affected by regional arrangements as I have said here before.

The people coming to Kenya will be protected under the law of Kenya, like any other person living in Kenya.

We have been asked what our plans are. I would like to tell the House that since I took over the Ministry we have tried to meet as regularly as possible as a Tourist Advisory Committee with experts to advise on the needs of the animals. We have appointed one Member from the Opposition and we hope to appoint more to advise us on their particular areas.

Although there are boundaries between the countries of East Africa, the animals do not recognize these boundaries and therefore it is intended that we should have a meeting of the Ministers from the three territories, and also later from Zanzibar, to discuss the various problems.

It is also intended that we should visit Europe, America and even Russia. It has been impossible in the past due to differences of opinion to have Russians and Chinese visit our country, but we are a free country now, and anybody is free to visit us.

Tourists who come to our country do not only come to see our animals, as they might have seen them in zoos, but they also come to see our sunshine, waterfalls and mountains. It is only for us to play our part by being courteous and generous to our visitors who come to see our beautiful country. We are planning to start a "Be Polite" campaign for the people who come to visit us. This will be promoted on television and radio. These are some of the things that we are intending to do.

We have approached people who can help us, especially during the coming *Uhuru* celebrations, to give donations to our tourist industry, and probably these will have to be centred somewhere in the parks.

The Government is not doing nothing. In fact, the Government is doing quite a lot. I know that the Motion does criticize the Government on this, but it is impossible at this stage to hand over the tourist industry and the parks to *Majimbo* authorities, because I do not think they would be able to run them. I can assure the Members that tourism is not at all affected by the existing Constitution and nothing has been transferred under the Constitution to *Majimbo* authorities.

therefore, we will do our best to work with the local people and welcome any advice that Members would like to give us from time to time.

The Government is quite prepared to do all it can to encourage this important industry.

Mr. ole Konchellah: I must first of all congratulate the Mover of the Motion—

The Deputy Speaker (Mr. De Souza): I am afraid you only have five minutes in which to talk, Mr. Konchellah.

Mr. ole Konchellah: That is all right, Sir, I will try to speed up. As I was saying, I must first of all congratulate the Mover of the Motion and also say that I agree with his ideas. They are, in fact, only concerned with the preservation of the game. There has been a time in this House when we have talked more about clearing the game out of the reserves, and I am very glad that Members in this House have now realized the use and the benefit of the game in this country.

While agreeing with the Motion, Mr. Deputy Speaker, Sir, the game in Kenya is actually divided into two categories. We have game in the national reserves or game reserves, and we have the game which is not in either. In a question before the House this afternoon, put by the Member for Samburu, the answer he received was that the ivory from horns could go to the county councils, but in my understanding the game in the game parks and the game reserves is the property of the county councils. But sometimes it has happened that the game which is not in the park is taken as the property of the Central Government. I would like to know, or to have an explanation from the Minister, how these different types of game are sorted out. It is very easy here in this House for the Members to agree that the game is a national asset. It is quite true that it is a national asset, but when agreeing with this we must try to give credit to the people who have really done something for the game. For example, we find the Meru who have given up part of their reserve for the preservation of the game. They should be given some credit for that. Also perhaps the people near the Mara Game Reserve, the Amboseli Game Reserve and the Uaso-Nyiro Game Reserve should be thought of. The Member who moved the Motion requested the Government to allocate a sum of money to be used in the game parks. Some of our people have given land for the game, and I am only requesting that it be made possible for the people who gave the land to be compensated with money. For example, if they were given this money they could help in the preservation of the game with water and other things.

[Mr. ole Konchellah]

I would also like to bring to the notice of the House that there are several disadvantages in the game reserves which we should try to look into and improve so that we have game reserves which would attract the tourists to come to the country. First of all we have the question of roads. If we could only have money to better the roads leading to the parks and to better the roads inside the parks, we would attract more tourists to go to them. The lodges also must be of a good standard, and must have all facilities so that when the tourists go to them they get all the facilities and stay there for quite a long time, spending all the money and dollars they brought from abroad. Another thing is that if we do not get money to better the roads inside the parks, then we should spend the money on water lakes near the lodges so that—

The Deputy Speaker (Mr. De Souza): I am sorry, but it is now ten minutes past five o'clock, and only fifteen minutes remain for the Mover to reply. So I will call upon the Mover to reply.

Mr. Kloko: Thank you very much, Mr. Deputy Speaker. First of all I was very interested in the speech which was made by the Minister for Justice and Constitutional Affairs. In the first instance he spoke as if he was supporting the Motion, but lastly the Government turned and spoke on two sides. From my personal point of view I have gained much, and I think the Government and this country has accepted what we wanted them to accept. We wanted to get from the Government an assurance that they are prepared to preserve the game so that we need have no fear that it will be necessary for other people to come from outside our country to promote the tourist trade of this country. That was my main point. I had suspected that points (b) and (c) would be neglected or rejected by the Government, but my main object was that the Government should take an interest in the wild life, no matter whether it be under a Central Government system or under a regional system, because it all belongs to us. I think the Government do realize now that there is work for them to do ahead. In his speech the Minister mentioned that he agreed with my Motion with the exceptions of (b) and (c) and that the reason for not agreeing with those two is that he is not sure that they would work. Well, whether it would work or not, it has already started working because there are now five local authorities who are running the national game reserves. So what is the question?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Not National Parks.

Mr. Kloko: Well, I said Game Reserves. What is the difference between a lion from Nairobi National Park and one from Samburu Reserve? They are both animals, you cannot make any difference. In that way I think, Mr. Deputy Speaker, what this House wants to know is whether the Government is prepared to preserve the game and attract the tourists to this country.

I was also very pleased to see the father of our nation, the Prime Minister, take such an interest in this Motion. I am sorry he is not here now. I would have asked him to become a member of the Wild Life Society. I have some forms here with me.

At this stage, Mr. Deputy Speaker, while replying, one of the speakers mentioned rock hyrax. Well, I was surprised, but they are also animals and so must also be protected. They also are useful because people are interested in seeing them.

Lastly, as time is running out, I would request the Government to make a special concession for the M.P.s to go to the National Park and see the animals so that they can see for themselves and preach about what they see. Mr. Deputy Speaker, Sir, to close my speech I would like some of the Ministers and Members to prove their interest in the game and in the wild life by becoming members of the Wild Life Society, and as the Minister for Constitutional Affairs has agreed with me, then here is one form for him and one for our hon. Prime Minister. The other Members can collect their forms from the office.

Mr. Deputy Speaker, Sir, thank you.

(Question put and negatived)

ORDER OF BUSINESS**PRIVATE MEMBERS' MOTIONS**

The Deputy Speaker (Mr. De Souza): The next Motion on the Order Paper should in fact be a Motion by Mr. Towett, on the official dress for Members, but I am informed that it is the wish that the other Motions on the Order Paper should be taken after the Motion by Mr. Ngei. I would, however, like the hon. Members to signify that they do, in fact, agree to their Motions being put off until another day. Mr. Towett, Mr. Muliro and Mr. Ndile, do you agree to your Motions being put off to another day?

Mr. Torrett: Mr. Deputy Speaker, Sir, while I am intending to say yes, I am a little surprised that this was not mentioned before.

The Deputy Speaker (Mr. De Souza): I entirely agree with you. I am not asking you, I just want to know whether you are agreeable or not. I

[The Deputy Speaker]

was informed that you would agree. But if you want to proceed with your Motion I have no objection.

Mr. Towett: May I know, Mr. Deputy Speaker, if my Motion will be put aside until September or will it lapse?

The Deputy Speaker (Mr. De Souza): Yes, if the next sitting in September is part of the same session your Motion will only be put aside until then. But if it is not part of the same session then, of course, it will just die. But it is part of the same session.

Mr. Towett: All right, Sir, I agree that Mr. Ngel should be allowed to go on with his Motion.

MOTION**TRAINING AND ASSISTANCE FOR EX-DETAINEES AND PRISONERS**

Mr. Ngel: Mr. Deputy Speaker, Sir, I must first of all thank the hon. Members who have agreed that I should table this very important Motion before the House. Mr. Deputy Speaker, Sir, I am happy to be able to present this Motion which I consider to be one of the most important Motions, touching many lives of those who fought gallantly to free Kenya. I am glad that this House came to an agreement that this Motion should be debated before the other Motions, but, of course, I am not touching your ruling because the hon. Members have agreed that I should speak about this Motion now. Although the time left is very little, I shall try my level best to make the best of it.

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

THAT this House urges the Government to formulate a programme of training and assistance for ex-detainees and ex-prisoners to fit them for useful occupations in the service of the country.

Mr. Deputy Speaker, Sir, the Parliament here assembled has a duty to those gallant men and women who today loiter jobless, landless and in an impoverished condition. Most of the Members of Parliament here have climbed their present political ladder and are in this House because they talked well about those gallant men only to forget them after coming to this House. Only to forget them—and I repeat forget—when they came to this House. I must say they are forgotten when I say it, and I really mean it. These people had a great cause, they thought their country was really suffering and those Kenya people, the Africans especially, were suffering as a result of the colonial rule. They were detained in prisons and in detention

Mr. Bonett: Mr. Deputy Speaker, is it in order as the Motion is for ex-detainees and ex-prisoners, are we going to be told something about political ex-prisoners, or political ex-detainees, or just general prisoners and detainees?

The Deputy Speaker (Mr. De Souza): I think the hon. Mover can explain his Motion and I think he can do this as he wishes.

Mr. Ngel: The Motion, Mr. Deputy Speaker, reads easily and perhaps the hon. and learned friend did not really see what it says. I think it is universally accepted here in Kenya and everybody knows I am speaking about those people who went to prison because of their desire to free Kenya. I am not speaking about criminal prisoners, I am speaking about those people who went to prison for the sake of making Kenya an independent country. The Motion here says "That this House urges the Government to formulate a programme of training and assistance for ex-detainees and ex-prisoners to fit them for useful occupations in the service of the country." When I handed this Motion to the Clerk of the House it was known—

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): On a point of order. I think we must clarify this because the Motion is different from what the speaker is saying. Does this word "ex-detainees" mean criminals or not? It is very confusing.

The Deputy Speaker (Mr. De Souza): The Motion is very wide and there is no doubt about that. It refers to ex-detainees and ex-prisoners. Ex-detainees could mean political or non-political but the Mover is entitled to explain what he means and he is entitled to show that he is referring to one particular section of detainees or prisoners. I think he is in order.

Mr. Bonett: On a point of order, I would seek your clarification, Mr. Deputy Speaker, whether it would be in order to insert after the word "for" "political ex-detainees" and "political ex-prisoners." We would then know where we are.

The Deputy Speaker (Mr. De Souza): I have a lot of sympathy for you but you can propose that amendment later if you so wish. At the moment the Mover is at liberty to speak on his Motion as he wants.

Mr. Ngel: I do not know why there is so much panic on the Government side and I do not think we are having a logical argument at all. This is a straight forward thing; this is a thing which is accepted and we can follow it up and everyone

[Mr. Ngel]

I will know what I am speaking about. This, Mr. Deputy Speaker, Sir, will let me come to a conclusion that the Government is trying to waste the little time that I have because every now and then they are raising points of order which are of no use to us. I am speaking about ex-detainees, people who were sent to detention camps because of the Emergency. Those are the people I am speaking about and I am not here to speak about someone who has been put in prison because he has not paid his tax, nor am I here to waste my time because of someone who has hit another person with *ringu* on his head. Therefore, Sir, I would like to say that I am speaking of those freedom fighters, Mr. Speaker, who were sent to prison because they wanted Kenya to be independent. I hope the Members on that side have really understood this statement and they will listen as I speak on this Motion.

These gallant men, Mr. Deputy Speaker, because of untold misery lost their children, their relations—their wives and other things because they had a cause and they were dedicated to fight for that cause. I would like to examine the people of these people during the pre-Emergency days. These were very business-like people, they owned buildings, they owned land, they owned shops, they owned lorries and buses and they had children in school but because of the sacrifice they made for their country they lost these things completely. They only then had some other people enjoying their things, and these are the people who underwent untold sufferings in detention. Today, as I said, they are loitering in the streets jobless and even when they get back from prison, from detention camps, they are not accepted by any employers at all. They are regarded as undesirable and no one will provide jobs for them. Also, on one side you have the land confiscation. I wish the Prime Minister was here because he was the first person to have his land confiscated and yet there were many other people the same. They had their land taken away, their dear ones were killed, they lost their businesses, they lost their children and when they came back they did not have a job at all. We are here because of their sweat. They fought the Imperialists when the Imperialists were really Imperialists, not as they are now. We have diluted Imperialism during the last few years. However, during the time when these people started to struggle you really saw Imperialism in its real sense. These people forgot themselves, they forgot their children, they forgot their property so that you could come and sit here as Members of a Government that is going to be independent. They made sacrifices so that you

may sit here and determine the destiny of this country.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): On a point of order, should not the speaker address the Chair?

The Deputy Speaker (Mr. De Souza): Yes, that is right.

Mr. Ngel: Mr. Deputy Speaker, Sir, I would like to seek your ruling on this: I do not think I can really go on saying Mr. Deputy Speaker, Sir, every five minutes.

The Deputy Speaker (Mr. De Souza): I am not asking you to say Mr. Deputy Speaker, every five minutes, but you are required to address your remarks to the Speaker and when you say, "so that you may sit here", I do not think you refer to the Speaker.

Mr. Ngel: Mr. Speaker, Sir, the hon. Minister for Information Broadcasting and Tourism might not want to have anything done for these people.

I want to say, Mr. Deputy Speaker, that all the properties I have mentioned were lost, buildings were demolished and all other things were lost, then came land consolidation. Most of these people lost their land—however I am not saying that land consolidation is a bad thing, I support it—and this land consolidation was done in places like Kikuyu and it was done in such a way as to punish those people who were the culprits of the Emergency, the ex-detainees and the ex-prisoners. Then came the biggest blow, the confiscation of land. Just imagine taking a piece of land where the dear wife of an ex-detainee lived and therefore the children were left with nothing and the husband was detained in Lamu—where the Minister for Tourism was—or in Lodwar where the Prime Minister was with other people. The husbands were taken there and the land was taken away from them, grabbed by force by the Imperialists and the children were left without any money at all.

Mr. Deputy Speaker, when these people came back they had nowhere to start from, because they had lost the foundations of their property. It is an accepted fact that land is an economic factor which enables a poor African to build himself up financially. Therefore, when you have a husband being taken away and the property being taken away, houses are demolished and men are taken away from their wives and children then the men are in the most serious positions we have ever witnessed anywhere in the world.

[Mr. Ngeli]

There are some other things I was going to say. These people languished in prison for many years, they suffered; not because they were criminals, not because they had done something wrong, not because they were unwanted in society but because an Imperial Government thought that these people who demanded independence— independence was a curse to an Imperial Government—should really be got rid of to stop them demanding independence. They, therefore, locked them in prison and other places. This is the thing I want to bring to the notice of the Government and the National Assembly, also to the Members of the Opposition. Something must be done to provide livelihood and, of course, as I say, training and assistance for these people.

It is true that some of these people are old but they have had their land taken away. I do not know if I am allowed but I can give an example of one of the ex-detainees who was exiled before the Emergency even started. He is even older than the Prime Minister and everything was taken away from him. He was a man of substance, he had money, he had land, he had a business and he used all his strength to get that property. Now at the age of 79 I do not know what that person can really do to get his livelihood back again. We also have some children in the schools but some of these children are not accepted in the schools because they are regarded as children of unwanted, undesirable, criminal-minded *Mau Mau* people. Children were punished for nothing because of this. I do not think it is right, Mr. Deputy Speaker, that children should be punished because of the crimes that their fathers have done. This is one of the most serious matters that I want the Government to consider. Some of these children were punished because some of their fathers, Mr. Deputy Speaker, Sir, were put in prison. Automatically they were deprived of that essential and important thing, education. Now, what are they left with? No education at all, no jobs, and therefore they turn to criminal things. I want to say that no matter how dignified one is, when you have an empty stomach you start thinking bad things. You start thinking of taking other people's property; you start thinking of hitting somebody on the head; you start thinking what has the hon. Minister for Justice got in his pocket.

When we are deprived of the right of receiving education, Mr. Deputy Speaker, then we get hooligans, vagabonds, etc. Therefore, what I am asking is that the Government should also consider the children of these ex-detainees. We have been fighting in the last two wars. We have fought in the last war and when I say the last war I mean

when we were supposed to help the British Government some time during 1941 to 1943, I think. The British ex-servicemen came back and it was the Imperial Government which rehabilitated them, they were given training. It is not very far, it is only at Kabete that we have this training centre. This was done for the ex-servicemen of an Imperial Government. What about doing something for our men?

This is a Motion of which none of the Ministers or Back Benchers will have the audacity of saying that it is emotional. They know very well—and I can see and am thankful that they are not interrupting me—that this is a Motion with good substance and I must say that the opposite side are very well behaved for the first time.

Any modern and civilized Government who will do its first duty to its country must be able to find immediately ways and means of alleviating the woes and hardships of those unfortunate members of whom I have spoken, who are now very adversely treated. They are the hungriest lot of people today. You see them going to the Kaku office and Prime Minister's office, the hon. Minister's office and so many other places. They are not loitering about the place because of sheer laziness. If they were doing so I would not speak in favour of them. They are loitering because of the problems that face them!

Another big appeal which I want to make to the Government is this. The Government has agreed to inherit an old colonial heritage by accepting eighty of these people, keeping them at Manyani and not releasing them. They have accepted a finding of the Colonial Government to keep these people in a place which they do not like or which is not of their choice. Now, Mr. Deputy Speaker, a point here arises; not a point of order but a point of action. We have been told by the Prime Minister—and, of course, a paper has been laid in this House—that our independence will take place on the 12th December. I have been wondering what will the Government say to the people when these unfortunate people will still be in the same position as before while the Government Ministers will enjoy themselves. I would like to know from the Government whether they have made an arrangement to release these gallant men and women during the *Uhuru* celebrations so that they may have a place erected for them. I would therefore like the Government, in particular the Minister for Information, to tell us what facilities have been provided for the benefit of these unfortunate people by which we shall show them that the effort and sweat they gave in fighting for Kenya was not wasted.

[Mr. Ngeli]

Some of the Back Benchers and others show a very negative attitude. They treat this matter very lightly just like eating cooked sweet potatoes. This is a matter of national importance. We want the Government to make some contribution, to give assistance by way of training so that these people may come back to the society in which they were before. I am not speaking about rehabilitation for a few Government-sponsored people. I am not either talking of rehabilitation centres where people were beaten up and thus taught to be good citizens. I mean rehabilitation by way of providing a training of some sort so that one can go out and do something whereby one can earn a living.

Mr. Deputy Speaker, I do not want to say very much because what I have said is, I think, sufficient. I hope this Government will see the importance of training these desirable men who were considered undesirable some years ago. To me these people are as desirable today as they were in 1952 when we had to fight to throw off the colonial yoke that was lingering around our necks.

With these few remarks, Mr. Deputy Speaker, I hope the Government will come forward and join me not only in the chorus of saying "Yes, yes", but in the real work which is needed for these unfortunate people.

Mr. Shikuku: Mr. Deputy Speaker, I hear questions from the other side of the House whether I was detained. Some of the hon. Members on that side have never been in a cell and they were never before heard of in any political arena before 1956. Hence they do not know anything. They just sit back there and talk rot.

This is a very serious thing, and when I see hon. Members standing up time and again on points of order which are not really points of order and they start laughing too, I really do not know what kind of people those on the other side of the House are.

The Deputy Speaker (Mr. De Souza): I think you should carry on with the Motion.

Mr. Ngala Abok: Mr. Deputy Speaker, is it in order that when we have a genuine Motion like the present one, the Mover of the Motion should begin campaigning for other people to join their parties rather than explain the genuineness of the Motion?

Mr. Shikuku: Mr. Deputy Speaker, the hon. Member is a friend of mine, and there has never been any occasion when he stood up on a point of order when it was the right point of order. I think it is merely due to a lack of English.

I personally, was once detained. This was on 20th October, 1959, at the Kileleshwa Police Station cell. That is why I feel strongly when I stand to support this Motion because I feel I am qualified to do so. A cell is a place of confinement, but a detention is just a long period of confinement.

The Motion is very clear. What we are trying to do is to get these men who at a certain time tried—whether rightly or wrongly—to fight for what they felt was right and which resulted in their detention. The question here is, why did these people fight? Why did these people act in such a manner that they were forced—or the Government was forced—to put them where they are? It is because they were denied the right of a normal human being to govern himself. They were denied the freedom to govern themselves. The imperialist knew then, and they know today, that it is not written anywhere in the Bible that the blacks shall be governed by the whites. I hear a "backdoor" Member shouting "tribalist" and I feel sure he does not know the meaning of that word.

Mr. Bomett: On a point of order, Mr. Deputy Speaker: Is there any hon. Member in this House who is a "backdoor" Member?

The Deputy Speaker (Mr. De Souza): Mr. Shikuku you must not use such expressions.

Mr. Shikuku: Mr. Deputy Speaker, if the hon. Members on the other side could stop interrupting until we are able to make our point very clear to this House it would be of great assistance. They keep repeating childish remarks. When a person is speaking it makes him very cross to hear these remarks.

The Deputy Speaker (Mr. De Souza): All the same you should try and avoid such expressions.

Mr. Shikuku: These people fought for what they set out to fight; because it is not provided anywhere in the Bible that the white man shall govern the black man. Indeed, I am glad that the imperialists have realized their mistake and that they are going against the Bible of God which states no such thing; that is why we are proceeding to independence which we shall have on 12th December this year.

The fact that these men set out to fight pointed to us a very important thing—a frank thought—that these men were hungry men. We were all hungry men. Our land had been taken away from us and that is why these men fought to get the land back. They were hungry men and hunger made them so frustrated and bitter that they at times forgot the battle against the imperialists.

[Mr. Shikuku]

and attacked their fellow men and women. This is something we should look into. We do not want to have these people set free and still carrying a sense of frustration and anger. They may even rise against this very Government.

So, if the hon. Members can sit here and laugh it away, I think there will be a time when they will not laugh, the imperialist is not laughing now, he is going home, and therefore, Mr. Deputy Speaker, I feel it is a very, very important question that we should look at to see what we can do and not start laughing in this House, and if the hon. Members on the other side of the House feel rather irritated—

Mr. Gachago: On a point of order, Sir, is it in order for an hon. Member, when he is discussing something definite relating to a Motion, to take a long time to discuss Members on the opposite side of the House?

The Deputy Speaker (Mr. De Souza): It is supposed to be the duty of Members when proposing and seconding Motions to try and keep as far as possible to the Motion, and also use whatever arguments they have to support the Motions. It is undesirable all the time, Mr. Shikuku, to keep on merely attacking the other side, rather than supporting your own Motion.

Mr. Shikuku: Thank you very much, Mr. Deputy Speaker, but it so happens that these people warrant it, because if they would only keep quiet there would be no attacks on them, but whenever one speaks they always get heated and therefore they must get a reply.

Mr. Anylesi: Mr. Deputy Speaker, is it in order for the hon. Member speaking to refer to other hon. Members as "these people"?

The Deputy Speaker (Mr. De Souza): It is not in order. Please refer to honourable Members as "hon. Members".

Mr. Shikuku: Thank you, Mr. Deputy Speaker, I have all the time referred to them as "honourables". I have already been warned that my time is running out because of so many interruptions from the other side of the House, but may I put this very humbly to the House. This is a problem which we must not overlook and which needs a solution and if we are going to ignore it, we could find ourselves very easily in the same situation as the imperialists. Those people we are now talking about were more or less forced into the position they are in, because they were dissatisfied and frustrated and if we leave them in this position of dissatisfaction and frustration we could well expect anything at any time, their

insurrection. In view of the present Government being an African Nationalist Government, I do not think there will be any objection at all in supporting this Motion, particularly when we have Members on the other side of the House who have been in detention and who know why they were there and why others were there. With these few remarks, Mr. Deputy Speaker, some people say we are shedding crocodile tears, but they could as well have shed something more than that when they ignore these frustrated people. One thing the hon. Members of this House should note, whatever happens to your neighbour may one day happen to you, and we should think in that spirit. Do not think that you will always be safe, always be happy and laughing. The problem of these people is a serious one and I hope the Government will do all it can, and that the Back Benches who have never seen a cell will refrain from making irresponsible remarks. With these few remarks, Mr. Deputy Speaker, I beg to second the Motion.

(Question proposed)

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Deputy Speaker, Sir, I think this is a very serious issue, or Motion, and although the Motion was rather badly worded, because it is ambiguous and in some of the statements or speeches made by the Mover, who unfortunately has just left, I doubt very much his sincerity, because he should have been in the House.

Mr. Shikuku: On a point of order, Sir, is the hon. Minister in order to impute that the Mover had insincere motives when he moved this Motion?

The Deputy Speaker (Mr. De Souza): The Minister is not allowed to cast doubts on the sincerity of the other Members.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): With respect, Sir, the Minister merely said he was doubting the sincerity of the Mover for having left the House before the Minister replied.

The Deputy Speaker (Mr. De Souza): If that is all what the Minister said it is all right. The Minister is not allowed to impute motives to any Member whatsoever, but I do not now think he is doing so, having heard the explanation.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Actually that was not my intention. I was trying to refer to the absence of the Mover. Mr. Deputy Speaker, it is not a question of playing to the gallery.

Mr. Ngel: On a point of order, Sir, I have been playing to the gallery. I would like to know, Mr. Deputy Speaker, whether this is a Chamber or am I addressing a public meeting?

The Deputy Speaker (Mr. De Souza): I do not think that is a point of order and I do not want to go into that, but may I make a request. This is a very serious Motion and if Members did not interrupt the Minister when he made his speech I think everyone would get a much more satisfactory reply. I do appeal to Members to let the Minister speak.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Deputy Speaker, Sir, I am going to say this, that this is a very serious issue and it is not just a question of playing to the gallery by any Member in this House. We have been reminded of the emergency activities. Nobody knows it better than I do, I went through it for years and I was with people who suffered the same. I was with the Mover who has worded his Motion so badly that it made the Government even thinking of rejecting the whole Motion, but in the interests of the country and in the interest of our people we are doing something which will be quite helpful to the whole nation. Mr. Deputy Speaker, we have listened with sympathy to the sentiments expressed by the Mover in what he said. He referred to the emergency activities when people who were detained lost their business, some whose lands probably were taken away from them and those whose children lost time for education. These are some of the things which took place during that time, and it took place when we were under colonial rule. What I thought the Mover intended was that we should take care of those people who are suffering now, but not seriously enough to remind us of the emergency activities, because some of them must be forgotten as soon as we can manage. I know, Mr. Deputy Speaker, that some of the ex-detainees received considerable help from the people of their communities. The Mover is one of them. The Mover was helped by society—the poor people who were not in detention. He was helped and had his house built by the people and he owns one of the most expensive cars in Kenya today.

The only thing, Mr. Deputy Speaker, is that the Government at that time did not take into consideration the future of the ex-detainees, but we are now in a position to consider this seriously, because we know quite a lot of people who are moving from one part of the country to another, even in our big towns. I know they are suffering. For that reason, Mr. Deputy Speaker, I would

like to amend this Motion in such a way that it will be acceptable to reasonable thinking people.

Mr. Deputy Speaker: I do not wish to take up much of the time that we have left but to amend this Motion.

THAT all the words after the words "Government to", in the first line, be deleted and there be inserted in place thereof the following words "investigate and take appropriate action as a matter of national urgency the cases of children, widows or persons who have been left destitute as a result of detention or imprisonment during the years of the state of Emergency."

Mr. Deputy Speaker, this Government amendment is practical, and it is not just an ambiguous sort of Motion that is already confusing the House. The Government is going to investigate, because if we do not investigate, it may be that well placed people, like the Mover, who has already got ample help from his own people and I am also well placed in my Government. But what about the poor people; it is fair to say that I am as the Mover. Therefore, it is the duty of the Government to investigate cases where these people may be helpless or destitute as a result of detention or imprisonment during the Emergency.

Mr. Deputy Speaker, Sir, I beg to amend the Motion.

The Parliamentary Secretary for Education (Mr. Kaggia): Mr. Deputy Speaker, I would like to second the amendment.

Mr. Deputy Speaker, by seconding the amendment I would like to say that I would have been the first person tonight to support this Motion as it was but one thing it was so wide because, as it has been pointed out in various speeches in the past, ex-detainees could mean anybody who has ever been detained, either for stealing or any other offences and the same thing would apply to any person who has ever been imprisoned for any kind of offence, and therefore I think it would have been wrong for the Government to support the Motion as it was. I agree with the Mover in the various things which he has said, and I think everybody on this side agrees with him but the only thing was that we wanted to make the Motion sensible. I think that is what actually the amendment has done.

The other point, Mr. Deputy Speaker, in seconding the amendment is that we have seen through experience that since the end of the Emergency everyone or anyone who would like to have respectable treatment could come forward and say "I was detained, I was imprisoned for this and that", even if he was not detained or

[The Parliamentary Secretary for Education] imprisoned for the national struggle. For that reason, Mr. Deputy Speaker, we want to make it specific that this Motion dealt with the actual or the specific category of ex-prisoners and ex-detainees. Mr. Deputy Speaker, I agree that this Motion is very, very important because during the struggle or during the State of Emergency it was the tendency of many people in this country and outside this country to regard most of us who were in prison or detention as criminals or, as we were called during that time all sorts of names, agitators, Mau Mau and everything. Therefore, I think this Motion, as amended, will help to clear the names of these people who were detained and restricted for this particular struggle, and I think the act of the Government of accepting to investigate and finding ways and means of helping the widows, children and disabled persons, accepts the fact that these people were fighting for the independence of this country, that these people were not criminals, were not Mau Mau as they were called, but true freedom fighters.

Therefore, Mr. Deputy Speaker, I think the Mover of this Motion and the whole Opposition would agree and accept this amendment as a very important thing because it has made the Motion sensible and practicable, because as it was originally I think no Government could have done that for everybody who had ever gone to prison or detention, since this country was formed as it is now, that means that everyone should agree that we could not do anything for the Motion as it was. Now, Mr. Deputy Speaker, I think the Government must take this thing very seriously because it is true that we are going to be faced with a very difficult problem of these people, who are roaming about in our country all over the place, as a result of imprisonment and detention. Many of our children went without education, many of our women were left widowed, and so on, and all these people are putting a great burden on the Government, and, therefore, I think it would be very helpful for the Government to start considering this question just now before this problem becomes too great for the Government to cope with. Therefore, Mr. Deputy Speaker, I would not like to dwell very long on this point, all I wanted to make clear is that the Motion is better now as amended than it was originally.

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

The Minister for Justice and Constitutional Affairs (Mr. Mboya): A point of order, Mr. Deputy Speaker, I think that it is appropriate that as it is not our intention to treat this Motion

as a Party one, if the Mover indicates that he accepts the amendment, so that the whole House does unanimously agree on this issue, and we could move forward on to other things, I think it would be a gracious occasion for the whole House to unite together, and accept that the spirit and the terms of the amendment covers practically everything that the Mover wished for, and this is the time for him to show that we can move together and treat this is a national problem.

I do not see why the Kadu Party wants to treat it as a Party matter.

The Deputy Speaker (Mr. De Souza): Mr. Ngei, if you agree to the amendment I think we could finish the debate before half-past six. In which case it would be possible for it to be passed before the end of this session.

Mr. Ngei: Mr. Deputy Speaker, Sir, I have no quarrel with the Government's amendment, but it may be that there were some people who were detained on political grounds before the period of the Emergency, and I was wondering whether the Government would be prepared to give and take by adding the people who were detained before the Emergency. If I may mention one name, a person like Mr. J. C. Kariuki, who was detained before people like Mr. Peter Limusu. If the Government is really prepared to accept people detained before the period of the Emergency then I shall have no quarrel. I shall accept the amendment as it is.

(Question of the first part of the amendment that the word to be left out be left out put and carried)

(Question of the second part of the amendment that the words proposed to be inserted in place thereof be inserted put and carried)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Speaker, I see no difficulty at all in the examples given, because these people if they are destitute, are left destitute as a result of events during those years. The fact that they were arrested before 1952 is not important because they were in detention in that period. In any case, the amendment covers many other things which cannot be specified in detail in each case.

The Deputy Speaker (Mr. De Souza): I am grateful to you because I think that during the period of detention although they were originally detained before the period of the Emergency they continued in detention during the Emergency, and I think that is covered.

[The Deputy Speaker]

If the proposer and seconder accept the amendment as I see they do, then I would propose the Motion in its amended form.

(Question of the Motion, as amended, proposed)

Mr. Pandya: Mr. Deputy Speaker, Sir, I propose that the Mover be called upon to reply.

The Deputy Speaker (Mr. De Souza): If it is desired to pass the Motion before September then it should be passed today.

(The question was put and carried)

Mr. Ngei: Mr. Deputy Speaker, Sir, the Government has really given us an amendment to the Motion which I merely accepted unreservedly, but I want to add one or two things to what has been said in this discussion. This is not a Motion to seek popularity, but as the Minister for Information, Broadcasting and Tourism has said, and as I said before, this is a serious Motion concerning these very gallant fighters. When the Government talked about an appropriate action, I recalled in my mind that the Government should think in the way of settlement. I hope my friend the hon. Minister for Lands and Settlement will be able to provide these people with land in the settlement scheme.

These people are landless and if they could be given something I should be a very happy man.

I did not want to remind the House of the Emergency activities. It is true that I mentioned these activities as a reference not because I wanted to bring about the old hatred, although it goes without saying that we cannot forget what has happened.

It is history, it will be read at the universities. The children will be told by their fathers, and I do not think that I was wrong when I talked about Emergency activities.

With those few remarks I thank both the Government and the Opposition for accepting this Motion as amended.

There is just one thing that I want to say, we have been told in the past that the Government will take appropriate action. I think that word appropriate is over used at times. I think that the Government should not only say that it will take appropriate action only to find that nothing is done, only to leave these people still loitering in the streets and wandering from one office to the other looking for employment. I want to see something definite that has been done by this Government.

If the Government does this I shall have no hesitation in congratulating the Government, and saying that it is a constructive Government, and that it is thinking very highly of those freedom fighters who were at one time considered by an Imperial Government to be undesirable and unable to fit into any society at all.

I want to ask one thing, whether the Government is prepared to concede to proposals from the Opposition such as building a monument in remembrance to these gallant fighters. I should be only too pleased if I could see Kimutiso and, if I could see Kimathi; if I could see Mathenge and others rather than having statues reminding us of colonial oppression.

Mr. Wamuthanya: I was wondering, Mr. Deputy Speaker, whether it would be in order for the hon. Member from Machakos-North to join his fellow fighters on this side?

Mr. Ngei: I would tell my hon. friend that I am content where I am.

The Deputy Speaker (Mr. De Souza): Order, order. Let the hon. Member finish his speech.

Mr. Ngei: I am speaking on behalf of those people that I cherish dearly as those who brought independence to this country.

There is another suggestion which perhaps I may make so that the Government may consider it. I have talked about land settlement. There are some people, ex-detainees and ex-prisoners, who are now understood, but I am afraid that an hon. Member and the Parliamentary Secretary for Education made the remark that I can only come here to make remarks about ex-detainees and ex-prisoners. But I am also saying that those who have been convicted and detained for other crimes which are not connected with the Emergency period should have some sort of rehabilitation so that we get rid of the undesirables in our society. Peace must march, peace and prosperity will be here so long as this Government has a policy of helping those ex-detainees who were detained as a result of the political activities during the Emergency. They also deserve a place in society. If they really did something wrong it is up to this Government to provide them with rehabilitation, to put them in the right place in society. They should not be cast aside and put in a dustbin. I want the Government to realize that we need those people who, by an unfortunate action, have been jailed.

Lastly, I want to thank the Government and the Opposition for agreeing to this very vital Motion and I hope the spirit of the Chamber will go on being as constructive as it has been today.

[Mr. Ngeli]

With those few remarks I shall retire to my seat, Mr. Deputy Speaker.

(The question was put and carried)

Resolved accordingly:—

THAT this House urges the Government to investigate and take appropriate action as a matter of national urgency the cases of children, widows or persons who have been left destitute as a result of detention or imprisonment during the years of the State of Emergency.

The Deputy Speaker (Mr. De Souza): It is now three minutes before the interruption of business and I do not suppose that anybody will want to start a Private Member's Motion at this time.

MOTION ON THE ADJOURNMENT

BROADCASTING OF PARTY POLITICAL RALLIES

The Deputy Speaker (Mr. De Souza): I will now call upon a Minister to move that this House do now adjourn.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Speaker, Sir, I beg to move that this House do now adjourn.

The Minister for Justice and Constitutional Affairs (Mr. Mboya) seconded.

(Question proposed)

Mr. Ngala: Mr. Deputy Speaker, Sir, arising from the very unsatisfactory reply that was given by the Minister for Information and Broadcasting to Question No. 66, I would like to move this Motion on the Adjournment. Now the question and the reply given is already in the HANSARD and Members must have read it.

An hon. Member: On a point of order, Mr. Speaker, is it in order for the hon. Member to move and not to raise?

The Deputy Speaker (Mr. De Souza): He is not moving the Motion. An hon. Member has already moved the Motion; Mr. Ngala is merely putting a matter before the House.

An hon. Member: The hon. Leader of the Opposition actually said that he is moving a Motion. Is he speaking on a matter of importance or is he moving a Motion?

The Deputy Speaker (Mr. De Souza): No, he is not moving a Motion.

Mr. Ngala: Mr. Deputy Speaker, Sir, there are three points involved in the reply by the Minister. The first one is that the Minister said that the

meeting or the rally that was held on the 14th July at Mombasa in the Stadium was not a Kanu rally. I then wanted to make it quite clear that it was a Kanu rally, but the Minister insisted that it was not a Kanu rally, it was a Government meeting. Now, I would like to say, Sir, that as far as this point is concerned the meeting was a Kanu meeting or a Kanu rally and the application for the meeting was submitted on the 2nd July, and it was submitted by Mr. Msamifu Kombo, who is the Organizing Secretary of Kanu in the Coast Region. The permit was issued to him on the 4th July as a licence for the Kanu rally on the 14th July. The issue was made by the Mombasa Regional Government Agent. This means that the Minister was not right in insisting that this was not a Kanu rally.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, Mr. Deputy Speaker, Sir, do we understand that the licence was issued to Mr. Msamifu Kombo or to Kanu?

Mr. Pandya: Mr. Deputy Speaker, was that strictly a point of order?

The Deputy Speaker (Mr. De Souza): No, that was not strictly a point of order.

Mr. Ngala: That is not a point of order, but the licence was issued to Mr. Msamifu Kombo on behalf of Kanu as the Organizing Secretary of Kanu. The other point, Sir, was the question of a Celebration Committee.

An hon. Member: On a point of order, Sir, I want to know whether the hon. Member of the Coast is in order to mention Mr. Msamifu Kombo, is he not a Member of the Government?

The Deputy Speaker (Mr. De Souza): I do request hon. Members to realize that it is not fair to raise points of order when they are not in fact points of order.

An hon. Member: Mr. Deputy Speaker, Sir, this may be a question of seeking information and not a point of order, but—

The Deputy Speaker (Mr. De Souza): If it is not a point of order, sit down.

An hon. Member: No, no, it is a point of order. When a meeting is held on behalf of the Government is it also right that it should be licensed as a meeting held by a party?

The Deputy Speaker (Mr. De Souza): These are not points of order. Will you let the Minister reply fully to all the points that are made by Mr. Ngala? You can wait for the Minister to answer him and not interrupt him on all these points

[The Deputy Speaker]

which are not points of order. Please let Mr. Ngala proceed with his statements. Once again I ask hon. Members please to be patient and let Mr. Ngala get on with his speech.

Mr. Ngala: Thank you, Mr. Deputy Speaker. Now, this meeting, having established that the licence was given and issued on behalf of Kanu to the Organizing Secretary of Kanu, Mr. Msamifu Kombo, and the meeting was held on 14th July, it was a Kanu rally.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Deputy Speaker, I call upon the House to adjourn.

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

Mr. Ngala: Sir, having established that this was a Kanu meeting or a Kanu rally, the second point I want to make is the question of the Committee. The Minister said that there was a Coast Celebration Committee and that I was—

An hon. Member: On a point of order, could the hon. Leader of the Opposition substantiate that there was a Kanu meeting?

The Deputy Speaker (Mr. De Souza): It is not a question that substantiation is required. A substantiation is only required when an allegation is made against somebody and the speaker is asked to give whatever evidence he has based his statement on. This is not a question for substantiation, and once again, I do call upon the House not to interrupt on all these points of order.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): May I seek your guidance, Sir. When the hon. Member said he had established that there was a Kanu rally, the hon. Member on this side asked that that should be substantiated. You have said that this need not be substantiated. The point, I think, which has arisen is that the hon. Gentleman said he had established that there was a Kanu meeting. Obviously, he had established that there was a meeting, and a licence was issued to a Mr. Msamifu Kobo. Does this constitute the establishment of a statement that there was a Kanu meeting? I would like your guidance.

The Deputy Speaker (Mr. De Souza): Whether or not he has established his point is for the House to judge. He has stated that he has, it is up to the Minister in his reply to state whether in fact he is right.

Mr. Ngala: Now, Mr. Deputy Speaker, Sir, on the question of the Committee, the only Committee that is known in the Coast and related to the visit of the Prime Minister was a Committee consisting of Mr. Msamitu Kombo, Mr. Sondi, Mr. Chokwe and Mr. Mwalimu Juma. Mr. Sondi styled himself as Chairman of this Committee which he called a Reception Committee. Now, as the Minister said yesterday, the Committee consisted of Members of different parties, including myself. Now, I thought the Minister was on false ground in making this statement. There is no Committee in the Coast to which I belong related to this reception of the Prime Minister that week. I do not belong to any Committee and, furthermore, this Committee did not even include any Kadu Coast Regional Assembly representatives nor Municipal Council representatives, nor representatives of the Administration, nor representatives of the police officers. Therefore, there was not any such Committee.

Mr. J. Karuki: Is it in order for the Member to say that there was no representative from the Regional Assembly when Mr. — is himself a Member of this Assembly?

Mr. Seroney: On a point of order, Mr. Deputy Speaker, is it not time that you took a serious view of all these interruptions?

The Deputy Speaker (Mr. De Souza): I agree with you, but I will allow him a little more time in full.

Mr. Ngala: Well, I hope I am getting my time in full.

So, there is no Committee and I intended to say that the Committee—

An hon. Member: Is it in order to adjourn?

The Deputy Speaker (Mr. De Souza): Not during a Motion on the Adjournment.

Mr. Ngala: Mr. Deputy Speaker, Sir, the second point which I would like to clarify is that the Minister said that it is Government policy that the activities of the Ministers should be relayed, but among the people whose speeches were relayed are not even Ministers, they are not Members of this House; they are outsiders. There was the hon. Prime Minister, Mr. Mboya and—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Speaker, Sir, on a point of order, am I not correct in saying that the hon. Leader of the Opposition has now been talking for ten minutes?

The Deputy Speaker (Mr. De Souza): Yes, I have given him more time; he has one minute more. And, hon. Members, I will only listen to one point of order at a time.

Mr. Seroney: The hon. Member, during his ten minutes, has been interrupted so much with points that were not points of order, should he not be allowed more time?

The Deputy Speaker (Mr. De Souza): I appreciate the difficulty, Mr. Seroney, and the Member will have exactly one minute more.

Mr. ole Tips: I would like your ruling on this. Mr. Deputy Speaker, because it is absolutely clear, and even you have ruled that some of these bogus points of order were not points of order, and it is a deliberate attempt to prevent the hon. Member from finishing his speech.

The Deputy Speaker (Mr. De Souza): If the hon. Members decide to delay the House, and particularly if some Members of the Opposition decide to do so, I can do nothing. The rule is that anyone can stand on a point of order.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, Mr. Deputy Speaker, the Standing Orders lay down clearly that the Member will speak for ten minutes, and it is clear from the clock that the Member has spoken for more than ten minutes. The hon. Leader of the Opposition started speaking before 6.30 p.m. and it is now 6.40 p.m. and there is nowhere in the Standing Orders where it is laid down that he is given time to allow for the interruptions. The Standing Orders lay down that any Member can, at any time, interrupt the business on a point of order, and it is for the Speaker to decide whether or not it is a point of order and not the hon. Gentleman sitting opposite.

The Deputy Speaker (Mr. De Souza): I will give my ruling on this. In normal circumstances I think one would accept that ten minutes only are allowed. But one must concede that on this particular occasion some time has been spent on points which were not points of order and I think it is only fair to give the speaker an extra minute.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Do the Standing Orders give the Speaker the right to vary them without the agreement and sanction of the House?

The Deputy Speaker (Mr. De Souza): No, but I rule that the question of the interruption of Standing Orders is left to the discretion of the Speaker. The speaker should be able to finish his speech in his extra minute.

Mr. Ngala: Mr. Deputy Speaker, some other hon. Members who are not even Ministers in the Government did speak and this was relayed.

For example, a Mr. Walker who was with the party did speak this is very much against the Minister's own point that the intention was to relay Government's policy. Therefore, Mr. Deputy Speaker, Sir, when the Minister says that I was a member of a committee, I would like to say that I am not a member of any committee and I want him to show that.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, Mr. Deputy Speaker.

Mr. Ngala: I am not giving way on a point of order, now, Mr. Deputy Speaker. I am not giving way because I am fed up with this.

The Deputy Speaker (Mr. De Souza): Order, order.

Mr. Ngala: I am not giving way.

The Deputy Speaker (Mr. De Souza): You raised a point of order, Mr. Mboya, will you sit down Mr. Ngala.

Mr. Ngala: I am not giving way.

The Deputy Speaker (Mr. De Souza): I am the one to decide that.

Mr. Ngala: Yes, but you are favouring the other side and I am not going to give way.

The Deputy Speaker (Mr. De Souza): If you insist on your allegation, I will have to ask you to leave the Chamber.

Mr. Ngala: You are definitely favouring the other side and I am not leaving the Chamber or giving way on this point of order.

The Deputy Speaker (Mr. De Souza): Mr. Ngala, I ask you to leave the Chamber.

Mr. Ngala: I will leave the Chamber.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Deputy Speaker, Sir, this question of the rally at the so-called Mombasa meeting is not a very big issue at all because the Government is satisfied that it met the needs of the Government.

Mr. Murgor: On a point of order, it was ruled in this House in the past that in cases where there is no speaker the Minister is not supposed to read his speech. Is the Minister in order to read his speech?

The Deputy Speaker (Mr. De Souza): I do not think the Minister was reading his speech, not as far as I can see.

(The Debate continues)

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Deputy Speaker, Sir, I can conduct my speech without even referring to papers but when I refer to papers it is merely because dates and figures are difficult to keep in one's head.

Mr. Muliro: On a point of order, Mr. Deputy Speaker, is it in order for the Minister to reply during the absence of the Mover?

The Deputy Speaker (Mr. De Souza): Yes, it is.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Deputy Speaker, Sir, I beg to reply. It is the Government's intention and it is Government policy to relay Government meetings, that is meetings in which Government Ministers and officers are speaking.

Mr. Murgor: On a point of order, Mr. Deputy Speaker, is the Minister actually saying that they were all Government Ministers, while we all know that Mr. Walker is not a Government Minister? We heard this over the radio.

The Deputy Speaker (Mr. De Souza): That is not a point of order.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): I am speaking in an official capacity. It is not Government policy that Government resources should be used to cover purely party political meetings. Mr. Deputy Speaker, at the meeting referred to I am not aware whether someone called Mr. Walker, Mr. Njorogi or Mr. Pandya addressed this meeting. I am only aware that the Prime Minister attended the meeting and he addressed it in his capacity as Prime Minister. I would like to make it clear that no matter where or when the Prime Minister makes a speech he speaks as the Prime Minister in his capacity as a Prime Minister of Kenya. The Prime Minister cannot be an ordinary man, you cannot make him behave like one unless he resigns from his work as Prime Minister. Therefore, wherever he goes he will be regarded as the Prime Minister of Kenya and it is the Government's intention to see that these meetings are relayed by the Government on the radio, by television and by any other means available. Even if it means—

Mr. Murgor: You are mad!

The Deputy Speaker (Mr. De Souza): Order, order, Mr. Murgor, I would ask you to withdraw that. You are not allowed to refer to any Minister or any other hon. Member as mad.

Mr. Murgor: Mr. Deputy Speaker, I never said someone was mad.

The Deputy Speaker (Mr. De Souza): That is all right, if he did not say that anyone was mad.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Deputy Speaker, if he refused to withdraw I would not have minded very much because my feelings are that I know he did not mean it and I know that he is very simple in whatever he says on these things.

Mr. Deputy Speaker, I have already stated that we must have some respect for the Prime Minister, and we must also have some respect for the Government Ministers. To whatever meetings the Prime Minister and his Ministers go and whatever is said will make the headlines of the newspapers. Even if the Prime Minister laughs, or smiles at a meeting that is enough to make the headlines because he is the Prime Minister and he is the Prime Minister that we are proud of; he is the first one in Kenya.

We have read in the papers that when Krushchev goes to a meeting, even though he belongs to another party, he expresses the Government policy in the interests of the nation. The same thing applies to MacMillan or Nehru. It is the duty of the Prime Minister, the President or the Leader of the State to try to express to the public what the Government policy is and I do not think it is right at this stage to challenge what was said at the rally which was organized by the Government. I still remember what the Prime Minister said at that meeting, and what the Minister for Justice and Constitutional Affairs said at that meeting; they appealed to the people for unity and if it is this sort of appeal that is being objected to I am sorry it cannot be accepted.

I want to assure the House that the Government will not assist the parties, Kapsu, Kadu, the A.P.P. or whatever party they want, they will only relay Government activities. They will not relay anything else because we are to tell the people what are the Government activities in the country even if you call it propaganda. Propaganda is a very good word because it makes you understand what the Government is intending to do.

Mr. Shikuku: Mr. Deputy Speaker, I appreciate the way in which the Minister has replied to this Motion and the way he kept himself quite above all the remarks that were made to him. I have been here since the Mover started, and he even went outside the Chamber because of the way the hon. Members were behaving in this House and if this is the way we are going to behave in this House just because—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Deputy Speaker, has this anything whatsoever to do with the Motion?

The Deputy Speaker (Mr. De Souza): Please restrict yourself to the matter on the adjournment.

Mr. Shikuku: I thought, Mr. Deputy Speaker, that when one speaks on a Motion everything applies to the behaviour during the Motion.

The Deputy Speaker (Mr. De Souza): No.

Mr. Shikuku: The Motion was almost spoiled, Mr. Deputy Speaker, because of interruptions. However, we are not quarrelling with the Prime Minister, we are not saying that we do not recognize the Prime Minister, we are not objecting to the Prime Minister's broadcasts at all. The question is this: is it Government business to be fair? What we are objecting to is ordinary laymen, who are not Government officials and who are allowed to make broadcasts, or to have their speeches relayed.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Deputy Speaker, am I not correct in saying—I ask you guidance on this—that this is a repetition of what we had from the Mover, even down to the same name?

The Deputy Speaker (Mr. De Souza): I do not really think that he is repeating himself. Carry on, Mr. Shikuku.

Mr. Shikuku: Mr. Deputy Speaker, this is the way in which we do not get anything done, and I think the hon. Member who has just spoken should not waste my time any more.

Mr. Deputy Speaker, I feel this is the problem, we are not going to have people interrupting our speeches in this House and then telling us to be quiet. We are in this Parliament as representatives of our people and we must speak whether people like it or not, we are going to speak in this House.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Deputy Speaker, I again ask your ruling whether this is anything whatsoever to do with the Motion?

The Deputy Speaker (Mr. De Souza): Order, order. Kindly restrict yourself to the Motion and leave out all statements that are unnecessary.

Mr. Towett: A point of order, Mr. Deputy Speaker. Is it not in order now to adjourn this ghastly House?

The Deputy Speaker (Mr. De Souza): It is not in order and Mr. Towett please withdraw your allegation.

Mr. Towett: Mr. Deputy Speaker, I am ashamed of this House and I am repeating it because it has behaved in a ghastly fashion.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): On a point of order, Sir, I believe we have been speaking on this Motion of adjournment for some thirty minutes now. Is it not in order that we should now seek your leave?

The Deputy Speaker (Mr. De Souza): Yes. We have two minutes more, I think.

Mr. Shikuku: Mr. Deputy Speaker, I had a lot to contribute to this Motion, but in view of the fact that we have had such behaviour from the other side of the House I beg to stop and ask hon. Members to note that we are Elected Members in this House and when we stand up to speak we expect a fair hearing from that side of the House. They should not behave like children.

ADJOURNMENT

The Deputy Speaker (Mr. De Souza): The time is up. This House is now adjourned until nine o'clock tomorrow morning.

The House rose at Seven o'clock.

Friday, 2nd August, 1963

The House met at Nine o'clock.

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

PRAYERS

NOTICE OF MOTION

NO CONFIDENCE IN GOVERNMENT

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

THAT this House, in view of the attitude of the Minister for Information to Question No. 66 concerning a Meeting at Mombasa on the 14th July, 1963, and the conduct of the Government Benches when that question was pursued on an adjournment, has no confidence in the Government.

ORAL ANSWERS TO QUESTIONS

Question No. 54

MARIGAT SCHEME IN BARINGO DISTRICT

Mr. Rurumban asked the Minister for Lands and Settlement: Is the Marigat Scheme in Baringo District still in existence? If so, (a) is the Government considering its extension? (b) who are the present tenants?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to answer.

Yes.

In answer to (b), there are now 409 tenants working on the scheme, of whom 330 are Tugan, 78 Gem and one Suk.

Mr. Rurumban: Mr. Speaker, arising from the Minister's reply, why are there more Tugan in that scheme than Njemps, when that area is Njemps land?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): The area is Kenya land.

Mr. Rurumban: Mr. Speaker, is the Minister aware that the Njemps people are against the extension of the scheme?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): No, Sir.

Mr. Rurumban: Mr. Speaker, if the Minister is not aware of that, will he try to look into it, because there is much disagreement between these two tribes who are living there?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, certain Members of the Government Back Benches have been down to look at this scheme and are tendering me a report. When I get the report I will then look into the matter.

Question No. 67

FINDINGS OF AFRICAN POULTRY-KEEPING COMMISSION

Mr. Ngala asked the Minister for Agriculture and Animal Husbandry to state:—

(a) The findings of the one-man commission (Mr. John Porter) on poultry-keeping by Africans.

(b) Whether any steps had been taken to improve the African poultry-keeping or marketing of their eggs as a result of this Commission.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to reply.

As I have not yet seen the report, I am afraid I cannot state, and therefore part (b) does not arise.

Mr. Ngala: Mr. Speaker, Sir, can the Minister state whether the report is ready or not?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, the report is being typed.

Mr. Ngala: Mr. Speaker, Sir, can the Minister state when the report will be ready for him to look into and bring the findings to this House?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): I am afraid I cannot because when it is typed it could be returned to Mr. Porter for his verification that it is in fact correct. When he hands it back to me I will then be able to read it.

Mr. Ngala: Mr. Speaker, Sir, can the Minister state whether he has got any temporary powers before the report is out to co-ordinate the marketing of the African farmers' eggs and so on and the marketing system generally?

The Speaker (Mr. Slade): That is not quite relevant to the question. The whole question turns on this report and any action taken as a result of the report. It is clear that Government is getting on with it.

Question No. 97

PLANTING OF TABORAN MAIZE

Mr. Kiprotich asked the Minister for Agriculture and Animal Husbandry why Taboran maize could not be planted in the drier areas of Kenya.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to reply. Taboran maize can be planted in dry areas but the Kenya plant breeders have found and developed a type of maize called Katumani; synthetic. So, I should like to give details of this maize. In a very wet year the ordinary Kenya flat white will give thirteen bags of maize in a dry area where maize can be grown and the Katumani maize will give approximately six bags. Now, Sir, in a dryish year—one mainly has dry years in these dry areas—the ordinary maize will give about a bag per half acre whereas this new maize will give up to five or six. It is a quick-growing maize and high yielding in the drier years.

I would like to take this opportunity of calling upon M.P.s who represent the dry areas to advise their people to plant this new maize. We have as Government available, Sir, 20,000 ten-lb. bags of this maize for people to plant. There is a research station outside Machakos, Katumani.

Mr. Murgor: Mr. Speaker, Sir, could the Minister, now that he has asked us to advise the people to grow this new maize, promise us, who are going to tell the people about it, that there will be a market for this maize?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Yes, Sir.

Mr. Ngala: Arising from this proposition of Katumani maize, can the Minister give us an assurance that the dry areas of Kenya would receive these seeds at a subsidized price?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Sir, the price they are getting it at is a greatly subsidized price because a tremendous amount of money has gone into the development of this maize. They are getting it at no greater cost than ordinary maize.

The Speaker (Mr. Slade): We are getting beyond the question again. The question here is why Taboran maize cannot be planted, which allows discussion of the alternative of what can be planted but not discussion of prices or subsidies.

Is any hon. Member authorized to answer Mr. Murgor's question?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Speaker, Sir. Can you please explain to the House what the position is at the end of a session on an unanswered question. Do I answer it in writing or is it left over to the next session?

The Speaker (Mr. Slade): Yes, I think you should now answer it in writing.

The Speaker (Mr. Slade): Before I leave the Chair I must point out that the Order Paper says "not later than 9.30 a.m." we proceed with the next order. However, I think this House will agree that we must finish these Committee proceedings. The purpose of saying 9.30 was to allow time for a full Supply Day to be followed by the debate on the adjournment of the House. I would suggest that we continue with the Committee proceedings until they are finished even if we then have to cut short the debate on the adjournment of the House.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

(The Chairman (Mr. De Souza) took the Chair)

THE WIDOWS' AND ORPHANS' PENSIONS (AMENDMENT) BILL, 1963

(Clauses 2, 3 and 4 agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE PENSIONS (INCREASE) (AMENDMENT) BILL, 1963

(Clauses 2, 3, 4, 5 and 6 agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE ASIAN OFFICERS' FAMILY PENSIONS (AMENDMENT) BILL, 1963

(Clauses 2, 3, 4 and 5 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): I beg to move that the Committee do report its consideration of the Widows' and Orphans' (Amendment) Bill, 1963; the Pensions (Increase) (Amendment) Bill, 1963; and the Asian Officers' Family Pensions (Amendment) Bill, 1963, and their approval thereof without amendment.

(Question proposed)

(Question was put and carried)

(The House resumed)

[The Speaker (Mr. Slade) in the Chair]
REPORTS AND THIRD READINGS

THE WIDOWS' AND ORPHANS' PENSIONS (AMENDMENT) BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the Widows' and Orphans' Pensions (Amendment) Bill, and its approval of the same, without amendment.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the Widows' and Orphans' Pensions (Amendment) Bill be now read a Third Time.

The Minister for Justice and Constitutional Affairs (Mr. Mboya) seconded.

(Question proposed)

(The question was put and carried)

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

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE PENSIONS (INCREASE) (AMENDMENT) BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report that it has considered the Pensions (Increase) (Amendment) Bill and has approved the same without amendment.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the Pensions (Increase) (Amendment) Bill be now read a Third Time.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

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

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE ASIAN OFFICERS' FAMILY PENSIONS (AMENDMENT) BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed to report that a Committee of the whole House has considered the Asian Officers' Family Pensions (Amendment) Bill, and has approved the same without amendment.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the Asian Officers' Family Pensions (Amendment) Bill be now read a Third Time.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

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

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

COMMITTEE OF SUPPLY

(Order for Committee read)

VOTE 8—MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS

(Resumption of debate interrupted on Wednesday, 31st July, 1963)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, when the House adjourned I was beginning to reply to the points made in the debate by various speakers. I should like first to deal with the African courts.

[The Minister for Justice and Constitutional Affairs]

A lot of statements were made, and I am glad to note that in the majority of cases Members agreed in principle with the proposals which the Government intends to put into operation, namely, the codification of the African customary law—the writing of it—and thereafter the integration and ultimately the elimination or removal of African courts as we know them today. I have already explained, Sir, why these steps are thought to be necessary, and would only like to remind the House that, in fact, if we are going to progress forward, as I believe we must, then African customary law can no longer depend merely on memory; it must be written, it must be understood, and it must be clear both to the lay person and to the people on the Bench. Having taken those steps, it will then be possible for resident magistrates and other suitably trained and qualified persons to try cases in respect of African personal or customary law.

There were, however, statements made in the House regarding African courts with which I would like to deal. One of these was the alleged incidents of corruption in the African courts. This is a problem, Sir, which is not new. We have heard of it, it has been repeated many times, and I would like to assure the House that where the Government discovers there is any incident of corruption, it will be dealt with firmly and swiftly, but it is the responsibility, also, of Members and other people concerned to assist us in sorting out corruption wherever it exists by bringing these incidents to light, reporting them, and having them dealt with. I would also like to make the point, Sir, that in fact changes have been taking place in the system of African courts. Originally, African courts were entirely under administrative officers, but following an amendment to the African Courts Ordinance, the African courts were brought directly under the Chief Justice, and in this year the process of taking over has been completed, although there are certain aspects of it which are yet to be accomplished. With this change, Sir, the Judiciary Department is now able to exercise the kind of supervision and control which originally did not exist, and we hope that in the circumstances people will have seen some improvement in the African courts, even as they exist today. I am also hopeful that more improvements will be seen as we go along and as we acquire enough personnel to exercise the necessary supervision and improvements.

I would also like to have the House know that there have been training courses for the Presidents

and members of the African courts, and I am glad to be able to say that quite a number of those Presidents and members have now attained the standard, not only of being able to speak and understand English but also of having taken certain law examinations, equivalent to ones taken by administrative officers. The personnel of the African courts today are on a much higher standard than they were a few years ago. It is the intention, Sir, of the Chief Justice and the Judiciary to continue with these training courses, and to continue to try and improve the standard of the personnel in the African courts.

Now, some Members expressed concern as to what might happen to the Presidents of the present African courts when integration takes place. The position is this, Sir, that those of them who are suitably qualified will be given opportunities of further training that may enable them, in fact, to become resident magistrates, and go on in the normal way of being absorbed in the Judiciary or Magistracy as already explained. This, I think, would assist in bringing into the Judiciary or to the Bench at the Magistracy level a number of suitably qualified Africans. I mentioned in my speech that we were thinking, for example, of bursaries to enable these steps to be taken. It is not the intention of Government to ignore completely those suitable persons who have served with the African courts, to throw them out entirely. It is the intention to improve them, train them, and give them the capacity to work within the new system.

It is not going to be possible to integrate the African courts overnight. It is going to take a bit of time, and therefore, we are going to proceed with the two steps almost hand in hand. One, to improve the African courts, training its personnel and giving it a higher status. The second step is that, immediately it is my intention, after consultation with the Chief Justice, to announce the appointment of an officer, or officers who will, as quickly as possible, engage in the task of codifying African customary law. We cannot move to this step of integration until this codification has taken place. So, as a first step, we will be moving into the appointment of a person to do this job. It is not a very easy job, they will have to travel and learn about different aspects of customary law in order to write it down. As soon as that is done we will then be ready to move on to the task of integration. This is an aim which it is hoped we can achieve with the least possible delay. I do not think, Sir, that it is necessary to say anything more about African courts or to argue again the reason why integration is necessary. I believe, myself, that integration is necessary and I am glad that, to a large extent, the House

[The Minister for Justice and Constitutional Affairs]

supports us in this move. Some Members expressed anxiety that integration might mean the disappearance of African customs or certain standards that Africans have, deleted. On the contrary it means that we will have these customs and standards that are of benefit and which can be married into the new ideas that we have acquired. We will have these written and codified so that they are there for all times. Sir, law is not a static, it has got to respond to changes and attitudes, the new attitudes that the country acquires as we go along. This is the value of having it written and understood so that if, and when, if future changes are necessary we are all able to determine what those changes should be. At the moment the changes are left to the whims of the few people who sit in the African courts to decide, from time to time, whether this still represents the basic features of African customs or not. That is why we are varying decisions across the country on one and the same subject affecting one and the same tribes.

Now, Sir, the other point I made in the debate and which Members have touched on, is the question of discriminatory law. Members have urged that Government should move as fast as possible towards removing from the Statute Book all forms of discriminatory law. I have already told the House that this is the intention of the Government, and I am now glad to be able to announce this morning that I have decided to appoint a committee consisting of the following people to start the work of putting together a list of all the discriminatory law with a view to taking appropriate action. As Chairman for the Committee I have decided to appoint Mr. James Nyamweya, Parliamentary Secretary to my Ministry. I have also decided that we should have a representative of the Law Society of Kenya whose name will be announced later. The hon. Mr. Chanan Singh, who is Parliamentary Secretary to the Prime Minister's Office, a Legal Draftsman and the hon. Henry Wariety, with regard to their terms of reference I have decided that this shall represent that task which they will perform to consider what laws in force in Kenya are discriminatory in themselves or in their text and to make recommendations to the Government for the amendment or repeal of discriminatory law, taking into account the definition of the term discriminatory in section 6 of the Constitution, and the cases in which discrimination is permissible in the terms of that section. I hope, Sir, that the committee will be able to report very soon, in fact, in 1953,

arising out of a Motion by the hon. Mr. Chanan Singh, the Government did compile a list of such legislation and it is a question of going through the latter legislation and finding out whether the list has changed in any sense so that the job will not be as difficult as it might have looked. I hope, Sir, to be able to come to the House, later in the year, to announce the decisions of the Government as to the steps they are taking to remove these discriminatory legislation or law.

Now, Sir, the other questions dealt with and on which Members made a number of references was the question of the trial by jury. I have said that it is the decision of the Government, and I am glad to be able to say that I have the support of many prominent judges, and legal people, that we should remove altogether trial by jury. As it stands at the moment, trial by jury is enjoyed by only one community, the European community, and to that extent it is a discriminatory arrangement which is in conflict already with our new Constitution. Even if we were to continue it in those circumstances we would be challenged in the courts, and in fact only recently there has been such a challenge and I doubt that if we were challenged in the court we would find any grounds on which to stand. Consequently, it had to go. The decision which we had to take was whether or not we should extend it. When I spoke to the House, I mentioned the difficulty of extending it to the whole country and to all the sections of our people, but I did not refer to a very important point when I enumerated the reasons for this difficulty. One of these very important points is that in order to extend trial by jury to every section of our community we would have to incur much greater expenditure in the exercise of justice in the country. We would need many more judges to sit all over the country and we would also need many jury men all over the country, and the Estimates that we have had of the increased expenditure is such that we will not be able to undertake it. It is a question of deciding whether this expenditure would not only be justified but whether it would be practical in our circumstances. If we were sure that by denying the people trial by jury we would be doing them an injustice, we would not worry about the expenditure. What is important is that we are certain in our minds, that without jury trial people will still get the justice that we believe they must have from our courts. There should be no fears or anxieties at all that the removal of trial by jury is going to deny anyone justice as we want this established in this country. I see that the Member for Kitale or Trans-Nzoia agrees that it should be abolished. That is precisely what we have been saying while he was out.

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Mr. Speaker, of course, I appreciate that this is a matter on which even lawyers will disagree. It is a matter of opinion, and it is not unusual for lawyers to disagree, it is part of their professional weakness to disagree and I enjoyed listening to different lawyers in the House disagreeing on this point, and disagreeing very strongly, but all of them giving me quite enough points to justify the stand which the Government has taken. The background and history of trial by jury in Britain is well known to them, and the circumstances which lead to establishing jury trials in Britain and other countries are entirely different from our own here. What the Government is determined to do is to ensure that the standard of administration of justice shall not be compromised in any sense, and I assure the House that the removal of trial by jury is not going to compromise those standards whatsoever.

The hon. Specially Elected Member, Mr. De Souza, asked when we were removing trial by jury and the Government should consider one point and that is where capital offences are concerned. It should be arranged that cases are not undertaken by one judge and as far as possible we should have two judges or more. I am willing to look into this and to ask the Chief Justice if, in practice, this could be arranged. I think the hon. Member made a very strong point here which I will look into. Capital offences should receive the very best trial and I believe that they do at the moment. Of course, if there is any way of improving on the situation and removing any disadvantages whatsoever we will always explore the position and I undertake to discuss this matter with the Chief Justice as soon as he returns from his leave.

The hon. Member for Mombasa, Mr. Pandya—I do not remember his constituency—referred to the delays in bankruptcy cases. It is true that there have been delays in some of these cases but I am sure that these delays are no longer occurring and that during the last six months of this year a lot has been done to speed up bankruptcy remedied throughout the country and there will be no delays whatsoever. Delays sometimes occur when there is a lack of enough personnel in a given station. I believe that the hon. Member was specifically concerned with delays in Mombasa, we know that considerable delays took place there but the situation is greatly improved.

Sir, apart from these specific questions reference was made several times to the Constitution and this is what I am responsible for. However,

before I turn to that I would like to say a thing or two on Africanization. I explained to the House that what we can do we shall always try and do to Africanize but it will not be at the expense of standards. It will not be a question of having a judge merely because his face is black, if he is not qualified we will not accept him just because of the colour of his face. We are not saying that there will be no Africans who will be suitable for these posts, if they have the right qualifications they are suitable.

The hon. Member for Kikuyu suggested that, in fact, there are many Africans who are suitable. He wanted to know what one must do to get them into the service. What we do is advertise the job and hope that those who have the qualifications will apply. We have a number of instances which I can quote to hon. Members; we have applied for magistrates and the African lawyers, to whom he refers, did not apply. One applied and never bothered to turn up for an interview. Now, Sir, he is a lawyer and I am sure he would like to help us in this situation and if he is interested in a job we will consider his qualifications on merit. If he knows any African lawyer who would like to join my Ministry, the Attorney General's Department or the Judiciary, vacancies are advertised and they can reply to them. Out of seventeen African advocates in the country only three are practising, and only three are in Government service; one is Attorney General, another, as from yesterday, is to become Deputy Public Prosecutor and the other one is a Crown Counsel. The others have seen fit to become politicians and sit in this House, others are employed by the Common Services Organization and some are in private firms. I cannot go and collect them. We would like, Mr. Speaker, to have those people. If, in fact, the reason for their lack of interest was that in the past they had not respect for the departments or did not see any promotion opportunities, I want to assure them that the promotion opportunities are there, as since the 1st June this year. What we have done therefore, if there are any of them known to hon. Members who are interested, we have vacancies which are advertised. I am going to get many of them in my Ministry and will welcome them. Maybe, Sir, the Opposition would like to produce a lawyer themselves.

I said, Mr. Speaker, that we have students in our own school of law in Nairobi. We have people who are in touch with these students and who are making inquiries about their futures and I will discuss these futures with them. We also have plans, which I explained to the House, for

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training our own students in our own school of law at my Ministry and this will help to supplement the university at Dar es Salaam and everything that is possible will be done. However, I must continue to warn hon. Members that you cannot produce a lawyer overnight. The university degrees require four years and four years it must be, you cannot shorten it to two years and have a half-baked lawyer trying to undertake these very important functions of our society. I do not believe there is anything Colonial in this four years requirement; it is an academic requirement. Our own university will require four years, provided that is the academic university requirement, when we become independent. On the contrary, we will not only retain the standards, we will try to improve them beyond the position that prevailed during the Colonial time.

Sir, I think those are the main points as far as these questions were concerned.

Mr. Speaker, Sir, a reference was also made to penalties and to stock thefts. I have said that I do not wish to deal with this particular question in detail during this debate, but I want again to say that the Government takes a very serious view when there is an increase in incidents of a particular type of crime. It is our view that wherever incidents have occurred steps must be taken to ensure that the punishment that is given is of a type that will discourage those who wish to continue with these crimes. One of the crimes which worries us is that of stock thefts. Whether the stock belongs to Europeans, Africans or Asians is immaterial. We believe that this crime must be stamped out and it will have to be done by firmness on the part of the Government, and also by leadership on the part of leaders in this House and outside of the various tribes where this is particularly a major occurrence.

I am also concerned, Sir, because we have received telegrams this morning from farmers in the Kibos area about the burning of sugar cane in that area. I want to tell the House that I have discussed the matter with the Prime Minister and we have decided on immediate investigation into these incidents and the Government intends to act firmly in that area with regard to the incidents where people have been going about burning sugar cane in the various *shambas*. It is, Mr. Speaker, a very grave matter indeed that if local people should, as it were, have seen fit to set fire to the sugar cane in that area. This sugar cane does not only belong to the farmers in that area, it has a very important significance to the

national economy of this country, and I will be discussing with Members from that area steps that we might take together to ensure that this is not repeated in the future and also the steps which must be taken to deal with the culprits.

Now, Sir, I would like to come to the question of the Constitution. I do not feel, Sir, that it is necessary to add very much to what I have said during my opening speech. The position still remains this: that the Constitution we have was on the basis of an agreement reached by all of us in Britain for the internal self-governing period. It was clearly envisaged that, to the extent that it was practical, if would move us into Independence, but, Sir, it was also clearly envisaged that, to the extent that it was not practical, it would be reviewed at the Independence Constitutional Conference. The Government stands by these various understandings and agreements and if we have any changes to propose in the Constitution, it is not my intention to debate them here. I would say to the Opposition that the right place for them to bring up whatever they have is in the discussions which are now taking place in Nairobi and also at the Conference in London. They can only win in this by arguments.

Mr. Seroney: Will they be accepted?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): The Member asks whether we will accept them. Mr. Speaker, whether or not we accept what is proposed to us depends on the strength of the arguments put forward. If the arguments are merely a matter of singing slogans—some outdated or destructive slogans—then, of course, they will not be accepted, but if what is proposed is put forward supported by intelligent, responsible arguments which all the time recognizes that Kenya is one country and that our efforts are to build one nation, we will listen. However, if the arguments run contrary to the idea of Kenya being one nation and that all our efforts must be to build one nation, if they are purely tribalistic and not concerned with nation building, then, of course, we will not listen to them. But, Sir, I do not wish to prejudice any of these issues, I would like to listen. So far, from the utterances in public, the Press, and all that sort of thing, no arguments have yet been advanced.

Mr. Seroney: What about threats from your side?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): We have never threatened from our side to dismember Kenya, to discriminate against any tribe, any race or anybody. We have always threatened one thing. We have only

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made one threat which we shall always continue to make and that threat, Sir, is the building and the unifying of Kenya into one nation. If, Sir, the unity of the African people is a threat to the Opposition, then, of course, we are very different in our philosophies. Mr. Speaker, Sir, we will always preach African unity; we will always preach for complete understanding among the tribes; we will always preach that any person, regardless of his tribe, should be free to get a job in any part of Kenya; we will always preach that any person, regardless of his tribe, should be capable of promotion in any department in this country, irrespective of a region or a district. If this is a threat, then it is the threat that we offer the Opposition, but I do not believe it is a threat.

Mr. Speaker, when some Members of the Opposition spoke I was very disappointed to hear some implied threat that, unless, the Government does this or that, they may very well delay independence. Mr. Speaker, there is not a hope that the Opposition can delay independence, or anybody for that matter. We will achieve independence on the 12th December, if it is the last thing that this Government has to do. We realize that the arrangements have to be finalized before then, but I hope that nobody will deliberately try to delay the arrangements with a view to delaying independence, because we are going to be quite awake to any such tactics here now and in the London Conference.

I am myself, Sir, of the opinion that before the elections the Opposition and ourselves all said that we wanted independence within 1963. If the Opposition has changed its stand and does not now want independence in 1963, then, of course, it has to explain it to the country, but I hope it has not.

Mr. Speaker, Sir, it is not useful to debate any specific sections of the Constitution in this debate, and therefore with those general remarks I shall leave it at that.

The only point made—I think it was by the Leader of the Opposition—was the question as to why the East African Federation talks are being held in what he called secrecy. Mr. Speaker, there is no secrecy. What has happened is that the heads of the East African Governments met in Nairobi on June 5th and agreed that we should aim at Federation within 1963. In order to facilitate this, they appointed a Working Party of two Ministers from each of the countries and gave the task of writing the Constitution of the Federation to that Working Party. Naturally, the Working Party, in performing its duty, must take

into account the fact that it reports back to the Governments. It is not the intention that the Working Party's proceedings should be held in public, and when the time comes the report of the Working Party will be made to the Government, and thereafter it will be published for the Opposition and the public at large to see. The Constitution will not be secret, because it is quite likely it will be laid in this House and the Leader of the Opposition and the country at large will have the opportunity to question it and even to debate it. I have already said previously that at an appropriate time the Leader of the Opposition will, in fact, be consulted, but I think the Opposition must be patient.

In the first instance, the Governments of East Africa must have ample opportunity to consult among themselves as to the kind of Federation they would like to have. After all, although we appreciate that the Opposition is involved in this to the extent that it is part of the public which will federate, in its basic essentials it is the Government which will decide how much of the sovereignty of Kenya they wish to surrender to the new Federation. Consequently, there is a need for the Government to consult as thoroughly as possible before these matters are debated publicly.

I am now able to announce, Mr. Speaker, that on the 9th of this month the Working Party will meet in a fuller session in Dar es Salaam. It is aimed that this should be the last meeting of the Working Party as such.

After this meeting it is intended that the Working Party will then produce a full report, including a full version of the draft Constitution. This will then be presented in a week, or two weeks' time, to all the four Governments. I say four Governments because Zanzibar has now decided to join and is participating in our deliberations. It is then intended, Sir, that once this report is submitted to the Governments we will publish a date when there will be a full Federal conference to ratify the Constitution. I am hopeful, Sir, that this date will be perhaps in the latter part of this month or next month; but the assurance I give the House is that the work of the Working Party has been going on very satisfactorily. There have been deadlocks and disagreements which are all false. We have been working very satisfactorily and we will be able to produce a full report, a full draft Constitution, within the next ten days or so. This will be submitted to our Governments and then arrange a full conference which will take place in one of the three capitals of East Africa.

At that point, Mr. Speaker, the public will be told what the decisions are and the Leader and

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Members of the Opposition will have ample opportunity to question the Government on various things. What we cannot agree with is the attitude of the Opposition of trying to demarcate beforehand what the Federation should consist of. All these ideas that Federation should be a Federation of regions and not of State. All these kinds of ideas are negative and retrograde. What the Federation must be if it is going to be meaningful is a Federation of the East African States. The regions are not having any sovereignty to surrender to anybody; the sovereignty will be surrendered by Kenya as a State, by Tanganyika as a State, and by Uganda as a State. What can the Rift Valley Region surrender to an East African Federation?

An hon. Member: Leave us alone.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, it is impossible to leave the hon. Members alone when he insists on coming all the way from Nandi to sit in this House in Nairobi. If he wants to be left alone he should stay in Nandi in the bush. Nakuru is not even in Nandi.

Mr. Speaker, Sir, that, I think, is all I can say about Federation.

The last of my responsibilities is in regard to the celebrations and I have noted the points made by various Members. One point on which I want to assure the House is that Members will be anxious about invitations to the Independence Celebrations and whether we will not consider various people within Kenya. I want to assure the Members that in fact Government is very conscious of the need to ensure that the invitations are wide enough to include as many of our people as possible, whatever their station in life. Of course, if Members here have strong feelings about a particular person who ought to be invited they are free to suggest his name through me to the Directorate and the Directorate will consider that person in compiling the list. We will, however, Mr. Speaker, be very sure that Members themselves have a place of dignity and status at the celebrations and also see that as many guests as possible are invited from all parts of the country. I hope that when some Members are called upon to co-operate with the Directorate in working out the celebrations that they will be ready to give their services fully and freely.

Mr. Speaker, Sir, with these words I beg to move.

(The question was put and carried)

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

IN THE COMMITTEE

(The Chairman (Mr. De Souza) took the Chair)

VOTE 8—MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, Sir, I beg to move:—

THAT a sum not exceeding £253,700 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 8—Ministry of Justice and Constitutional Affairs.

(Question proposed)

(Heads A, B, C, D, E, F and G agreed to)

Head H—Independence Celebrations

Mr. Alexander: Mr. Chairman, Independence Celebrations. Of this £400,000 could we be told, at the end of it all, how much will remain in the form of tangible assets? For example, I understand that we are buying the "Meccano Set" from Uganda, that is the

..... (Inaudible) they are called, left over from their *Uhuru* celebrations. The difficulty, as I see it, is that we seem to have come in at the end of the pipeline and unless we can promote independence celebrations somewhere else close at hand we may find that we are left with this thing on our hands. I do believe that it will be in our interests for the Minister for Constitutional Affairs and myself perhaps to go over to the Seychelles Islands and persuade them to clamour for their independence. Otherwise we in Kenya are going to be left holding the baby.

I believe it is important that our Government should see to it that as much as possible of this £400,000 remains, after independence, for us to see in useful, tangible assets.

QUORUM

An hon. Member: Mr. Chairman, Sir, on a point of order, is there a Quorum in the House?

The Chairman (Mr. De Souza): No, ring the Division Bell.

(The Division Bell was rung)

The Chairman (Mr. De Souza): I must draw the attention of hon. Members to Standing Order 17 which says that if on the first count a Quorum

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does not appear to be present, Mr. Speaker or the Chairman shall cause the Division Bell to be rung as on Division; and if no Quorum is present on the expiration of three minutes from the commencement of the ringing of the bell, he shall, after the lapse of such further time as he may deem reasonable, announce to the House, or to the Committee, as the case may be, that there is not a Quorum present and shall proceed as follows: if the House be in Committee the Chairman shall leave the Chair and report the fact to the Speaker who shall adjourn the House without question put until the next sitting day. If in future we have to be more strict on this rule, and if hon. Members are absent for more than three minutes when the bell is rung, then I will report to the Speaker and this House will be adjourned to another day. This will mean that we will lose a whole day's sitting. It is absolutely essential that when the Division Bell is rung that Members should in fact come into the House. If they do not come into the House, well, they will have to take the risk of having to come here on another day.

We now have a Quorum.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): The sum of £400,000 provided for the Independence Celebrations has not unfortunately been broken down into the various expenses: it is a sort of one-line vote at the moment, until planning has gone on considerably further. We are now beginning to have a rough idea of how much of this fund on various things. I am afraid that I cannot give the hon. Member the breakdown in its specific expenditures. I take note of the point that he has made that we are left with so much material that we cannot sell to somebody else. Uganda was fortunate enough to be able to sell some of their material to us. However, when we went to Uganda to try and buy we found that much of it had disappeared. The Uganda Government did not seem to know where it had gone. We have had to order some new things ourselves. We are making an effort that as far as possible any material that we buy which may be left over can be sold afterwards. We are not trying to buy anything that will be left here permanently and which we cannot later use. We do take the point of the hon. Member and, of course, we are aware that Zanzibar may become independent after us although the island is so small that it might not be possible to transport the stuff to Zanzibar in time.

Mr. Alexander: Mr. Chairman, I appreciate that the Minister may not be in a position to give us the breakdown of this figure £400,000 at this stage. Could he as an alternative at least tell us

what contracts, and the amount thereof, that have been entered into for items other than pure services? I imagine that—as we are so near the time—there must be a contract already committed for the levelling and the building—whatever buildings there may be—of the Stadium in which the celebrations are going to be held. I imagine that we know what we are going to pay the Uganda Government for their

(Inaudible) and what other figure we have committed ourselves to for a new supply of this. I think that if we could have those figures, it would give us some indication of what might be left over at the end of it all.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): We estimate roughly for the clearing of the site and making it useable for celebrations £115,000. We have also allocated a sum of about £10,000 which will go towards athletics and sports for the Independence Celebrations. The Ministerial Consultative Committee meets again next week to determine what other expenditure should be approved. For the time being these are the only ones that I can quote in the House.

Mr. Pandya: Mr. Chairman, I know that there is an Independence Celebrations Committee, could the Minister tell the House the composition of this Committee?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): The Committee is at the moment a Ministerial Committee and nobody from outside is included. I am the Chairman, and the members are the Minister for Information, the Minister for Home Affairs and the Minister for Local Government. We are also having committees formed now to deal with various matters like entertainment of guests and so on. Those will be committees of non-Ministers and they will be under the Directorate which will be inviting different people to participate.

Mr. Alexander: Mr. Chairman, the Government have expressed their deep anxiety and keenness to make sure that is a national effort; this Independence Celebrations to make sure that the spirit of all our peoples are with it. Would it not be wise for the Government to co-opt on to this Committee one or more people from this side of the House in order to show the people of Kenya that the Government is sincere and that the matter is really a non-party one.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): If this remains a Ministerial Consultative Committee then, of course, you cannot co-opt Members from the Opposition. There

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is, however, a lot in what the hon. Member says; we should associate the Opposition with the arrangements that are being made. I am willing to undertake to discuss this with my colleagues and see in what way they could be associated with the arrangements that are being made, not necessarily in the Consultative Committee but, perhaps, in another committee which has equal responsibility in these matters.

Mr. Pandya: The Minister says that this will be an extension of the Ministerial Committee. I, personally, feel that we are all involved in the celebrations and we would like the Minister to appoint an Independence Celebrations Committee with the Ministers and Members from this side of the House included instead of having the Consultative Committee confined to Ministers. This would really make it truly representative of the country as a whole.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Yes. I am willing to look at this suggestion and to consider it with the Prime Minister. I must warn hon. Members that where the idea of having a spirit of national co-operation and participation is important, I hope, Sir, that if we agree to the setting up of an Independence Committee, it is not set up on the basis of Government and Opposition, and that those who are called upon to serve will do so in an individual capacity. We do not want another Legislative Council debate in the committee. I do appreciate the point made and will look into it and see what can be done. I do want to emphasize the point which I have already made that in trying to associate the whole country with these celebrations it is our intention that money will be voted for all our districts and at the district level, committee will be formed which will administer these funds and organize the Independence celebrations in those areas. I assure the House that in those district committees it is our intention to include every one that can make a useful contribution, so there will be a national spirit and there will be national celebrations. I will consider the point that was made.

Mr. Makone: I would like to know from the Minister whether the money which the public will contribute is going to be used on a district level or for Nairobi.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I think the hon. Member is referring to the National Fund.

Mr. Makone: Yes.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): It was made quite clear that the National Fund has nothing to do with the £400,000. As already explained, the National Fund is not intended to be used for Independence celebrations, although we are taking the opportunity and the occasion of Independence to appeal to our people to contribute to this Fund. It will be used for other activities which will be decided after Independence and which will be the concern of the Trustees; as the Prime Minister explained in the House the other day.

Mr. Gichoya: Mr. Chairman, Sir, I want to know from the Minister who the people that make up the Directorate are. We have the two bodies the Directorate and the Ministerial Consultative Committee and I wonder if the Minister could give us the breakdown of the personnel in the Directorate because that is the one that deals with the day to day programmes for Independence?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): The Directorate does not make the decisions, the Ministerial Consultative Committee does that, it decides on all matters. The Directorate merely executes what has already been decided. The Consultative Committee is not responsible to the Directorate for policy. The Directorate is manned essentially, by civil servants—it has got to be—and it is headed by Mr. Horner, former Permanent Secretary for the Ministry of Works, who has been seconded as the Director of the Independence celebrations. Under him is Mr. Owar who has been seconded from the Ministry of Labour and Social Services who is the Deputy Director. There is another Deputy Director, Mr. Thompson, who is an engineer from the Ministry of Works and deals with the more technical side of the arrangements. We have also put in a number of Africans. It is the intention of the Government that these celebrations shall have an African flavour and this African theme has to be emphasized. We have put in a number of Africans to ensure this at the executive level, one of whom is Mr. Henry Muli who is the Executive Officer. We have two assistants. I do not think the hon. Member wants me to tell him the names of the clerks, and the stenographers, but these are the principal officers at the moment. In addition, different committees are being set up and for those committees we will be appointing Chairmen as they begin to function. Not all of them can begin to do so at the moment because the planning has not advanced sufficiently for all these appointments to be made. As soon as the committees have been set up they will

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draw in people from the Government, Opposition, Senate and people from outside and public life who will help with the task of the actual planning of different events. This has not been completed yet.

Mr. Makone: May I ask the Minister to make an announcement and call it a national announcement to say that people are paid two months in advance so that they have enough money to buy clothes or whatever they need for the celebrations?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, Sir, I am afraid that I cannot do that. It would be highly improper of the Government to take on itself that kind of responsibility. We are going to give the people two days holiday in order to enable them to celebrate but it is asking too much that we should, in addition to giving the people the holiday, make sure that they have the money in their pockets. I know there are people who if they were paid the two months' salary may not celebrate with it; they may use it for other purposes. We have no way of ensuring that they will use it in the proper direction. However, the employee can arrange with his employer to obtain an advance. It must be noted by the hon. Member that of eight million people in this country only 6,000 are wage earners. I do not know who would give the money to the peasants.

Mr. Oduya: Mr. Chairman, Sir, I am wondering and I would like to ask the Minister why the Independence Celebration Committee of which he has been talking is composed of Europeans and Asians as well as Africans. These are the very people who prevented us from getting our independence and I do not think they should be allowed to participate in the celebrations. Was the Minister defeated in obtaining Africans? We have some very competent Africans here, such as Joseph Koinange, John Wachika and John Keen and Burudi as well as many others. I want to get an assurance from the Minister that he will dispense with the Europeans and Asians in the Committee who will get the benefit of the Vote when they opposed independence. There are people who have suffered for this country who should be put in their places. I am waiting to see what the Government will do for the people tomorrow. So it would be useful for the people Government, for the Ministers who were elected by the African people, to go and collect the right information from our people before they act.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): On a point of order, Mr. Chairman, am I right in believing that the Committee of the whole House does not give an opportunity to people to debate the whole policy of a particular Vote, but to question certain figures and seek short facts?

The Chairman (Mr. De Souza): Yes, you are quite right, Mr. Nyagah. Mr. Oduya, I thought you were going to ask some sort of question eventually, and as we have not taken very much time in the Committee Stage so far, I thought I would give you more latitude than is usual. However, you are expected to ask a question or seek information or guidance on any particular matter, and not make a general speech on matters of policy. If you do want to have a debate on policy, though, on an aspect or heading here, then you are supposed to move the reduction of £1 in the Vote. I do not know whether you want to do that, but that is the way to do it. At the moment, you are not allowed to embark on a speech.

Mr. Oduya: Thank you very much, Mr. Chairman. All I am trying to say is that we want to know what this money in the Vote is going to be used for. If the money has been voted for this work, I do not think I am wrong in telling the Minister that he should see to it that the attitude is changed of employing foreigners, who want to leave soon, before 12th December; they take our money. I would like the Minister to assure the House that he is going to do something about it.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, the Prime Minister only last week found it necessary, in replying to a statement made, I think, by the same hon. Member, to make the Government's position very clear. If we are going to be the Government of this country, we have to be big enough not to be petty in our thinking. I do not accept that we must take the position that because we are an African Government, we shall victimise everybody who is not African. That is not the basis on which this Government is founded, and it will never be the basis of a successful Government in this country. The hon. Member, Sir, must know that. If what the Prime Minister said is not enough, if the hon. Member is plagued by (Inaudible) in the reverse, it is not going to be the policy of this Government. I want to make that very clear to the House and to the country. I stand very firmly by what the Prime Minister said in this House, and I also want to say that the hon. Member is not more conscious of the sufferings of different people in this country than we are.

QUORUM

Mr. Gichoya: On a point of order, do we constitute a Quorum, Mr. Chairman?

The Chairman (Mr. De Souza): No, ring the Division Bell.

(The Division Bell was rung)

The Chairman (Mr. De Souza): We are now a Quorum. Continue, Mr. Mboya.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, as I was saying, the task of this Government, which our Prime Minister is trying to carry out, is trying to unite this country into one nation. This also includes uniting all its peoples and treating them fairly in every respect. I assure the hon. Member that we are aware of some of our people who could do with a job, and we are also aware of the presence of unemployment in the country. In taking on staff in the Directorate, however, the employment of people must be dictated by the kind of job available and whether a person is suited for it. We have considered all these matters which he has put forward, and to the extent that jobs can be found they are being given to suitable people. I am sure he would not like us to embark on purely and simply a policy of patronage on the basis that he now suggests; it would be repugnant to the ideas that this Government has.

I assure him that we are not wasting money on anybody and that in fact some of the slogans he has used in trying to put forward his case are entirely irrelevant to what we are discussing at the moment.

Mr. Jahazi: Mr. Chairman, although the Minister says that we cannot ask employers to pay salaries in advance, and that the matter should rest between the employer and the employee, I would urge the Government to declare that the employers should help employees to get their salaries in advance. They will not be the first to do it. I remember the Tanganyika Government asked the employers to do it, and even the Uganda Government did, during the independence celebrations. Therefore, I do not see that there is any difficulty. It will carry more weight if the Government asks employers to co-operate in this matter to help make the Independence Celebrations very successful and enjoyable for the employees by giving them their salaries in advance. I do not think many people have anything put aside to celebrate with, and they are depending on their December salaries. It would be good if they were to receive their November salaries and at the same time their December salaries. They could then

help those people who are unemployed, because all these people in one way and another depend on those in employment. I would urge the Government to see to it that they appeal to the employers to issue salaries in advance.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, I accept what the Member said, and so long as we are not being asked to make an order we shall naturally consider the matter and discuss it with the Ministry of Labour and the Federation of Employers to see if something can be done. I am sure they will be willing to co-operate.

Mr. Kall: Mr. Chairman, I think this is a very important suggestion. Kenya has never had such a day in her history, and although I agree with the suggestion, there is still ample time for the people to start saving a certain amount for the celebrations. The people themselves should start to save between now and December, and I feel that the Government should give that advice to the country, to start saving a little earlier.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, I will use the services of the hon. Chief Whip for this purpose. They will be much more effective.

Mr. Gichoya: One point the Minister has been dealing with for a long time, and referring to what the Prime Minister has stated, there is something I would like to know from him. This is our first time to have *Uhuru*, and this will be repeated every year. The celebration of the anniversary of *Uhuru* will occur every year. I wonder whether, for practical purposes, since we have never had it before, the Ministerial Committee has put in the Directorate enough Africans who could carry this on tomorrow, and even when it is a question of celebrating the federal day, or the republic day. These celebrations will come every year on the anniversary of *Uhuru*. Will the Minister tell the House whether adequate steps have been taken to see that we have actual citizens of this country included on this Committee?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, the celebrations after this year will never be the same, and they have never been in any country. It is not right to suggest that you will be celebrating independence on the same scale every year from now on for ever. However, we do have, as I have already explained, African officers in the Directorate who will be around if we need them. I doubt whether we shall need them on the same basis, but if we do we have them. We also have

[The Minister for Justice and Constitutional Affairs]
the five Ministers who are all Africans, and so on and so forth. I do not believe that the question arises really at the moment.

The Chairman (Mr. De Souza): I think we have had enough questions now on this particular subject. Mr. Oduya, I think we have had enough questions now, unless you move a Motion to move the Vote. I think I might explain to you again, strictly one is only allowed to ask questions to elucidate certain information you want from the Minister. One does not use this—

Mr. Oduya: I want to ask a question on this.

The Chairman (Mr. De Souza): Please ask your question.

Mr. Oduya: I want to know from the Minister, Mr. Chairman, since I understand that no one has been appointed to the executive post of Press Officer, what his position is, on this subject. An African recently applied, and the Director told him that unless he had a recommendation from the Minister concerned, the Minister for Justice, he could not be taken on. Is he going to give preference to an African or a white man?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, Sir, it would be highly improper to begin to mention here individual appointments and applications, and I do not intend to do so. If this post, if it exists—I do not know of it—will be filled by a suitable qualified Kenyan.

(The question was put and carried)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, Sir, I beg to move that this Committee doth report to the House its consideration of the resolution on the Order Paper and its approval thereof without amendment.

(Question proposed)

(The question was put and carried)

(The House resumed)

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

Mr. De Souza: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered a resolution:—

That a sum not exceeding £253,700 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of

Vote 8—Ministry of Justice and Constitutional Affairs, and has approved the same without amendment.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said resolution.

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

(Question proposed)

(The question was put and carried)

COMMITTEE OF SUPPLY

(Order for Committee read)

VOTE 7—LOCAL GOVERNMENT CONTRIBUTIONS

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

The first point I would like to make about the Vote, Vote No. 7, is that the financial year of the local authorities follows the calendar year, in other words the payments we are going to consider in this Vote will be made up to the end of the current calendar year. This means that from the beginning of 1964 the new fiscal structure which was recommended by the Tress Commission will come into force. I would like to explain this a little to the House so that the Members get the meaning of this new change. Up to now, Mr. Speaker, the grants referred to in this Vote are paid—

QUORUM

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

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

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now, you may continue, Mr. Ayodo.

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, I was at the point of explaining to the House what this new change is going to mean. I would say that up to now the grants referred to in Vote 7 were paid by the Central Government to the local authorities. From the beginning of next year, apart from the

[The Minister for Local Government]
contributions in lieu of rates, the payments will no longer be paid from the Centre. Now this is so because according to the Tress Commission the graduated personal tax will now accrue to the local authorities, and therefore it is assumed that instead of getting this help from the Centre the local authorities in the regions will now help themselves by means of the graduated personal tax.

Mr. Speaker, Sir, I want to say a little about Vote 7 (A). This will continue to be paid from the Centre, although it is possible that the contribution will be shared both by the Central Government and the regional authorities. This contribution is the amount paid in lieu of rates, that is property that is at the moment owned by the Central Government, and which is exempt from rates. The amount, therefore, may be considered strictly speaking, not as a rate but as a payment because those buildings, or the properties owned by the Central Government are exempt from the rates.

Mr. Speaker, Sir, those points made, there is one main point I would like to make to the House, and this is what I consider to be the most important part of my introduction to Vote 7 today. We can say that unless the Members in this House, and unless the various authorities, realize what this change is going to mean to the various bodies, we are likely to get into a lot of difficulties with the local authorities. Unless money is available for the local authorities to carry out the services in the regions we may not be very happy. I say this, Mr. Speaker, because the trend at the moment is for people to tend to glorify themselves and try to make the regions some sort of small kingdoms within the State of Kenya. I want to clarify this point and give some sort of advice to the regions which may consider themselves to be independent states within the country. Rulers the world over realize, Mr. Speaker, that a Government without money is not a Government, and right now people talk a great deal about the importance of the various regions, without realizing that without money the regions will not be able to function at all, and neither will the local authorities. So I want to warn and explain to the House the importance of stressing to our people the need to pay the rates. We see that apart from contribution (A) the rest will have to be covered by the graduated personal tax which, as I have just said, will accrue to the local authorities.

Mr. Speaker, in 1962, out of about eight million people in Kenya, less than one million paid their taxes to the Central Government. Less

than one million! Now, this is very important and does not augur well for the future Government or for the future of the local authorities in the various regions because if that continues to be the position, we cannot see how our local authorities are going to function. So, I appeal to the Members of this House to see to it that the importance of the payment of the rates and of the graduated personal tax is made clear, and not only made clear, but they must see to it that something is actually done. Otherwise we will not get very far. I am not saying that we should only talk about the payment of rates because, Mr. Speaker, realizing the condition of our people, the poverty in the country, I think we are also duty bound as Members of this House, to do all we can to see that the rate payers are in a position to pay their rates, and the people in a position to pay their taxes. It is not for me to advise on how this should be done because the Parliamentary Secretary to the Ministry of Finance, very ably explained the intentions of this Government to help the people to get richer and so put them in a stronger and better position to pay the taxes which must be paid to the Government if the country is to be run properly and to the expectations of the people. So, apart from merely mentioning to the Members that there also we have a duty, I will just refer them to what has already been said by the Parliamentary Secretary I have just mentioned.

Mr. Speaker, this is important because unless our local governments run or function properly it will be difficult for our people to realize the fruits of Independence. So, I repeat that that aspect of our work must be given very serious consideration.

Mr. Speaker, I think that is as much as I am prepared to say about Vote 7 at the moment, and I now leave it to the House to make their contributions.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah) seconded.

(Question proposed)

Mr. Alexander: Mr. Speaker, Sir, the Minister did point a finger at those that he regarded as having perhaps motives of personal ambitions, and as he said, creating kingdoms of their own, and he offered advice. May I in return, Mr. Speaker, offer some advice as well, from a somewhat disinterested position, disinterested in the sense that I have no tribe of my own and I think hon. Members on the other side certainly cannot point a finger in that respect. But what I do see is the good and the well being of Kenya.

(Mr. Alexander)

I would say this, that so long as the Government attempts to frustrate the implementation of the Constitution, so long as the Government may use whatever devices they have at their disposal to defeat the Constitution, and particularly the power of the purse. Then, Mr. Speaker, so long will those who think they are being frustrated attempt to assert themselves. Now, we are dealing with humans in this problem, we are not just dealing with shillings and pence, and there is a very real human element here to which the Minister has pointed his finger. I would say, as I had to say here some little while ago, that I believe that if we can cut a crumple in this House, and outside it, we provocation of any kind, then indeed we will move with greater swiftness to the happiness and the stability that we want. This is, and must be, two-way traffic in the process that we are going through. Frustration on one side will only breed it on the other side, and it will get nobody anywhere.

Now, having said that I bring it down to the particulars of this. For example, we see on page 83 the allocation of this Vote 7. Now, may we be told, Mr. Speaker, just how much of this money has been paid out in accordance with the formula on page 83? I believe this goes to the root of what the Minister was offering as his advice. If this money is being held back from the paying out in accordance with this allocation, then I can well see that those who should be receiving it are finding themselves irritated. I imagine the Minister will have at his disposal the actual disbursement, so far, and that is that we will be into the second month, if the spending of this money. Can we take it that at least one-sixth of it, that is two months, has already been disposed of in accordance with this allocation?

Mr. Speaker, I beg to support this Motion and at the same time to say how delighted I am to see this particular Minister in this particular post, because I know that he has got the good of all this country at heart and that there is a fine job ahead to be done and will be done by him.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I rise to support the Motion before these points which I hope the Minister will reply to when he rises.

First of all, Mr. Speaker, I would like to point out that the experience in the past of the Government in collecting their rates, leave alone the new load that is going to be on their shoulders of collecting the graduated tax, has been the

effective to enable the local authorities to collect money from those people who are entitled to pay the rates or the taxes. Before the beginning of this year, or last year, Sir, when the Central Government collected their tax, alongside with that collection, came the power to collect the African district council of local government rates. Then the local government authorities were left to collect the money for themselves, it began to get difficult because the African district councils did not have the power to prosecute, or even to bring those people who refused to pay their money to the African district council, either cess, rates or even rents, to court. In some cases, Sir, it was found that it would cost an African district council much more money to prosecute a person than the money they could expect to get from the culprit. I hope that the Minister will find an easier solution which will make it possible for the county councils or local government bodies to collect their money without this undue hardship.

The second point I wanted to bring forward, Mr. Speaker, is in regard to the Local Government Bill, or the new Ordinance, on which the county councils and other local government bodies are supposed to operate. I hope, in the light of what has been said here, with the possibility of the re-examination of the Constitution, the Minister will make sure that the Ordinance will not be forgotten. It should be reviewed and kept abreast with the changes, and the likely changes, in this country. Already the Ordinance has got points which could be removed, amended so as to make it more workable.

My third point, Mr. Speaker, Sir, is to ask the Minister to ask the guidance, even if it means in a few districts only, on the kind of graduated tax that the local governments are likely to charge. What I know, at present, is that the Fiscal Commission recommended the maximum and the minimum tax that could be charged to any individual, but we do not know what the Ministry has in mind regarding the various district councils, remembering that not all districts are on the same level of economic development. It would be very helpful to this House, perhaps, if the Minister could give us three examples. One, if a district which is backward economically, another one in the middle, and a very advanced district, and give us a clue as to what kind of graduated tax rates they intend to recommend to the various local governments.

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

Mr. Bala: Mr. Speaker, I rise to support the Vote. However, there are a few points which I would like the Minister to take note of. The question of graduated tax, as has been said by an hon. speaker, appears that there are very unsatisfactory ways of collecting these taxes. At the moment, the assessment which is being done is either based on the fact that someone has four or five wives, or it is based on people with many cattle, or it is based on someone who has a shop, or is putting up a *porho* mill. This, Mr. Speaker, I think, is very unsatisfactory. There should be a proper way of assessing these taxes. So far it has been left to the Government chiefs and local headmen to assess this taxation. In most cases it is found that people who are not on good terms with the administrators are taxed a certain amount because they are against these people.

Now, if the Government could take steps and set up a Committee to inquire into the methods which could be employed in assessing the taxation, I think the public will be in a better position to pay their taxes. I know of certain instances where somebody, because he has a shop, and this shop is almost empty, he was asked to pay around Sh. 200 by way of graduated taxation. I think this is very unfair to the taxpayer. If you build a shop it does not necessarily mean that somebody is going to make a profit. At the same time you find people who have built beer shops, and just because it is a beer shop, that person is asked to pay about Sh. 180 or Sh. 150 because he owns that shop. I think this is one of the reasons why the taxpayers are finding it so difficult to pay their taxes. This is causing a lot of uneasiness especially in Nyanza, or to be more specific, in Nyanza constituency, from where I come. This place was completely flooded and many people were in great difficulties. However, you find that people who have put up shops, and who are actually the shopkeepers, because they happened to build these shops, they are being asked to pay lots by way of graduated tax. The collectors do not realize that there are a lot of losses, and not knowing that business had fallen off as a result of the flood situation in that area. As such I feel that the Government should make inquiries into this way of taxation. Of course, certain people were asked to pay a certain amount of graduated taxation, say in 1960. However, in the following year they were asked to pay exactly the same amount. The collectors do not know whether their business is keeping pace with the situation in the country. I think this is a matter which should be reviewed every year by a competent committee, and it should not just be left that the same amount which was paid in 1960 should be paid in 1963.

Now, Mr. Speaker, this is one point which I wanted to bring to the attention of the Government because, as the Member for Nyanza constituency, many people have come to me about this matter, and I wanted to do something about it. I have had many complaints in writing and verbally about the way this taxation is collected. My constituents say that it is very unfair and it is causing a lot of concern.

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

The Speaker (Mr. Slade): I would remind hon. Members that the subject matter of this Vote is contributions to be made by the Central Government to local authorities. I know that the Minister, in moving the debate, referred to the necessity of local authorities helping themselves, and to ensure that their own rates are paid. However, the particular method of collection of rates by a local authority is not really relevant to this debate, and I do not think we can persuade Mr. Bala's line any further.

Mr. Ngala-Abok: Mr. Speaker, Sir, I rise to support this Vote, and I would like to congratulate the Minister for the efforts he is making to put across his Ministry's Vote. However, I have some observations to make regarding certain points in the Vote.

Of course, we have seen the contributions that are made to the local governments and the local authorities, but at the same time, if these contributions are made the people expect the local authorities to make the best use of what they are given. However, sometimes our people do not understand how these contributions are used when they are given to the local authorities. Because of this you find that people never pay the correct rates they should pay and they do not pay in time. First of all they expect quite a lot to come from the local authorities and they think the local authorities will cater for them in every way and in that case they are simply reluctant to give their contributions to the local authorities.

You see, there are certain factors which discourage people to pay their rates. There is not enough explanation as to how the rates that are paid—rents, cesses or whatever is paid to the local authorities—are used. Some of the people think that when they pay something to the local authority then on the next day they will see a statement from the local authority stating that shops will be built for them and that the next time

[Mr. Alexander]

I would say this, that so long as the Government attempts to frustrate the implementation of the Constitution, so long as the Government may use whatever devices they have at their disposal to defeat the Constitution, and particularly the power of the purse. Then, Mr. Speaker, so long will those who think they are being frustrated attempt to assert themselves. Now, we are dealing with humans in this problem, we are not just dealing with shillings and cents, and there is a very real human problem here to which the Minister has pointed his finger. I would say, as I had to say here some little while ago, that I believe that if we can call a truce in this House, and outside it, on provocation of any kind, then indeed we will move with greater swiftness to the happiness and the stability that we want. This is, and must be, two-way traffic in the process that we are going through. Frustration on one side will only breed it on the other side, and it will get nobody anywhere.

Now, having said that I bring it down to the particular of this. For example, we see on page 83 the allocation of this Vote 7. Now, may we be told, Mr. Speaker, just how much of this money has been paid out in accordance with the formula on page 83? I believe this goes to the root of what the Minister was offering as his advice. If this money is being held back from the paying out in accordance with this allocation, then I can well see that those who should be receiving it are finding themselves irritated. I imagine the Minister will have at his disposal the actual disbursement, so far, and that is that we will be into the second month of the spending of this money. Can we take it that at least one-sixth of it, that is two months, has already been disposed of in accordance with this allocation?

Mr. Speaker, I beg to support this Motion and at the same time to say how delighted I am to see this particular Minister in this particular post, because I know that he has got the good of all this country at heart and that there is a fine job ahead to be done and will be done by him.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I rise to support the Motion before the House, and also to bring out to the House three points which I hope the Minister will reply to when he does so.

First of all, Mr. Speaker, I would like to point out that the experience in the past of the local government in collecting their rates, leave alone the new load that is going to be on their shoulders of collecting the graduated tax, has been the

effective to enable the local authorities to collect money from those people who are entitled to pay the rates or the taxes. Before the beginning of this year, or last year, Sir, when the Central Government collected their tax, alongside with that collection, came the power to collect the African district council of local government rates. Then it was not all that difficult. However, as soon as the local government authorities were left to collect the money for themselves, it began to get difficult because the African district councils did not have the power to prosecute, or even to bring those people who refused to pay their money to the African district council, either cess, rates or even rents, to court. In some cases, Sir, it was found that it would cost an African district council much more money to prosecute a person than the money they could expect to get from the culprit. I hope that the Minister will find an easier solution which will make it possible for the county councils or local government bodies to collect their money without this undue hardship.

The second point I wanted to bring forward, Mr. Speaker, is in regard to the Local Government Bill, or the new Ordinance, on which the county councils and other local government bodies are supposed to operate. I hope, in the light of what has been said here, with the possibility of the re-examination of the Constitution, the Minister will make sure that the Ordinance will not be forgotten. It should be reviewed and kept abreast with the changes, and the likely changes, in this country. Already the Ordinance has got points which could be removed, amended so as to make it more workable.

My third point, Mr. Speaker, Sir, is to ask the Minister to ask the guidance, even if it means in a few districts only, on the kind of graduated tax that the local governments are likely to charge. What I know, at present, is that the Fiscal Commission recommended the maximum and the minimum tax that could be charged to any individual, but we do not know what the Ministry has in mind regarding the various district councils, remembering that not all districts are on the same level of economic development. It would be very helpful to this House, perhaps, if the Minister could give us three examples. One, if a district which is backward economically, another one in the middle, and a very advanced district, and give us a clue as to what kind of graduated tax rates they intend to recommend to the various local governments.

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

Mr. Bala: Mr. Speaker, I rise to support the Vote. However, there are a few points which I would like the Minister to take note of. The question of graduated tax, as has been said by an hon. speaker, appears that there are very unsatisfactory ways of collecting these taxes. At the moment, the assessment which is being done is either based on the fact that someone has four or five wives, or it is based on people with many cattle, or it is based on someone who has a shop, or is putting up a *posho* mill. This, Mr. Speaker, I think, is very unsatisfactory. There should be a proper way of assessing these taxes. So far it has been left to the Government chiefs and local headmen to assess this taxation. In most cases it is found that people who are not on good terms with the administrators are taxed a certain amount because they are against these people.

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Now, Mr. Speaker, this is one point which I wanted to bring to the attention of the Government because, as the Member for Nyando constituency, many people have come to me about this matter, and I wanted to do something about it. I have had many complaints in writing and verbally about the way this taxation is collected. My constituents say that it is very unfair and it is causing a lot of concern.

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

The Speaker (Mr. Slade): I would remind hon. Members that the subject matter of this Vote is contributions to be made by the Central Government to local authorities. I know that the Minister, in moving the debate, referred to the necessity of local authorities helping themselves, and to ensure that their own rates are paid. However, the particular method of collection of rates by a local authority is not really relevant to this debate, and I do not think we can pursue Mr. Bala's line any further.

Mr. Ngala-Aboki: Mr. Speaker, Sir, I rise to support this Vote, and I would like to congratulate the Minister for the efforts he is making to put across his Ministry's Vote. However, I have some observations to make regarding certain points in the Vote.

Of course, we have seen the contributions that are made to the local governments and the local authorities, but at the same time, if these contributions are made the people expect the local authorities to make the best use of what they are given. However, sometimes our people do not understand how these contributions are used when they are given to the local authorities. Because of this you find that people never pay the correct rates they should pay and they do not pay in time. First of all they expect quite a lot to come from the local authorities and they think the local authorities will cater for them in every way and in that case they are simply reluctant to give their contributions to the local authorities.

You see, there are certain factors which discourage people to pay their rates. There is not enough explanation as to how the rates that are paid—rents, cesses or whatever is paid to the local authorities—are used. Some of the people think that when they pay something to the local authority then on the next day they will see a statement from the local authority stating that shops will be built for them and that the next time

[Mr. Ngala-Abok]

the local authority will do this or that for them and therefore they have to pay their rents. This is not the case.

I would now like to ask the politicians, Mr. Speaker, to tell these people these things. You see, politicians are very ambiguous; when they address meetings they manage to avoid touching on the important points and they claim so many things that may not happen to these people. They tell them that they must not pay their rates at a certain time. They say that these rates are being paid to the Government or to the local authority and the local authority does not use them properly. When politicians make statements of that kind people get discouraged. The only people who can make our people know the importance of paying rates, the importance of working hard, the importance of running their own affairs and trying to engage in self-help schemes are the politicians. The politicians must face up to this fact because the Government is now ours, and there is not going to be any cheating of any kind. Whatever we are going to do, whatever rates we are going to pay—rents, rates or cesses—or whatever we are going to do for our local governments will be for the benefit of our people. As soon as the politicians stop speaking a lot of propaganda the better it will be. We will then have no difficulties and if we know our people are poor we have to face up to the facts and we must tell them that if they have Sh. 10 they must pay Sh. 1 to the local authority, Sh. 2 to their children and they must keep Sh. 5 for other things. If we do this our people will get to know these facts and the politicians will help them.

I know that our politicians are going to work hard to join the Government and they are not going to talk a lot of propaganda, but we must also look to the way in which these local authorities are run. There are certain people in these bodies who are absolutely out of date. There are old men who have been in these local authorities for many years, there are old secretaries of the colonial regime who think as colonialists, people who do not co-operate with the people in those areas and people who still ask their *askaris* to go and arrest a person at random without giving a clear reason why he is being arrested; failed to pay graduated personal tax, rates or anything else. You just find that you are arrested. I would like the Minister to look into how these local authorities are run. Some of these old men who think in the old way and who believe in bribery and other corrupt practices must be removed and they should be replaced with decent, well-educated people who

can carry out instructions from the Ministry and who can co-operate to the full. They would not believe in bribery and other corrupt practices.

I have heard of several cases where the local people do not know what they should do and I have found many ways by which our people fail to pay their taxes because they do not know why they have to pay them. I would like to give another example, Mr. Speaker, of what discourages these people to pay their taxes, but I do not say that they should fail to pay their taxes. I am going to go out and advise our people that they will get nothing for nothing and they must pay their rates. However, you will find a man who is applying for a licence to build a shop or factory sends an application to the local authority. You will then find that during the meeting of the local authority the Chairman stands up and says he has an application for a licence from so and so and then what does the House think about it? Nothing is read to the Committee, nothing is done and I would like the Minister to check on these particular people, they are backward and ignorant, and he should try and get these things run in a modern way, so that we do not have difficulties in getting the rates and we do not discourage these people. When you apply for a licence and you are qualified for it you should be allowed to have it, but if you find you are paying your rates constantly and then you apply for something and no attention is given to you, then you will not pay the next time. In our community there are people who are more influential than others. If this more influential man is frustrated by a local authority as such the next time he pays his rates he will discourage more people not to pay their rates. He will say that he applied for something and he was refused and he was told he must do this or that, he was told he must be nice to the Chairman or President of the local authority, he must kill a cow for him and he must make coffee for him the next time he comes to see him and then he will probably accept my application. There is a lot of corruption going on. I would like the Minister to look into this.

Therefore, Mr. Speaker, Sir, with those few remarks I beg to support.

The Parliamentary Secretary for Constitutional Affairs and Administration (Mr. Nyamweya): Mr. Speaker, Sir, first of all I would like to congratulate the hon. Minister for Local Government on the excellent manner in which he has presented his Vote to this House. However, I have these few remarks to make before the House and I hope the Minister will take note of them.

[The Parliamentary Secretary for Constitutional Affairs and Administration]

First of all, Mr. Speaker, I would like to endorse what the hon. Member for Embu, Mr. Nyagah, said about the Local Government Ordinance. We cannot emphasize it more often that any Ordinance is not static. Any law must move with the changing conditions of the society. This Ordinance was prepared—the Bill—about three years ago, I have not followed its history well but I think it was drafted about two or three years ago. By the time it became law the conditions in the country had changed considerably. The new Constitution had come into being and nobody thought it fit, at that stage, that that Bill should not have been brought to this House before the implications of the new Constitution had been properly understood. In those circumstances, Mr. Speaker, I would very respectfully ask the hon. Minister to look into this Ordinance and see whether it is not fit for this Ordinance to be amended so as to bring it up to date and to move along with the changing conditions we have in the country today.

Although, Mr. Speaker, with due respect to you, you have already said that we should confine our remarks to the contributions which the Central Government will make to the local governments, I would ask your indulgence if I said something on this line. The contributions which the Central Government will make to any local government authority will be meaningless unless there is a proper system of controlling the contributions and the revenue which the local governments do collect.

I have been very unfortunate during my legal practice to defend some employees of the African district councils for appropriation of the council's funds. Invariably what comes to the court when an employee of the African district councils comes before the court is a very clear manifestation of a very poor inefficient system of collecting funds.

This is one of the reasons why most people do not pay their taxes. A tax collector in a certain locality may collect either market dues or rates amounting to, say, Sh. 30,000, and when the senior African district council employee comes to collect the funds he is told, "I lost my key for the safe," and Sh. 30,000 belonging to the public, to the county council, disappears. Even if this man goes to court and then to prison for two years, Mr. Speaker, the public has suffered, and he comes back after two years and makes use of the Sh. 30,000. People see this kind of thing and for this reason some of them are discouraged from paying their taxes and rates.

I would respectfully ask the hon. Minister once more whether it is not within his powers to

appoint a small committee which might go into the whole matter, trying to find out the proper system by which all the African district councils or, for that matter, the county councils now, could control and collect their revenues. We were impressed the other day when he said at Kisumu that he was intending to introduce the system of pay as you earn. This, indeed, Mr. Speaker, is going to help the country in very many ways. After all, we hear a lot being said outside this Chamber about senior Government servants and people in responsible positions being the main tax offenders. They do not pay because the Chiefs do not dare to ask them to pay; the Subchiefs do not ask them to pay their taxes. It is possible that if the records are checked, Mr. Speaker, Court Elders, teachers and many other people, and maybe many politicians too, will be found to be not paying their taxes.

I would suggest, Mr. Speaker, that this system would help us a great deal, so that any employee of the county council, the Central Government, the Regional Government Authority or a person in any employment should pay at the end of the month what he has to pay to the Central Government and to the Regional Local Authority. The obligation should rest on the employer, as in Britain. This would help the country to get the necessary revenue from people who should be contributing and who, for reasons known only to themselves, are not contributing. We hope the hon. Minister, in replying, will tell the House whether he is prepared to do this, and I hope he is because he has given an indication in that direction.

I would suggest another thing to the hon. Minister, that much as we would like the local government authorities to have these contributions in the form of hard cash, we would also like to see that the efficiency in our local governments or county councils is increased. This can only be done if part of the contributions from the Central Government can be utilized for giving opportunities particularly to senior executive staff of the county councils to study abroad or at the Kenya Institute of Administration. By so doing we will be able to have excellent staff in all our county councils throughout the country who can possibly help to raise the standard in their respective county councils.

Mr. Speaker, while I was dealing with the question of loss of funds in the county councils, I should have pointed out something else to the hon. Minister. It has come to light, as I said, during my experience, that although some of these funds disappear, there are certain county councils which have not taken the opportunity of trying to

MOTION

LIMITATION OF DEBATE: MOTION ON THE ADJOURNMENT

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): With your leave, Sir, I wish to move the adjournment of the House as indicated on the Order Paper. However, before doing so, I would like to move a Motion for the limitation of the debate and this also appears on the Order Paper as item 12.

The Speaker (Mr. Slade): Yes, it will be in order.

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

THAT the debate on the adjournment today shall be limited to maximum time of one hour, with not more than ten minutes to be allotted to the Mover and not more than five minutes to each other Member speaking.

This limitation of time, Sir, is necessary because we have only one hour at our disposal and it is likely that many Members will want to take part in this debate.

There is, I hope, no controversy about this Motion and I do not want to take up much time.

The Minister for Local Government (Mr. Ayodo) seconded.

(Question proposed)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I am wondering if it would not be better, and if it would not be out of order, rather than for a Mover to move for ten minutes for this to be left as ten minutes to answer at the end a Minister on behalf of Government I would have thought that that would have been far more beneficial to the House.

The Speaker (Mr. Slade): Do you want to move an amendment?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move an amendment.

The Speaker (Mr. Slade): The amendment you wish to propose is that you leave out the words "not more than ten minutes to be allotted to the Mover" and put at the end "except that the Mover may have ten minutes to reply"; so that you have "not more than five minutes to each Member speaking except that the Mover may have ten minutes to reply"?

[The Parliamentary Secretary for Constitutional Affairs and Administration]

insure their funds through insurance companies, so that the loss could be met. I would like to see a compulsory clause in the Local Government Ordinance which makes every county council insure all its property, assets and funds against loss through carelessness or negligence on the part of the county council staff, or through burglary and any other form of loss, because we cannot keep our eyes open when the public's money is being lost without having any means of recovering the loss.

Mr. Speaker, Sir, there is another point which I would also request the hon. Minister to take into account. We come to Nairobi and mingle with the City Council employees, and I think it is proper that in this place we should express the dissatisfaction which we have heard some of these employees expressing outside this House. They say in the Government departments the policy of Kenyanization is progressing very well and rapidly too, but the City Council of Nairobi seems to have lagged behind. Possibly these people think that we as politicians here are concerned with what is going on in the Ministry of Education, the Ministry of Justice and Constitutional Affairs and the Ministry of Home Affairs, and we take it for granted that the County Council is following what is being done in other Ministries. We know that our present Mayor is doing excellent work, and we are all pleased about that. As a matter of fact, the Press has on several occasions referred to him as a very useful envoy abroad. He is doing his best to try and assist the employees of the County Council of Nairobi. What I would like to say to the hon. Minister for Local Government, with all due respect, on this matter, is this. Although the other day he said that there is nobody who could become the Town Clerk of Nairobi, I think, Mr. Speaker, that if we can have a Mayor of Nairobi like our present Mayor, we would not have to go very far to find a Town Clerk for Nairobi who is also a man of Kenya.

Mr. Speaker, Sir, there are complaints that there are certain jobs in the County Council of Nairobi, for instance, where some person is brought from overseas to fill this post: to become the Market Superintendent, that is a supernumerary post. All that he does is to look after the African Housing Estates in Nairobi. This is another post, which in my opinion, an old resident in Nairobi who knows the Pumwani locations and the other locations, could fill. I wonder whether the hon. Minister would see that some of these posts are Africanized as soon as possible.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Yes, Sir, thank you.

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo) seconded.

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

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

(Question of the second part of the amendment that the words proposed to be inserted in place thereof be there inserted proposed)

(Question of the second part of the amendment that the words proposed to be inserted in place thereof be there inserted put and carried)

(Motion as amended proposed)

(Question of the Motion as amended put and carried)

Resolved accordingly.

MOTION ON THE ADJOURNMENT

RISING OF THE HOUSE

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

THAT this House, on rising at the time for interruption on Friday, 2nd August, adjourns until 2.30 p.m. on Tuesday, 10th September, 1963.

The Speaker (Mr. Slade): Mr. Chanan Singh, you should insert the word "now" before "adjourns".

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): I accept that, Sir.

Sir, as you explained the other day, the purpose of this Motion is to give the Members of this honourable House an opportunity to review what we have achieved since we met and what remains to be done. We shall not be meeting again until 10th September and if Members have any idea as to the business that should then be transacted those ideas will be taken into account by the Sessional Committee.

The position of business at the moment is that we have been through twelve of the fifteen allotted Supply Days, so that three more Supply Days are left. These will be taken on

reassembly on 10th September. In addition, there are about twenty Private Members' Motions from the Opposition outstanding; about the same number of Private Members' Motions are outstanding from the Back Benches on the Government side. There are also a number of questions that remain to be answered. Some of these questions will be answered during the recess and the Members, as usual, will have an opportunity to accept either written answers or to say that they want the questions answered orally when Parliament reassembles.

Members need not be alarmed by the large number of Motions that remain undisposed of; that is nothing unusual. The number may be slightly larger than in past years because of the larger membership of the House. Those of us who were Members of the Legislature in the past know that not all Motions are taken up. In fact, many of the Motions are never discussed. We have, in fact, disposed of quite a large number of Motions and I am sure that many of the others will be disposed of when we meet again.

The interval between now and meeting again is necessary to give the staff of the National Assembly an opportunity to take their annual leave. Time is also required to enable Ministers to clear their tables where piles of papers are lying.

Hon. Members also know that Constitutional discussions are going on so that Members on the Ministerial Benches have had to do their ordinary work, have had to attend to their Parliamentary duties and have had to attend to Constitutional discussions. Constitutional discussions, as hon. Members know are very important just now because the conference to decide the Independence Constitution is going to be held during the third week of September. We must make up our minds before then what sort of Constitution we want. That is, what particular amendments we want to make to the Constitution that now exists. These discussions, as hon. Members know, take a long time because everyone has his own views about the various aspects of the Constitution and he expresses them. He has a right to express them and a right to expect that those views will be considered. These discussions are going on at present and the interval will be utilized to give more time to these Constitutional questions.

Now, Sir, I wish to give to the hon. Minister for Agriculture my right to reply to the debate.

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

(Question proposed)

Mr. Alexander: Mr. Speaker, at this moment when we are about to adjourn, there are some very far-reaching and fundamental questions that still remain unsettled. Questions that could frustrate us very much at the Independence Conference. I think that it is a pity that we are adjourning at this moment while these matters are still outstanding. However, if I mention some, perhaps we could make some progress today.

For example, the report of the Kenya Coastal Strip Conference, 1962, says this, and I quote: "It was also agreed that His Highness, the Sultan should be invited, at a suitable time, to inform Her Majesty's Government, after taking into account the views of the people of the Coast and such others who are deemed appropriate, whether the constitutional proposals for Kenya, so far as they affected the welfare of His Highness's subjects satisfy his requirements." We all know that there is an agreement that the British Government have got to get out of the way with the Sultan of Zanzibar before we can finally settle the future of Kenya. What is happening about this: what progress has been made?

Secondly, there is a very big matter concerning the slogan of self-determination so far as the Somalis in the Northern Frontier are concerned. We learn that the Governor has said that there are to be negotiations or a meeting with the Somali Government and the British Government. May we be told what is happening about this? We obviously cannot go to this Independence Conference with these sort of matters hanging over our heads: they must be out of the way.

Thirdly, Mr. Speaker, may we know what progress has been made on the implementation of the Constitution? When the London Conference was completed I do not think that anybody realized at that time that there would be such a short period between the date of internal self-government and the date of Independence. What this, in fact, means is that the speed at which this Constitution has got to be implemented has got to be doubled. What we thought might take twelve months, has now got to take four and five months. Can we be told what progress has been made, particularly in respect to paragraph 11 that is the Governor's powers to implement the Constitution?

Fourthly, Mr. Speaker, we have been promised from time to time a report of progress on the talks for an East African Federation. It is appropriate here today before we go away for some six weeks that we be told what is happening about that.

Fifthly, Mr. Speaker, a very real problem that is with us day by day, and certainly will be no better when we come back here in six weeks' time, but upon which the Government has a very heavy responsibility. I refer to unemployment and coupled with that the serious question of the inflow to the urban areas. This is the case particularly in Nairobi. We see it all around us every day: markets "popping" up overnight; illegal housing, etc. These are real problems. What will the Government do in our absence about these in the next six weeks.

Mr. Speaker, I beg to support the Motion.

Mr. Pandya: Mr. Speaker, I think most of the points that I wanted to raise have already been raised by the hon. Specially Elected Member who has just sat down. While I do feel that much good work has been done during the last few weeks—and the credit for some of it does go to the Government—there is much that has been left and in the few weeks ahead there must be a lot to be done to finish these matters before some of us go to the Constitutional Conference. The hon. Mover raised the question of the Conference, but before we go and discuss some of the future items in the Constitution we must see that this present Constitution is implemented to the full: so that we inspire the confidence of the people and show them that the Government has implemented all the terms of the Constitution and that it means well for the future. The Government must realize that if they want a happy and stable country, they must have these discussions in good spirit and with understanding and faith in that we all mean well for the interests of the country.

My hon. friend also raised the question of the East African Federation and the Constitution for it. I hope the Government have reached the stage when they can take the Opposition into their confidence and tell us what progress they have made so far in the working out of this Constitution.

Now, Sir, I think that it would be appropriate at this stage for me to say that we have been appalled at the behaviour of this House yesterday evening. I feel that the dignity of this House is in our hands. We must devote ourselves to the idea of preserving the dignity and traditions of this House and that however much there are reasons for frayed tempers we will not allow them to interfere with the upholding of the highest traditions that the House has maintained for some time. I have been a Member of this House for some years and never have I been so appalled as I was yesterday at the exhibition of some hon. Members. I would like to appeal to all hon. Members to

[Mr. Pandya] forget their personal differences and to try to rise to the occasion and act for the public interests of this country as a whole.

I would like to conclude by saying that the first session of the National Assembly has—apart from yesterday evening—set a great example to this country. Given time and understanding we can work together; of this I am very hopeful. I believe that we shall work together for the welfare of this country and for all the people who have made this country their home.

Mr. Speaker, with those few words I beg to support.

Mr. Gichoya: Mr. Speaker, Sir, I rise to support the Motion as it stands. However, I would like to appeal to my Government to lessen the number of days of recess. We have been told that there are a number of Motions still outstanding. Some of them are free-lance Motions and others come from the Opposition. Obviously, the days at our disposal between today and 12th December are very few. Even the days between now and the Constitutional Conference are limited. I feel that we have Members in this House, Sir, who still have a colonial mentality: they think that we are not fit to rule ourselves at this present time. I would say that if *Uhuru* is given to us today—even without any arrangements for celebrations—I would stand and salute the Kenya flag, proudly and with dignity. We are fit to rule ourselves! The British standards and methods of delaying *Uhuru* for Kenya—or other colonies—is not an international way. The idea of adjourning the House until 10th September, 1963, is, of course, a good one if my leaders think so. However, there are Motions which have not yet come before the House for discussion which are of vital significance for the life of the country.

Nevertheless, we have doubled the work; there are the preparations for the Kenya Conference and there are the federal problems. There are certain things which we, as Members of the National Assembly—this is not Legislative Council—could put to those who are negotiating on the federal issue which the country feels could be thought of. While we are out of this Parliament, perhaps we could be called between today and 10th September in case there is any, not abnormal situation, but if consultation is needed. During the five months at our disposal between now and *Uhuru*, and the days between *Uhuru* and the federation, our Prime Minister and every Member in this House have to work day and night, so that we achieve something concrete. Holidays as we think of them should not be necessary. However,

the Members of our Cabinet are an expert body and they have agreed on this Motion, and I think it is proper.

Therefore, I want us to be called back to discuss national issues, particularly with regard to federal problems, if there is any need. With those few words, I support the idea of adjourning this House up to that date, 10th September, with an appeal that when the need arises we shall be called.

Mr. Ngala: Mr. Speaker, Sir, I would like to say that I support the adjournment move by the Parliamentary Secretary, but I would like to make a few reservations. With the Constitutional preliminary talks going on, and also the talks which will follow in London, I hope, it is very important that by this time Government should have made known the line they are going to take with regard to the East African Federation Constitution. I believe that the East African Federation Constitution is going to be very much related to the internal Constitution of Kenya, and it may delay things if the Opposition is completely uninformed of the Constitution for the Federation of East Africa. I originally wrote to the Prime Minister to try and get participation in the talks on the Federation of East Africa. The Prime Minister made it quite clear in this House that the Opposition would be informed at the appropriate time. The Opposition has waited in vain, and nothing has been forthcoming from the Prime Minister or from the Government. We feel it is entirely wrong for the Government to monopolise these discussions or carry them out in secrecy when they deal with a Constitution of importance, one which belongs to the Territory as a whole. Now the Government is adjourning the House for over a month. When are we going to be given an opportunity, as the Opposition, to discuss this federation and see at least how far it is related to the internal Constitution of Kenya. I would like to say definitely that as far as I am concerned, and as far as the Opposition is concerned, we would like to see the rights of *majimbo* entrenched even in the East African Federation.

Mr. Speaker, Sir, I think the Government has purposely done this to avoid the Opposition during this time so that they have the excuse of saying that they could not consult the Opposition because we were on holiday. We would like a clear explanation on this aspect. We do not want to be put off in this manner at all with regard to federation. In fact, I feel it is entirely wrong for the Government to discuss alone this question of the federation. All the opposition parties in East Africa—Zanzibar, Tanganyika, Uganda and

[Mr. Ngala] Kenya—and the Government parties should discuss it; they are discussing the present East African Federation with Kennedy and Macmillan, and overlooking us here in East Africa.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Question.

Mr. Ngala: There is no question about it. You are doing it.

The other point, Sir, concerns the Somali. We are adjourning in fear. We do not know what will happen tomorrow as far as a possible flare-up is concerned through the Somali in the Northern Frontier District. I would have liked to have a clear statement from the Government to make the position regarding the Somali clear, particularly as far as security in that area is concerned. We have been very concerned of late because of the activities and incidents which have taken place there. Therefore, I feel we are entitled to have a clear statement so that during the break we shall know and feel that people's lives are safe, and that we shall be able to continue when we resume.

There is also the question of the implementation of the Constitution. The Government has dragged its feet as usual on this—

Hon. Members: Question, question.

Mr. Ngala:—question of the implementation of the Constitution.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, on a point of order, I wonder if it would not be right in a very important matter like this for you to rule, Sir, that Members ought to tell us and substantiate where Government has been dragging its feet in this matter.

The Speaker (Mr. Slade): I do not think we ought to lose much time on points of order or substantiation when there is only half an hour to go.

Mr. Ngala: If the hon. Member wants to go back to yesterday afternoon, I am prepared for it.

It has also been admitted by some of the Ministers concerned that the establishments appertaining to the Constitution which should have been transferred to the regions have not been transferred. This includes the Agricultural Ministry, and there is no point in asking me about this as the Minister knows very well that the Government is dragging its feet.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): There is the red light.

Mr. Ngala: I have seen the light; you do not need to tell me. Therefore, Sir, with regard to the Somali question and, the East African Federation, particularly participation by the Opposition, we resent the way the Government has conducted these affairs, and this applies also to the implementation of the Constitution.

With these words, I would like to support with reservations the move of the adjournment.

The Parliamentary Secretary for Labour and Social Services (Mr. Odeoro-Jowi): Mr. Speaker, Sir, one of the speakers on the Opposition side has charged the Government with doing nothing about unemployment. I was very surprised to hear this because the hon. Member concerned is usually absent from this House, and he has not followed the various projects the Government is undertaking to relieve unemployment in the country. We had about two days debating the Estimates of the Ministry of Lands and Settlement, and it was made very, very clear that the various settlement schemes undertaken by the Government are part of the long-term projects the Government is financing in order to relieve unemployment. Also, Sir, we are implementing very soon various short-term projects in order to relieve certain aspects of unemployment immediately. My Minister, the other day, promised the House that very soon we will launch a plan to deal with this problem. This plan is being worked on and I must report that very soon it will be possible to announce the plan to the Government. Right now we are consulting with the various Ministers and we are pooling the information from them all about the various projects they have in mind in order to join them up and tackle the problem of unemployment. My Ministry is very conscious of the graveness of this problem and we are doing our best through the employment exchange service and through other machineries in the Ministry of Labour to see to it that those who are looking for jobs do actually get into contact with the employers who have jobs to offer.

With these few words I beg to support.

Mr. ole Tipis: Mr. Speaker, Sir, I need not stress here the urgent necessity to speed things up. Time is running pretty short and if this Government does not wake up to the times and set about speeding things up, then they will land us in a lot of difficulty.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): What things?

Mr. ole Tipis: I can hear the hon. Minister for Agriculture asking me what things. We want to

[Mr. ole Tipis] finish with the Independence Constitution. Only last night it was discussed until nearly midnight. What good is this?

Now, Sir, it is quite true—and I must be very, very frank as usual—that this Government is trying to frustrate the Constitution. This Government is trying to create an atmosphere which will leave quite a lot of things undone and hanging in the air, and which will give us a bad start in celebrating our Independence. This we must avoid at all costs. It is quite true that many things, some of them un-Constitutional, some of them illegal, are done by Members of this Government. Their sole intention is to undermine the constitutional institution of this country, such as the regions, the regional powers, the regional authorities—

Mr. Gichoya: Mr. Speaker, on a point of order, I wonder whether the Member would be able to tell this House what illegal things a legal Government is doing?

The Speaker (Mr. Slade): You are asking for substantiation?

Mr. Gichoya: Yes, Sir.

The Speaker (Mr. Slade): I think to avoid substantiating you had better keep off these provocative general allegations. They do not help say very much in a debate like this.

Mr. ole Tipis: Well, Mr. Speaker, Sir, if I may refer in particular there is this Circular No. 1, which the hon. Member knows very well, from the Ministry of Home Affairs.

Well, if I may now carry on, I would in all honesty, ask the Government to be honest, to be fair, and to carry out its responsibilities without favouritism, without fear and—

The Speaker (Mr. Slade): Why are you standing, Mr. Gichoya? Have you a point or order?

Mr. Gichoya: Yes, Sir.

The Speaker (Mr. Slade): Well, say so then. Sit down, Mr. ole Tipis.

Mr. Gichoya: I would like to ask for a substantiation for the remark that document produced by a Government which is legally constituted is an illegal document?

The Speaker (Mr. Slade): That is not a point of order and you know it very well. Sit down, sit down.

Mr. ole Tipis: Mr. Speaker, Sir, all these things which I have just mentioned must be shouldered by the Government. The Government must

shoulder the heavy responsibilities and deal with them without any favouritism. The welfare of this country depends on the good will and on the co-operation of all the people who have made this country their home. Now, Sir, quite a lot of things which are being done go to extent, not only of spoiling the chances of good relationships between the Central Government and the regional governments, but if a Minister of the Central Government even has the cunning to try and by-pass the legally constituted authority of the region and try to incite some of the public officers, it is very, very serious. As soon as this sort of thing is stopped the better.

The other point is that we are now facing a situation where the Government is dragging its leg with the full intention of seeing that we forget the internal self-government Constitution and get ourselves involved in an Independence Constitution Conference whereby the internal self-government Constitution will never have been instituted. This is very very bad indeed. Thank you, Mr. Speaker.

Mr. arap Bonetti: Mr. Speaker, Sir, I beg to support the Motion of the adjournment, but I would like to make a few comments.

I am glad that the Members of the Opposition have called for a speed up in the solution of the problems such as the secessionist movement in the Northern Frontier and the Coast. I think, Sir, and I would ask the Government to see that while the House is adjourned it takes drastic action against any form of secession whether from the Northern Frontier or the Coast or any other part of Kenya because the confidence which has been brought about in the few months that this Government has functioned should never be allowed to be trod upon by people who are only there to sing and to give us a gloomy picture of Kenya all the time.

Mr. Speaker, Sir, I think that this Government has achieved a lot within this very short time, and this Government means to bring peace, prosperity and progress to this country, including the protection of the Opposition.

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

Mr. Seroney: Mr. Speaker, Sir, the hon. Member for Mombasa Island North referred to yesterday's incident in this House, and related it to the need of maintaining the dignity of the House. That is one aspect of it with which I fully agree. There is, however, another aspect which I think goes far beyond merely the dignity of this House.

[Mr. Seroney]

It touches on the respect of freedom of speech. I think an eminent author once said, "I may disagree with you, but I will defend your right to say the very thing I know I disagree with." I think it was a French author, Voltaire.

Now, I think it is very important, if we respect freedom of speech, we must recognize on what basis we accept it. Very often we disagree with people, but we should listen to them and answer them. In the olden days in Africa there was freedom of speech. People's right to express themselves was respected, and I think by being intolerant at this stage it shows that we are less mature than our ancestors used to be. I was not only referring to Kadu or Kanu. We should respect freedom of speech of everybody, be he Kanu, Kadu or A.P.P.

Now, Mr. Speaker, Sir, a great deal has been said about the fears of public servants with regard to serving in the regions. I would like to assure the public servants—on behalf of at least three regions—that they are welcome to come and serve in our region on the same terms that they are enjoying now, with the right of promotion, and that any time they wish to be transferred to other regions their wishes will be respected.

Finally, Mr. Speaker, I did refer to the need for Kenya to become a republic in my speech last time, but then the Minister for Justice and Constitutional Affairs, in his reply, did not tell us the Government's intention with regard to whether Kenya is going to be a republic like he said a month ago, or whether we are going to have a Governor-General. I know the country would like to know. We on this side of the House want Kenya to be a republic on 12th December and at the head of it should be a President, elected by an Electoral College consisting of Members of the National Assembly and all the Regional Assemblies.

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

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, just a small point with regard to what the hon. Member has just said. I just want to remind him that even with our ancestors, freedom of speech was only tolerated to the extent that it made sense.

Mr. Speaker, I beg to support.

Mr. Mbogoh: Mr. Speaker, while I support this Motion, I do feel that I would like to add a few words to this Motion. When the House adjourns I hope that, although we have a lot to do, we will not forget what we have already done. When

all of us leave here, I would propose that the Members on the Opposite side should go and do good work instead of coming back here with heads full of nonsense and opposing unnecessarily. Let them come back and do constructive work for this country. I hope that when they return they will be very clear thinking and not just shouting all the time and making no sense.

The Speaker (Mr. Slade): I am afraid that is not a very helpful contribution to the Motion, Mr. Mbogoh.

Mr. Mbogoh: I also warn the Government that when the House recesses some of our enemies will try and make use of this time to continue their subversive activities—

Mr. Shikuku: I was wondering whether it was in order for the hon. Member to say that some of us are going to indulge in certain subversive activities.

The Speaker (Mr. Slade): I did not hear him say that. Let us try to avoid points of order, we have only a quarter of an hour left for this Motion.

Mr. Mbogoh: Thank you, Mr. Speaker. I know very well that we have a very clear case of Somali secessionists, and Coast autonomists, and when the hon. Members from the Opposite side go home I hope that they will not incite the people in their constituencies to start secessionist movements. I ask the Government, in case anything like that happens, to call us back as soon as possible.

It is a very necessary move that some of us should go and see what we can do in our constituencies so that when we come back some of us, who do not have much material to talk about in the House, will have at least something to say here. We will have forgotten about the Nairobi food and we will have been eating our own food and we will think like our own people and not like Nairobi people.

Mr. Speaker, Sir, when these things happen—like the secessionist movements and the autonomists' threats—we feel that we should at least do something. If the Government has left these things out I would ask the Government again always to look and see that these things do not continue to happen while we are away.

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

Mr. Khasakhala: Mr. Speaker, Sir, I wish to take this opportunity to call upon the Government with regard to the celebrations on Independence Day. I feel that it is very important that committees should be set up in every region to arrange

[Mr. Khasakhala]

how the Independence Celebrations should be conducted. At the internal self-government celebrations there were only a few handfuls of people in Nairobi, here and nowhere else, who were celebrating. I would not like to see such a thing happening on the day of our independence, when only a few individuals celebrate and the whole country does not enjoy such a day. The Government must set aside a certain amount of money in every region so that regional headquarters can arrange how celebrations for independence can be carried out.

It should be a Kanu, Kadu and an A.P.P. celebration and this is a celebration for the people of Kenya and if it is for the people of Kenya it should be conducted all over the country in a peaceful manner whereby all people will realize the importance of independence. The powers have to be handed over from the colonial regime to the African Government and in order to do this I call upon the Government to make a very substantial contribution to every region so that these celebrations can be conducted throughout Kenya.

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

The Speaker (Mr. Slade): I think it is time to call on Mr. McKenzie to reply.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I will attempt to answer most of the questions in the short time I have.

The hon. National Member, Mr. Alexander, raised numerous matters and the first concerned the Coastal Strip. Sir, we have run into a difficulty which he fully appreciates on this matter and that is the death of the Sultan of Zanzibar. This has meant that discussions which had taken place now have to take place again. I would like to inform him however that discussions are taking place and progress is very good indeed and we are not worried at all about the outcome of the discussions. I am afraid that is all we can say on this at the moment.

Sir, on the matter of the Northern Frontier Province we are discussing now, jointly with the British Government and Somalia—unfortunately via Washington because there is no direct line of communication between the countries—the holding, in the very near future, of discussions between Kenya and Somalia. These discussions may take place sometime this month and may be in Rome.

Sir, with reference to the implementation of the Constitution. The hon. Member said that the Opposition—and I presume he was talking to the

Opposition—has been under the impression that the internal self-government period would have been longer than has now been shown to be. Now, Sir, I will remember seeing and reading of the shouts, by the hon. Members opposite during the elections, of *Uhuru* in 1963. I do ask them, if they were genuine in that shout, how they expected the period of internal self-government to be any longer than it is going to be. This point was also raised by the hon. Member for Narok East.

Now, Sir, the hon. Member mentioned the very fact that the period of internal self-government was going to be shorter than it was originally thought and other hon. Members also said this; if they look in HANSARD tomorrow they will see that they said that. Therefore, they could not have been thinking of *Uhuru* in 1963.

With reference, Sir, to the speeding up of the Constitution. Government is not dragging its feet on this matter and if they maintain Government is dragging its feet there are methods within the Constitution which they can follow up. Government is not dragging its feet on this matter. I can talk for my own Ministry and for the Ministry of Commerce and Industry, for which I am acting at the moment. It was only yesterday we were discussing how to move along the lines of implementing the Constitution. I must warn Members of the Opposition and the country in general that we are already finding very great difficulties under this Constitution. These matters will have to be raised at the constitutional talks which we are now holding.

As regards the East African Federation, the Committee is meeting on the 9th in Dar es Salaam, thereafter the progress report will be given to the heads of the three territories, and it is hoped that at that stage the Kenya Government may, depending on how far it has gone and how much progress it has made, be prepared to discuss it with the Opposition and to let the country know what stage has been reached. These discussions which are taking place are very confidential and it would not be in the interest of the country for anybody outside the people who are actually taking part in them and Cabinet Ministers to know what is going on.

I think, Sir, that the Opposition must remember that we are now operating a different system from when they were in Government. This is a Government which is operating with the mandate of the people of Kenya, and the hon. Member for Kilifi South must remember, Mr. Speaker, that he is now the Leader of the Opposition, he is not part and parcel of a Coalition Government, and

[The Minister for Agriculture and Animal Husbandry]
it is the Government which is carrying out these negotiations.

The hon. Member for Mombasa North also touched on the Constitutional Conference and also on a great number of the points which were raised by the hon. National Member. One point which he did raise, Sir, was the behaviour of this House yesterday and the dignity of the House. To a very great extent, I would like to agree with him, but, Sir, I would like to say also to you as Speaker, and to the Deputy Speaker, when towards the end of term you have schoolboys in a secondary school getting naughty, then I think that there is perhaps only one answer if they get too naughty, and that is for the headmaster to use the cane. I believe perhaps the answer to this, Mr. Speaker, rests in your hands and in the hands of your Deputy.

I would like to draw the attention of the hon. Member for Gichugu to the fact that there are something like forty Motions on the Order Paper. I would like to tell Members of the House that we feel we would get further if a great number of these Motions were put down in the form of questions. There is not a hope, Mr. Speaker, of us ever getting through these forty Motions, let alone any others which will come forward, even if we continue to sit in this House for the next year. There are far too many Motions and I sincerely hope that now that the hon. Members have seen the latitude which you, Mr. Speaker, give to questions, they will put far more questions down, rather than Motions.

I would also like to let the same hon. Member—the hon. Member for Gichugu, who said that maybe we were going to have a recess for too long—know what stress the Ministers are under at the moment. Three nights this week we have operated on Government business, Constitutional talks and Cabinet meetings until after midnight or to round about midnight. Over and above that, Sir, we have the Central Legislative Assembly Meeting, which will last a fortnight, coming off during this period. There are the Constitutional talks, there is the backlog of work, there are Federal talks, and in addition to that, a great number of Members of this House are also Members or Presidents of regions and they have to do a spot of work in their regions, although that might not be very important.

The hon. Member for Kilifi South did say—and I was very surprised at him—"I hope that we will be going to London". This is a very bad omen indeed when the Leader of the Opposition only

hopes that we will go to London for final talks, and I sincerely hope that it was a slip of the tongue.

He also said that he was going into the recess with fear over the Northern Frontier District. I might tell him, Sir, that he need have no fear whatsoever for his own safety or over the problem of the Northern Frontier District. It is the Government's intention to stand absolutely firm. He used to be in discussions when he was in the Coalition Government and the attitude of this Government has not altered one iota since the Coalition Government.

The same matter was raised both by him and the Member for Embu North. I believe it was, who was worried about our enemies and subversion while we are away. I would like the House, Sir, to know that perhaps we have in operation now one of the best Special Branches operating in any country in Africa. We in Government know a lot more about hon. Members and our enemies than they realize.

The hon. Member, Mr. Khasakhala, raised a point about the celebrations being countrywide. I can tell him it is the Government's intention to have celebrations, holidays, everything, countrywide. He did say that they should be on a Kanu-Kadu-A.P.P. basis, but we in Government think it ought to go further than that, and every single person in the country ought to be involved in our celebrations for *Uhuru*. I mention this because there may be one or two very old wise men who do not want to get involved in parties and, therefore, are not members of any political party, but even they should celebrate.

Sir, the hon. Member for Narok East has asked his questions and gone out, and, therefore, I will not answer them.

The hon. Member for Bomet also asked for strong action to be taken against enemies and secessionists, etc. I think I have answered this one.

One hon. Member did raise a point about Circular I. I would like to say on Circular I that this was an honest attempt by the Minister for Home Affairs to get co-operation between the regions and Central Government. I can promise this House that it was done with honest intent, and I think the people who attended his meeting will fully appreciate that.

Hon. Members: Illegal, illegal.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, whether things are illegal or not, surely what we must do is to co-operate for the best of our country; surely, that is the main thing.

[The Minister for Agriculture and Animal Husbandry]

Sir, finally, I would call on behalf of the Government, upon hon. Members of this House, for full co-operation during the recess, and I would also ask them to remember that, irrespective of whatever our views are, we are basically, whether we like it or not, all Kenyans who have to live in this country together.

Sir, may I end up by wishing everybody, on behalf of the Front Bench, both Back Benchers and Members opposite, a very good holiday.

The Speaker (Mr. Slade): Before putting the question perhaps I might make my own small contribution to the debate by way of comment on what the hon. Mr. McKenzie said concerning order in this House. He said that it depends very largely on the Speaker or Deputy Speaker using the cane. It is true there are occasions when the Chair has to use the cane, and I would remind

hon. Members once again that ultimately the dignity of a Parliament is in the hands of its Members.

(The question was put and carried)

ADJOURNMENT

The Speaker (Mr. Slade): Before acting upon that Resolution, I would like to remind hon. Members that, although the House will not sit again until 10th September, hon. Members have to meet again as an Electoral College on Tuesday, 13th August, to elect their representatives at the Central Legislative Assembly. The nomination day is on 6th August.

The House is now adjourned until Tuesday, 10th September, at 2.30 p.m.

The House rose at thirty-two minutes past Twelve o'clock.

Tuesday, 10th September, 1963

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

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

PRAYERS**COMMUNICATION FROM THE CHAIR****BILLS FROM THE SENATE**

The Speaker (Mr. Slade): I must inform hon. Members that on the 7th August, 1963, the Senate passed the Dairy Industry (Amendment) Bill, the Land and Agricultural Bank (Amendment) Bill, the Widows' and Orphans' Pension (Amendment) Bill and the Asian Officers' Family Pensions (Amendment) Bill. However, the Senate referred back to this House the Pensions (Increase) (Amendment) Bill, requesting that this House give further consideration to it.

That Bill, being a money Bill, comes under the provisions of section 51 of our present Constitution. Section 51 provides that when a Bill, certified by the Speaker of this House as a money Bill, has been passed by the House of Representatives and is then sent to the Senate and is not passed by the Senate within a month of that date, it must be presented to the Governor for assent unless this House otherwise resolves. More than a month has passed, but I have delayed presenting the Bill to the Governor in order to give this House an opportunity of resolving that I should not do so. I propose now to send the Bill forward to the Governor for his assent on Thursday unless there is Notice of Motion tomorrow that it should not be sent forward for assent. Therefore, if any hon. Member wishes to raise the matter of this Bill again in view of the attitude of the Senate, his last opportunity is by giving Notice of Motion tomorrow.

PAPERS LAID

The following Papers were laid on the Table:—
The Kenya Police Annual Report, 1962.

General and Limited Schemes of Retirement Benefits for Pensionable Overseas Officers who are not Designated under the Overseas Service Aid Scheme or Members of Her Majesty's Overseas Civil Service.

(By the Minister for Home Affairs (Mr. Odinga))

Amendments to the Constitution of the East African Common Services Organization.

The Advocates (Admission) Regulations, 1963.

The Public Trustee Rules, 1963.

(By the Minister for Justice and Constitutional Affairs (Mr. Mboya))

1963/64 Supplementary Estimates, No. 1:

The Betting Tax Regulations, 1963.

The Estate Duty (Forms) Rules, 1963.

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

East African Posts and Telecommunications Annual Report, 1962.

Report of the Commission on the Kenya Civil Service, the Kenya Teaching Services, the East African Posts and Telecommunications Administration and the General Fund Services of the East African Common Services Organization.

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

The Local Industries (Refund of Customs Duties) (Short-Term) Order, 1963.

The Local Industries (Refund of Customs Duties) (Long-Term) Order, 1963.

The Local Industries (Refund of Customs Duties) (Amendment of Schedule) Order, 1963.

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

Estimates of Revenue and Expenditure of the Road Authority for the year 1963/64.

(By the Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah) on behalf of the Minister for Works, Communications and Power (Mr. Mwanjumba))

* The Regulation of Wages (Laundry, Cleaning and Dyeing Trades Wages Council Establishment) (Amendment) Order, 1963.

(By the Minister for Agriculture and Animal Husbandry (Mr. McKenzie) on behalf of the Minister for Labour and Social Services (Mr. Mwendwa))

Report on the Kenya Fisheries, 1962.

(By the Minister for Natural Resources (Mr. Sagini))

Cotton Lint and Seed Marketing Board Eighth Annual Report.

Sessional Paper No. 3 of 1963: Transfer of Responsibility for Coffee Research Services to the Coffee Board of Kenya.

The Kenya (Miscellaneous Provisions) (No. 6) Regulations, 1963.

The Crop Production and Livestock (Livestock and Controlled Areas) (Amendment) (No. 2) Rules, 1963.

The Hide and Skin Trade (Amendment) Rules, 1963

The Crop Production and Livestock (Sugar Factory) (Amendment) (No. 2) Rules, 1963.

The Tea (Amendment) (No. 2) Regulations, 1963

The Tea (Cultivation) (Amendment) Regulations, 1963

The Seeds (Amendment) Rules, 1963.

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

NOTICES OF MOTIONS

SUPPLEMENTARY ESTIMATE (No. 1) of 1963, 64—
COLONY

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

THAT a sum not exceeding £10,502 be issued from the Consolidated Fund to meet expenditure during the year ending 30th June, 1964, in respect of Supplementary Estimate No. 1 of 1963/64.

IMPLEMENTATION OF THE CONSTITUTION

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

THAT this House deplores the failure of the Government to take the necessary steps to bring about the full implementation of the Internal Self-Government Constitution, and urges them to rectify the position immediately, especially in respect of the handing over of establishments and finance to the regions, in accordance with the provisions of the Constitution.

ORAL ANSWERS TO QUESTIONS

Question No. 60

LOANS TO AFRICAN TRADERS

Mr. Ndile asked the Minister for Commerce and Industry what different kinds of loans were made to African traders? On what conditions were they made?

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, Sir, I beg to reply. For African traders as opposed to industrialists, there are two kinds of loans—those made for the purchase of machinery, tools and stock-in-trade, which are repayable over periods of up to five years, and short-term loans for produce buying which are repayable at the end of the produce buying season.

Both kinds of loans are subject to the payment of interest at 5½ per cent per annum with a moratorium on repayments of up to one year at the discretion of loan authorities. Loans are normally granted only to those who are already established in business or have a suitable qualification from a recognized Technical School, and it is normally a condition of a loan that the recipient can keep simple books of account and shall give an undertaking that he will devote his full time to the business in question.

Mr. Ngala: Mr. Speaker, Sir, arising from the reply, could the Minister explain to us how many loans to shopkeepers have been given: in a breakdown according to districts, during the period from January to date?

The Speaker (Mr. Slade): That does not really come under this question which refers to the kinds of loans or the conditions of loan and not to the number of loans that have been made. I think we should keep that for another question.

Mr. Kerich: Arising from the answer given could the Minister mention the names of some of the recognized schools he has been referring to?

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, Sir, I think hon. Members in this House know the trade and technical schools which are run.

Mr. Shikuku: Arising from the Minister's reply, he did indicate that Africans traders could receive two kinds of loan, and he did emphasize the word "Africans". But surely, as from now on we have a Government of Africans there is no need to refer to them specifically as "African" traders?

The Speaker (Mr. Slade): It is no good asking that question when the original question refers to African traders.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Minister's reply, could the Minister tell the House whether he would give special consideration to the traders who are not able to go to technical schools for training and are able to run their shops well?

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, Sir, as I said in my original reply, we do not confine the traders who get loans only to those who actually have been to technical schools. We say either established businessmen or those who have gone to a business school. What we do, Mr. Speaker, for those who are unable to qualify for both is that we have been running short-term courses at Kabete for businessmen who qualify.

Mr. Khasakhala: In view of the fact that many traders are complaining of the terms that are given by the Administration or the Committee that run or give us these loans, could the Minister undertake a special consideration in going into these regions to find out whether the loans are being given to the traders?

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, Sir, of the conditions I gave one was 5½ per cent per annum interest and the other one was to give simple schools. I am sure, Mr. Speaker, I am not asked to do away with either of these two fundamental requirements.

Mr. Agar: Mr. Speaker, Sir, I would like the Minister to tell the House what arrangements he has made to ensure that from every district in remote parts of Kenya, traders get fair consideration, and also what access to information traders have as to how to receive these loans.

The Minister for Commerce and Industry (Dr. Kiatio): Although the question raised refers more to Question No. 63—to which I shall be replying in a few minutes—I would like to say that we are waiting until the new local authority, or authorities are elected and then we can re-examine the whole question of loans to traders under new local authorities rather than doing it immediately when some authorities are elected and some are not yet elected.

Mr. Shikuku: Arising from the reply, do we understand now from the Minister that there have been no undertakings to put this right?

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, I cannot understand the implication of the hon. Member.

Mr. arap Moi: Mr. Speaker, Sir, arising out of the Minister's reply, would the Minister tell the House how much money he has allocated to traders in urban areas and how much to traders in rural areas?

The Speaker (Mr. Slade): That is too far from the actual question.

Question No. 63

SUSPENSION OF LOANS TO AFRICAN TRADERS

Mr. Malinda asked the Minister for Commerce and Industry that in view of the fact that loans to African traders and artisans by District Joint Loan Boards and Special Loans Committees had been temporarily suspended throughout Kenya, would the Minister tell the House what immediate steps he was taking to alleviate

the difficulties being experienced by African traders as a result of this suspension?

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, Sir, I beg to reply. The problems arising out of the hand-over of the scheme have proved to be more involved than anticipated and I do not consider it appropriate to make any change until all the new local authorities are in being. This will inevitably mean delay and in the circumstances all loan authorities have now been advised that they may resume the issue of loans. They have, however, also been advised that the earlier embargo imposed on loan authorities whose defaulters exceed 20 per cent should remain in force. To remove this embargo would certainly not be in the long-term interests of traders and I hope all Members of this House will use their influence in their constituencies to remedy the defaulter position.

The wording of this question suggests that the hon. Member may share a common misconception about the purposes of this scheme. I would like to take this opportunity of making it clear that the Loans Scheme is not designed to help traders over their short-term difficulties, but assist their long-term development. Regrettably, therefore, though the present suspension of loans certainly is, in postponing the opportunity for development for a few, it should certainly not cause any traders to be in difficulties.

Mr. Malinda: Mr. Speaker, Sir, could the Minister tell the House the break-down figures of how many districts have defaulters exceeding 25 per cent?

The Minister for Commerce and Industry (Dr. Kiatio): As a matter of fact this was the information which was being sought under the previous question. It is as follows: it is very serious, and I could not read all the districts, but I would like to say, first of all, about approximately 130 loans out of 2,200 are standing in default, and of this approximately £52,000 is frozen as a result. The list is as follows:—

Central Nyanza Joint Board: 95 defaulters, that is persons who have been given loans and have not repaid them. Kisii Joint Board: 51. South Nyanza Joint Board: 102. Western Region, North Nyanza Joint Board: 74. Elgon Joint Board: 20. Rift Valley Region—that is why I would appreciate very much the Members reminding their borrowers to pay back loans—Kericho Joint Board: 16. Kericho, Buret District: 2. Elgeyo-Marakwet Joint Board: 12. Nakuru Special Loans Committee: 5. Baringo Joint Board, I am glad to say, have no defaulters. West Pokot Joint Board: no defaulters. Mr. Speaker,

[The Minister for Commerce and Industry]

Sir, I would request silence, so that I can remind every Member of his own area's responsibility. Naivasha Special Loans Committee: 2 defaulters. Uasin Gishu Loans Committee: 18. Trans Nzoia Special Loans Committee: 12. Laikipia Special Loans Committee: no defaulters. Samburu: no defaulters, and they have borrowed some. Kajiado Joint Board: 30. Narok Joint Board: 3. That gives us a total of 132 defaulters in the Rift Valley Region. Kwale Joint Board: 72. Kilifi Joint Board: 47. Taita Taveta Joint Board: 24. Mombasa Municipality: 61. Tana: 18. Lamu Special Loans Committee: no defaulters. Fishermen in the area and some Arabs were also engaged in this exercise, and there are 32 defaulting out of 90. That gives us 282 defaulters in the Coast Region.

Central Region. Kiambu Joint Board: 8 defaulters. Nyeri Joint Board: 61 defaulters. Fort Hall Joint Board: 2 defaulters. Nyeri Township: no defaulters. A total of 71 defaulters in the Central Region.

Eastern Region. Kitui Joint Board: 34. Embu Joint Board: 3. Meru Joint Board: 37. Nanyuki Special Loans Committee: 10—I am afraid I do not have the figures for Machakos Joint Board, but I will give that information if it is required—a total of 84. In the North-Eastern Region we had a Committee at Isiolo with no defaulters at present. We have had 17 loans there.

Out of 113 loans in Nairobi, there are 48 defaulters.

If the House would also like to know the money distributed during that period, we would be glad to supply that information.

The Speaker (Mr. Slade): I do not think any of that is relevant to the original question. Are there any more supplementaries which are really relevant to that question?

Mr. Bala: Mr. Speaker, arising from the Minister's reply, is the Minister aware that most of the good African traders in Central Nyanza were affected by floods and as a result they could not pay their debts in time?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, Sir, I do not think that really arises. It is true that some traders did suffer like that, but some of them did not even take the trouble to explain why they could not pay.

Mr. Ngala-Abok: Mr. Speaker, Sir, could the Minister tell the House what instructions his Ministry has given to defaulters and what action he thinks is going to be taken?

The Speaker (Mr. Slade): That is not relevant to the question. Next question.

Question No. 64**AFRICANIZATION OF THE IMMIGRATION DEPARTMENT**

Mr. Sadalla asked, the Minister for Home Affairs if the Minister could inform the House what steps he was taking to accelerate Africanization of his Ministry, especially in the Immigration Department.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I beg to reply:—

Considerable progress has been made in the Africanization of the staff of my Ministry. In Prisons Department out of a total complement of 4,853 only ninety-seven posts (two per cent) are not held by local officers. In the Probation Service out of 115 posts only six posts (five per cent) are not yet localized. In the Childrens, Approved Schools and Remand Homes Department out of 242 posts only seven posts (three per cent) have not yet been localized. In Immigration Department to which the hon. Specially Elected Member specifically referred out of ninety-eight posts, fifty-six (57 per cent) have not yet been localized. In the Regional Affairs Office out of a total complement of 382 posts 197 (52 per cent) have been localized.

Consideration is now being given to a proposal regarding the replacement of the expatriate officers holding the posts of Principal Immigration Officer and Deputy Principal Immigration Officer. Two supernumerary posts are required for the recruitment of local officers who will be trained for the posts held by the expatriates. It has not yet been decided how long the expatriates should remain in office but they must be retained until the local officers are considered fit to take over the substantive posts. Of the four Senior Immigration Officers three are retiring under the General Compensation Scheme by the end of 1963 and they will be replaced by officers on promotion from the Immigration Officer cadre. By the end of January, 1964, eight designated officers will have retired under the General Compensation Scheme. They will be replaced by the most senior officers in the Trainee cadre who are all local officers. There are at present eleven officers in the Trainee cadre and it is hoped to recruit another three at an early date. The posts have already been advertised.

Mr. Ngala: Arising from the Minister's reply, Sir, the Minister said that in the Immigration Department there is a 60 per cent deficiency, as

[Mr. Ngala]

far as Africanization is concerned. Now the Minister is asked whether he could explain the acceleration he has in mind to overcome this problem. We would like to know exactly what acceleration he has carried out apart from the filling of the eleven posts he has mentioned.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, may I repeat that if my explanation was not understood by the hon. Member opposite he can have a copy from me and I am quite happy to give it to him, and after he has studied it maybe he will understand.

Mr. Ngala: Mr. Speaker, Sir, the hon. Minister is aware that we are not happy with the progress, and we want to know the steps he is taking in accelerating to overcome this 60 per cent deficiency in Africanization.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, I am happy with the progress we are making.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Minister's reply, will the Minister tell the House what senior posts in his Ministry are held by Africans now, or have been localized?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, in the course of my speech I have referred to that question.

Mr. Khasakhala: Mr. Speaker, Sir, if the Minister did not understand my question it is how many of the senior posts have been localized?

The Minister for Home Affairs (Mr. Odinga): I do not want to be difficult to the hon. gentleman opposite but if he thought that my reply was too long and he could not follow it properly, I am prepared to give him a copy.

Mr. Karuren: A point of order, Mr. Speaker. I would like your guidance on this question. The question No. 64 refers specifically to Africanization, and the term the Minister used was localization. I would like to know whether we are being given the Localization Report, or the Africanization Report?

The Speaker (Mr. Slade): That is not actually a point of order. If, in answering a question which contains one term, the Minister uses another term, that fact does not raise a point of order. If hon. Members are in any way dissatisfied with the answers, it is not a point of order, but they can show their dissatisfaction by way of supplementary questions.

Mr. Khasakhala: Mr. Speaker, Sir, to ask my question another way round, could the Minister

tell the House the break-down of the senior posts which are held by Africans?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, even now the question asked is quite vague, because I replied to many departments which are included, and I do not know which one he refers to.

The Speaker (Mr. Slade): I do not think the Minister is going to tell us any more.

Mr. Somo: Mr. Speaker, Sir, I am crossing the Floor.

The Speaker (Mr. Slade): Sit down, Mr. Somo. You are grossly out of order in making an announcement in that manner, and during Question Time. Please sit down until another time.

Question No. 72**SETTLING MARAKWET LANDLESS PEOPLE**

Mr. arap Too asked the Minister for Lands and Settlement what plans the Government had for settling Marakwet landless people in the Moiben area of the Uasin Gishu District; and how the Government would allocate plots in the Cherangani Settlement Schemes to the applicants.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply:—

The Government is proposing to establish two settlement schemes in the Moiben District for settlement of Marakwet, namely the Cherangani Scheme and the Suwerwa Scheme.

Responsibility for selection of settlers on these two schemes, as on other settlement schemes, rests with the President of the Regional Assembly.

Mr. Murgor: Mr. Speaker, is the Minister sure that there is a district in Kenya called Moiben?

The Minister for Lands and Settlement (Mr. Angaine): That does not arise, Mr. Speaker.

Mr. arap Too: Mr. Speaker, Sir, I would like to know from the Minister whether he knows that the Cherangani Scheme is in the Moiben area.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, it is in the Rift Valley Region.

Mr. arap Too: Mr. Speaker, my question is clear, and I would like to have a clear answer. I would like to know whether or not the Government intends to settle the landless Marakwet people in the Moiben area? The Moiben area is near Marakwet land, and therefore the Marakwet people are justified in asking for settlement in Moiben.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, the choice of the people lies in the hands of the President of the region.

Mr. Murgor: Mr. Speaker, Sir, we have asked the Minister to inform the House whether he is intending to settle Marakwet people in the Moiben area and that is what we want to know.

The Speaker (Mr. Slade): You have had the answer from the Minister that the choice of the people is not his affair. If you are asking whether Government is planning to provide land for settlement in this area, yes, I think that is something for the Minister to answer.

Mr. Ngala: Mr. Speaker, Sir, I think we would like your guidance on this. The Minister is grossly off the point, in my view, as far as the question is concerned. It is true that the selection of the settlers is the responsibility of the region, but here we are asking whether settlement schemes for the people in the Moiben area can be provided. It is not a question affecting the settlers.

The Speaker (Mr. Slade): The question itself affects the settlers, and that, I think, is your difficulty. If you want anything more from the Minister on this question you will have to limit it to the provision of a settlement area in Moiben without referring to those who want to settle there. I know it is a little confusing, but we can go round and round if we are not careful. Are there any further questions regarding an area of settlement in Moiben?

Mr. Murgor: Mr. Speaker, Sir, the question is whether there is any scheme which Government is contemplating in the Moiben area?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, the total area is 10,309 acres, that is in Cherangani area, and 3,110 acres at Suwerwa.

Mr. Murgor: That is not in Moiben area.

The Minister for Lands and Settlement (Mr. Angaine): It is within the Rift Valley Region. That is what I am talking about.

Mr. arap Tso: Could the Minister tell the House whether he knows that Moiben is in Elgeyo-Marakwet District?

The Minister for Lands and Settlement (Mr. Angaine): That is another question altogether, Mr. Speaker.

Question No. 74

ELECTRIC PLANT: KISII DISTRICT

Mr. Omweri asked the Minister for Works, Communications and Power whether the Minister could explain why there was no electric

plant in Kisii District in spite of electricity being obtainable by harnessing Nyakwana Falls in the River Kiya?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply on behalf of my Minister. The East African Power and Lighting Company Limited carried out a survey with a view to supplying electricity to Kisii and Sotik in September, 1960, at which time the estimated cost of providing the supply was £122,000.

The potential revenue from these two townships was well below that which would be necessary to make the supply economic, and has subsequently been estimated to have decreased. Unless some major development of which the company is unaware is planned for the Kisii area, it does not appear that a supply can be provided economically, but the company is keeping the situation under review.

Mr. arap Tso: Mr. Speaker, Sir, I do not seem to have had an answer to question B.

The Speaker (Mr. Slade): It is too late now, I am afraid. We have left this question now.

Mr. Omweri: On a point of order, Mr. Speaker, the last word in my question should have been Kuja, not Kiya.

Mr. Speaker, Sir, arising from the reply of the hon. Parliamentary Secretary, can he tell the House what economic development this company had in mind, so that we know what exactly is wanted?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I have just answered why there is no electricity in the district. As to what kind of development my hon. friend is asking for, I cannot give an answer. But this is a private company, the E.A.P. & L. goes very thoroughly into its surveys, and it does not want to enter into any project which is not going to pay the cost.

Mr. Khasakhala: Mr. Speaker, could the Minister tell the House the reason why the company gave directions to the Government on a matter of such great importance?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): The reason is that the E.A.P. & L. goes into this sort of matter, but before doing so they go into the pros and cons thoroughly, taking into account the economic factors. This survey which was carried out in 1960 by the E.A.P. & L. revealed that it would require the sum of £35,000 to service the

[The Parliamentary Secretary for Works, Communications and Power]

plant. It also revealed that only £10,000 could be expected to be returned from the supply of electricity, not only in Kisii, but in Sotik as well. Since then the demand has increased, and it looks as if nothing can be done unless some developments are planned which we cannot foretell here.

Mr. Anyieni: Arising from the reply, I think he is putting the cart before the horse. Mr. Speaker, Sir, will the Parliamentary Secretary tell us whether the electricity should come first and the development follow, or does he think development should come first and electricity follow?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, if we can get someone to supply the money without having a survey of the potential return, then it will come, but the Government goes very, very carefully into these matters and so does a private company like the E.A.P. & L., and I am afraid they are not able to do anything at the moment.

Mr. Anyieni: Arising from the Parliamentary Secretary's reply, is it the policy of the Government to rely on a private company for the development of a district?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, the question was replied to regarding the supply of electricity in Kisii.

Mr. Khasakhala: Mr. Speaker, if the E.A.P. & L. does not do it, why does not the Government nationalize the company?

Question No. 80

CREATION OF AFRICAN OR MULTI-RACIAL NATION

Mr. Kioko asked the Minister of State to the Prime Minister's Office if the Minister would tell the House whether the Government was endeavouring to create a real African nation or a multi-racial nation.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I beg to reply. The Government's policy is to create a democratic African socialist society in Kenya.

Mr. Kioko: Mr. Speaker, Sir, arising from the Minister's reply, could he give the House an assurance that Government will give a picture of an African Government in this House so that soon we will see African Ministers in the Cabinet without any Europeans or Asians?

The Minister of State, Prime Minister's Office (Mr. Murumbi): That is difficult to answer until we have the next elections.

Mr. Shikuku: Mr. Speaker, arising from the Minister's reply, he tells us that this is a socialist Government. Would he have any knowledge as to whether some of you—

The Speaker (Mr. Slade): Who are you referring to as "you", Mr. Shikuku?

Mr. Shikuku: The Government.

The Speaker (Mr. Slade): Are you not aware of the rule that you must address the Speaker? Address your question to the Speaker.

Mr. Shikuku: Is the Minister aware that some of these people, or rather some of the hon. Members of this House, are also directors, or their wives are directors, of private companies? How can he reconcile this with the socialist Government he advocates in this House?

The Speaker (Mr. Slade): I cannot see that that is related to the question.

Mr. Ngala: Mr. Speaker, Sir, arising from the reply given by the Minister when he indicated that possibly after the next elections there would be no Asian or European Ministers, is this not an indication against the Government policy which declares that we will be non-racial throughout this country?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I did not indicate that in my answer at all. What I said is this, it depends after the next election as to what would be the character of the Government and the House as well. I did not indicate that there will be no Europeans or Asians at all.

Mr. Ngala: Arising from that reply, Sir, I take it that by "African democratic socialist society" he means every African, regardless of race or colour, living in Kenya.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Yes, Sir.

Question No. 92

EXPULSION OF STUDENTS: KISU SCHOOLS

Mr. Anyieni asked the Minister for Education whether the Minister aware that the students were being expelled from schools in Kisii purely on the grounds that they were married.

The Minister for Education (Mr. Otieno): Mr. Speaker, Sir, I beg to reply. Yes, Sir. By Minute 25/63 the Kisii District Education Board

[The Minister for Education] unanimously agreed that married pupils were unsuitable in primary schools and a danger to discipline. The Board further agreed that those married pupils who were already in school could remain there, but that those who married after July, 1963, should be expelled. In view of this it is not understood what the hon. Member would like the Ministry to do.

Mr. Anyieni: Arising from the reply, Mr. Speaker, is the Minister aware that there were students who were married before July and these students were expelled from school in Kisii?

The Minister for Education (Mr. Otiende): I am not sure about this.

Mr. Anyieni: Arising from the reply, will the Minister give an assurance to this House that he is going to take steps to make sure that these students are accepted back into their schools?

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I would like to say this, that it is very odd that in this year, 1963, we still have married students in primary schools, I therefore intend to take no action.

Mr. Shikuku: May I know from the hon. Minister whether the Ministers were married when they carried on their school work in primary schools?

The Minister for Education (Mr. Otiende): I did not hear the last part of the sentence.

Mr. Shikuku: I will repeat it. May we know from the Minister whether there are students who are married, but who carried on their studies as well, in primary schools?

The Minister for Education (Mr. Otiende): I have stated that because they were disturbed due to their status it was thought, after much consideration by the local authority there, that it was better to get rid of them from the school system. It is our aim that we start primary schools at from the age of five and a half to seven years. I do not see how married pupils can go to school then.

Mr. Agar: Mr. Speaker, Sir, since there is no rule prohibiting child marriage could the Minister reconsider removing this rule so as not to inconvenience those who are married, while too young, but who still wish to go to school?

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I am not an expert on psychology but I am advised that a student should not marry before a certain age. Even in Ukambani,

where it was thought wise to marry young, I do not think anybody got married at the age of seven.

Mr. Ngala: Mr. Speaker, Sir, arising from the reply given by the Minister—

Mr. Anyieni: On a point of order, since I see the Minister is giving a reply regarding primary school children, I did not ask that, I asked about schools in Kisii.

The Speaker (Mr. Slade): It is not a point of order. If you have not received a satisfactory answer, you can pursue the matter by a further supplementary question.

Mr. Ngala: Arising from the reply given by the Minister, it looks as if the Minister admits that there has been a great deal of inefficiency in admitting children who are married to primary schools. What steps is he going to take to make sure that schools other than those in Kisii district do not repeat the same mistake?

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I am very glad to take this opportunity to speak on this subject. It is our intention from next year to regularize the age of admission to Standard One. In order to carry out our purpose of education we shall have to regulate the age at which children will be admitted into schools. I can therefore give the hon. Member the assurance that I will see that no married pupils are admitted.

An hon. Member: Mr. Speaker, Sir, will that affect places where people have not had the privilege of having had places in schools before?

The Minister for Education (Mr. Otiende): No, what I should say is there is a special provision in certain areas whereby we shall consider married pupils, but they will be considered as adults; we shall call these schools adult schools.

Mr. Anyieni: Arising from the Minister's reply, in view of the fact that he did not reply to the question on schools, but mainly to primary schools in Kisii, will he give us an assurance that pupils who have been expelled from schools in Kisii will be re-instated in schools?

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I understand it is possible for a student in a secondary school to be married under certain circumstances provided that his marriage does not disturb discipline in the school. I am prepared to consider this question.

Mr. Chepitkit: Would the Minister give this House an assurance that they will be allowed to stay in school when they get married, and what effect has that marriage on the education of that pupil as regards the development of Kenya?

The Speaker (Mr. Slade): This is not the question now.

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I thought that I was answering a Parliamentary Question. My hon. friend now raises the question of the psychological effects of marriage on the pupils. If I may be allowed to say so I think all educationalists are agreed that before a student reaches the age of eighteen it is not very wise to get married, and that after marriage his mental capabilities change.

Question No. 100

TRAINING OF KALENJI TEACHERS

Mr. Choge asked the Minister for Education how many Kalenjin were now being trained as teachers; was the Minister satisfied that there were sufficient trained Kalenjin teachers for the requirements of all schools in North Nyanza and Nandi districts?

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I beg to reply:—

There are 248 Kalenjin teachers completing training in 1963 and a further 295 are expected to complete their courses in 1964.

No, I am not satisfied that there are enough trained teachers in North Nyanza and Nandi District. I cannot be satisfied that there are enough trained teachers in any district until all the unqualified teachers have been replaced.

The percentage of untrained teachers throughout the country is 27.8 per cent. The percentage in Nandi is somewhat higher, 33.6 per cent, and in North Nyanza considerably lower, 19.6 per cent. Imbalances of this kind will gradually be removed by controlling the intake of students into training colleges.

Mr. Choge: Mr. Speaker, arising from the Minister's reply, is he aware that the number of students going to teacher training colleges in North Nyanza has been cut down because the Abaluhya do not have enough teachers? The Kalenjin are treated the same as the Abaluhya and therefore they are not accepted.

The Minister for Education (Mr. Otiende): Mr. Speaker, I do not want to cross swords with the hon. Member who was in my area until he chose to go to another. I would submit that in North Nyanza we have enough teachers trained, and that in those areas which have mixed Kalenjin/Luhya, there are enough Kalenjin and Abaluhya teachers.

Mr. Choge: Arising from the Minister's reply, is he aware that the Abaluhya teachers can only teach in intermediate schools and not in the primary schools because of the language?

The Minister for Education (Mr. Otiende): I am aware of that, but I am also aware of the fact that in the so-called Kalenjin schools they all speak Luluhya.

Mr. Kamuren: How many speak Nandi?

The Minister for Education (Mr. Otiende): I can give that information if I am given time.

Mr. Khasakhala: Is the Minister aware that many students in North Nyanza have been refused training, and that he should take steps to see that such people who want to do their training are encouraged to do so?

The Minister for Education (Mr. Otiende): I believe that previous to the construction of the new Government there was restriction of training of teachers in these areas under question. There is not going to be any more because we have now changed our policy; of that I can assure the hon. Member.

An hon. Member: Is the Minister aware that teacher training colleges are more needed in Mount Elgon, West Pokot, Marsabit and Trans Nzoia?

The Minister for Education (Mr. Otiende): I agree with the question, Sir, but I would say that it is the teachers that are more needed and not teacher training colleges. We have enough places to train many people to become good teachers without building schools on the mountain.

Question No. 106

EXTENSION OF EMBU HOSPITAL

Mr. Mbogoh asked the Minister for Health and Housing what plans the Minister had for the extension of Embu Hospital to meet the fast-growing needs of the area now developing as the centre of the Eastern Region?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I beg to reply.

We do have development plans for Embu Hospital, and they are as follows:—

(i) During the current financial year a new X-ray department and operating theatre will be constructed. Finance for this has been found jointly by this Ministry and the Embu African District Council.

(ii) In the Ministry's development plan for 1964-70 the following works are proposed for Embu Hospital:—

[The Minister for Health and Housing]

(a) installation of electric light;

(b) improvements to hospital services;

(c) construction of ninety-six additional beds.

(iii) Planning of the regional hospital services requires consultation between this Ministry and the Regional Assemblies, but I understand that the Regional Health Committee of the Eastern Region has agreed, that Machakos should remain as the regional hospital serving the southern end of the region, Embu should be built up sufficiently to cover the anticipated increase in the population at Embu, and Meru District Hospital should be enlarged to act as a reference hospital for the northern end of the region.

Mr. Mbohoh: Arising from the reply, does the Minister think that the training for nurses and midwives is adequate?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, we are not only training midwives in the hospitals in Embu. We train them at King George VI in Nairobi, in Mombasa, and all over the place. When they have finished their training we send them out to serve in all places in Kenya.

Question No. 109.

COMPENSATION FOR AFRICAN SETTLERS

Mr. Makone asked the Minister for Lands and Settlement what provisions, if any, have been made by the Ministry, or the Board concerned, to compensate African settlers whose livestock or property have been stolen or damaged through no fault of their own?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply.

None, Sir.

African settlers on the schemes for which my Ministry is responsible are in the same position as any other member of the general public.

No doubt the police will return to settlers any stock which they are able to recover in these cases.

It is, of course, open to these settlers, as to other members of the public, to insure against such risks.

Mr. Makone: I want to know, Mr. Speaker, if a cow is sold to a farmer and it does not produce any milk, would the farmer be asked to wait until the cow did produce?

The Minister for Lands and Settlement (Mr. Angaine): No, Sir.

The Speaker (Mr. Slade): I think that is too far from the question. The question refers to livestock or property being stolen or damaged.

Mr. Makone: Does this not constitute a damage?

The Speaker (Mr. Slade): That is not my understanding.

Mr. Anyeni: Arising from the Minister's reply, I think that this is a contradiction of the reply from the Ministry, in view of the fact that when I asked the same question sometime ago the reply was that the Board would do everything to help the settlers pay back loans.

The Minister for Lands and Settlement (Mr. Angaine): I am not aware of that, Mr. Speaker, but I do know that the law which applies to the public also applies to the settler; there is no difference in the law. If my own cattle are stolen then it is up to me to go to the police and they will try to look for them.

Mr. Marrian: Am I in order in making an explanation to the hon Member?

The Speaker (Mr. Slade): I think you are in order. The question refers to what was said in another debate, and a member may challenge if it is not a true representation of what was said then. You are questioning the accuracy of what Mr. Anyeni said, and so you may do it.

Mr. Marrian: Mr. Speaker, as far as my recollection goes, in the event of a settler suffering loss by virtue of death, although the Government could not admit responsibility for it, if the loss made it difficult for the settler to repay the loans, consideration as to a *moratorium* would be given in the case of such distress.

Mr. Anyeni: Arising from the Minister's reply, as the Minister is himself a human being, will he tell us how else a settler is able to pay back his loan if his cattle are stolen?

The Speaker (Mr. Slade): This question relates to compensation, I cannot have supplementaries going beyond that.

Question No. 111

KWALE TRADES SCHOOL: ADMISSIONS

Mr. Mwatsama asked the Minister for Education: Was the Minister aware that applicants to the Kwale Trades School at the Coast were not allowed admission if they failed the K.P.E.?

[Mr. Mwatsama]

If the answer was in the affirmative, would the Minister take steps to remove such a restriction?

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I beg to reply. The normal qualification for acceptance into any Technical and Trade School in Kenya is a pass in the Kenya Preliminary Examination. Therefore, before admitting a student to a Technical and Trade School we make sure that he has passed this examination. This has been the rule in order to control the admittance of pupils into the few Technical Schools which we have. It so happened last year that all Trade Schools took in their students on that basis except, I am sorry to say, the Coast Technical and Trade School at Kwale, which was unable to recruit enough boys with K.P.E. passes to fill its classes. The Principal therefore wrote to the Ministry and asked whether he could take K.P.E. failures. My Ministry agreed, although it was before my time, and fourteen pupils were taken in who had not passed their K.P.E. He also made it known to the surrounding intermediate schools that even if boys failed K.P.E. they would be considered for admission into the Coast Technical and Trade School, provided of course that they were able to pay their fees.

Therefore, I do not see why, Mr. Speaker, I should be required to answer the second part of the question.

Mr. Ngala-Abok: Mr. Speaker, could the Minister tell us whether this will apply to all other Trade Schools, because there are some Trade Schools where K.P.E. failures are not admitted?

The Minister for Education (Mr. Otiende): No, Sir, this was a special consideration for the Coast Region, it is not proposed to extend it to other areas, unless they show over a period of years that they also need special treatment because they cannot get boys to pass their K.P.E.

Mr. Bonetti: Mr. Speaker, am I not right in saying these Technical and Trade Schools are really meant for backward and less gifted children?

The Minister for Education (Mr. Otiende): No, Sir, the fact that a boy goes to a Technical and Trade School does not mean that he is more backward than the one who goes in for an academic education; let us get that one out of our minds. The only thing is that he has different interests from a boy who goes in for an academic education, and we have made provision in our educational system, so that a boy who goes to a

Technical School, if he works hard, can meet another boy, who has had an academic education, at the Royal College.

Mr. Ngala: Arising from the reply, Sir, is the Minister prepared to review the position in relation to the whole country if the 14 students who have not passed the Preliminary Examination at Kwale make a success of the course?

The Minister for Education (Mr. Otiende): No, Sir, at present I am intending rather to go to the Coast and persuade them to pass their K.P.E.

Mr. Tamul: Mr. Speaker, Sir, I should like to know from the Minister what provision there is for the K.P.E. failures, so that they may also have training for a certain job?

The Minister for Education (Mr. Otiende): Mr. Speaker, I do not think I will be committing the Government and letting out the plans of the future if I say that we are thinking very, very carefully about what we can do for the boys who fail K.P.E., and even those who do not reach the standard of K.P.E. We are trying to think of ways of making them useful citizens by absorbing them in farms and into the industrial life of this country.

Question No. 114

SETTLEMENT OFFICERS: EUROPEAN AND AFRICAN

Mr. Kamiren (on behalf of Mr. Murgor) asked the Minister for Lands and Settlement how many of the following officers were, at present, employed by the Ministry:

African Settlement Officers.

African Assistant Settlement Officers.

European Settlement Officers.

European Assistant Settlement Officers.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. African Settlement Officers, 6; African Assistant Settlement Officers, 8; European Settlement Officers, 48; European Assistant Settlement Officers, 14.

Mr. Ngala: Arising from that reply, Sir, what steps is the Minister thinking to create a balance in these officers, particularly in section (c)?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, the reason for the comparatively large number of Europeans is that it has been found exceedingly difficult to recruit Africans with the necessary knowledge of farming

[The Minister for Lands and Settlement] combined with administrative knowledge. However, Mr. Speaker, to overcome this difficulty my Ministry has inaugurated a training scheme whereby suitable African candidates with adequate educational qualifications could be initially engaged in a junior post, rising to the rank of Settlement Officer when they prove themselves capable. By this means it is hoped that more and more Africans will be filling the vacancies for Settlement Officers.

Mr. Oyoo: Mr. Speaker, is the Minister aware that a number of Europeans who have been employed here are those European settlers who have sold their farms to the Board, and as such this is encouraging the European settlers to sell their farms in order to be employed and is causing unemployment amongst the Africans?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, the Minister is not aware of that.

Mr. Ngala: Mr. Speaker, Sir, would the Minister undertake to find out, so that he becomes aware and removes this ignorance on his part?

The Minister for Lands and Settlement (Mr. Angaine): Yes, Sir.

Mr. Ngala: Mr. Speaker, Sir, could the Minister explain in detail the qualifications for a Settlement Officer, whether European or African? What are the qualifications which make the position so difficult at this stage?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, any man or woman with a great knowledge of farming and administrative experience and ability.

Mr. Ngala-Abok: Mr. Speaker, would the Minister tell us why there are not more Assistant Settlement Officers who are Africans, because I see that there are only eight? Why are there not more, so as to replace the European Officers?

The Minister for Lands and Settlement (Mr. Angaine): I have already said that we are training Africans, so that they can be employed as Settlement Officers.

Mr. Bomett: Mr. Speaker, would the Minister tell us what chances an African instructor with experience has of becoming a Settlement Officer?

The Minister for Lands and Settlement (Mr. Angaine): That is rather difficult to answer. If the instructor is promoted to Grade I, I think he can be employed as a settlement officer.

An hon. Member: Will the Minister tell the House the circumstances when an African can be promoted to an instructor grade I?

The Minister for Lands and Settlement (Mr. Angaine): As soon as he is ready for it.

The Speaker (Mr. Slade): We have had well over an hour of questions. We will go on to the next order.

Mr. Ngala-Abok: On a point of order, when will the hon. Member who wanted to cross the floor be given a chance to do so?

The Speaker (Mr. Slade): An hon. Member can cross the floor whenever he likes, but there is no need for him to make a song and a dance about it, particularly in the middle of Question Time.

BILLS

First Readings

THE AGRICULTURE (AMENDMENT) BILL

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

THE KENYA MEAT COMMISSION (AMENDMENT) BILL

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

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL

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

COMMITTEE OF SUPPLY

(Order for Committee read)

VOTE 7—LOCAL GOVERNMENT CONTRIBUTIONS

(Resumption of Debate interrupted on 2nd August, 1963)

The Speaker (Mr. Slade): Mr. Nyamweya was speaking but he is not here to continue his speech.

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): Mr. Speaker, Sir, while supporting this Vote, I would like to make a few points—as a matter of fact only two—for the consideration of the Minister concerning the Vote. The first point I am going to make is in connexion with the assessment of taxes that we have, and also

[The Parliamentary Secretary for Finance and Economic Planning]

the effect. I believe, Mr. Speaker, Sir, that very soon we shall have a situation in Kenya whereby many people will expect to get money from the taxpayers, wage allowances, salaries and so on. This is especially so in view of the fact that we have many regional members, council members, presidents, chairmen of committees and also the staff whom we have to employ in these places. It seems that there will be nearly 3,000 people in the regions and in the local governments as members. All these members, rightly so, will expect to receive salaries and allowances. All the employees, totalling over 20,000, will expect to be paid and this money is expected to come from taxes which will be paid by the people. Mr. Speaker, Sir, when we examine this we find that the county council rates—they used to be known as African district council rates—come from the people in the rural areas and to some extent from some people in towns. The kind of people in the rural areas are peasant farmers and another group consists of small traders and businessmen. If we are going to expect to get quite a lot of money from these people, it seems to me that we have to be a little careful about this matter and that we should consider the effect of rates on the taxpayers. For instance, Mr. Speaker, it is quite clear that the African peasant, who is always expected to pay his African district council rates at a fixed amount this is about forty-eight, forty-four or sometimes thirty-three or something like that—although he is contributing a rather small amount of money, has a financial sacrifice which is much greater than others who are paying more taxes. Also, Mr. Speaker, Sir, when we consider other principles of taxation like the ability to pay—and I believe it is in this connexion that graduated personal tax is being introduced or has been introduced—I would like to speak in support of a point which was made by one of my colleagues, Mr. Bala, the hon. Member for Nyando. He said that quite a number of African traders were being discouraged because of graduated personal tax.

There is a danger here, Sir, because it is these people—the small African businessman and also the African people who are trying to improve their farms, build up smallholdings, and so on—we want to encourage in order that they can participate more actively in the economy of this country. If we tax them indiscriminately, especially if we apply graduated personal tax without care, we might be doing economic harm to this country; naturally, we do not wish to do anything to discourage those people, especially Africans, who are trying hard to participate in the economy of the country. Mr. Speaker, this is

one point which I wanted to bring to the notice of the Minister who moved this Vote.

The other point I would like to refer to concerns the difficulty of collection. In his opening speech, the Minister mentioned that out of the eight million Africans in this country, the number of people who pay taxes is less than one million. The adult male population in our country at the moment is about 1.75 or 1.73 millions, and according to records or estimates, about 614,000 of those are paying taxes. This is less than half of the total male population who might be expected to pay taxes, to pay rates. We have also been told several times of the various African district councils running into trouble and closing schools, hospitals, and other services because they have not received their rates. Our attention has been drawn, as Members of this House, to other places and I notice that, for instance, in Central Nyanza the percentage of people who have paid their taxes is as low as 12 per cent.

Mr. Speaker, Sir, this is the problem to which the Minister has drawn our attention. I want to make a suggestion—this is something which the Minister might consider—that we might give thought to the possibility of letting people pay their 1963 rates without being asked to produce receipts for the past years. I believe, Sir, that there are people who would like to pay their rates now because they like this Government, but they are afraid to do so because when they go to pay their taxes they are asked to produce the receipt for previous years. Sometimes, this amounts to a high figure and it is difficult to pay with the penalties which are generally given. Mr. Speaker, Sir, this suggestion at least might relieve the financial position of the county councils because, for instance if you look at the figures, you will see that the whole country is losing about £1.6 million every year and this money is not collected and it should be collected. Now, consider also the amount the African district councils and the county councils require and the figures show that they hope to get generally about 10 per cent. Now, the thing is the amount they are losing—which is £1.6 million—is more than 100 per cent of the amount they are getting. If they could get half as much more than what they are getting it would be much better.

I wanted to put this point to the consideration of the Minister and I hope he will discuss it with the local authorities and county councillors and find out if such arrangements can be carried out.

QUORUM

Mr. Malsori-Iumbo: Mr. Speaker, Sir, on a point of order, is there a Quorum in the House?

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

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a Quorum now, you may continue Mr. Okelo-Odongo.

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): Thank you, Mr. Speaker.

Mr. Speaker, Sir, I was saying that this is important because it will reduce the expenses the Government generally acquires there, especially the local governments because they have to pursue the tax defaulters and then they have to arrest them, take them to court and put them in jail. Taking them to jail is not a good thing for the economy of this country because, in the first place they are removed from their homes and in the second place the Government has to keep them and feed them.

There is also the question of remittance of arrears and expecting people to pay their arrears. When this question is discussed a lot of the administrators express the opinion that it would be unfair for those people who have been paying regularly. This is quite true, but if this is done we will have more people paying rates and that means there is the likelihood of the rates going down and so the regular payer, in the long run, may have to pay less rates. Therefore, the argument does not seem to hold water there.

I wish to make these two points and draw the Minister's attention to their consideration because I believe we all want our monetary system and our financial system of public finance to operate for the benefit of our country as a whole, economically as well as socially. It should especially benefit the local authorities because they are going to need a lot of money. However, if they are going to do this they must be prepared to do away with their old traditions if they find it necessary and start their own ways of finding money.

Thank you very much, Mr. Speaker.

Mr. Anyieni: Mr. Speaker, Sir, there are a few things going on in the local governments in different districts of which I am sure the Minister is not properly aware and if he is aware of them I would like to remind him of them in the course of my speech.

Mr. Speaker, Sir, the local governments have been collecting rates from the ratepayers without explaining and without demonstrating with action how the money they pay out is going to be used for their own benefit. It has been very difficult

in some areas for a person to explain to the ordinary man what the rates he pays are used for. There has been something going on in some areas where you find some of the money is kept in the areas round the towns but in the remote areas nothing has been done. The local authorities and the local governments have been collecting money from certain markets that is when farmers bring their crops to the markets they are taxed by about 10 cts. or 20 cts. for a crop sellable at Sh. 3, but the local authorities are not willing to supply services to the markets which means they are only interested in the money and not in the services like road-making, etc., which the people in the area require. There has been a shortage of payments of rates and because of this certain services have had to be closed down. I do not believe the local authorities can discern what kind of services should have been withdrawn and they have withdrawn the most essential services. For example, they have closed down dispensaries while they are still running local authorities cars in addition to the fact that officials in the Government have been given loans to buy cars.

Mr. Speaker, Sir, following the recent elections we understand that, according to the Constitution, the A.D.C. or County Councils are going to appoint Government officers to be members of the councils. I think the best thing would be for these people to be specially elected because in the House of Representatives we have some people who have been nominated, but they are specially elected by the Elected Members of the Council and this is also the case in the Regional Assembly but in the local authorities this is not so. We object very strongly to the fact that chiefs, who may not really have the interests of the people at heart, are nominated to these councils and we find that these chiefs are nominated to these councils by the local officers who are in charge of them, and you find then that they try to satisfy the Administration instead of serving the council.

Recently we have had elections and one of the rules for nomination was payment of the A.D.C. or county council rates for the last five years. Mr. Speaker, this is unfair because you may find a person who has been at school and then perhaps has been to America or somewhere else and is now a fully grown man and interested in doing what he can to help his people, and he may want to represent his people on these councils, but he cannot because he has not been able to pay his rates for the last five years. This rule should be withdrawn and I hope that when the Minister replies he will look into this. I do agree that the person may be asked to pay, but if he has not been here then he should not be penalized at all.

[Mr. Anyieni]

In some areas, Mr. Speaker, there are school children in Standards VI, VII and VIII who are asked to pay their rates. We feel that this is very unfair in view of the fact that the pupil goes to school at about eight o'clock in the morning and does not go home until about five o'clock in the evening and does not, therefore, have time to go out and work to earn money to pay these rates. So we feel that the Minister should review this and make sure that a person at school is not expected to pay any rates at all.

In other areas, for instance in Kisii, some people have been arrested for failing to pay their rates, but instead of being taken to gaol they have been asked to work on the road gangs as payment for their rates. Many of these people have worked on these road gangs for two or three months and then when they have returned home their headmen demand to see their receipts for the rates they have paid. This is also unfair because the person has been told that he can work on the road gangs instead of paying his rates, but he is not given a receipt at the end. There are some taxes made by the county councils which are completely unfair. For instance, where donkeys are used for transport you find that the councils demand payment of rates for the donkeys, but they do not give anything back to the owners. I agree that dogs should be paid for because during each year a veterinary officer injects the dogs, but I feel that since there is nothing like that done for the donkeys then they should not be asked to pay rates for them.

Mr. Speaker, in various parts of the country there is a lot of black market. I am referring to this because in certain hospitals it is the A.D.C. and the county council rates which are used to finance the buying of medicines. Certain officers sell drugs illegally to blackmarketers, and I would urge the Minister to take steps to make sure that such people are prevented from laying their hands on medicines and drugs. One of the methods he could use would be to register all the drugs going into each district so that he can then find out how many drugs or what quantity of drugs are being given to the patients. Some of the ratepayers have been paying their rates and then an old woman, for example, who does not read, has gone to the hospital and instead of being given the right treatment she is merely given a couple of aspirin or something like that and no injection at all. Therefore, I feel that these are some of the reasons which make people feel that they cannot afford to pay the rates.

There are cases where the county councils are taking advice from the employees of the council

and we have been told that this was decided by the Council of Ministers. I am sure that since *Uhuru* is coming people will not be grouped together when they do not want to be, and the wish of the people will be the paramount consideration. I do not understand how the Members were elected, but you will find that in some cases the council has taken the size of the population as an indication of how many people should be elected in the area. I hope that when the Minister replies he will tell us how he proposes to determine how many people will be elected for each council. In some places they say that the sub-chiefs must be represented in the council, but you will find that some sub-locations are sometimes put together to be represented by one Member. These are some of the things which I think the Minister should look into. He must tour these areas and find out what complaints people have. In some areas the ratepayers feel that they are being dictated to by the councils and I feel that since the Minister is interested in the problems of the area he will look into some of these difficulties and see how he can improve on them and encourage the people to pay their rates.

Mr. Speaker, Sir, with these few remarks I beg to support.

Mr. Mairori-Itumbo: I would like to co-operate with my hon. friend who has been speaking on this particular Motion, on some things which discourage the ratepayers to pay their rates. In particular on this question of marketing where women are being asked to pay twenty cents for the few potatoes or onions they bring to the market. This has been a very major issue to the local people. They are always asked to pay twenty cents or sometimes even more, when they take their things to the markets. One woman perhaps may have just a few tomatoes and she is asked to pay ten or twenty cents. In return these people do not get any benefits coming to their areas, or they do not see any work being done by, say, the former African district council. Nothing is being done to the roads in some of these areas where the fees are being charged from the ratepayers. They have not had their roads fixed for years.

Mr. Speaker, there is another question and this is with regard to the hospitals and dispensaries which now exist. I am from South Nyanza and I must speak of the places where I come from. We have very few dispensaries and health centres at the moment. Some of them charge extremely high fees when a patient comes to the hospital for treatment. Some of the poor people are not even given proper treatment. I have heard of

[Mr. Malsori-Itumbo] many cases of people who complain of the type of people we have as hospital assistants, and these assistants are paid their salaries plus, in some cases, *kukur* and *unga* by the patients. They are given this in addition to the money they get officially, and yet the treatment they give to the people is extremely poor. On the other hand you find that the electors, the people who elected us to this House, complain that the Government is a sort of commercial organization. They feel that the dispensaries are built in certain areas for the purpose of trade and not to help them. So why should they be asked to pay very high fees when they come to the dispensaries for treatment?

Another aspect is of the chiefs. The former chiefs that we had used not to work hard on tax collection; they used to send their tribal police to arrest people and when they are sent out for rate collection they go and arrest a person who has not paid rates for three or four years. They take him along with them for a few miles. After taking the person a mile or two he is asked for a bribe by these *askaris*—

The Minister for Local Government (Mr. Ayodo): Could the speaker substantiate what he is saying?

Mr. Malsori-Itumbo: Mr. Speaker, I think there are common cases. I can substantiate it within a day.

The Speaker (Mr. Slade): If the hon. Member can substantiate within twenty-four hours, Mr. Ayodo should wait for him to do so. If he fails to substantiate within that period, I should be so informed, and Mr. Malsori will hear more about it.

The Minister for Local Government (Mr. Ayodo): I would like him to substantiate, Mr. Speaker.

Mr. Malsori-Itumbo: Thank you very much, Mr. Speaker. I will take it to the Minister tomorrow.

If I may be allowed to continue. Some of these people after being set free by the *askaris* go back and never pay their taxes and whenever the *askaris* are sent to collect the fees for the second time we find that they do not arrest these people who are their good friends. Permanent friends. The *askaris* do not carry out their duties properly. Therefore, I think we must have a thorough investigation into this matter, or else we shall find ourselves blaming the local people for nothing, while the department fails to carry out its responsibilities and its duties.

Mr. Speaker, the other thing I must not forget to talk about, before I stop, is the way in which the City Council of Nairobi is handled as regards localization. I think we have a common advertisement in the *Gazette* or Press whenever they advertise a certain post for employment. They need high qualifications for certain jobs, but in comparing this with the recent officers who work in the City Council you will find that that person is not so highly qualified. When they want to employ an African in the way of localization in the county council you will find that the qualification they demand is not what the man working now on the present staff has. Therefore, Mr. Speaker, I do not think that the City Council is trying to localize or fill vacancies with Africans who only take some responsibilities. I would like the Minister to go into these matters in detail and find out how the employment is carried out in the City Council. If you look into the staff of the City Council you will find that it looks as if you are in India or Bombay. This does not mean we do not have people who are properly trained to take over the jobs. It seems to me that they are not willing to give Africans a fair chance. Therefore, I strongly criticize the department. There are several clear cases to, prove this and to support my case.

Mr. Speaker, Sir, the other aspect which Mr. Anyien, the Member for Majogee-Bassi, touched on concerns the elections to the county councils. In South Nyanza as a whole, we all read in the Official Gazette, and I do not know how this was divided, I understand that the population of South Nyanza is so large. If you read that particular Gazette, locations like Karachuonyo, Kuria, Kuryanda and Suna you find that the numbers given there are not equivalent to the others while the population is the same. I would like to draw the Minister's attention to this matter, and I would like to know in particular about the South Nyanza County Council, and the area council of Kuria. The number given for that particular council is not sufficient. There is a complaint in that area that representation was not properly divided.

With these few remarks, Mr. Speaker, Sir, I beg to support, and congratulate the Minister for Local Government.

Mr. Makokha: In supporting the Minister, I have the following observations to make. Several hon. Members referred to carelessness with regard to ratepayers. Mr. Speaker, Sir, in the past the councils or the African district councils, at the moment the county councils have been demanding, demanding, demanding, but they have done very little to educate the ratepayers. I feel that

[Mr. Makokha] the Minister should issue orders to the county councils to educate the masses. Another reason which makes payment of rates difficult is the wrong assessment in some areas and this is grossly unfair. I know of cases where ownership of a semi-permanent house is enough to assess the owner to pay the highest rate.

QUORUM

An hon. Member: Mr. Speaker, Sir, on a point of order, is there a Quorum in the House?

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

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a Quorum now, you may proceed Mr. Makokha.

Mr. Makokha: Coming back to wrong assessment, where ownership of semi-permanent houses is concerned, I feel that the Minister should look into this.

The next point which makes it difficult for people to pay their rates is the punishment of defaulters. At the moment this is wrongly done. I know of cases, Mr. Speaker, Sir, where defaulters go to the chief's centre and literally sit the whole day doing no work at all and then go back to their homes. At the end of two or three months they are issued with receipts as having paid their rates. Personally, Mr. Speaker, Sir, I feel that in future defaulters should be given some work to do, and this work should be such that it will help the local authorities concerned, say with road building or with some health centre building or something like that.

Another reason which affects payments of rates, and this in particular concerns my own district of Busia. Most of the people live on the border, that is the border of Uganda and Kenya. At the moment people who work in Uganda but live in Kenya are being asked to pay tax twice. This will even be more important with effect from January next year when graduated personal tax will go to the county council. The people, Mr. Speaker, Sir, pay tax in Uganda based on their income, and in Kenya where they live they are asked to pay another tax, also based on their income.

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

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

Mr. Makokha: Mr. Deputy Speaker, Sir, I feel this is quite unfair, as a person should only pay one tax based on his income. I would like the

Minister to look into this, particularly as we are going to have an East African Federation; I see no reason why people should be penalized in this manner.

I would like to seek some information from the Minister as regards breakdown of contributions to the various regions. On page eighty-three I find the Western Region has been allocated only £805. I would like to know how this figure is arrived at, whether it is based on the ratepayers in the regions, or on the geographic area of these regions. The other regions are getting well over £10,000, while the Western Region is getting a mere £805. Mr. Deputy Speaker, Sir, the last thing I would like to know from the Minister is this. In my county council of Busia, the constituencies for the county council are equal for all the locations, i.e. three members for each location. I would like to know whether this is based on population or whether the number was fixed at eighteen, and since we have six locations each was inevitably asked to produce three members. The reason why I have raised this point is because I feel it is very unfair to some locations where the population is large, and they are allocated three seats. Some of the locations are very small and are allocated three seats as well. I feel the Minister should look into this and if possible correct it. With these few remarks, Mr. Deputy Speaker, I support the motion.

Mr. Odere-Sar: Mr. Deputy Speaker Sir, I have a few remarks to make concerning the rates in Central Nyanza. We have heard from the Secretary of the A.D.C., Central Nyanza, that the ratepayers are not doing their work. After hearing this we discussed the matter locally and we found out that the means which are being used to collect rates from the people were not correct. In the reserve certain people are not working for wages. They are farmers, and they experience hardship in obtaining money. They obtain money from their gardens, and this takes time because from the time of cultivating to the time of harvesting is very long. While waiting for this time the Chiefs in the locations rush to arrest the poor people who do not have the money. They are put into jail. By doing this, Sir, the Government is wasting money. When people are sent to jail, they eat food which is bought by the Government, and yet they have not paid their rates. By doing that we are losing two things. We are wasting money which is used for buying food for the prisoners who have failed to pay their rates to the A.D.C.

Sir, I think the Chiefs concerned and Tribal Police should be instructed to try and obtain money from the people by asking them instead

[Mr. Odera-Sar]

of arresting them sometimes at night. Sir, we know that the traders in the reserves are the people working hard to bring money into the country, but the by-laws of the African district councils are very strict. Traders are not given enough loans to improve their businesses. I have heard of very few people who have had loans from the African district council, and if one gets a loan of Sh. 2,000 that is regarded as too much. How on earth can only Sh. 2,000 be enough for a trader who wants to run a big business. That is a very small amount of money, Sir. Traders are not encouraged to work hard. There are people in the reserve, particularly in my constituency, Ugenya, who have money and who want to improve their shops in the market centres. They are told that there are no plots on which they can build their shops and instead these people use their money for food and drink and then they become poor. I am asking the Minister concerned to see that those people who want to trade, who want to build shops, should be allowed to build shops wherever they think fit, even if the shops are near the road, they should be able to build shops near their homes provided they can make money. By doing that they will bring money into the country and thereby the Government will obtain its revenue.

Another thing that does not encourage traders, particularly shopkeepers, in my constituency, is that traders are taxed very highly. Some traders have built their shops and have not put anything into them because they have spent all the money in building the shops, and yet when the Chiefs, the sub-chiefs and the local administrators see that someone has a shop they impose a heavy tax on him because of the value of the building. This is very unfair.

Mr. Deputy Speaker, Sir, one of the things in the locations which should be improved are the roads. In my constituency there are areas where there are not enough roads whereon people can travel easily. Even lorries cannot travel in some of the areas. The county council should be instructed now to build many more roads all over the areas where people can travel and carry their goods to the nearest markets. In my constituency the roads are very bad particularly in East Ugenya, where there is a population of about 20,000 people and there are no good roads at all. There are very many small streams there and it is very difficult to cross them, because there are no bridges. Something else which is very bad and which is caused by the local administrators is that when people go out to look for work in order to earn money and pay their taxes, the tribal

police are waiting to arrest them on the roads. One particular place in Central Nyanza where this goes on is Maseno. These people are stopped from going out to look for work and are sent to jail because they have not paid their taxes. Whether this is helping the Government, I just do not know. There is another thing, if it is introduced by Government now, I think it will be very easy for our Government to get money from these people. During the time we fought for *Uhuru* there were divisions between the *Uhuru* fighters and the administrators who ruled during that time. Even today people have no confidence in some administrators. I think these leaders should be removed and replaced by those in whom the people have confidence, so that people can work easily because they will obey their leaders. For example, the nominated members of the county council are people in whom they have no confidence and I think that if such people continue to block the way of development that is the fault of the Government. We want people whom we can trust.

With regard to health in the reserve it is very poor. In the reserves the people are weak, although they get enough food. There is food, and I think, Mr. Deputy Speaker, that this needs people who are expert in health to go out and look into this matter to find out why people are weak and hungry and why people are dying. In my constituency there is only one health centre and the whole population is over 91,000. Why my constituency has only one health centre is what I am asking the Minister concerned, and I would like him to look into this. The death rate is very high in my constituency, Mr. Deputy Speaker, and I am repeating this, and with those few words I end what I wanted to draw the attention of the Minister for Local Government to; that is he should look into the affairs of local government.

Mr. Godia: I have to congratulate the Minister for Local Government for his speech on the Budget, because he showed that he is making plans to build up a better foundation for the free and independent Kenya. I would like to draw his attention to a few facts which I feel should be considered while implementing his policy. One of them is, Mr. Deputy Speaker, that since this country is facing independence and since everybody here in Kenya likes democracy, we should like to see the local government authorities practising democracy. The chiefs and the sub-chiefs and all the local leaders must have the support of the people, this does not mean that the present chiefs and the subchiefs would be demoted or would be ruled out, what I am after is that these chiefs should have the confidence of the people and they should be working for

[Mr. Godia]

the people who have elected them. This was the case in the years before the Emergency because all the chiefs and the subchiefs were elected publicly. The Emergency is now over and this country is facing its final goal of independence, so we should like to see this practice going on in the country.

Another point to which I would like to draw the attention of the Minister is the fact that many of the people in the reserves, as someone said, are hungry because they do not work as hard as they should. There are a few that do work hard but there are also many who do not, and I think that it is time our local governments made some by-laws to make people use their time to the best advantage. I know that in certain places people are bound to spend time in bars and drinking beer, and when they do this they know they are not doing anything to help the country to bring wealth to it: they are helping to bring poverty and idleness to the country. When a man finds that he has nothing in the house then he learns how to steal and steal, but if our local government would consider some by-laws to make our people work hard this country would have a lot of wealth and our people would be the richest in East Africa. I think that something ought to be done to encourage the local Governments to act on these lines and then there will be great happiness.

Another thing, Mr. Deputy Speaker, is that our people are used to voluntary help and this idea of paying for help was brought in by the foreigners. I feel that some of our old practices were very good and I think that provision should be made by the local governments for voluntary projects, such as building schools, constructing roads and helping those people who cannot work for themselves. This practice is an African practice: we cannot do away with it. There are some things which we must maintain and keep which have been very valuable to our people because these days people are used to a certain way of life and they would like it if voluntary assistance could be given and this should come about through the local governments. The Minister for Local Government should advise them on some by-laws.

At the same time, Mr. Deputy Speaker, I think that as we are facing independence agriculture and administration should go hand in hand. The administrator should look after the well being of the people, and he should make sure that the people are getting the best out of their land. I suggest that they work side by side. The administrator should know what is happening on the

shamba; he should know if some person has not enough land to cope for a year. This person should be considered and then given to some other local authority to find land for him. This is very important. I think this is a point that should be considered by the Minister when he formulates his policy regarding administration.

Lastly, Mr. Deputy Speaker, referring to the regions. There are some regions which have no capital. Kakamega is an example. There are some sections of the Constitution which we want to change. One of the things which we want is a centre from which the Administrators could work. There is no capital in the Western Region, and I would hope that the Minister and the President of the regions, as well as those regions which also have no capital, should go into consultation and discuss means of finding capital to erect centres for administration. These centres need money and I feel that the people should be given assistance in finding the money for building their centres.

Another section, Mr. Deputy Speaker, in which I would like very close co-operation within the local governments is the police. I do not think it would be fair for a policeman from one region—

Mr. Anyieni: Mr. Deputy Speaker, Sir, on a point of order, is the hon. Member in order in referring to the police? I thought they were under the Minister for Home Affairs.

The Deputy Speaker (Mr. De Souza): Yes, they are, but the hon. Member is not so far out of order in making a passing reference to them, but I think he should keep to the question of local government.

Mr. Godia: I meant the local police within the local area, because the local administration has also local police.

The Deputy Speaker (Mr. De Souza): I do not think they are paid for by the local authorities, they are paid for by the Administration, so they do not come under the Vote of Local Government Contributions. This is not a debate literally on everything to do with local authorities or local governments of the regional governments, it is only a question of the contributions to local governments, such as rates, and so on. You should confine yourself to this particular Vote.

Mr. Godia: Lastly, Mr. Deputy Speaker, it was my intention to draw the attention of the Minister to the fact that the local authorities should assist one another. I feel they should not regard themselves as being separate from one another and

[Mr. Godia]

that there should be very close co-operation in keeping the peace, so that all the people live happily.

With these few remarks, I beg to support.

Mr. Ngala Mr. Deputy Speaker, Sir, I will try and avoid speaking as though I am ignorant of the Constitution, as many Members of the other side have done.

First, I have very little to say on this subject of local government because this is one of the matters reserved to the regions in the Constitution. Under the new Constitution the municipal and county councils are responsible to the regions and will carry out such functions as are delegated to them by the Regional Assemblies, but there are a few things which I would like to point out to the Minister for him to note and, if possible, take action on because I feel that they are very important.

Under the Constitution, Sir, it is very likely that difficult and serious problems in matters of development will appear, and county councils are likely to suffer from these problems. I would ask the Minister to consider these problems which we are anticipating. They are mainly problems of development in the county council areas. Therefore, I think it was very necessary for the Minister to set up a Central Development Commission which will probably have funds either from the country generally or from outside the country, so that there can be more resources and a big pool from which the local authorities, through the Regional Assemblies, can obtain assistance. It is very clear that on their own the Regional Assemblies will find it very difficult to assist the county councils as much as they would like to. I appreciate that this has been the difficulty for the last fifty years or ever since the inception of local governments in this country, but I think this aspect should be looked into as a very serious aspect.

I am not suggesting that the Central Development Commission should be a Central Government Commission, I am suggesting that it should have more or less independent status and be in a position to collect money to make it available to the county councils, and the regions will also be helped to make developments in the county councils. Some of these county councils will carry out very important duties, depending on what is delegated to them by the Regional Assemblies. Therefore they will need, for example, expansion in education, even secondary education, and they will develop some economic projects which are very important. As it is now, unless there is that provision, the poorer local

councils or county councils will suffer more. Since, in the Constitution, the question of major development comes within the power of the Minister, I would like to have his views on this point.

My second point, Sir, is that although different Regional Assemblies can make the various necessary amendments on the representation of women in the councils, I feel the Minister should consider the necessity of stepping up the representation of women because, as it is now, in most county councils I believe you have only two women representing the women's interests. In many county councils a lot of the work which is done, whether it is agricultural, veterinary or social welfare, has quite a lot to do with the women and the women are really keyed to the local development in these areas. I feel strongly that the number of nominated women who represent women's interests in the locations should be stepped up. I have already said that the Regional Assemblies are capable of doing this under the new Constitution themselves, but I think it should be noted by the Minister as the general need for the country in case some of the Regional Assemblies do forget to make the change.

My third point, Sir, is on the question of financial relationship. In many districts teachers have been in danger of being dismissed or suspended because African district council rates have not been forthcoming for various reasons. One of the reasons which I think concerns the Minister is the financial relationship which has been in existence between the county councils and the Central Government. So far, out of every Sh. 3 spent on education, the county councils have been contributing Sh. 1 and the Central Government Sh. 2. I think this proportion is very, very wrong, and even when it was introduced by the then Minister for Finance, Mr. Vasey, he pointed out that this relationship was just experimental and should be looked into.

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

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

Now we have the test report out of the new Constitution, but I still feel that a test report is not very satisfactory as far as the financial relationship between the county councils, the regions and the Centre is concerned. I feel that the relationship still falls short of expectations, particularly in view of the demands which the people of this country will put up for development in the different areas because of *Uhuru*, and it is likely that they will put up these demands. Instead of just saying that people are embarrassed

[Mr. Ngala]

by being asked for their rates, and so on, I think Members should be more responsible and should urge that people pay their African district council or county council rates, so that those people who expect social services or progress of any kind in their county councils also have the responsibility of paying their rates.

Members should show a good example here by paying their rates and by urging their followers in the different constituencies to pay their rates, but I think the failure of various African district councils to pay their teachers is largely attributable to the financial relationship between the county councils and the Central Government as it has been in the past. Since there has been a great deal of educational expansion in the various districts, the county councils' revenue has not been able to keep up with the educational development. In my own district—Kilifi—the educational development from 1957 up to date has almost doubled itself, whereas the revenue has not done so. I think it is wrong to expect a county council which is growing at that rate in educational development to be able to carry itself effectively even in maintaining its staff or the building of schools. Therefore, it is very important that a central commission be considered to help with county councils.

The other point which I would like the Minister to clear up is this. The Minister is only directly responsible for the Nairobi area as far as local government is concerned. I would like to know, because Nairobi is a federal area or an area which concerns the whole country, how the Minister is going to administer the local government here in Nairobi, and what sort of committees he is going to use to show him that people who come from various parts of Kenya can be in a position to either advise their Minister or advise the Authority of the county council. Under the Constitution the collection of rates is placed under the county councils; that is personal tax. I would like to know what will happen to citizens who may live in Kisumu and then transfer themselves to Nairobi and place themselves in the danger of having to pay two amounts of personal tax. One set demanded at Kisumu by the County Council of Kisumu, and the other demanded by the County Council of Nairobi when that person comes to live in Nairobi. We have this problem, too, we have quite a lot of people living in Taita District who have their proper houses there and their children go to school in Taita District, but they actually live for the sake of work in Mombasa Municipal Council area. They are asked to pay rates in Taita District and under the new Constitution they will be asked to pay rates or personal

tax by the Municipal Council of Mombasa. What will happen? Will one tax be shared between the two county councils, or will the person have to pay two lots of personal tax? This is a point which is an administrative problem, but it needs clarification, particularly for the councils concerned, and it could probably be done by a general circular to maintain some kind of uniformity. I sense a certain danger of some people being asked to pay personal tax by the city council and, at the same time, being asked to pay personal tax at Kisumu, and they may have to suffer. I am not trying to say that people should not pay tax when they are rightly being served by the councils, but I think this is a very real problem which should be clarified and there should be some kind of uniformity throughout the country.

Another point, Mr. Speaker, concerns the question of the training of local government officers. It is true that the Regional Governments can make an attempt to train local government officers, but I feel that it can be more effectively done by having one or two centres for the whole country. At the moment there is provision at the Kabete Institute of Administration for local government officers to train, but I would like to know whether the Minister is envisaging expanding these facilities so that more and more local government officers can be trained to take over from some expatriate officers who may want to go after independence in this country. At the moment I feel that the pace of training local government officers is very, very slow indeed, and in some cases certain local government officers who should be replaced are not being replaced because the training is not being sufficiently accelerated by the Ministry. The Minister may get up and say that this is the responsibility of the regions, but I feel it is one of the points which can be co-ordinated by the Minister, so that facilities which are available for the whole country can be used by the whole country and the local government officers sharing the experience.

I should like to comment on one point which worried quite a number of people. This concerns the question of school buildings in some poor districts or county councils. Some county councils, such as Tana River or Lamu, in the past have been given special preference by the Minister, and sometimes the financial aid which has flowed to them has been based on a different pattern in order to give them a boost and to give them more progress. I do not know whether the Minister envisages making this provision to other regions which have less progressive aims to give more funds to these regions, apart from what is laid down as a deliberate effort to help these regions

[Mr. Ngala]

to develop these areas either educationally or otherwise, because some regions will suffer as a result of the poverty of the different areas.

So, Mr. Speaker, Sir, as I said, I have very little to say on this matter because it is a matter connected with one of the powers delegated to the regions and I do not want to reflect any ignorance of the Constitution. However, I hope to have answers on the few points which I have put to the Minister, particularly the question of the Central Development Commission, so that we can be prepared for further developments of these county councils under the jurisdiction of the various regions in which they are placed.

Mr. Oduya: Mr. Speaker. I do not have much to say on this except I would like to make one or two points.

Firstly, I would like to say something about the building of the county council headquarters at Bungoma and the fact that they have not received any funds from the Ministry. Recently the Western Region received funds of about £30,000 and about £12,000 were sent to the Kuria district to build the headquarters but they will not do this for us. This is also very little compared to what they gave to other districts. I do not know how the Minister expects them to build a headquarters with only £12,000 at Kuria, it is not adequate to build rooms, and chambers for meetings and other things. Therefore, I request the Minister to look into this and make a special contribution to Kuria of at least Sh. 1,500,000; that would do. This is a good district and they have laboured hard.

It is only recently that they were given their own district and they are known to have nothing because they have given too much to other people. Mr. Speaker, Sir, not only were the people formerly in the Central Nyanza district where they laboured for Kisumu they also have nothing now. Therefore, how can we expect these people to get anything. I only want to request the Minister to look into it and I would like to hear the report as soon as possible.

Another thing, Mr. Speaker, though I think this may be embarrassing but I do not think it will embarrass the Ministry. I would like to ask my Minister to put this point down and look into the issue properly and study the whole affair. I want to speak on this particular Vote to see that the Vote is properly used for the progress and benefit of Africans as a whole. We do not want Votes here used to benefit people who have benefited from our sweat for many years. This is what

I mean to say when I refer the Minister to the City Council of Nairobi where we have received compliments. Here you find a lot of things being done and the terms given to the Africans there are not what we would expect in a modern Kenya. Let us look into the issue of Africanization and I am ashamed to say that we have to demand that the City Council of Nairobi be Africanized immediately. The Minister is in power and the City Council of Nairobi is within his power and he must go and meet the African officers in the Council and he must find out how many of them are capable, have the experience and qualifications equivalent to those who hold the posts and they should be considered for promotion to replace the expatriate officers who are now serving the City Council of Nairobi. It is high time we started a move to make the City Council of Nairobi and other city councils completely Africanized. In this I can say—if I can quote the Establishment Officer—that is where an African is required to replace an expatriate officer. There is an African suitable for the post. He is a well experienced man and a man who would formerly have been a Labour Officer and even now when the other man is not there he is the man who is the supervisor of the whole staff and he is doing his work efficiently.

Mr. Speaker, Sir, in the City Council of Nairobi I find that some of the expatriate officers are unnecessary and very undesirable as far as Africanization is concerned. We should be told in this House what steps the Minister is taking to make this Establishment Department of the City Council all African. I want to see that and I think my colleagues in this House share the same views as me; something should be done as soon as possible. The Minister has not been aware even though he has been told by the City Council Africans. They have always advised him and I know this very well. The Minister thinks that some of us here do not know of movements outside the House but I call upon him to go and see this because he always refused to go there and make contact with the African staff to find out who is suitable. I think the Minister knows that these men should have these jobs quickly, even before the 12th December.

Now I come to another department and that is of the post of Town Clerk. Mr. Speaker, Sir, I do not think I am ashamed to say that even in this post this man is undesirable. However, we have an African there and he is a man who is qualified and I think he is the Town Clerk's assistant though I do not know when he was appointed. He has a Bachelor of Law degree, he has experience in the affairs of the post and he

[Mr. Oduya]

can fill this post perfectly. Why cannot this man have this post? We have been telling our people that we now have an African Government and that we are going to use an African Government. Our City Council is one of Nairobi and not of London, New York or Washington. This is Kenya and we would like to see changes made to suit the African way of life. That is why I am calling upon the Minister to Africanize this post as soon as possible so that the post goes to Mr. Omondi, who is now acting as Assistant Town Clerk, I think. This man is well experienced and he can take up this post.

Another thing, Mr. Speaker, I want to mention is the City Council Treasury Department. When I speak of this Department it is a very important one. It is the centre of the City Council, and now that we have an African Minister for Finance and Economic Planning, all the money in Kenya and all that which is collected overseas for Kenya goes to the Minister and he is the controller. How is it then that the City Council of Nairobi, which controls the money around the city, is staffed by Europeans, and not by Africans? My point is that an African is required in this post whether there is a European, who is intending to stay in Kenya as a Kenyan, suitable for the post or not. I recommend that an African must have the post because the people that collect most of the money for the city are black. We feel, therefore, that an African should fill the post. When you go to London you do not find an African in the position of Treasurer to the City of London, or as Town Clerk of London. You find Englishmen in these positions. There are certain things that we must change now.

I do not see how Mr. Kent—I am not ashamed to mention his name in the House—can continue to hold the post of City Treasurer for very long. We must have an African to fill this post. All the mess that the City Council is in now is due to having had this Mr. Kent in this post. If we do not have anyone in our own country to fill the post, then we must get someone from Tanganyika, Uganda or Ghana. These Europeans expect to sit in these jobs and grab the money and then when they want to leave they demand compensation, and when they go they leave behind a mess. Mr. Speaker, Sir, I am telling the Minister that up to date there have been no changes made. All the old fashions have been kept on, the Africans are still regarded as children as they were in the days of the colonialists. I have been to the City Council and they do not even know that I am a Member.

The African is tough, Mr. Speaker, and this man that I have mentioned has his qualifications. But there are other men who have qualifications that have such posts as office boys. They are regarded as children by these men in the Treasury. If this man is not going to be removed we shall go out as Members and ask the people of Nairobi to vote and then ask the Minister to act according to the vote. I think the Minister will realize that if he does not want to act quickly we will go to the public.

Now, I come to certain posts such as the Executive Officer's post which should also be Africanized. If Africans can hold executive posts why is it that Africans cannot hold executive posts in the City Council? If we have to employ Europeans or Asians then at least let us get those who are prepared to remain and give their allegiance to the Kenya of tomorrow. If they are prepared to sign certificates of citizenship then they are the only people who should be considered for posts in the City Council, but all the senior positions should be filled by people of the black race.

The Director of Social Services—which was, I believe, held by a Mr. Wilkinson—should also be Africanized as soon as possible. There are plans to Africanize this post and we want to see these plans put into action. The public are anxious to see the changes and we would like to see these changes put into practice.

The Members of this House who have not visited the City Council should visit it soon. When I last went to the Council—I went to fill in some forms for a house—I was given horrible treatment. My form has not yet been dealt with. The woman who served me treated me like a small child. That post also must be Africanized. If my mother cannot hold an office in the Government today why should mothers of other people hold these offices? If it is only a woman that is required for this post then I will bring one tomorrow. I am prepared to go out and get a woman who has, even more qualifications than the one there at the moment. We cannot have this sort of horrible thing going on. If we do not Africanize at least these horrible things must be stopped.

Another thing, Mr. Speaker, that I want the Minister to look into is the treatment of Africans at the City Council. The Minister must tell these expatriates to behave and if they do not behave they must be taken away one by one. We do not want this colour bar any more in Kenya. We will not tolerate racial discrimination at any cost. These people must go immediately if they cannot respect the Africans. Even the office boy must be

[Mr. Oduya]

treated like any other senior officer because he is a human being. The question is that this man is a human being and he must be treated as such. We have learnt of some reports that came from the City Council of Africans being treated badly by certain European officers who have even kicked them. They are still abused and this must be looked into. The Minister must go and ask these people if this is really happening.

Mr. Speaker, Sir, I have mentioned this because I have experienced what is going on in the City Council. Any person that is found being brutal to one of our people, whether he is white or not, must go. If he wants to stay in Kenya he must be told how to behave.

Another thing is that there are some expatriate lawyers in the City Council in the legal department. We have some lawyers who have left school recently and come from abroad. They have come and are looking for employment.

The Speaker (Mr. Slade): Mr. Oduya, I do not see how this has anything to do with local government contributions.

Mr. Oduya: Thank you, Mr. Speaker. I was moving further from the point.

I do not see the officers of the City Council in the legal department, but I always read something about legal affairs in the City Council. There are town clerks and junior office assistants. If there are Africans who have already obtained legal experience from abroad, as a result of their studies, they should be given these posts as soon as possible, instead of having these posts held by expatriate officers. Let the expatriates go, so that they can help the other countries and be given employment there.

Another thing I would like to point out is that the Minister should look into this. Some Africans have commerce degrees and know the subject very well, but when they return here, they are rejected in preference to Asian graduates with bachelor of commerce degrees which they have obtained in India. Also our women find it difficult to get employment, even when they are qualified. They are considered as nothing, whereas the Asian and European women are given employment. Is this justice? Is this what we call the City Council? I find this is not the City Council of Nairobi for Africans. It is for Washington or London. If it is the City Council of London we want it removed as soon as possible. I want the Minister to see to this thing, to check that these people do not go abroad and find the Town Clerk and City Treasurer from abroad.

I know this very well. I have gone there several times. I can go to the office and say I would like to check this or that and the people will be ashamed. Mr. Speaker, this should be looked into by the Minister as soon as possible. This applies to Nairobi as a whole. The Africans in Nairobi and in Kenya are quite anxious to know what the Minister is going to do, because they have made it public to the nation today that the City Council is quite dirty. It should be cleaned as soon as possible.

I say that in the African locations today we do not receive proper treatment. I live there. I do not live in Kilimani. There is no proper treatment. Maybe they are short of staff. If that is the case I think the staff should be increased. The Minister should look into this and if there is anything which can possibly be done, he should arrange for it to be done and see that his instructions are carried out. He should see that the staff is increased because when people cannot get sufficient treatment they cannot live. Since we are going to get our independence in the very near future we do not want to see our people die. We want them to live for the independence.

Mr. Omweri: Mr. Speaker, I rise to congratulate the Minister for Local Government for introducing his Vote to us. There are a number of things which hon. Members have talked on here and they have stressed on them so much that the Minister should go into the matters and investigate. Now is the time when Kenya is experiencing a lot of difficulty, particularly in its finances. We find in the various local government authorities—or A.D.C.s as they are known—that the way finance is handled is not exactly to the interest of the ratepayers, so that they know what is being done with the money. I think we should stress that the councillors and the public should be educated on how the finances are used. Another point which the Minister should also go into concerns the type of people he has in various local authorities who are called financial advisers. I find that in some cases these gentlemen, who hold these positions as treasurers and so on, do not really advise the council in the right way. They also fail in the question of the A.D.C. tax collection. The sooner the Ministry goes into this to find out how these financial advisers work, the better for our country. The county council stays for three or four years without its accounts or books being audited so that no one knows exactly how the money has been spent or how difficult it has been to get the money. They have just been left to go on earning fat salaries.

Another point, which is a reasonable point, is what happened to the Sh. 15 we used to have to

[Mr. Omweri]

pay to the Central Government. The officers employed in the Central Government were not really interested in the A.D.C. rate collection, and in our particular district what happened was that the officers had to exempt a number of ratepayers from paying their rates. You now find that that is the reason why the number of taxpayers in the country has dropped or is so small as compared to the population. It is going to be a burden to the smaller population paying rates, whereas the other people are just sitting back without paying a contribution to the Council.

Another point which arises which is quite common in certain areas in which crops are grown and crop cess is levied. In some areas such a heavy cess is levied that the farmers become discouraged and they do not feel that the cess is rightly levied. We also find that the same ratepayer is asked to pay twice: he pays the cess which the African district council deducts from whatever he produces and he also pays the ordinary rate which any other person pays. This discourages them to pay their rates in the right way; they find that they have to pay too much or alternatively that the services attached are not good. We find that in certain areas where cesses are levied there is a lot of grumbling and the ratepayers are not satisfied because—as a gentleman said—at the markets the roads are very poor. The co-operative societies use these roads and they find them just as awkward, but they do nothing. It is through these societies that the farmers are taxed and then it is paid to the council. We feel that if these cesses are to be levied as heavily as they are at the moment then the services should be reasonable. At the moment they are not.

I do not know how common this is throughout the country, but another point I would like to mention is that some people want to use their own initiative to pay their rates; in other words by doing a bit of trade. However, they find that the County Council or Municipality Ordinances restrict them from doing this. I have in mind those people who sell carvings. In Kisii we have many of them who sell African stools and stone carvings, but they are not allowed to sell their carvings in Nairobi because of these Ordinances. The county council or municipality does not allow them, or the monopoly has been given to some individual. What I would ask the Minister here is to see to helping these people to trade freely so that they can obtain the money to pay their rates.

I turn, now, to the services. This point has been touched upon, but not sufficiently stressed. It is

that when an African district council or a county council is short of money they turn immediately to the Essential Services. It is my opinion that services like education should be left untouched because this service is the key to most of our progress in this country.

When we hear of the services of teachers being terminated, then we get worried about what is going to happen, because we want education, and we want educated people. If we find that this service is suffering from the fault of the Ministry or the failure of the people to pay their rates then this is a great disservice to the country. If the case of lack of funds arises then help should be sought from the African district councils and not from the Essential Services. I also think that the financial advisers—whenever they are—should suffer because they are the ones who earn a high income and they have given wrong advice. These people are mostly expatriate officers and they should be replaced by capable Africans, who should be paid a lower salary and could do the job just as well, if not better. I think that if these points were taken into consideration and acted upon then the African district councils would be more stable and the public would be more satisfied with the services. If there is fear about these then it will not only affect the district councils but also the Central Government. We depend on the councils for the smooth running of the country.

Another point which I would like to see the Minister push on is the question of self-help schemes. We find that these schemes come under the Minister for Social Services, but the Minister for Social Services has to work under the county councils which come directly under the Minister for Local Government. I think that the Minister should find some way of helping these self-help schemes to work better and more efficiently than they do at the moment. At the moment every time the people try to raise the money to put up a building they come running to the African district council and they want tables or equipment; they have to be refused and then the people get discouraged. Sometimes a self-help scheme is working on the roads and it does not have enough equipment, they come once again to the county council and ask for help and the same thing happens; the people get discouraged and the scheme collapses. We would like the Minister to do something to help these schemes so that the work of the county councils is eased and it just gives a little aid. I think, Mr. Speaker, Sir, that if these points were considered the country would be more stable.

With these few words, I beg to support.

Mr. Bomett: Mr. Speaker, Sir, I rise to support the Vote but I do so with certain reservations. In the first place the Leader of the Opposition accused us here of speaking in ignorance of the Constitution, but may I say that I think this Constitution has done a great deal of harm to the 35 years of work which this country has put in to develop local government to the stage which it had reached up until the drawing-up of the recent Constitution, which has placed the county councils and local government in general in a back place in this country.

I feel it is very unfortunate that the county councils have to get their powers not from the Central Government but from the regions. I say this because the regions will delegate the power of running primary education to county councils. The county councils will depend solely on the rates or personal tax which will be paid by the people. Here is a situation where we are not quite sure whether we shall get the taxes from the people because the majority of the people have been excused from paying the Sh. 15. We find that we have to go back to the same people now and ask those who, we said, were unable to pay taxes to pay taxes in 1964. Whether these people have grown richer than when they were exempted is a question which I think needs greater thought and an answer from whoever drew up the Constitution.

I feel that, since the county councils are going to be in charge of primary education when they have been delegated the powers by the regions, it is very important that the Ministry of Local Government makes quite sure that the local authorities will get the funds to do the job, especially that of education. We have been hearing from time to time that schools have been closed down and teachers dismissed in places, district after district, year after year, and it seems to me and what we are going to do to remedy this situation. I put education as the first and most important thing, as far as the development of this country is concerned, and if the regions are not going to be scrubbed, then it is important that the local government should get its money from a much safer source than personal tax alone.

In the past the Government, as has been said, used to give grants to local government for educational purposes at the rate of Sh. 1 or Sh. 2—I am not sure which it was—but even that was not satisfactory. I feel that if we are not quite sure where we are going to get the money to run the county councils it is imperative that education as such should be a matter for the Central Government and the Minister for Education. I know

they come together because education is a matter which will go to the county councils.

Coming to rates and personal tax as such, I believe the Minister for Local Government, working in co-operation with the Minister for Social Services, should stress the need for self-help schemes. I think this country has not much money to spend, but we have the manpower, we have too many people who are floating about doing nothing. If only we can tap this source and make use of self-help schemes, instead of wasting money building houses, schools and roads, we can make use of our strength to build these things and reserve the money which we would have spent on these for other things which we cannot acquire through self-help schemes.

I should now like to come to the building and planning of trading centres and towns which I think will come under the county councils and local government in general. I think the standards which have been laid down in this country are too high, and when one comes to Nairobi or goes to Nakuru or any town in this country, one feels they are little European towns. In places like Naivasha or Gilgil, when a man applies for a licence to trade or to build a shop, he is compelled to build a permanent structure, using stones and cement, and so on, and has to build an elaborate shop. In the end you find that the traders do not have the money with which to buy the actual goods for their shops. Is it all that necessary to have these beautiful buildings when the people are still poor? Is it not trying to ask too much from the poor folk? I think that people should be allowed to build with local materials which they can obtain. Even if they were to build with grass, there is nothing wrong with that. The people do not have the money and asking them to build with stones and to build permanent shops is really discouraging the traders from making any profit. I believe the requirements of buildings in small towns and even large towns should be lowered. It is no use us having great houses when we are poor, and I should like the Ministry to go into the question of buildings in towns in general.

In Nakuru, for example, we started a scheme in the county council whereby we used mud blocks to build very decent and nice shops, and instead of paying Sh. 120 which was the normal rent, the tenants had to pay Sh. 10 a month rent. I would recommend the Minister to go and see these shops. He will see that with mud and nothing else we can build our houses up to the standard. In towns which are close to the forest areas, I feel people should be encouraged to use timber. When I visited Stockholm I saw that parts of the city were built of nothing but timber, and

[Mr. Bomett]

what is the use of asking a man who lives on the outskirts of Elburgon or Eldama Ravine to build with stones? That is sheer madness.

Mr. Speaker, Sir, I should now like to come to local government officers. I will differ a little with a former speaker in that, as far as counties such as Nakuru are concerned, I feel that the retention of expatriate officers is a matter of great national desire. Some of these officers are very, very capable indeed and their services will be required for a little longer than some of us may think. However, whilst saying that, I still feel that the local officers, especially the African officers, should be trained, but the training which is required is much more important than skipping over things, so that we then have a complete fiasco.

Mr. Speaker, Sir, I should like to go back a little and say that if we are going to assure the people of this country, especially the children, of the education which is necessary, and the matter of education, particularly primary education, will remain in the hands of the county councils, then I should ask the Minister for Local Government, in conjunction with the Minister for Education, to see to it that certain parts of our educational set-up undergo a change. What I have in mind is that there is no need for District Education Boards as such, because they were beneficial during the days when some of the members of the African district councils were not educated and could therefore not carry on the business of planning education in a satisfactory manner, but as we are now assured of having county councillors who are up to the mark and are capable, I think we should do away with the District Education Boards, because on one hand it gives a lot of work to County Education Officers.

Instead of our education officers going around inspecting schools, they are normally tied down on routine work of keeping the funds, making estimates, which actually should be the work of the County Treasurer, and I think this should be properly examined so that the educational officers and assistant educational officers do the actual work of inspection, and to teachers inspecting the schools, instead of flying about inspecting ten schools a day. Then they could do the job of encouraging the children and helping the teachers in planning, and the work of the administration, money, finances, estimates, and so on, would be left in the hands of the qualified county council treasurers and clerks.

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

Mr. Oyoo: Mr. Speaker, Sir, I shall be very brief. I would like to join my colleagues in thanking the Minister for Local Government for producing a well-balanced Vote. I have a few remarks to make about this Vote. It is very unfortunate indeed, Mr. Speaker, that the Minister for Local Government did not see fit to retain local county councils by-laws during the time elections were being held. I have seen recently that all by-laws have been removed, and the local county councils have been left with nothing to defend themselves, and they cannot force any person to pay rates. I think this has been a gross mistake, because if these had been retained this would have left a certain amount of by-laws which would now help the local officers concerned in enforcing the collection of rates. This has been done in Nairobi, and I see no reason why the City of Nairobi should be given that privilege when the local county councils have been left completely without anything to defend themselves. I think this has brought down the collection of revenue very badly indeed, and I think the Minister should do all he can to see that such a thing is not repeated in the future.

Turning now to health centres, it is really surprising that some time ago it was the custom of this Ministry that county councils were not given the authority to run health services. For instance, I represent an area in my constituency called Muhoroni-Songhor and Koru, formerly a Nyanza local county council area, and although that area is very large and has more than 20,000 farm-workers there has never been anything like a dispensary there or a health centre. When I inquired why that was so, I was told that that county council was not a health authority and as such it could not run health centres and could not build health centres, dispensaries and so forth. I think this is very unfair to the local people. I see no reason why there should be such groupings nor why certain county councils should be health authorities and why others should not be regarded as health authorities. I think all should have the same authority, and the same by-laws should exist, so as to serve the ratepayers equally. This has cost the people, or the farm workers in the Muhoroni, Koru or Songhor areas to have no hospital at all for a number of years. I hope the Minister will go into this matter immediately. It is unfortunate that recently when the Minister for Health had a look at plans for building health centres in this area, and the Ministry for Local Government had to turn that offer down, because the county council concerned was not a health authority. I think that such weak by-laws or Ordinances should not be allowed to continue.

[Mr. Oyoa]

because it is only our own people who will continue to suffer; they expect to receive better treatment from their own county councils for which they pay rates

Mr. Speaker, Sir, another big mistake has been made by the same Ministry and that concerns nominations to county councils. We have seen that in this very House; when we wanted to have nominations we did not have them. Instead, applications were invited and the whole House sat as an electoral college to elect special Members. The same thing has been done by the Regional Assemblies, but I see no reason why the local authorities should be forced to accept nominations. The local people are furious about this. They feel that the county council members who have been elected by the people should sit as an electoral college and elect those people to be nominated, they do not want them to be nominated, they do not want them to vote for certain people whom the Minister would like to put in. We have always objected to nominations and do not like people being nominated who have been pushed in through the back door. If this Government is the Government for the people, our local chiefs and district officers should not be allowed to nominate the names of certain people to be submitted to the Minister concerned. I must tell the Minister that these nominated representatives are not accepted by the people.

They are accepted as cover stooges, and we do not like to have to use that word, we object to it, we are opposed to it. Therefore, the councillors should be given the chance to sit as an electoral college to elect people who the Minister would like to invite to the council, but not allow the Minister to effect their nominations so that they represent nobody on these councils. The ratepayers who have elected the people who are now going to run these councils should be given the power, not somebody else who cannot speak for the ratepayers. I hope the Minister for Local Government will do all he can to see that this matter is looked into because I have spoken with quite a number of recently elected members of various councils and they strongly object to these nominations which, I understand, the Minister for Local Government is going to carry out. I hope he will rectify this matter before it is too late.

Mr. Speaker, Sir, moving now to the collection of fees for licences from African shopkeepers in the trading centres, here also the African trader suffered at the hands of the Minister for Local Government. If I may quote my own district, which is Central-Nyanza, I have seen that the Central Government—that is, under the District Commissioner—has been going around collecting

fees for trade licences and, at the same time, the local government officials, by which I mean the former African district council officials, have also been going around collecting for the same licences. There has been competition between the two governments. When I went to ask the secretary of the African district council concerned about this, he told me they had written several letters to the Minister for Local Government, but still the matter had not been rectified. When I went to the district commissioner, to use the former name, he also told me that a Government ordinance empowered him to collect the fees for trading licences. I think this should be put right now because you cannot collect two different rates for one licence. This has been unfair and the traders object to it very much. They feel they should not be made to suffer when they are only concerned with one ministry. I believe here it is only the Minister for Local Government who should be concerned with the collection of fees for trading licences, because you find that the Administration is not very greatly connected with the traders. The Minister for Local Government should intervene and see that the Administration is told not to go on collecting revenue which actually should be collected by the county councils.

There is one aspect, Mr. Speaker, which is that while collecting rates some people defy the regulations and they are arrested and are put in prison to pay for their rates. I understand that for those people who pay rates the Central Government pays a certain amount of money on the amount they pay as rates. However, when one is convicted and goes to prison to spend a lot of time there working a sentence and paying one's rates the Central Government does not pay its share on that amount of money. I feel here the county councils are being deprived of the money which is due to them. Here, if at all the Central Government pays a certain amount of money over the amount paid by ratepayers, I feel it should be likewise that when a man goes to detention or is detained to do a certain amount of work for the Government to pay for the rates he failed to pay the Government should contribute its share on that money also.

Mr. Speaker, Sir, with these few remarks I hope the Minister for Local Government while replying to this debate will give us some assurance that he is going to look into them.

Mr. Balala: Mr. Speaker, Sir, on the matter of county councils I wish to make it clear that it is a very well known fact that certain schools and certain clinics were recently closed down due to the fact that the county rates were not paid. This

[Mr. Balala]

was a very unfortunate incident but at the same time I wish to draw the Minister's attention to the people who are affected by such a closure of the clinics and schools. These people were those who were living in the urban areas and who are living in poverty and cannot earn anything to pay their rates. They are not labourers but are living on their own on their shambas and they are getting whatever food they can. It is very unfortunate that we have a medium that is the Region between the Central Government and the county councils. I want the Minister for Local Government to take it very seriously into consideration that the arrears of rates outstanding against those people should be cancelled. I want this to happen because it will give the Government an opportunity to make the people come forward and pay their rates so that they can get the benefits of the clinics and the schools which they are entitled to.

The other point I wish to confine myself to is the Mombasa Municipal Council. I have been a Member of the Municipal Council for the last three years and I have had a lot of experience of what is going on in this Council. For the last two years (unfortunately we have had only Kadu Members, who could not and did not, at any time take any steps to see that Africanization of certain posts was implemented. Previously, before Kadu had any councillors on the council, Kanu Members put forward a Motion on Africanization, but it was never implemented.

I fully support the remarks made by the hon. Mr. Oduya concerning Africanization, and I wish to speak on the question of the Mombasa Municipal Council because according to my experience during the last three years there is not a single African in the Town Clerk's Establishment; not a single African in the Treasury; and, in fact, not a single African in any other Establishment of the Mombasa Municipal Council. This has been a deliberate move made by certain people in this Council who are dominating all the Establishments and I say so because I recall the Motion which was put forward saying that Africanization must be implemented immediately, and that was three years ago. Nothing has yet been done about it. We have not a single African in this Establish-

ment. And in the Works Department we do not have any African even being trained or holding any post which is senior and which has promotion prospects. As a result of this we have heard, and in fact we have read in the papers, that corruption has taken place on many occasions. In many cases this corruption was brought to the Municipal Council but unfortunately, due to the influence within the Council, these cases were buried and not revealed to the public. This is very shameful and I hope the Minister will investigate these cases of corruption.

Mr. Speaker, Sir, I do not wish to labour on what is going on, but I do wish to put forward a suggestion that the Mombasa Municipal Council should be given the status of a City. This is repetition of what has been put forward to the Minister for Local Government and the reason for this request was made on concrete grounds.

Lastly, Mr. Speaker, I would request the Minister for Local Government to look into all these matters. As a result of the recent Municipal Constitution which has been introduced I must object to certain things which I think should not be there. In fact, many of the people in Mombasa are not happy with the Constitution because they expected that they would have as many Africans as possible on the Mombasa Municipal Council, but unfortunately they have equal representation between both the black and the white and the other colours.

I am sorry, Mr. Speaker, Sir, to bring such a point up, but it is the wish and the aspiration of the people that the Mombasa Municipal Council must be representative of the majority of the town so that the poor people—who comprise the majority of the town's population—are properly represented.

With these few words I beg to sit down.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business, the House is now adjourned until tomorrow, Wednesday, 11th September, 1963, at 2.30 p.m.

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

WRITTEN REPLIES TO QUESTIONS

Question No. 35

PRODUCTION OF TEA: EMBU DISTRICT

Mr. Mbogo asked the Minister for Agriculture and Animal Husbandry what plans the Minister had for:—

- (a) Expansion of planting tea in the Embu District.
- (b) Processing (building of factories) in that district.
- (c) Means of transport from plantations in that district.

REPLY

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

- (a) Under the present scheme of developing 10,935 acres of smallholder tea, the former Embu District was allocated 1,200 acres, and the planting is almost completed. I am at present negotiating with international sources of finance for loans totalling £3,000,000 to enable a further 12,300 acres of smallholder tea to be developed. I am not yet able to disclose what the district breakdown of this new programme will be.
- (b) 1,200 acres constitute a factory unit and for this reason a factory is planned to be established in the former Embu District and negotiations for its financing will be initiated in the very near future. The factory to be erected in Kirinyaga will be modelled on modern lines.
- (c) Transportation of the green leaf is carried out by the Special Crops Development Authority.

Question No. 73

BRIDGE OVER EMBOBUT RIVER

Mr. amp Too asked the Minister for Works, Communications and Power when his Ministry, as a matter of urgency, intended to build a bridge over Embobut River in Ende Location?

REPLY

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

The road which crosses Embobut River, for

which a bridge is required, is a minor road. All minor roads are a responsibility of the local authorities. The Road Authority has hitherto subsidized the local authorities' minor roads by making a grant of 20 per cent of the total maintenance costs. In accordance with the recommendations of the Economic Commission these grants will cease on 31st December, 1963, and thenceforth the regional and local authorities will be entirely responsible for full costs of their minor roads. The Road Authority have had substantial reductions in its revenues and has had to concentrate on providing funds on projects which rank in higher priority from a countrywide point of view than the bridge across the Embobut River and are therefore unable to assist.

Question No. 89

CONSTRUCTION OF GRAND FALLS BRIDGE

Mr. Njeru asked the Minister for Works, Communications and Power if the Minister was considering the construction of a bridge at Grand Falls on the Tana River in order to connect Meru and Kitui District, and to facilitate the development in commerce and communication in the whole of the Eastern Region?

REPLY

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

The roads from Kitui and Meru converging on Grand Falls pass through under-populated and fairly arid country of little productive value. They are minor roads which carry very little traffic at the moment and consequently there is very little economic justification in building a bridge and improving the existing roads at very great cost at the present time in order to cater for the small amount of traffic generated on the road when so many projects of high priority still remain to be done.

There is no lack of communication between Kitui and Meru as Kitui is at present connected to Meru by the road across the Tana River at Kamburu to Embu and thence by a fine new road to Meru.

I would also draw your attention to the fact that the roads leading to Grand Falls are now a regional responsibility, and the Member, if he wishes to pursue this matter, should take up the matter with his Regional Assembly.

Wednesday, 11th September, 1963

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

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

PRAYERS

NOTICE OF MOTION

THE PENSIONS (INCREASE) (AMENDMENT) BILL

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

THAT the Pensions (Increase) (Amendment) Bill, Bill No. 20, 1963, should not be presented to the Governor for assent.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, Mr. Speaker, Sir, is that notice of a Private Member's Motion or does it qualify as Government business? The point I am making is that Council arises on Friday and under the Constitution this would have to be debated before presentation. It is a money Bill which Government wishes presented as soon as possible. I would like to have your ruling, Mr. Speaker, as to exactly how this is going to be handled.

The Speaker (Mr. Slade): Our Standing Orders do not specially provide for this kind of Motion but it does seem to me that it would be more properly dealt with in Government time because, by implication, the Constitution requires this House to consider whether or not a Bill of this kind—after a refusal by the Senate—should go forward. It is true that the Constitution calls upon the Opposition really to move that it should not go forward but I would suggest that it should more properly be dealt with in Government time.

As regards the time we have available—I know it is very little—I am going to suggest that if necessary the House should sit again on Friday afternoon to finish any business still outstanding.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Would it be in order, Mr. Speaker, if we asked that this Motion be taken first thing tomorrow?

The Speaker (Mr. Slade): It would be encroaching on Private Members' time, and as I said, I think it would be better if it were debated in Government time. However, I cannot say, as a matter of order, that it has to be taken in Government time.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): But this is the point we

wish to establish, Mr. Speaker, Sir, because if it is necessary the Government would have to secure the resolution of the House that this Motion should be taken first thing tomorrow.

The Speaker (Mr. Slade): I think if it is suggested that it should be taken in Private Members' time tomorrow, then there should be a resolution in the House to that effect. I could accept, I think, a Motion from Mr. Mboya or any Minister without notice, that this particular business be exempted from the provisions of Standing Orders so that it can be taken first thing tomorrow.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Would you like me so to move now, Sir?

The Speaker (Mr. Slade): Yes.

MOTION

EXEMPTION FROM STANDING ORDERS: MOTION IN PRIVATE MEMBERS' TIME

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Then, Mr. Speaker, Sir, I do move that this Motion be exempted from the Standing Orders to permit it being taken first thing tomorrow.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

Mr. Ngala: Mr. Speaker, although I appreciate the need for clearing this money Bill and, perhaps, the expedience of it, the time proposed is very inconvenient for the Opposition because it is encroaching on the right of the Opposition. We have a very important Motion tomorrow and I would rather agree with the idea of extending the meeting on Friday but this should be done in Government time. The Government is very concerned about this, and with the need for putting it forward as soon as possible, so we maintain that it should be taken in Government time and not during the time allowed for Private Members' Motions. Therefore, I would reject the suggestion that Private Members' time is taken up on this Motion tomorrow afternoon. I would support the idea of extending the sitting on Friday if necessary to do this in Government time.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): In reply, may I make this point. The Private Members' day is very respected by the Government, but it must be clear to the Leader of the Opposition that he moved this Motion without knowledge that Government

[The Minister for Justice and Constitutional Affairs] would agree to grant its time, and, therefore, he must have assumed that it would be taken in Private Members' time. There can be no question about this, because your views, Mr. Speaker, were moved after the notice was given and not before.

The second point I want to make is this: the Bill has been debated in this House very fully and exhaustively and the Opposition had every opportunity, then to make its views known and the Leader of the Opposition knows that despite opposition, this Bill was passed in this House, even with a division. Consequently, there can be no question of any new matter arising which needs debate. In our view, it was entirely unnecessary that this Notice of Motion was given at all.

We must also make the point that money Bills are deliberately exempt, under the Constitution, from obstruction or veto by the Senate, precisely because they are considered to be of the greatest importance to the country, and I do not believe, Sir, with respect to the Leader of the Opposition, that the Motions he has in mind were much more important than the money Bills we have to clear in this House. If, on the other hand, the Leader of the Opposition believed that his Motions were much more important than this one he should have taken the trouble to ensure that they were going to be taken first thing tomorrow which is not so. Consequently, Sir, Government cannot agree that this Motion should be delayed any longer than first thing tomorrow when Council assemblies, and I beg to move.

The Speaker (Mr. Slade): With regard to the question, I think I should comment on one remark which Mr. Mboya said which suggested that money Bills are regarded by the Constitution as something which should never be debated again once they have been passed by this House. In fact, however, section 51 of our Constitution does expressly provide for such a Motion as Mr. Ngala has brought forward.

(The question was put and carried)

ORAL ANSWERS TO QUESTIONS

Question No. 68

LAND USAGE COMMITTEE: LEMBUS RIGHTHOLDERS

Mr. Bonetti asked the Minister for Agriculture and Animal Husbandry:—

1. Whether the Government had received the report of the Land Usage Committee which was

appointed to report on the land requirement of the Lembus Rightholders in Lembus Forest?

2. If the answer was in the affirmative, why was it that the Government had not published the report?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, on behalf of my Minister I beg to reply. The answer to the first part of the question, Sir, is yes. To the second part, Sir, I would say that the report is a confidential report made to the Cabinet and it is not the Government's intention to publish it.

Mr. Bonetti: Arising from the reply, Sir, if the report is not going to be published, will the Rightholders be told of the results, and is that not publishing?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Sir, as a result of the report certain action is being taken by the Civil Secretary in consultation with the President of the Rift Valley Regional Assembly and others which will have the effect of implementing most of the report. Until this action has been completed no statement will be issued by the Government as far as investigations are still required.

Mr. Tanui: Is the Parliamentary Secretary aware, Sir, that this report does not at all please the Rightholders of the Lembus Forest and that their demand still stands?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, the report has not been published and I am not aware of when it is going to be published.

Mr. Murgor: Mr. Speaker, Sir, I understand the Lembus Forest is one of the Grogan Concessions. Are the Lembus people being given separate land usage by-laws, more than those given to settlers in Crown Forest?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I think that is a complicated question.

The Speaker (Mr. Slade): I do not think hon. Members will get further on this question if Government say they are not going to publish the report. Unless hon. Members wish to press the Government to publish the report I cannot see that there will be any more supplementary questions.

Mr. Ngala: Arising from the previous reply by the Parliamentary Secretary, can the Parliamentary Secretary give us reasons why Government is not going to publish this report?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): I have said, Mr. Speaker, that this report is confidential and it is still being discussed in the Cabinet. The Leader of the Opposition knows this, I think.

Mr. Ngala: Then this report is no longer confidential and the Cabinet has had time to discuss it. Is the report going to be published, and if not, why?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): We have said that we are still considering this matter, Mr. Speaker, and when everything is cleared—the President of the Rift Valley Region, your colleague, knows about this—things will be made clear to the Opposition as they want.

Mr. Ngala: When the Parliamentary Secretary says that things will be made clear, what exactly does he mean?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): I mean exactly that what is not clear to him now will be made clear to him.

Mr. Shikuku: Arising from the reply, when the Government has made its plans, do we understand that the Government will publish it to make it clear?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Not necessarily, Sir; publishing it is not the only way of making it clear.

Mr. Shikuku: How are we going to get it clear if the report is not published, by what means does the Government intend to use to make it clear to us?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, by means which will be decided by the Government.

The Speaker (Mr. Slade): I think you will find that hon. Members will not get any further until the Cabinet has considered this matter.

Question No. 86

UNLAWFUL ARRESTS IN UGENYA

Mr. Odeero-Sar asked the Prime Minister, if the Minister was aware that several people had

been arrested in Ugenya at night during the past month with no reason given?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I have been asked to reply.

During the month immediately preceding the date on which the hon. Member put down his question, thirty-one people were arrested in Ugenya during the hours of darkness. Persons so arrested are invariably advised of the offence for which they are arrested.

Mr. Oyoo: Mr. Speaker, arising from the reply, is the Parliamentary Secretary aware that night arrests are still continuing in the area?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I am not aware that darkness prevents the Police from doing their duty.

Mr. Ngala-Abok: Would the Parliamentary Secretary let us know why the arrests are made during the night and not during the day?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): I do not think the Government can take any blame for that, but if any hon. Member can give me instances whereby offences committed during the day were purposely left until the night before action was taken, I will be happy to investigate.

Mr. Mbogoh: Can the Parliamentary Secretary also tell us why women are being arrested at night?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): I do not think that darkness has anything to do with it.

Question No. 87

FACILITIES FOR CIVIL SERVANTS

Mr. Sadalla asked the Minister of State, Prime Minister's Office, if the Minister would assure the House that Africans succeeding to responsible positions in the Civil Service were provided with the same facilities, staff and equipment as their predecessors to enable them to carry out their duties efficiently.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I beg to reply. Facilities, staff and equipment are available to the officers in Government according to the needs of the post and without any regard to the race of the officer in the post.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, could you let us know, if a Member or a Minister is speaking inaudibly in the House and there is no improvement on that, what the House should do?

The Speaker (Mr. Slade): The House has various ways of making known its displeasure and it is up to hon. Members to use those ways. Cries of "Speak up", laughter, there are plenty of ways of noting that hon. Members are displeased with the performance of a particular Member.

Question No. 93

AFRICAN COURT ELDERS

Mr. Sadalla asked the Minister for Justice and Constitutional Affairs was the Minister satisfied that the Elders who presided over African Courts were competent to deal with the cases that come before them?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I beg to reply. Presiding members of African Courts are carefully selected, and I am satisfied that under existing careful supervision they are competent to deal with the cases that come before them.

The standard of presiding members is constantly improving and the aim is to appoint only those presidents who have reached the standard of a pass in the Law Examination for Administrative Officers. Already several such presiding members have been appointed.

Under section 175 of the Constitution all appointments to the office of presiding member and members of African Courts are subject to the approval of the Judicial Service Commission.

Mr. Agar: Mr. Speaker, Sir, arising from the reply, can the Minister for Justice and Constitutional Affairs tell us what methods the Government will use to eliminate bribery of the Presidents which increases incompetence in their judgments?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, that is not entirely related to the question, but I do want to say this: it is unfair for Members to make such serious allegations unless they are prepared to substantiate them. If the hon. Member has any specific cases of bribery and corruption among Presidents of the African Courts, I will welcome any complaints he has and they will be fully investigated.

Mr. Ngala-Abok: Mr. Speaker, Sir, is the Minister aware that there is a rumour going around all the time that the incompetence of

these Court Elders is the result of the bribes which they take? It is rumoured that the Elders take bribes from the people and they are incompetent because they base their judgment on the bribes which they take.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, there are very many rumours about Members of this House, including the hon. Member, and, Sir, neither this House nor the Government can be asked to act purely on the basis of rumours. If the hon. Member has any rumours which he wishes investigated, he is welcome to bring them to me.

The Speaker (Mr. Slade): In any case, I do not think this question really has anything to do with the matter of corruption; incompetence and corruption are two different things.

Mr. Oduya: Mr. Speaker, Sir, would the Minister assure this House that since this question has been brought to him, because this is a point of law and it is in the interest of the people of the country, he is going to look into it?

The Speaker (Mr. Slade): I have just ruled that the question of corruption is not relevant to this question.

Mr. Oyoo: Mr. Speaker, arising from the reply by the Minister, is the Minister aware that among these Court Elders some are illiterate and as such they do not take notes and that makes their work become very incompetent?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, the question refers to elders who preside, in other words, presidents of the courts, and I can tell the House that, as far as the presidents are concerned, I am not aware that any of them are illiterate, but if evidence is brought before me to that effect we will act accordingly. I have also said, Sir, that the standard of presiding members is constantly improving and we require them to pass a law examination for administrative officers. I also said in a previous speech in this House that, in fact, we require them to have a good knowledge of English and were sending them on courses. Everything is being done to try and improve these standards. I am aware, however, that some of the elders are necessarily not as well educated as the House would like them to be, but, Sir, this is a country which is all the time striving for better standards and so is my Ministry.

Mr. Towett: Mr. Speaker, Sir, could the Minister tell us how old these elders are? He referred to elders and could he tell us how old these elders are supposed to be?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I do not know whether I am being asked the minimum or the maximum age of the elders.

Mr. Towett: Mr. Speaker, Sir, the Minister did say that a lot of these people were illiterate and he is trying to improve them. If they are elders, how old are they on an average?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, they are old enough to be elders.

Mr. Anyieni: Mr. Speaker, Sir, arising from the Minister's reply, is the Minister aware that some people are being trained who are under thirty years of age, and as such their age does not help them to become good judges?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, there is no limitation for a person who is under thirty to become a president of a court. I am not aware that we are required not to train any person who is under thirty. On the other hand, Sir, I would be quite willing to look into any specific cases where it is suggested that youth has interfered with the good judgement of any of these elders.

Mr. Shikuku: May I know from the hon. Minister, when he talks of "elders", what age does he actually mean?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, the hon. Member might like to read the question again. It is, in fact, the Member who asked the question who first used the word "elder". I am replying to the question as set out for me.

Mr. Murgor: Mr. Speaker, Sir, arising from a previous reply from the Minister, could he tell us whether in Luo country he is an elder?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, if that arises I will tell the hon. Member that according to the Luo, he would never qualify.

Question No. 94

SAMBURU, SUK AND NJEMPS SETTLEMENT

Mr. Ruramba asked the Minister for Lands and Settlement if the Minister had any plans for the settlement of the Samburu, Suk and Njemps in areas of high potentiality, or in their reserves, including forest areas.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply.

The Settlement Fund trustees are concerned only with schemes set down in what have been known as the "Scheduled Areas".

As regards forests, no settlement is planned for these areas. It is necessary to preserve the forests in order to protect water supplies. Settlement schemes outside the Scheduled Areas are a regional responsibility.

The nomination of settlers for schemes managed by the Settlement Fund trustees is the prerogative of the President of the Regional Assembly of the region in which the land is situated.

Assuming that the region which is likely to be involved in this case is the Rift Valley Region, 94,536 acres have been bought in this region to the 30th June, 1963, the latest date to which figures are readily available.

The 1963/64 purchase programme totals 67,418 acres.

Among the high potential areas are:—
West and south of the Cherangani Hills: 10,309 acres.

Sabatia/Eldama Ravine area: 28,558 acres; the greater part in the 1963/64 purchase programme.

Also the World Bank Scheme at Ainabkoi: 5,107 acres.

The Minister for Lands and Settlement (Mr. Angaine): Shut up!

Mr. Murgor: Mr. Speaker, on a point of order, is it in order for the hon. Minister to tell the hon. Member to shut up?

The Speaker (Mr. Slade): Hon. Members are quite aware that it is out of order ever to say "Shut up", I am the only person who is allowed to do that, using more parliamentary language.

Mr. Towett: Mr. Speaker, Sir, could the Minister repeat what he told us because I could not follow it?

The Speaker (Mr. Slade): No, I do not think it is desirable that the Minister should repeat the whole of that answer. It may have been rather involved, but in that case perhaps it would have been better for the hon. Members to have asked for a written reply. I think we must go on with what hon. Members heard and understood.

Mr. arap Too: On a point of order, Mr. Speaker, in his reply the Minister mentioned Cherangani, Ainabkoi and somewhere else, but those parts of the country are not concerned with this question. May I have your ruling, Sir, as to

[Mr. arap Too]

whether the Minister can really answer the question otherwise and avoid the facts of the matter at issue?

The Speaker (Mr. Slade): Twice yesterday I explained to hon. Members here that dissatisfaction with an answer, or the view that it does not answer a question, is not a point of order. If hon. Members are dissatisfied with an answer, they must show their dissatisfaction by asking further supplementary questions. They cannot bring it up as a point of order.

Mr. Rurumban: Mr. Speaker, arising from the Minister's reply, and since my question only referred to three specific tribes, would the Minister tell the House what plans he has in view of the fact that every tribe in the country is now looking forward for development, particularly in settlement schemes? What plans has the Government got for the settlement of these three tribes?

The Speaker (Mr. Slade): I will not call upon the Minister to reply, because this is a vicious circle, the same as we had yesterday on a similar question. The Minister keeps making it clear that the choice of people to be placed in any settlement is for the Regional Authorities, and the provision of land settlement is all that is really within his jurisdiction. Therefore, in answering this question he has left to the Regional Authorities the question of those who shall be settled. Assuming that the Rift Valley Regional Authority is particularly interested in these people, he has discussed what settlement plans are being made and what areas are being made available in the Rift Valley, and you cannot keep on coming back and asking the Minister to say where particular people are going to be settled, because he has said so many times that it is outside his jurisdiction. It is purely time wasted.

Mr. Murgor: Mr. Speaker, arising from the Minister's reply where he said the Suk, the Samburu and the Gem are in the 1964/65 settlement programme, is he 100 per cent sure of this?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, the Minister is 100 per cent sure of that.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Minister's reply, could he tell the House how many people he is going to settle in the particular areas he has mentioned, and whether these areas will be sufficient for the demands of the Samburu and the people referred to in the question?

The Speaker (Mr. Slade): I have already said he cannot answer the first part. What about the second part of the question?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, that is another question.

Mr. Khasakhala: I do not think it is another question. Would the Minister reply?

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, would the Minister agree with me that the question specifically asked for plans and not for details of the actual settlement and, therefore, the question does not arise here.

The Minister for Lands and Settlement (Mr. Angaine): Yes.

The Speaker (Mr. Slade): It is for me to say what is relevant and what is not. I think the question as to how many people the areas the Minister has described are likely to cover is relevant.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I will let the Member have that in writing.

Question No. 101

KENYA NATIONAL FUND: TAXABLE DEDUCTIONS

Mr. Alexander asked the Minister for Finance and Economic Planning if the contributions to the Kenya National Fund would be allowed as deductions in arriving at the taxable income of businesses and individuals?

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply, No, Sir.

Question No. 103

ARMY AND POLICE UNIFORMS: DISCRIMINATION

Mr. Mbogoh asked the Prime Minister what the Government was doing to eliminate discrimination in the uniforms worn by Africans and other races in the army and the police force?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): I have been asked to reply, Mr. Speaker, Sir, I am happy to say that there is no discrimination in the uniforms worn by Africans and other races in the army and the police force except that British warrant and non-commissioned officers seconded to the K.A.R. at present wear a different uniform in ceremonial dress. This is shortly to be rectified by improving the dress of the African soldiers.

Mr. Speaker, Sir, I also wish to take this opportunity to inform the House that the Government have approved a newer, smarter and more comfortable dress for the other ranks which will be

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more national and more like the uniforms worn by the officers, and also that the police uniforms have recently been examined by a Working Party under the chairmanship of the Deputy Inspector-General, and the recommendations of this Working Party are at present being examined by the Inspector-General of the Police.

Mr. Oyoo: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, is he aware that constables in the police force who are wearing that type of helmet, especially those in hot areas like Nyanza, suffer very much because during the day they become very hot and as a result I think they become affected.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): I have already said that these uniforms are being examined by the Government.

Question No. 104

AFRICAN WOMEN IN THE POLICE FORCE

Mr. Mbogoh asked the Prime Minister how many African women are in the police force and how many are holding responsible posts above the rank of constable in comparison with European and Asian women?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I have been asked to reply. There are thirty-four African women in the police force, all holding the rank of constable. There are no Asian policewomen. There are six Europeans of whom one is an assistant superintendent of police, one is a chief inspector and four are inspectors.

Two of the European inspectors are due to leave this year.

Mr. Mbogoh: Mr. Speaker, Sir, is the Parliamentary Secretary aware that by keeping the Africans down like that is discouraging the other African women who would like to join the Police Force?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, there is no intention on the part of this Government to keep the African women down but there are certain jobs only that can be done by women. I might also add that I think the Members should realize that they do not have grounds for saying that we are keeping the women down as the six European officers are in the ranks of Superintendent of Police, Chief Inspector and four Inspectors, because as a matter of fact, Mr.

Speaker, these people were taken on during the Emergency and they are now in the process of being weeded out.

Mr. arap Moi: Mr. Speaker, Sir, arising out of the Parliamentary Secretary's reply, would he tell the House why none of the thirty-four women have been promoted?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, the position is that only a few duties such as the searching of female prisoners or the escorting of female prisoners or social service duties are, at present, scheduled for service by women and as such there is no need to employ high ranking officers merely to perform these tasks.

Mr. arap Moi: Arising from that, Mr. Speaker, Sir, if a woman is capable of handling or escorting a prisoner and none have escaped so far, is it not a fact that such a woman should be recommended for promotion?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, we are not dealing with the questions conjecture. If the Member can only give us a more direct question then we will answer it.

Mr. Ngala: Mr. Speaker, Sir, arising from a previous reply when the Parliamentary Secretary said that the Government does not consider differences in sex, would the Government consider extending the duties of women police so that they can also take up extra duties and so increase the number of police women in the Force.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, when I said we did not discriminate I was referring to the arrest of wrong doers whether they were women or men. In this particular context I said that any officer, male or female, has to go up in the Police Force the hard way. It is obvious to Members in this House that women cannot do some of the duties that could be done by men, for example, it might become necessary to keep a date in the forest with some criminal or other and I cannot foresee a woman officer being able to do that with any ease.

Mr. Ngala-Ahok: Mr. Speaker, Sir, would the Parliamentary Secretary tell us why we have European women inspectors and yet these African women constables are not being trained to replace them before independence?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, the point is that the Government

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have not reviewed the question of police women being employed. As I said the present women officers are being weeded out, but if there is any case for review then it will be welcomed by the Government.

Mr. Ngala: Mr. Speaker, Sir, arising from the reply, is the Parliamentary Secretary prepared to consider having the views of the women police themselves instead of assuming that it is difficult for them?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Difficult for them to do what, Mr. Speaker?

Mr. Ngala: The Parliamentary Secretary has told the House that some duties are difficult for women and they cannot do them, but I would like to know whether he has had a meeting with the women police themselves to get their frank opinions?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I have not had any meetings with police women either outside or Interpol. However, I do not think that this House, Mr. Speaker, can be expected to believe that a terrorist, even of the Leader of the Opposition's height and stature, could be led by a woman.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, could the Parliamentary Secretary tell the House how these women are allocated in the various Regions and Regions? Who commands the women in each of these Regions?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, these women are commanded in the normal way by whoever is in charge of the station. They are not necessarily commanded or under the charge of a woman.

Mr. Towett: Mr. Speaker, Sir, could the Parliamentary Secretary tell us whether it is correct to refer to women officers as inspectors or inspectresses?

The Speaker (Mr. Slade): I think we will go on to the next question.

Question No. 113**LAND ACREAGE BOUGHT FOR AFRICAN SETTLEMENT**

Mr. Murgor asked the Minister for Lands and Settlement:—

(i) How many acres of land had been bought by the Government for the settlement of the—

(a) Kikuyu,

(b) Buluhia,

(c) Kalenjin,

(d) Kamba and Luo?

(ii) How many more acres did the Government intend to buy between now and 1965?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply.

(i) The following acreages have been bought to the 30th June, 1963, by regions: Rift Valley 94,536, Western 56,130, Eastern 109,175, Central 153,121, Nyanza 17,961, total 430,923. The nomination of settlers for settlement schemes rests with the President of the Regional Assembly of the region in which the land is situated.

(ii) For the year 1st July, 1963, to 30th June, 1964, the following buying programme has been approved: Rift Valley 67,426, Western 31,785, Eastern 30,165, Central 165,778, Nyanza 28,235; total 323,389. The above comprises the purchasing programme approved before the Central Land Board was formed. This body will, in future, be responsible for further buying programmes.

Mr. Murgor: Mr. Speaker, Sir, the reply was given on a regional basis, but what I wanted was a reply on tribal basis. What I want to ask is how many acres have been bought in the Central Region for the Kikuyu?

The Speaker (Mr. Slade): I must go back once again to this vicious circle which we have had yesterday and today. The Government is not prepared, I understand, to discuss who are to be settled, for they say it is outside their jurisdiction. It is no use asking them to do so; we are only wasting valuable time.

Mr. Towett: On a question of explanation, Mr. Speaker, if the Government is not prepared to tell us who are going to be settled, where can we elicit information as to what type of people are going to be settled?

The Speaker (Mr. Slade): The answer that you have had from the Government is that you should ask the Regional Assembly.

Mr. Ngala: Arising from the reply given by the Minister may I know why the Coast Region is left out?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, the Coast Region was not in the Scheduled Area.

Mr. Ngala: Arising from that reply, Sir, do I understand that some settlement scheme will be carried on in Taita District by this Ministry and on what basis?

The Minister for Lands and Settlement (Mr. Angaine): Not by my Ministry, but by the Ministry of Agriculture.

Mr. Murgor: Mr. Speaker, Sir, could the Minister tell us why there has been a lot of buying, and there will be a lot of buying, of approximately 165,000 acres in the Central Region?

The Minister for Lands and Settlement (Mr. Angaine): Because it was needed there.

Mr. Ngala: Arising from the previous reply Sir, on Scheduled Areas, is the Minister prepared to change this system of only concentrating money on particular places to make the policy wide enough to reach the whole country?

The Minister for Lands and Settlement (Mr. Angaine): I think the hon. Member was a Minister some time back and he ought to know this. You see, the money comes from Her Majesty's Government, and he ought to know this.

Mr. Murgor: Mr. Speaker, Sir, arising from the reply by the Minister that there was a need in the Central Region, can he not agree with me that the need in the Rift Valley is greater than that in the Central Region?

The Minister for Lands and Settlement (Mr. Angaine): I think the hon. Member is the Member for the Central Land Board and he should know this. What is he doing there?

Mr. Murgor: Mr. Speaker, Sir, could the Minister not agree with me that before the Central Land Board was created his Parliamentary Secretary said that the Central Region was speeded by three years. That was before I became a member. Is he aware of that?

The Minister for Lands and Settlement (Mr. Angaine): That has nothing to do with the Minister.

Mr. arap Too: I come from Rift Valley Region, Sir, and I do not have any piece of land and I would like to be assured by the Minister that if I apply for a piece of land in Central Region that I could be accepted?

Mr. Anyien: On a point of order, Mr. Speaker, is it in order for Members to come here and ask

questions about their personal gains of land instead of sticking to the main point of the question?

The Speaker (Mr. Slade): The question was not out of order. Hon. Members can give themselves as examples of a general case. The only thing was that Mr. arap Too obviously has not understood what the Minister said on several occasions, and what I have said in amplification, that this question of who gets land is outside any matter of administration for which the Minister is responsible.

Mr. Rurumban: Mr. Speaker, Sir, is the hon. Minister able to tell us how many acres out of all the acres he has given us in terms of percentage are bought and how many are not yet bought?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I think the hon. Member is a mathematician and I can give him the figures to work it out.

Mr. Murgor: Mr. Speaker, Sir, I know that you are—

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): On a point of order, is it in order to address the Minister in the manner in which the hon. Member is doing because he should address the Speaker?

The Speaker (Mr. Slade): Mr. Murgor, you know that very well.

Mr. Murgor: Would the Minister tell us, Mr. Speaker, exactly why the Government speeded up proceedings and gave the Central Region 155,000 acres as against other regions, why is that?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, this was done before I became a Minister: by the Coalition Government.

Mr. Murgor: On a point of order. Is it in order for a Minister to say that this was settled before he became a Minister; is he not answerable for what has been done in the past and what is going on at present?

The Speaker (Mr. Slade): It is accepted that the Government has a continuing responsibility, and the Government of the day are expected to explain what the Government of yesterday did, even if they do not agree with it. It is not a very good reply for a Minister to say that he was not there when a particular thing was done. Let us go on to the next question.

Question No. 116

PURCHASE OF LAND FOR SETTLEMENT:
TRANS NZOIA

Mr. Lorema asked the Minister for Lands and Settlement if the Minister was aware that no land had as yet been bought by the Government in Trans Nzoia for the settlement of the landless Pokot, Saboit and the Marakwet?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, I beg to reply.

The nomination of settlers on schemes managed by the Department of Settlement rests with Presidents of Regional Assemblies.

The following area in Trans Nzoia District has already been bought: 3,319 acres Suwerwa (though this is mainly rather poor grazing land); 10,039 acres, west and south of the Cherangani Hills, are in the 1963/64 purchase programme.

Mr. Lorema: Arising from the reply, would the Minister kindly tell the House the names of the farmers, or the land registration numbers of these farms which have been turned over to settlement schemes?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): I cannot give the names or the registration numbers of the farms, of course, and I cannot give the names of the farmers because this is the entire responsibility of the Regional Assembly.

Mr. Murgor: Mr. Speaker, Sir, arising from the reply, the question here concerns the settlement of West Pokot, Suwera and Marakwet, but I want to know which of the schemes the Parliamentary Secretary mentioned is nearer to West Pokot?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): The nearest scheme which we have available for the West Pokot area is in the north-western side of the Cherangani.

Mr. Towett: Mr. Speaker, Sir, the Parliamentary Secretary in one of his replies said that he could not give the registration numbers of the places or of the farms that the Government has had purchased for settlement; is the Government not aware of the land registration numbers of the farms they purchased?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): I did not say, Mr. Speaker, that the Government did not have the information available, what I said was that "I" have not got the information available in my

head now. If the hon. Member likes to come and see me in the Ministry of Settlement I will show him what farms have been bought and he can work out the numbers for himself.

Mr. Murgor: Arising from the reply, could the Parliamentary Secretary tell us under what schemes the farms to which he was referring north of Cherangani have been bought?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): I have already said in my original reply that the Cherangani is in the 1963/64 programme.

Mr. Cheptikit: I would like the Parliamentary Secretary to tell me how the land for the settlement schemes is allocated. Do the Government buy the land nearest the people who they wish to settle or do they buy it anywhere so that the people can then go to the settlement scheme? Is that the way?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): The original allocation of settlement schemes was done so that each area of the country would have its fair share, having particular regard to population pressures in each area.

Mr. Cheptikit: Arising from the Parliamentary Secretary's answer, if this is so, how does the Cherangani Settlement Scheme come to be allotted to the West Pokot: the Cherangani scheme is quite far away?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): I am advised that the West Pokot are not in desperate need for land. If the regional authority feels that they should be included in the Cherangani scheme alongside with the Marakwet, then the authority has every right to include the West Pokot in that scheme.

Question No. 117

OVERSEAS SCHOLARSHIPS: POKOTS

Mr. Lorema asked the Minister for Education if the Minister was aware that no single Pokot boy or girl has so far been considered for overseas scholarships despite the fact that some possessed the basic qualifications necessary?

The Minister for Education (Mr. Otiende): Mr. Speaker, I beg to reply: so far no Pokot boy or girl has applied for overseas bursary through Government, and no boy or girl who is qualified has been refused a bursary or an overseas scholarship by my Ministry. Therefore, the question does not arise.

Mr. Lorema: Mr. Speaker, I did not understand or hear the reply.

The Minister for Education (Mr. Otiende): My Ministry can only consider awarding bursaries if people apply for them. If they do not apply we cannot award or consider the people who have not applied. Since no Pokot boy or girl has applied, whether qualified or not, for a Government bursary, no bursary has been awarded. Therefore, the question does not arise.

Mr. Lorema: Mr. Speaker, Sir, is the Minister sure that no Pokot boy or girl has applied for the bursaries?

Mr. Ngala: Arising out of the reply. Is the Minister aware of any Pokot boy or girl who has passed a School Certificate in any school in Kenya?

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, the Minister is not aware.

Mr. Ngala: Arising out of the reply, is the Minister prepared to find out about and help the apparently backward group?

The Minister for Education (Mr. Otiende): Since I have not been responsible for the situation in Pokot, I am prepared to consider any boy or girl who can come forward and has any qualification of that kind.

Mr. Anyieni: Mr. Speaker, Sir, in view of the fact that some scholarships come into this country, and they are not advertised in the papers for all people to know, would the Minister give us an assurance that next time scholarships come to this country even if through private means or through the Government, they will advertise the fact so that Pokot boys and girls and others may have the chance to apply for them?

The Minister for Education (Mr. Otiende): I do not think the question of the hon. Member is really relevant here, but since I know that some Members have been reading in the papers that certain scholarships were private, I may say this, for the Government, that I and the Government have nothing to do with private scholarships. However, I did mention Government scholarships which are invariably advertised in the local papers. It must happen that in certain areas the people do not read newspapers, for they do not apply: that cannot be considered our fault. The Government can give the assurance that in future we shall control all these scholarships whether private or Government.

Mr. Murgor: I think the Minister will agree with me that the question that was put to him

by the hon. Member was that he would give some scholarships for his tribe.

The Minister for Education (Mr. Otiende): Mr. Speaker, I disagree entirely with the hon. Member. I would like him to substantiate by showing something in writing that Kanu promised the hon. Member. However, the hon. Member is entitled to as great a share of bursaries and scholarships as any other Member, and if I can help him I will.

Question No. 120

PILOT IRRIGATION SCHEME: KANO AND NYAKECH

Mr. Bala asked the Minister for Agriculture and Animal Husbandry when the Government planned to accelerate the Pilot Irrigation Scheme in Kano and Nyakech.

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

The Pilot Irrigation Schemes in Kano, and Nyakech have not yet been started, and there is no question of accelerating them. I have no means at present of knowing when they will be started.

Mr. Oyoo: Mr. Speaker, Sir, arising from the reply given by the Parliamentary Secretary, is the Parliamentary Secretary aware that already people in Kano have been offered a piece of land for this Irrigation Scheme?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I am sure the hon. Member who asked the question knows very well that the Kano people were very much unwilling to offer a piece of land until the Government removed the little money which it had allocated for this scheme to another area, and it may be that the hon. Member was one of the agitators against this.

Mr. Bala: Arising from the reply, Mr. Speaker, is the Parliamentary Secretary aware that there is an irrigation scheme experimental plot in Kano Plain, and people have always been asking the Government to have an irrigation scheme in Kano?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, the Ministry of Works has surveyed about five acres in the area, but the owners of the land did not agree to give that land and up to now we have not got that land.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Parliamentary Secretary assure the House today that, since he has been told by the Members from this area that there are some acres available, his Ministry is going to start this irrigation immediately, regardless of what the people had objected to in the past?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, since the amount allocated to this has been withdrawn and sent to another area where the scheme is going ahead, I am only too pleased to say that when we find the money—we are also pleased to hear that the Kano people are now willing to give up land—we shall allocate it to this area.

Mr. Bala: Mr. Speaker, Sir, is the Parliamentary Secretary aware that recently we received a letter from the Government stating that there is no money for an irrigation scheme in Kano?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): I am very much aware of that and I have answered that question, Mr. Speaker.

Mr. arap Moi: Mr. Speaker, is the Parliamentary Secretary aware that when this scheme was first mooted in the Kano area the people themselves thought that it was a Colonialist scheme? Therefore, since the present Government is an African Government, would he convince the people that this is an African Government and is therefore going to work for them?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, I have already answered that we are very much aware of the position and that during the hon. Member speaks, this allocation was shifted to another area where we have already committed ourselves too far to be able to withdraw it, but as we get the money we shall allocate it to these people.

Question No. 122

MILITARY CAMP AND INSTALLATIONS: PAYMENT

Mr. Alexander asked the Prime Minister if the British Government had indicated whether it was expecting to be paid for the military camps and installations in Kenya to be vacated and if so, how would payment be made and by whom?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I beg to reply. The British Govern-

ment has indicated that surplus military buildings will be available to Kenya if required, as part of the financial settlement to be made between the two countries. No negotiations have yet been entered into over payment.

Mr. Alexander: Mr. Speaker, Sir, in saying that it is part of a financial settlement, is the implication in that that, in fact, the British Government will be paid for these assets?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, Kenya cannot be forced to buy or take over buildings for which it has no use, but the Kenya Government wants to consider the question of military buildings as part of a package deal.

Mr. Alexander: Mr. Speaker, has it not been put to the British Government that these are assets on land which now belongs to the Kenya Government, and what right has it to expect any payment whatsoever?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): The position, as I have just put it, Mr. Speaker, is that we cannot be forced to take over or pay for buildings which we do not require, and as such I think that answers Mr. Alexander's question.

Mr. Alexander: But if we do require them, Sir, why should we pay for them? If the British Government chose to put them on our land, is that not their worry?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I do not think the Kenya Government wants to put itself in the position of robber, but it is of course open to the Kenya Government to negotiate the final details with the British Government when the time comes.

NOTICE OF MOTION ON THE ADJOURNMENT

EVICCTIONS FROM ITHANGA HILLS

The Speaker (Mr. Slade): I have to inform hon. Members that I have received notice from Mr. Ngei of his desire to raise on an adjournment the matter of provisions for families evicted from Ithanga Hills, and I have allotted tomorrow for that purpose, so tomorrow evening there will be a motion for the adjournment.

PERSONAL STATEMENT

WITHDRAWAL OF ALLEGATION ON BRIBES

The Speaker (Mr. Slade): I understand Mr. Maisori-Itumbo wants to withdraw an allegation he made yesterday.

Mr. Maisori-Itumbo: Mr. Speaker, Sir, in my speech yesterday I mentioned the fact that there were some chiefs and some Government servants who used to take bribes from people, but, according to the information I have obtained, most of these people have been dismissed from duties. Therefore, I beg to withdraw my allegation of yesterday.

BILLS

Second Readings

THE AGRICULTURE (AMENDMENT) BILL

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the Agriculture (Amendment) Bill be now read a Second Time.

Mr. Speaker, Sir, this Bill is a very short amendment to the main Agriculture Ordinance, and it amends two aspects: firstly, giving the Government power to zone crops which are grown in a certain area; and, secondly, giving the Government power to hasten development in that area. I would like to give as an instance the Muhoroni-Songhor area where facilities exist for a sugar factory. At the moment, because of the rivalry between various mills in that area, we shall not be able fully to develop the area for the benefit of Kenya and for the benefit of the members of the Luo Land Unit and of the Nandi Land Unit, unless we take on the powers of zoning. The powers of zoning are nothing new in East Africa, because they have been carried out, as far as cotton production is concerned, for some number of years.

Secondly, Sir, the other amendment is to ensure that if land is urgently needed for a particular crop in order to support a particular industry which has been put up for the benefit of the country, then it can be compulsorily purchased for that purpose. Again, Sir, the particular example which I have in mind is sugar in the Muhoroni-Songhor area. A tremendous amount of land in that area is unused and should be planted to sugar. Some time back I was much concerned because there was a lot of speculation going on in this area where the land was only worth a few pounds an acre, and the moment it became known that sugar factories were going to go up in the area the price jumped up into the £20-£25 range. It was felt that there might be a number of people who would not be prepared to sell to the Settlement Board, who would sit on their land hoping ultimately to force a very high price and meanwhile would not develop the area which has sugar potential. It is our intention as Government to get these people to develop their land, and if they

genuinely do not have the finance or the ability to develop their land, it is our intention to help them financially and in other ways to do so. So that the whole of this area will produce sugar, in order to enable Kenya, at least by 1970, to be self-supporting in sugar, and thereafter to build up an export of sugar, so that we can help to obtain foreign exchange and thus be in a viable position as an independent country.

Sir, I know that some people may be perturbed that we are going to attempt to get into the export market as far as sugar is concerned, but as long as I am Minister for Agriculture, Sir, and there is an opportunity for us to grow something that the world wants—and we are told by world experts that there is going to be a shortage of sugar in the world in the 1970s onwards—I intend Kenya to go ahead and produce sugar and enter into this world market where there is going to be a shortage. As a country, we cannot afford to grow crops which we cannot sell; we can only afford to grow crops which we can sell.

Mr. Speaker, Sir, I do not think there is much more for me to say. At the moment, it is not the intention of Government to utilize these powers on any other crops. It is hoped that Government will not even have to use them in these areas. I am hopeful that the millers will be able to get together and thrash out the zoning themselves voluntarily in conjunction with the growers and with my Department of Agriculture which will represent the Luo and Nandi land units. I also hope, Sir, that the people have seen sense in that area and, once they know that the factories are definitely going ahead, will develop their land to the utmost on a sugar economy.

Mr. Speaker, I beg to move.

The Minister for Education (Mr. Otiende) seconded.

(Question proposed)

Mr. Towett: Mr. Speaker, Sir, I rise to oppose this amendment Bill. I base my views on subsection (2) where it says—and I quote in full: "Where the Minister is unable to agree with the owner and other interested persons for the purchase of any land under subsection (1) of this section, and is satisfied that the necessity for obtaining the land is such as to afford reasonable justification for the causing of any hardship that may result to the owner and other interested persons, he may acquire the land within the area, or any part thereof, compulsorily in accordance with section 188 of this Ordinance."

Now, Sir, this is a very serious section in this amendment Bill. This Government, or the previous

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Government, was waiting all the time for the Africans to take power so as to stop thinking in terms of this particular section. The Government in the past found it difficult to go and acquire land compulsorily, without going to talk to the chiefs and persuading the villagers and the elders to agree to give land to the Government. Now this Government, which is our Government, is trying to empower itself to acquire land compulsorily from the people of this country. This, Mr. Speaker, is an annihilation of all human rights we have been fighting for. This, Mr. Speaker, is terrible. If I am a farmer, and I farm in a place probably called Muhoroni, and perhaps the Government may fancy that it wants land in that area, and that is my land, no matter what I do the Government will compulsorily acquire it. I am at a loss, I fail to understand why the Government is embarking on this dangerous course of taking a person's land and acquiring it compulsorily. I am sure, Mr. Speaker, that some of the Members of the Government are not aware of the seriousness of this problem. The Council of Ministers have been twisted about by the Minister for Agriculture and—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Speaker, this surely is a serious allegation that I have been twisting things in the Cabinet and among hon. Members.

Mr. Ngala: You are a twister.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Sir, would the hon. Leader of the Opposition, if I give way, stand up and say that in open House, that I am a twister. I will sit down if he wishes me to.

The Speaker (Mr. Slade): It is clear in Standing Orders that hon. Members must not be offensive about other hon. Members or impute improper motives or activities, but one has to take a certain amount in this House. It seems to me that the clear implication of what the hon. Member said was not that the Minister was a twister, but, rather by way of compliment, he was saying he was a man of great, possibly undue, influence. I don't think the hon. Minister should take offence at that.

Mr. Towett: Mr. Speaker, Sir, I would say that some of the Members of this Government, some of the hon. Members who are at present supporting the Government, are just here, I hope I am not offending them when I say that some of the Members are just here as stooges.

The Speaker (Mr. Slade): You are liable to offend anyone when you refer to them as stooges.

An hon. Member: Withdraw!

The Speaker (Mr. Slade): Do not do it again.

Mr. Anyeni: On a point of order, Mr. Speaker, can we, as hon. Members, ask the Member to withdraw his statement that the Minister for Agriculture is able to twist our Ministers?

The Speaker (Mr. Slade): I have ruled on that; the matter is finished.

An hon. Member: Is the hon. Mr. Towett not right in saying that the Government has stooges, because one of the back benchers said he was a stooge of the Government at one time?

The Speaker (Mr. Slade): I have said before you became a Member here, and I say it again, that "stooge" is an offensive word and will not be used in this House at any time.

Mr. Towett: Mr. Speaker, Sir, I can see that some hon. Members are beginning to worry, as if this thing has just come to them for the first time. They are beginning to query whether they have put this right, or whether they should withdraw this or that. I am asking this Government to think again. To take somebody's land by compulsion, because the Government wants to use it, is not something to play about with. We are not going to accept it. For any Government to acquire land compulsorily will mean the shedding of blood. We cannot accept all this nonsense. I hope the Government will realize that we cannot allow any Government—Kanu or Kadu—to have the right to make laws whereby they can take people's land by compulsion. This cannot be accepted, and the sooner this Government realizes it, the better. If this law is going to be passed by the Government, I ask them to consider this: the people of this country, the private owners of land in this country, will not accept this particular section. Our people will not give the Government right to acquire land compulsorily anywhere, and the moment the Minister for Agriculture realizes this, the better. We will go out to the people and say that this is how we came by this law. It cannot be applied in this country, Mr. Speaker, Sir, let us see how many of the Members of the Government are going to say, "We give the right to the Government to acquire land compulsorily from the leaders of this country." We will not accept this, and I refuse to do so from now and forever, Amen.

Mr. De Souza: Mr. Speaker, Sir, the first point I would like to make is that we, on this side of the House, are very interested in the development of industry and agriculture in Kenya, and every

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measure that is brought forward in this country to assist the economic and agricultural development of this country, or any part of this country, will be fully supported by us.

However, Sir, I would like to examine this Bill at some length, because I believe in its simplicity it has a large number of complications which must be examined. The Minister, in his speech, has, in fact, given two examples on zoning, both in the Muhoroni-Songhor area, in reference to the sugar industry. He has also stated that at this stage he is not aware that these powers will be used in any crop other than sugar. In fact, he hopes it will not be necessary to use these powers even in the sugar industry. It is therefore quite clear that this amendment Bill is being brought primarily in regard to the sugar industry and sugar farming in the Muhoroni-Songhor, and Koru area. Sir, in the last few days I have had the privilege of visiting that area and I have also met a certain number of persons, growers, millers, etc., in that area and I have been requested to put forward the case of the growers, and that is what I would like to do. I am also, Sir, if I may declare an interest, the legal adviser to the Miwani Sugar Mills and in so doing I have accumulated a certain amount of knowledge of the sugar industry in that area which I believe it is my duty to bring to the attention of this House.

Sir, the sugar industry of this country has been run by two mills: the Miwani Sugar Mill which has a licence for 40,000 tons and the Ramisi Sugar Mill—which is at the Coast—which has a licence of 25,000 tons. These two sugar mills have been the backbone of the industry in this country and they have invested a very large amount of money in this country in their respective areas. They have been producing sugar throughout the emergency and for many years in the past. About two years ago, with the aim of expanding sugar production, the Government gave a licence to a new person who came from Uganda, called Mehta, and he was given a licence to install a sugar mill which had a capacity of 40,000 tons. On the understanding that his mill would be erected in a short time a large number of growers grew sugar, and, in fact, I believe today there is about 100,000 tons of sugar-cane that is available for milling or refining. When Mehta did not establish his sugar mill as soon as they expected, the growers themselves joined up together and put forward a scheme to the then Minister for Agriculture, Mr. Havelock, by which they were all going to contribute co-operatively a sum of about £400,000 sterling and asked if they would be able to get a licence to construct a sugar mill

in this area. Sir, it is very important for us to appreciate this because I believe that we have always said that the growers should be given the first opportunity of constructing a co-operative sugar industry. If all the growers in any industry can join together and form an industry which will be owned by the growers—growers of all races, Europeans, African co-operatives and Asian growers—then it is the function and the duty of Government to give those people a first priority to distill or refine the sugar or process any other product that they are growing.

Sir, we have, as I said, expressed in this House on dozens of occasions our preference for co-operative industries rather than capitalist enterprises, however beneficial they may be. The negotiations that were taking place were being conducted by a friend of mine and I do not suppose at any stage that this is going to be challenged. However, these negotiations were conducted with the then Minister for Agriculture, Mr. Havelock, and Mr. Havelock brought to the attention of these growers different reports; by Sir Alexander Gibbs, Survey of the Nile Basin, the Thorpe Report and in addition reports by so-called experts from the Ministry of Agriculture. He stated that it was impossible to have a sugar plant in this area of more than 20,000 or 25,000 tons because there was not sufficient land suitable for sugar in that area, and he said that if the growers applied for a sugar mill he would not give them a licence for more than 20,000 to 25,000 tons. He said that the maximum sugar potential land available would not be able to feed a mill larger than of that size. The ratio I believe of sugar-cane to sugar is 10 to 1, and so if one wants to have a sugar mill of 20,000 or 25,000 tons one must have 200,000 to 250,000 tons of sugar-cane available.

Sir, it is also known—this was, in fact, reported by the Rodgers Committee—that to have an economic sugar mill, i.e. a mill which could be run on an economic basis one must have about 40,000 to 50,000 tons capacity. As Mr. Havelock said they would not be able to get a licence to this extent they did not then apply, they were quite clearly told that there was no chance whatsoever for them to be given this licence for 40,000 to 50,000 tons for a sugar mill. Sir, having been refused this permission the growers then went to the Mehta group and requested them to hurry up with their preparations and plans for the building of a sugar mill and invested or agreed to invest all of the £400,000 which they had collected with this Mehta group.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, is the

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hon. Member saying that the £400,000 was collected and paid? I would like him to explain exactly what he means by this.

Mr. De Souza: Yes, Sir, I will explain this. The growers had agreed to invest £400,000. Some of the growers there are very well-to-do persons and they had definite promises to collect this money, probably the cash was not laid out but in business it is never laid out in cash but as long as you know that persons of substance have in their possession, or are able to produce immediately, a sum of money that is as good as cash. Secondly, Sir, if one wants to go into this further I can tell the hon. Minister, and I am fully aware of the fact myself, that they had made arrangements with a finance company in Germany by which all the balance of the money, including the mill itself would be supplied by German financiers and the manufacturers of the sugar mill in Germany, and they were, in fact, going to run it themselves on a co-operative basis for all races.

Therefore, Sir I would like to go on to state what happened. Having been refused this licence they made arrangements with the Mehta group by which they were going to invest all their money the £400,000 with the Mehta group, and for that they would own jointly a sugar mill for which Mehta had already obtained a licence. In fact, Sir, arrangements have been made and have got to a very final stage. Today, I think, that though the money has not actually been contributed it is as good as contributed because the Mehtas and the growers together have jointly placed an order in Germany for the mill to be constructed. I am informed by a member of this family—the Managing Director—that he has been to Germany two weeks ago and he has seen the mill and parts of the mill actually being manufactured in the factories in Germany. This is two weeks ago and it is, in fact, the case and I am quite prepared to believe this, Sir.

At the same time as the growers actually participated in the mill they agreed—in some cases on a written contract and in other cases verbally—that they would provide all their sugar-cane available in that area to this new sugar factory. As I have said they will soon have about 100,000 tons of sugar-cane for their own factory.

Now, Sir, this was the arrangement that was made, Mr. Havelock had assured the growers and assured everybody that there was no sugar-cane land available, there was no sugar-cane for a third factory, and then, hardly two weeks later, after having refused the growers a factory on a co-operative basis we suddenly heard from the

Press that he had given a licence to another family, the Fancy family, to produce 90,000 tons of sugar. He suddenly stated that he had realized that there was enough sugar-cane potential to run a mill of 45,000 tons to be extended to 90,000 tons. What I would like to ask is, were these experts in the Ministry of Agriculture in a dream for all these years, when they thought that there was no sugar-cane potential land available in that area, or did they suddenly wake up from a big dream to decide that there was now land sufficient to produce 90,000 tons of sugar-cane? This is not a question of someone suddenly striking a diamond or gold mine, it is a question of a long and expensive economic survey. Have they been wrong all these years? Did they mislead or misguide all the other people who wanted to have a sugar mill in this area? Assuming that they suddenly realized that they were wrong all these years, I would like to find out why the then Minister—and I want to make it quite clear that I am not blaming our present Minister, I am putting the fault and the blame clearly where it lies, that is on the previous Minister—did not call the growers back and tell them that the information he previously had was incorrect, that he had misinformed them, that he was wrong, and that he was now in a position to give a licence for 90,000 tons, or thereabouts. Why did he not, in fact, tell them that this was available? Sir, I would like to know the reasons, the motives, the incentives that prompted him to refuse the growers a licence to mill their own sugar-cane and then to give it to this new foreign capitalist company.

Now, Sir, the Government feels that, having granted the licence, it is committed to supplying 900,000 tons of sugar-cane to this particular family, and therefore we have the problem of zoning. We are told that zoning is primarily instituted for the sake of economic farming, for the sake of beneficial farming. We would like to know how this zoning is going to work. We have been told that what in fact happens is that when a mill is put in a particular place, within a certain radius round that place people will be compelled to sell their sugar-cane to that particular mill. So what, in fact, has happened is that the Fancy's have decided to put their sugar-cane mill in the middle of the land which has already been developed producing 100,000 tons of sugar-cane now. So the point now appears to be, to use the influence of the Government to force those persons, who have grown sugar-cane and who have a mill for which they themselves are contributors and part owners, not to sell their sugar-cane to their own mill but to sell it to the mill of a rival or to somebody else, i.e. Fancy. Naturally, Sir,

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there is going to be a lot of resentment. There is already a feeling of grievance in the area, and that is why the growers came to me and asked me to put their case forward and that is what I am doing.

The second point is this. Having given two of the parties licences for 40,000 tons each, and the third party a licence for 90,000 tons, it is the duty of the Government to get 900,000 tons of sugar-cane for this particular mill. So the Government, therefore, in this zone is going to insist that people from anywhere from eight to twenty miles away will have to supply sugar to the Fancys whereas in some cases these same persons, such as the Nandi Hills Units have a sugar-cane mill only three miles away. So instead of being more profitable for the growers it is going to be more expensive for them because they are going to be compelled to sell their sugar at a distance of twelve to twenty miles when there is another sugar mill nearer to them, in fact, only about three miles distance. This is merely because the Government feels that having given a licence for 90,000 tons they must now force people to sell sugar to this person to whom they have given the licence.

The third point, Sir, is this, one of the elements of zoning in any country is to rationalize transport. The only way one could rationalize the economics of transport would be to ensure that the mills have more or less an equal capacity and so the radius or the perimeter from which the different people work would have to be about the same in any case. Transport is a very major cost in the sugar industry and a few miles one way or another can make the particular industry profitable or unprofitable. This is, of course, the other thing that has happened. Therefore, the right answer, rather than enforcing the zones on the people is to make sure that there is an equal perimeter, that everyone has the same licence, or about the same licence, and the same area from which to operate.

The corollary to all this—and this I think is very vital—is even more important. We have had a statement from the hon. Minister just now that land in the area that was being sold for 5s. 20 or £1 two years ago is now being sold for £20 or £25. Why is it being sold at this price? Because it is being sold as sugar land. Sir, what I want to ask the Minister, and the Minister of Settlement, is this. The Government is going to buy 26,000 acres of land, if this land had been bought two years ago it would have cost us £26,000. If it is now bought by the Government it is going to cost this country £520,000, at the rate of £20 per acre, which is what the hon. Minister has

just told us is the price of land now. All this money, of course, is going to be paid to the European farmers in that area. What I am going to ask the hon. Minister is, why should we pay this amount of £520,000 when in fact this land is worth only £26,000? If we are all that generous we should give this money to the African settlers. We are talking about undeveloped land and undeveloped land if it was worth £1 per acre as the hon. Minister has himself said—he told this to the Press two days ago—is now being sold at £20 to £25 per acre, why should the Government and the people of this country pay £494,000 extra?

Can I ask if I would be right in saying that the hon. former Minister for Agriculture, Mr. Havelock, specifically rushed and gave a licence for 90,000 tons of sugar in this area so that there would be an excuse to pay £494,000 more than what would, in fact, have been the value of the land at that particular stage? Why did the Government not buy the land then at £1 per acre when it was available, develop it and then start a co-operative sugar mill, instead of giving a licence to one person for 90,000 tons and then forcing the other people who grow sugar and to sell it to these people? Some of these people have, in fact, their own mills. These people contributed money to put up a sugar mill of their own, why should they be forced to sell their sugar to these other people? Sir, this is a very important point and I would like the Minister to clear it.

There is another rumour—and I hope it is no more than a rumour—that the Government proposes to give 10,000 acres of this land which it is going to buy to the Fancy family at a nominal rent for twenty years. If we are going to buy this land at £20 per acre I would like to have an assurance from the Government that this land will only be given to the people in that area where land is needed very desperately and that this land is not going to be given at a nominal lease or any lease to any outside capitalist for so-called development. This is very important because it might be argued—and some people will argue—that after twenty years Mr. Fancy might say the Government can have the land back free. However, that is not the point, because, after all, the milk has been drained out of the land and after profit has been made for so many years then of course there will be nothing left to give. Now, Sir, this is the point. This land is being purchased at fantastic prices. It is much needed for African settlement and I cannot see how in fact that land should be given to somebody else.

Now, Sir, there are two further points,

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, the hon. Member is not even dealing with matters pertaining to my Ministry, let alone the two amendments here. This is settlement land which is being bought for settlement and negotiated for either by my predecessor or by the present Settlement Board and I do not see what it has to do with these two amendments whatsoever.

The Speaker (Mr. Slade): I was under the impression that the land which the hon. Member is referring to is the land which has been bought or will be bought by your Ministry for purposes defined by this amendment Bill. If, however, he is referring to land purchased for other purposes altogether then that is not relevant. Would you care to explain, Dr. De Souza?

Mr. De Souza: Yes, Sir. I am referring, as you have said, Sir, directly to the land that is going to be purchased for the zoning of sugar in this particular area. I am referring to nothing else, I am referring to the 26,000 acres of land. The hon. Minister will correct me if I am wrong when I say that it is intended to provide a sufficient amount of sugar for a particular zone for a particular licence for the Fancy family of 90,000 tons. I am not finished, Sir. I am only giving way.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I think that I ought to make it clear that my Ministry does not intend buying a single acre of land in this area. This is why I say it has nothing to do with me, I think, Sir, that something completely outside these two amendments is being brought in here which I referred to when I answered. However, I want to make it clear that my Ministry has no intention of buying any of this land at all. If there is any intention of this land being purchased for factories or anything like that it must be done with another Ministry.

Mr. De Souza: Sir, I think I must explain that I am fully aware of the fact that my hon. friend is not in charge of the Ministry that deals with land purchases but the two are so very much connected that one Ministry buys the land and the other Ministry zones the land for sugar. It is not quite part of the settlement scheme which is vitally connected with the licence for the sugar in this area.

Now, Sir, there are two other points—

The Speaker (Mr. Slade): The question is whether the land to which you are referring is the kind of land which has something to do with the proposed section 186A.

Mr. De Souza: Yes, Sir, I am referring to exactly the same land. The Minister has been very clever in hedging his answer. He says his Ministry is not buying it. I well know that his Ministry is not buying it. I never suggested that his Ministry is buying the land. If he had said that it is not the land which Government or the Settlement Board or the Central Land Board is proposing to purchase, well, I would be willing to accept that. If he is willing to give us an assurance that the Government here will not buy land in that area for more than a pound an acre I will accept that statement.

The Speaker (Mr. Slade): Mr. McKenzie, we must accept, that in view of Dr. De Souza's statement, that what he says is relevant; but you still have your chance of answering when you reply to this debate.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): It is relevant to section 186A, Sir.

Mr. De Souza: Sir, there are two further points which I think are very important. The first question is that this Bill gives the Minister arbitrary powers to declare where a man shall sell his produce. Now, this might seem to be not very essential because I would say that the Minister has the right to do so. But if, for example, the Minister can force a man who has got a mill say three miles away to sell his produce to a person with another mill who has got his mill twenty miles away then, with respect, Sir, this is going to do grave injustice. I would therefore like to know why then is a person not allowed to sell his produce in the place where he thinks it is most economic and profitable to do so. If he thinks that there is a mill three miles away he would sell it there and I think in fact the danger is—I have great confidence in the Minister and I know he will do his best—but this Bill gives arbitrary power, a power which has got no appeal, a power which can ruin any farmer and under which he will be absolutely helpless because he will have no court, no place and no law to go to. The Minister with one stroke of the pen can do what he wants.

The second point, Sir, which is, I think, more important is the question that this Bill invalidates contracts. As I said earlier, these growers signed contracts with their own mill—because they contribute to the mills—agreeing to supply sugar-cane for the next so many years to that mill. Now, by a stroke of the pen this Bill is going to make all those contracts illegal and the Minister, if he says no the person shall sell the produce to X even though the contract is signed and invested

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his money and has done everything else it will be illegal for that person to sell it to anybody else. So, the point is, where is the sanctity of contract? We have said for so many years that when two persons freely negotiate, and agree to buy or sell something that is the basis of our law and our society. There is a sacred thing called contract and the Government shall accept it, shall realize the sanctity of it. Why is the Government with the stroke of the Minister's pen, trying to cancel all the contracts? Why is the Government so keen to make sure that all the arrangements, all the precautions that people have taken to protect themselves shall be abolished? Also, Sir, I want to put this to him again and again, why should persons who have grown sugar-cane for their own mills, who are interested in selling to their own sugar mills, why should they be forced to sell their sugar-cane to somebody else while their own mills starve and possibly go bankrupt. Why all this when they have taken their money and invested it in their own mills to make sure that this sugar-cane will help the mill when it is ready? Why should they be forced to sell it to somebody else?

Sir, there are two important points. We have been told that there is a lot of foreign investment in this. The question I want to raise in this particular case is that I would like to know how much foreign investment is there going to be in this particular case of Fancy? I am informed that in fact no new money is coming at all from abroad and even though this may be a little out of the ambit of this debate I would like the Government to assure us that persons of Kenya origin, of East African origin, have at least as much right and as much priority to develop industry in this country as persons from outside. Persons from outside should not be given any privileged position in this country as compared with persons who are already in this country, who have worked in this country for many years, who stayed here during the Emergency and have contributed to the welfare of this country and contributed millions of pounds to the taxation and national income of this country.

Mr. Ngala: Mr. Speaker, Sir, after the very able speech that has been made by the hon. Member who has just sat down, I think the Minister does realize now the mistake he is making in putting forward this amendment to this House.

Mr. Speaker, Sir, the hon. Member declares his interest and that is not relevant at this stage. The point I would like to talk on generally is this

principle introduced by the amendment. The Minister wants power to acquire land for production of particular crops. He wants to acquire land compulsorily and he says that he would like to discuss or negotiate matters with the Central Agricultural Board, Mr. Speaker, Sir, I think this is a very gross departure from the normal practice that we have had in the past. The Central Agricultural Board does not hold any land. The normal practice that the Government should recognize is negotiating with land owners, so that the Government can acquire the land with the approval of the people who own the land. Now this departure from the normal practice is going to take away, by force, land from all sorts of areas in the country, regardless of whether it is in the Scheduled Areas, in the African Land Units or anywhere in Kenya. Although the Minister says that this is only going to be applied to Muhoroni, I know there is nothing in the Bill which shows that this matter is only confined to Muhoroni, it will spread like fire all over Kenya, and the Minister is intending to take away land quite unfairly by proposing this amendment. There is no place in the amendment where the Minister has shown any difficulty experienced in the future, disallowing him, or disempowering him to acquire land for the proper development of the land required by the people. Therefore, I think, at this stage there is no need to have this amendment put before this House. I think it is entirely wrong for the Minister to think that the Central Agricultural Board, which consists of members from various agricultural committees in the district, to think that these people own land and give themselves the right of negotiating land ownership with people, and if they say no, or if he has not satisfied giving himself further power to acquire that particular land, I think it is quite wrong and many people are going to suffer as a result of this particular amendment which has been put forward. I am sure the Government side understands the implications of this Bill and I hope the Government side is going to vote with the Opposition on this matter, because it is a matter of serious importance and a matter interfering greatly with the right of the land owners unnecessarily.

Mr. Speaker, Sir, the question of zoning a piece of land or an area involves a very wrong principle; particularly when it is made compulsory as the Minister suggests in the amendment. This means that if any person happens to live within an area where sugar is grown but he has, as a private land owner, decided to grow simsim, then he would be forced to give up that piece of land where he is growing simsim, on his own piece of

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land, so that sugar can be grown by the company which is interested in the land. I think this is interfering with the right of the person, the right to own his land, as well as the right to grow what he wants, what he feels is of benefit to him.

The Speaker (Mr. Slade): I am afraid I now have to interrupt this debate so that we can commence a Supply Day and have a full day. You can, of course, continue when we resume this debate, Mr. Ngala.

COMMITTEE OF SUPPLY

(Order for Committee read)

VOTE 7—LOCAL GOVERNMENT CONTRIBUTIONS

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Resumption of debate interrupted on 10th September, 1963)

Mr. Jahazi: Mr. Speaker, Sir, I would also like to thank the Minister for his presentation of the Local Government contribution. I would like to add to what the Member said last night, especially in regard to the Africanization in the municipal councils and county councils. Speaking as a former member of the Mombasa Municipal Council, I think that there has been an intentional blocking of the Africans' promotions for responsible positions in this council. We have every now and then tried to encourage expatriate officers to train suitable people, local people, to take over these positions, because there are so many advantages of these positions being held by local people.

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

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

An expatriate officer is only working for a salary, he has no interest in it. All he has to do is to see that his work is alright and he receives a salary and that is all. However, a local man has an interest in his own city or town. When he does something he does it not only to earn a salary but also to improve the appearance of his city or town. He takes pride in his job.

QUORUM

Mr. Mallinda: On a point of order, Mr. Deputy Speaker, Sir, do we form a quorum?

The Deputy Speaker (Mr. De Souza) No, ring the Division Bell.

(The Division Bell was rung)

The Deputy Speaker (Mr. De Souza): We have a Quorum now, carry on, Mr. Jahazi.

Mr. Jahazi: Thank you, Mr. Deputy Speaker, Sir, as I was saying, we only need expatriate officers until we have our own men, local people, who can take over the positions of expatriate officers without lowering the standard, there is no justification whatsoever for employing an expatriate officer. As we all know, expatriate officers are very expensive, they are very well trained people, their terms are more expensive than for the local people. Therefore, the Minister must see to it that in every local government department there is a training scheme for replacing expatriate officers with local people, so that all the money we spend on them for long leave and other facilities is saved and used to improve our own towns and cities.

Mr. Deputy Speaker, I do not want to say much on this, so many people have made this point. I think the Minister has noted this point and I hope he is going to take serious steps to see that every local municipal and county councils start a crash programme to train local people to take over from expatriates.

The second point I want to make, Mr. Deputy Speaker, if I may say something more on this, is that you find that in some municipal councils the simple job of refuse collecting is headed by a European expatriate. I do not see how it will take years of training to instruct a man on how to collect refuse in the town. Yet in the Municipal Council of Mombasa there is an important expatriate officer who is the head of the simple job of refuse collecting.

These are the points which we want the Minister to consider seriously, and see that if it takes a man one year or less to train a man to become an expert at refuse collecting, then an assistant should be sent to Nairobi or England, at least for three months, so that he can be shown how to empty these drums and all that. It is ridiculous to see that up until now such jobs as refuse collecting still have expatriates at the head.

Another point, Mr. Deputy Speaker, is that coming from Mombasa my colleague, the hon. Mr. Balala, put a request that our town is ripe for city status. It is quite ready because it is big, there is a lot of development going on, ours is the only port in Kenya, and the town justifies having the status of city. Kanu has just swept everything in the council, therefore I do not see any difficulty there. I hope the Minister will consider this

[Mr. Jahazi]

seriously and that on December 12th or 13th Mombasa will be the second city of Kenya.

An Hon. Member: What about Kisumu?

Mr. Jahazi: Kisumu will come next, not now.

Mr. Deputy Speaker, Sir, there is another important thing I would like the Minister to consider. As you know, the present set-up in our towns these days is that the town centre is almost all European and Asian and the African is to be found on the outskirts. Such development must be stopped right now, because in the country we have all the settlement schemes. I think it is time that the Minister devised a system of settlement in the towns. We want the municipalities or city councils to buy out some of these big buildings so that even African traders are allowed to trade in the centres of towns. Otherwise if we have to wait until the day when an African millionaire is able to acquire a plot in the town, I think that day is very far away. Therefore, the Minister should see to it that the councils start buying out suitable plots for buildings in towns so that the towns can represent the people who live in the country as a whole, because any visitor who visits Nairobi or Mombasa comes to the town centre and, he asks whether this is England, New York, Italy or Rome because you can hardly see an African shop in the towns. We cannot let these things go on when we have our own Government. The Government must be prepared to see to it that the African people everywhere are represented in the towns, the centres and shopping centres by buying out some of these big buildings for the urban resettlement schemes.

Therefore I hope that the Minister will take this seriously too because we can no longer go on living on the outskirts while we leave the town centres to the rich.

As many people have commented on many points, I do not want to repeat the same points, and with these few words, Mr. Deputy Speaker, I beg to support.

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): Mr. Deputy Speaker, Sir, I beg to move that the Member be now called upon to reply.

The Deputy Speaker (Mr. De Souza): The question of reply is normally given to the Opposition but as there seems to be very little interest in this debate by the Opposition I will put the question.

(The question was put and carried)

The Minister for Local Government (Mr. Ayodo): Mr. Deputy Speaker, Sir, first of all

I must thank all the Members who have contributed to the debate by way of making what I consider to be very constructive criticisms of the Vote in the debate. There are three general comments that I would like to make before I answer the various questions raised by the speakers. I was interested, Mr. Deputy Speaker, to note that nearly all the people who spoke expressed an interest or a desire to see progress and development in the various local authority areas in the country. I want to assure them that it is the policy of the Government and I think on this one I can speak for the Regional Assemblies, that it is the expressed wish of the Government and the Regional Assemblies to see that all possible progress is made by and in the various local authority areas. I want to point out, however, that by the very nature of the local authorities, it must be made clear that success will have to depend upon the local people. It is alright for the Government, the Regional Assemblies, to direct certain matters, but the initiative which will, in the end, lead to success, has to come from the people. I mention this particular point, because the Members in this House have a considerable responsibility in this particular matter. They have pointed out, for example, Mr. Deputy Speaker, that not enough is done by the councils to explain to the people how the money is spent, why the people should pay their rates and what the councils are actually doing. This is a matter, for example, which could be taken up by the various local authorities, but it is also up to the Members of this House to remember that it is their duty to explain these matters to the people in their public speeches. It is one thing for Members to come here and talk about, or criticize the local authorities or Government and point out what should be done from Nairobi or from the various local council headquarters, but it is important for them to remember, that they are also duty bound to educate the people as Members of Parliament or members of Regional Assemblies. I, therefore, ask them to do what they can to educate the people especially with regard to the payment of taxes.

The second point I want to make is the concern expressed by more than one Member about lack of confidence in the chiefs and the sub-chiefs. This is something we all understand, Mr. Deputy Speaker, because in the past everybody took it—and I think this is quite true—that the chiefs and sub-chiefs were agents of a particular Government: the Colonial Government, and this is why when we hear the name "chief and sub-chiefs" we object to the idea of these people having any say in our affairs. I want to tell the Members—although there are not many on the

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opposite side—that the chiefs and the sub-chiefs, like all the other civil servants, are servants of the Government at the time in power. What they carry out are mere policies of those governments, the ones that happen to be in power. In our particular case, the chiefs and all the other people are now carrying out the policy of an African Government and if a Member is dissatisfied and thinks that a chief or sub-chief is not doing his work properly, there are ways of dealing with them. I cannot, therefore, accept the demand that chiefs or sub-chiefs should be removed because they are not doing their work properly. If this is the case it is up to the Ministry or Department concerned to deal with their particular cases when it is brought to light.

The third point, Mr. Deputy Speaker, that I would like to mention before I answer the questions one by one is this one of Africanization in the City Council of Nairobi, in particular. I want to assure the House that my Ministry is doing everything it can to speed up the process of Africanization in the City Council, but I want the Members to bear one point in mind: when we talk about Africanization in Kenya now, there are two things that invariably must be taken into consideration by the Government and anybody responsible in this particular work. The first is that we are keen to see that Africans take over responsible jobs. This is accepted; nobody is arguing against that wish. We are all working for that. The second one is this that everybody in Kenya now, with an African Government in power is expecting to be served. They want to see the fruits of what they have been fighting for; they want the Government to build houses for them; they want the Government to do this and that for them. Everything that they have been working for they want to see realized now. The Government is, therefore, forced, in its desire to help the people, to look for those who will do the job, because if that does not happen, the people will complain to the Government. They will say "What did you promise us? Why do we not see what you promised?" Therefore, I am saying this for the Members of this House to remember that they need not be unreasonably critical of what may, to them, appear to be slow movement towards Africanization in the City Council. This may be taken as a general statement to the Members and assuring them that I am doing everything possible to speed up the process of Africanization in the City Council. There is one point, however, that I think I should mention. The hon. Mr. Oduya, in his very good speech went, I think, a little too far. He went as far

as to mention certain officers by name. I consider this unfair because these particular officers are not in this House to be able to reply to the charges. I think it would have been quite enough if he had left it to the Minister, who is present, to reply to all the charges. I am only saying this to Mr. Oduya so that he may remember in future that he may attack the Government as much as he likes, but that it is unfair to refer to the officers specifically the way he did.

Another point I must mention with regard to Mr. Oduya's speech is that if there are allegations of mistreatment of Africans by Europeans, or white officers, I should be very grateful, or very glad, to receive these cases specifically, so that they can be dealt with; but to expect me to go to the Council and try to look for these officers in a general way, I think, is asking too much of me as a Minister. If there are cases of mistreatment I will be very glad to receive them and take the necessary action.

I want to answer, now, the questions raised by the various speakers one by one. The hon. Mr. Alexander, when he spoke on the 2nd August, expressed anxiety about the payment of the grants to the various local authorities. All I have to say by way of answer is that by the 2nd August, when Mr. Alexander spoke, we had already paid one quarter of the grants to the various local authorities. The grants are paid quarterly, in July, October, January and in April.

Mr. Nyagah raised two very important questions in connexion with the new graduated personal tax. His first question was about collection; how collection was going to be carried out. I am interested in this question because in Mr. Nyagah's speech it was apparent that his main concern was the efficiency of collection which is also the Government's concern. I will take this under two headings: collection in urban areas and collection in rural areas. The intention is that people will be made to pay as they earn and in this the Government intends to make use of the employer: that is have the tax deducted from the salaries monthly. We think that this will lead to efficiency and the various authorities will be sure of having their money when they need it. In the rural areas it will be slightly different, in that certain employers will be expected or asked by the local authorities to act as collectors. Otherwise, in the rural areas it will be done by the direct method as it has been done in the past.

Mr. Nyagah also wanted to know the structure of the new graduated Personal Tax. This is, if we like, a type of income tax because a person will be expected to pay according to his ability to do so. The maximum, as Members may have

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noted, is going to be about Sh. 600: this is the maximum that a person can pay. In the rural areas there will be assessment committees which will sit and decide how much people should pay: that is, those who are not employed and whose payments, therefore, could be worked out according to a scale which is going to be provided.

That answers the point raised by the hon. Mr. Bala.

The hon. Mr. Ngala-Abok raised one point to which I should like to reply. He expressed concern about the difficulties various people in the reserves meet when they are trying to get licences from the local authorities. I should point out to the hon. Member and the rest that if they studied Regulation 165 they would find that there is provision made, so that if a person considers himself unfairly treated by any particular local authority he can take the matter to the court who will decide either in his favour or against him.

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

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

The hon. Mr. Nyanweya, Member for Nyeri, raised three points which I would like to answer.

The first one was with regard to the control of money in the local authority areas. I want to point out that this is a responsibility of the financial committees of the various bodies. In addition to that, there are inspectors who check the books regularly to see that money is not spent in illegal ways. However, the important point to remember here is that it is up to the Members and up to everybody, the good citizens, who are serving on these committees to see that the money is not spent in any wasteful manner.

Mr. Nyanweya also expressed his concern over the amendment to the Local Government Regulations. All I have to say about that is that this is being worked on right now, and we hope that in the near future it will be completed and we will be able to have them amended, as the Member suggested.

Mr. Nyanweya's last point was in connexion with the training of local government staff. I want to assure him that the Government is very keen on this particular point, and right now we have a local government training wing at Kabete which is actually training local government workers for more efficiency. I would like to say, however, that here the local authorities are to blame because whatever little opportunities are

offered to them by the Government they are not fully made use of. To mention an example, the other day a course was organized for local government workers at a low level at Maseno, and we were disturbed because very few councils saw fit to send their people to the course for training, with the result that the Ministry was even considering cancelling the whole idea of trying to help the local authorities to train. We are not going to do that, but I mention this because the Members could bring their influence to bear in their various local areas to see that these courses which are offered are made use of.

The hon. Mr. Okelo-Odongo raised a point of great interest to a lot of people. He wanted to know whether it is possible for the Government to excuse those who have not paid their taxes in the past, so that we can start afresh. He argued that requiring people to produce their past receipts before they pay their rates makes it difficult for them to react quickly and as we may want them to. As I have said, this is an interesting point, but my Ministry can only say what it thinks, because we are not in a position to enforce this particular wish, even if we agreed to the suggestion, as this is up to the various local authorities to decide. If a particular local authority thinks that it can do so, there will be no objection, but we must make it quite clear that if this is to be considered at all, it should be only up to and including 1962, not 1963. Here I must caution the Members and the House that this is a point which should be handled very carefully, because it would be easily misunderstood by the public and could lead to a collapse in our finances.

The hon. Mr. Anyieni raised several points which I covered in the opening of my speech. The only points I would like to answer in Mr. Anyieni's questions are the following.

First of all, he talked about the nominated members and he expressed a wish that, as in the National Assembly or the Regional Assemblies, we should not have nominated members. I want to point out to the House that the position is slightly different. A local council is not the same as the National Assembly. In the local councils, for example, we have big grants which in the past have been made to the authorities by the Government. In future these will be made by the Regional Assemblies. The Regional Assemblies, therefore, and the Government are entitled, because they give the grants, to be represented on these councils. Therefore, the Government must have nominated members in the councils, so to speak, in order to look after its interests in the councils. Again, I want to point out that people may tend to object to this because in the past the

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Regional Government Agents were colonial servants. They are not so anymore, so that nobody need be unduly concerned about Government nominees on these councils. We also saw fit to have a few nominees on these councils because it was felt—and here I think we will have the support of the House—that certain bodies should have representation on the councils. I remember that even in this House there were Members who suggested that women should be given special consideration, so that their interests are represented in the House. That is why we thought that at the local level women, for example, and other organizations should be given special representation. I think this is important, because at the local level you must consider everybody if you can.

Mr. Anyieni expressed great concern over the reconstitution of local authorities and the formation of various area councils and local councils. I want to say that this is a matter to be brought up to the Regional Assemblies and not the Central Government.

The hon. Mr. Mairori-Itumbo also expressed similar concern over the distribution of seats in the South Nyanza District. I want to say here that before a decision was arrived at by the previous Government every effort was made to give the people a chance to say how they would like the seats distributed and how they would like the local councils and the area councils formed.

We find from the complaints brought to the Ministry that most of the people who have complained that they did not even bother at the time they should have done so to go to the various bodies or commissions to say what they wanted. If they should still feel that this was unjustly done, as I said in answer to Mr. Anyieni's question, I am sure the Regional Assembly will look into their complaints.

The hon. Mr. Makokha raised a very interesting question about those people who live on the Kenya-Uganda border and the difficulties they have with regard to paying their taxes twice, in Uganda and in Kenya. Here I must say that our Government and our country is only interested in the taxes in so far as the services we render to our people are concerned. What happens in Uganda, I am sure you will agree, is not our business. It is true that this is a point which we should think of in relation to the idea of federation in which we are all interested, but I think that until we are federated this is going to remain a difficult question.

Mr. Makokha referred to the distribution of grants which appears on page 83 of the Estimates, and he pointed out that the Western Region gets only £805 whereas some regions get much larger sums. I want to say that the particular Head he has mentioned is what is referred to as payment in lieu of rates. This is the amount which the Government pays to various local authorities in cases where property which, if it were owned by private properties, would be chargeable in terms of rates. That is, the owners would be expected to pay rates. Where Government owns such buildings, it makes this grant to the local authorities. It is, therefore, easy to understand that in the Western Region we do not own as much property as we do in the other areas.

The Leader of the Opposition, the hon. Mr. Ngala, talked about the necessity for a development fund to be established in aid of the local authorities. When he was talking he appeared to have a lot of knowledge of the Constitution, and I was surprised that he does not know of the existence of the Local Government Loans Authority which does exactly what he was asking us to do.

He also wanted to know what the Government is going to do with regard to the representation of the various regions when it comes to the administration of the City Council of Nairobi, and said that because everybody in Kenya is interested in the administration of Nairobi he would like to know what the Government is doing to ensure that this is done. He must know of the provision of the Nairobi Standing Committee on which the various regions will be represented by Senators, and that this Committee is going to keep under review the administration of the City of Nairobi, and that it will regularly report to the Senate. This is a Senate Committee, and this is the provision in the Constitution which will make it possible for the various areas of Kenya to be represented and heard when it comes to the administration of the City of Nairobi.

The hon. Mr. Ngala raised one important point with regard to the new graduated personal tax. He wanted to know what would happen to a person who works, say, in Nairobi but lives in say, Machakos. Will the person be expected to pay his tax twice, in Nairobi and Machakos? This is important, and the answer is this: if a person works in Nairobi and his employment there is his only source of income, but he also has a family in Machakos, the provision is going to be that Nairobi and the Machakos County Council will share the tax; half will remain in Nairobi and half will go to Machakos. We think that this is

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fair, because if his family is in Machakos they enjoy certain services provided by the authority in the area. It is only right that that authority should receive some money from the man responsible for the upkeep of the family. If, however, the man working in Nairobi has several sources of income—say in Machakos he has a business which brings him in income—then he will be expected to pay twice, to Nairobi and to the Machakos local authority.

The hon. Member for Wanjare-South Mugirango talked about financial advisers in the county councils being undesirable. I want to make it clear that financial advisers exist only where they are wanted by the various councils. If, for example, in the hon. Member's area there is a financial adviser, he should know that he is there because that particular council wants him there. With regard to auditing the books, I would like to say that sometimes there is delay because my Ministry is not able to cope with all the work it has to do, but that we are doing our best to see that the books are audited as quickly as we can possibly manage it.

The hon. Mr. Oyoo referred to the removal of by-laws which he alleged interfered with the payment of rates. I think he must have been referring to Central Nyanza. I want to assure him that the removal of by-laws does not in any way interfere with the payment of rates. Where these are repealed, there is always provision for continuity.

The hon. Mr. Oyoo's second point of nomination I have already dealt with. His last and very important point was about the confusion which he said arises out of the collection of licence fees from traders. The hon. Mr. Oyoo said that both the Government and the local authorities collect taxes from people. I agree that this could have been very confusing, now this was so because the Government acted under the Traders' Licensing Ordinance and the local authorities under the Licensing of Occupation By-law. However, I want to assure the hon. Mr. Oyoo that this is one of the things that is going to be corrected by the new financial structure so that he does not have to worry about it.

The last point I would like to make is about the one raised by the hon. Mr. Balala and the hon. Mr. Jadhavi, and this is the granting of city status to Mombasa. I want to say that first of all the Government would like to know what the newly elected council thinks about the matter, because we have had representations in the past but because of the rather confused reconstitution it has been difficult for us to take this matter seriously.

We would like to know what the new council thinks and then we will look at the matter afresh.

Mr. Speaker, I beg to move.

(The question was put and carried)

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

IN THE COMMITTEE

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

VOTE 7—LOCAL GOVERNMENT CONTRIBUTIONS

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, Sir, I beg to move the following resolution:—

THAT a sum not exceeding £584,600 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964 in respect of Vote 7—Local Government Contributions.

(Question proposed)

(Heads A, B, C, D and E agreed to)

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

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

(Head F agreed to)

Head G—Contributions, Social Services

Mr. Omweri: May I know why the Minister found it necessary to reduce section G so much, when increased Social Services are so necessary?

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, Sir, this one is done according to what the local authorities are prepared to pay themselves. In other words, we pay them in accordance with what they contribute and if we find that they are not willing to pay or to employ enough we reduce our contributions accordingly.

(Head G agreed to)

(Head H agreed to)

Head J—Payments to Regional Authorities

Mr. Alexander: My understanding of this taken vote, and I think the Minister did explain it but it is so long ago now since he opened his speech because we have adjourned in the meantime, is that it is put here merely to take care of the Government system of accounting so that as the regions assume powers and responsibilities so there will be re-allocation in accordance with the

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expenditure analysis at the back of these Estimates. That being so—if that is the correct understanding, and I stand to be corrected—could we be brought up to date, Mr. Chairman, say as at the end of August, to what adjustments have been made to this £1 in order to take care of the arrangements as I have described them, if in fact they are correct.

The Minister for Local Government (Mr. Ayodo): Sir, which arrangements?

Mr. Alexander: As I understand it, Mr. Chairman, this £1 is merely a token, because at the particular stage when these Estimates were drawn up it was not known when the amounts were due to local authorities, under the regional conception as translated at the back of this book; there are several pages because under each Ministry it is analysed. I understood that the re-allocations from all these Ministries so far as they concerned local government would come through this token vote. Now in this I may be entirely wrong but this is my understanding of why a token vote was put in. If my understanding is right could we be told from the end of August or July if convenient—what re-allocations have been made under this heading?

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, I think that is a matter for the various departments of the various Ministries concerned. What we are dealing with now is what appears under Vote 7—Local Government Contributions, and it is only this token sum of £1 that we are dealing with right now.

Mr. Anyien: Mr. Chairman, as a point of explanation, I think the matter which has been proposed by the hon. Member, Mr. Alexander, as far as the adjustments and when they are taking place is answerable with next year. Any adjustments that have been installed within the token would be under the services that are transferred to the regions, or something like that will be done.

(The question was put and carried)

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, Sir, I beg to move that this Committee doth report to the House its consideration of the Resolution on the Order Paper and its approval thereof without amendment.

(Question proposed)

(The question was put and carried)

(The House resumed)

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

REPORT

VOTE 7—LOCAL GOVERNMENT CONTRIBUTIONS

Mr. De Souza: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered a resolution:

THAT a sum not exceeding £584,600 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 7—Local Government Contributions, and has approved the same without amendment.

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

COMMITTEE OF SUPPLY

(Order for Committee read)

VOTE 6A—MINISTRY OF HOME AFFAIRS

VOTE 6B—REGIONAL AFFAIRS OFFICE

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I beg to move that the Speaker do now leave the Chair in order to enable me to move the debate on my Ministry. Vote 6A and 6B.

Mr. Speaker, in presenting the Estimates for my Ministry I should like to make a few observations on the general policy which will guide the Government in its approach to the problems confronting us. We all recognize that the basic cause of a lot of crime stems from unemployment, destitution, and even ignorance. We also know that the basic cures for such a situation lie in the elimination of poverty generally, by ensuring full employment through a socialist planned economy, and a suitable increase in social security. These are, however, long-term objectives, but they will bear with repetition, because unless our people appreciate and understand the roots of the problems facing us, we shall never be able to tackle these problems realistically. At the present moment, prison and detention-line does not hold much terror for a large section of our population,

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for the simple reason that, while the person loses his personal freedom, he is rescued from the freedom to starve, from the freedom to be homeless, and from the freedom to be sick without medical attention.

Mr. Shikuku: There is a lot of sense in that.

The Minister for Home Affairs (Mr. Odinga): I thank you very much.

The second objective, and possibly the more immediate one, is that everything will be done to reduce the prison population by keeping petty offenders and delinquent youths out of the prisons, because every person sent to prison has to be housed, clothed, fed and guarded. Simultaneously, every endeavour will be made to make the prison population more productive with the aim of reducing the cost of maintaining prison units, increasing the scope of prison industries, and providing prisoners with every incentive to become good citizens on the completion of their sentences. I shall elaborate on the measures which we will take to give effect to what I have just said. I intend to dwell at some length on the Prisons Department policy in view of the fact that out of a total expenditure of £1,697,200 on the Ministry of Home Affairs, a total amount of about £11 million is spent on provision for the prisons. The reason for this is the present high prison population. During 1962/63 this population, was, in round figures, about 24,000. The Prison Estimates have been cut to an irreducible minimum based on the average population of 20,000 prisoners for this financial year. The economies based on the recommendations of the Economic Commission have been made and any further cuts can only be made at the expense of the good order, discipline and security of our prisons. The new Prisons Ordinance, which came into force in February this year, incorporates extra mural penal employment and youth corrective training centres. There is every reason to believe that, when these new alternatives to imprisonment are more widely used, the prison population figures will gradually decrease. An extra mural penal employment is comparatively new innovation. It may be pertinent to explain it briefly. The Prisons Ordinance, 1962, Part 12, permits the Court to order any person sentenced to detention under the Chapter 91, Detention Camps Ordinance, or any persons sentenced to imprisonment for a term not exceeding six months, to be placed on extra mural penal employment for the duration of his sentence, instead of going to a real prison. A person placed on this particular work works six hours a day for the duration of his sentence, and either lives at home

or in a labour camp. Bearing in mind that at any given time approximately 60 per cent of convicted persons in Kenya, including Chapter 91, Detainees, are serving sentences of six months or under, the advantages of extending extra mural penal employment needs no stressing. The phasing of this particular scheme will be first applied to persons who would otherwise be sentenced to detention so as to avoid the need for Chapter 91, Detention Camps, and the second phase will be to extend the scheme to short-sentence prisoners.

Mr. Speaker, this final fact that the present tax was abolished from the 1st of January this year, the reduction of Chapter 91, Detention Camp Population, has been disappointing. The reason for this is that large numbers of persons are still being prosecuted and sentenced to Chapter 1, Detention Camp, for non-payment of this tax for the years previous to 1963. In view of the high cost to Government for maintaining a detainee in a camp, it appears it would be more realistic and less expensive to the country if such prosecutions now cease and I am therefore giving the matter my close examination.

Turning to youthful offenders between the ages of fifteen and under twenty-one. Sentencing them to prison has been the cause in the past of building up a criminal club. Given proper treatment instead of imprisonment, these youths would, in most cases, be successfully rehabilitated. My Ministry intends doing this by providing a youth correcting training centre. The centre will provide short courses of training for youths who have never been in trouble before and to bring them to their senses in time and to stop them taking to a life of crime.

In addition, the new Borstal Bill which has been introduced recently, will provide a specialist form of constructive and reformative training for delinquents who get into trouble in the lower age group when they are between the ages of fifteen and eighteen years. I hope that the insight I have given you into my plans for cutting the course of prisons in future will meet with your approval and support. The support I seek from you should not be confined to expressions of solidarity with the aims and objects of the policy governing my Ministry. Now that we are on the threshold of independence it is essential that the message is carried from this House to the public. The public must be induced to co-operate with our national Government and its officials, whether these officials belong to the police, the prisons or the administration. The aggressive attitude of some members of the public towards a foreign government must cease in the realization that we now

[The Minister for Home Affairs]

have a Government which reflects the true interests of the masses in Kenya.

Now, Mr. Speaker, I come to the question of approved schools. Approved schools and juvenile remand homes are places for the re-education and rehabilitation of children as juveniles, or under sixteen years of age, who for reasons of neglect, lack of control and discipline may have got into conflict with the law. Juvenile remand homes are designed to cover the period of waiting while full investigation is made into case histories of children and juveniles before court. Both institutions have to keep girls and boys in their formative years away from the influence of adults who may be confirmed criminals. In 1959, there were three approved schools for boys and one remand home. These have now been increased to five schools for boys and six remand homes for boys and girls. The building of a small approved school for girls has just been started at Kiambu and remand homes are in the course of being built at Eldoret and Kisumu. All three new projects will be completed by the end of October this year. The approved schools use, as a standard of success, the fact that a boy must not get into trouble with the police for three years after he has left the approved school. Using this criterion the approved schools in Kenya have achieved a 65 per cent to 70 per cent success. The standard of teaching and training in the approved schools has been high. In the junior schools although the boys are only there for three years, many have passed their Kenya African Preliminary Examination dependent, of course, on the stage of education they have reached on admission. Of the two training schools, over ninety boys have passed their Grade II tests in the last two years. The boys from these schools built their own buildings and saved Government enormous costs. There is a great need for more approved schools, especially as all are at present located in the Central Province. Ancillary work of running approved schools and remand homes is only part of the work of the children's department. There is no clear cut division between a delinquent and non-delinquent. The basis of child care for which this department has overall responsibility under the Children and Young Persons Ordinance is that whatever is done must be in the best interests of the child.

Now, Mr. Speaker, I come to another head of the probation system and the Kenya Probation Service. The policy of the probation service can be stated briefly as being the implementation of the Probation of Offenders Ordinance. The Ordinance is based on the Probation of Offenders

Ordinance in the United Kingdom and the object of the system is to rehabilitate and reform those who have come into conflict with the law, but for whom the courts consider there are excellent prospects for reformation. If less stern measures can be adopted like imprisonment, corporal punishment or fines. Probation is really for the offender and not for the offence, and every case has to be considered on its merits. The Probation system has proved to be very successful in this country. A large number of people have been saved from disaster by being given a chance when they have appeared in court and were placed on probation instead of being committed to prison where they might possibly have been confined with criminals. The moral obligation not to send a person to prison if it can be avoided without undue risk to the rest of the communities is very obvious. There is also the financial consideration in that, while it costs approximately £80 per annum to imprison an offender, it costs about £26 per annum to supervise him on probation.

I now turn to the Department of Immigration which is also part of this Ministry. The Department of Immigration is primarily concerned with the control of immigration into Kenya in accordance with the terms of the Immigration Ordinance, Chapter 172 and regulations made thereunder. In a comparatively underdeveloped territory it is essential to encourage the introduction of capital and of people who possess special knowledge and ability. At the same time, we must ensure that the economic, financial and social interests of the indigenous and resident population are fully safeguarded. In line with our policy of support for the principles underlying Pan-Africanism and the principles enunciated in the historic Addis Ababa conference, careful watch will have to be maintained on the political undesirables bailing from such countries as South Africa and Portugal. Until such time as our brothers in South Africa and in the Portuguese colonies are accorded the right of self-determination, undesirables from Portugal and South Africa are advised to take a one-way ticket when they leave Kenya. Mr. Speaker, while this Department is still responsible for the issue and renewal of all British passports, travel documents and visas required by residents of Kenya and aliens who wish to travel to British territories, after Independence it will only be responsible for the issue of Kenya passports to Kenya citizens. Work has already started in designing the new Kenya passport.

Now, Mr. Speaker, I come to the other side of our Ministry and that is the regional administration. In the past the role of the regional administration used to be to co-ordinate and generally

[The Minister for Home Affairs]

supervise all work being done in the districts; to act as agents of other Ministries who had most work at district level; to explain Government policy in general to the districts; to act as the eyes and ears of the Government, so that the Government was kept fully aware of how people were thinking at any particular moment; to listen to their worries and difficulties; and, finally, to assume the general responsibilities for the good government of any part of the country.

The Speaker (Mr. Slade): Mr. Odinga, pardon me for interrupting your speech, but it would appear that you are reading all your speech. It is permitted to read details, but I hope that you can make some of your speech spontaneous.

The Minister for Home Affairs (Mr. Odinga): I am making a policy statement and going into details on these heads. I do not know whether you think that I should not carry on with them in that manner.

The Speaker (Mr. Slade): You can just make some of it spontaneous and refer back to your notes when you need them for facts or figures; then all will be in order.

The Minister for Home Affairs (Mr. Odinga): I see, thank-you. I think I can read this one because I have some details and I thought that it would be very long if I went into all of them. I thought that it would be better if I just made a general policy statement as otherwise it would be very long. I will give the details later when I reply.

The Speaker (Mr. Slade): On general policy you can be spontaneous.

The Minister for Home Affairs (Mr. Odinga): I see. I will not make it much longer. Thank you, Mr. Speaker. In order to carry out their duties fully the doors of the Provincial Commissions and District Commissions were opened to members of the public for the purpose of hearing their grievances and discussing with them matters of mutual interest. In keeping with the present days in Kenya, my Ministry will lay great emphasis on the Government of the people, by the people and for the people, and this must not only be so but must appear to everyone to be the case. The policy of my Ministry will be to explain to the people the proposals initiated by the Government of Kenya designed to channel the energies of our people into constructive endeavours. In performing their duties, my staff will hold to this principle that the essence of good administration lies in the recognition that Government must, as far as possible, be by the consent and co-operation of the

public. Respect for the public shall be an essential part of the performance of functions and duties of my Ministry. I would, however, add that this respect must be mutual and I shall also expect that the public will accord all due respect to my officers.

Of the Constitution, the executive authority of Regional Assemblies extends to a number of subjects.

Mr. Muliro: On a point of order. Is the Minister not reading his speech?

The Speaker (Mr. Slade): It does seem, Mr. Odinga, that in spite of what I said you are still reading every word of what would be a spontaneous speech. Mr. Muliro is quite right to raise this point of order, because it does say in Standing Orders that speeches shall not be read, so please, in what you have left to say, refer to your notes sometimes but do not read every word.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, when I come to the Regional Assemblies, I think that there are still a number of anomalies in the implementation of the full Constitution and there are a number of discrepancies in the relationship between the Regional Assemblies and the Central Government. All the same, our apology has been that all the Regional Assembly Presidents, together with all the members, have been requested to do what they can to co-operate with the Central Government in all that they do at the regional level. At the present moment, although there are still some misunderstandings, I hope that we are coming round all these very well. At the same time, there have been some misunderstandings on the essential part of the Constitution, but I hope that we are overcoming all these.

Now, Mr. Speaker, just before I come to the end of my general policy statement of this Ministry, I would say that under my Ministry we are responsible for those heads like the expenses of the elections, commissions of inquiry, famine relief, staff for forest department schemes, staff for settlement schemes, and in all these we are just beginning and formulating plans. Although there may be some difficulty in doing some of these, my Ministry is determined that we will do our best to see that we make the working of these things as smooth as possible, in co-operation with the Regional Assemblies and also the Regional Administration in the field.

I would like to conclude by saying something about the officers in the Administration. I would like to pay tribute to the Provincial Administration and I would like to acknowledge that these officers

[The Minister for Home Affairs] form the main framework of Government machinery in the field. During the last few months the Administration, in addition to dealing with its normal work, has had to conduct its centres, organize three elections, assist in the establishment of new regional organizations, and perform an immense amount of work connected with various boundary commissions. They have executed their task with efficiency and credit and I feel sure that they will continue to give this Government the same loyalty and good service that characterized their service to the past Government.

With this, Mr. Speaker, I beg to move the Vote of my Ministry, Vote number 6A and B.

The Parliamentary Secretary to the Ministry of Justice and Constitutional Affairs (Mr. Nyamweya) seconded.

(Question proposed)

Mr. Shikuku: Mr. Speaker, Sir, I would like first of all to congratulate the Minister for Home Affairs on his speech. Although he read it throughout, I must say that I enjoyed it and there was a lot of sense in it. This, of course, is no surprise because I am prepared to give credit where it is due and in this case I very strongly feel that we must appreciate the views expressed by the Minister for Home Affairs in his speech.

I particularly agree, Mr. Speaker, Sir, with the Minister for Home Affairs when he says, on the question of prisons and crime, that crimes are mostly committed due to unemployment. If I may recall, Sir, there was an occasion on which I moved a Motion in this Parliament on unemployment and went to the extent of suggesting that it was high time the present Nationalist Government took action to remedy unemployment. Not only did I say that but I went on to suggest a way whereby we would be able to provide employment for the unemployed people in Kenya, and I recommended a Socialist system of economy. Therefore, I am very glad that the hon. Minister for Home Affairs touched on this in his speech and suggested that in his Socialist system of economy should be used in order to remedy unemployment. Here, Mr. Speaker, I must say that if it were allowed in this House I would even walk across and shake the hand of the hon. Member because—

Hon. Members: Cross the floor, cross it now.

Mr. Shikuku: It is not just a question of crossing the floor. Although we have now in Kenya political acrobats who jump across from one side to the other, we can still agree with each

other though on different sides. When I say something sensible, I hope the hon. Minister for Home Affairs will have to stand up one day and accept it; and when he says something I will do the same. However, that does not mean that we have to cross the floor like some political acrobats.

Mr. Speaker, this is a Motion under a very, very important vote and I feel I should say something about unemployment. We have in the past—

The Speaker (Mr. Slade): Mr. Shikuku, I do not think you should go far on unemployment under this Head. It is the Government's management of the prisons and other departments of the Home Affairs which this vote covers, and all the causes which lead to people going to prison are a little outside the scope of this particular debate.

Mr. Shikuku: Thank you for your ruling, Mr. Speaker, but I was just thinking why we have to spend so much on prisons because—

The Speaker (Mr. Slade): You are allowed to touch on it, but you cannot go right into unemployment, which is clearly a matter for another Ministry.

Mr. Shikuku: Thank you very much, Mr. Speaker.

With the system of imprisonment we have had so far—and I am glad the Minister also realized this—it costs us a lot of money to keep people in prison. As a matter of fact, in my area there are people who do not mind whether they are thrown into prison or not because they say that they will have free clothing and food and there will be medical treatment, and when they are out they do not get all these facilities, so they take advantage of that. However, I feel the rehabilitation of these criminals would do a lot of good if the system, as so far hinted at by the Minister for Home Affairs, were not just to remain theoretical but to be put into practice, whereby we would be able to save some money as we are already spending too much on prisoners. Some people have even become prison lovers at the expense of a few people. In his speech the Minister referred to £1,670,200 being spent on prisons and £14 million was spent on probation. Here again, Mr. Speaker, I feel this is money which it is worthwhile spending.

I would also like to draw the attention of the Minister for Home Affairs to the question of the children who have failed their Standard IV examination and those who have not passed their K.P.E. examination. All these people are just staying at home, and I would be very pleased if the Minister could make a serious attempt to find

[Mr. Shikuku]

out how many of these children there are who have left school and are doing nothing, and who are probably going to become a big embarrassment to society. In my area we have some youngsters who failed their K.P.E. and who now go around with huge clubs and pangas, hitting old men and sometimes cutting others. I think this is a problem which the Minister for Home Affairs should also try and look into, to see what can be done about these children who have failed their K.P.E.'s, and failed to get through their Standard IV examination, as this will enable us to control crime and thereby also to have less expenditure on prisons.

On the whole I agree entirely with the speech made by the Minister for Home Affairs. If my remarks about the K.P.E. failures and the children who have not got through Standard IV and are growing up into big men without any care could be taken into account seriously by the Minister for Home Affairs, I would be very pleased.

The last point I wish to raise here is on immigration. The Minister has said a lot of things about immigration and has also expressed the inability of implementing some parts of the Constitution. I think one of the things which the Minister for Home Affairs should note seriously is that with the present Constitution, if it were implemented, we might get on very well with full understanding and there would be a good deal of co-operation. As he has indicated, the Presidents of the regions and the people should co-operate with the Government. We all want to co-operate with the Government, but if the Constitution is implemented there will be more co-operation than the Minister would probably have imagined. However, if we just talk about implementation of the Constitution and the inability to do so and do not do so, then there is very little chance of having co-operation from this side of the House.

I think the Minister probably had very little time to refer to the question of passports. In the past one was not allowed to move to the East, unless one gave a full explanation. If a person ever did move there without the permission of the Government, then he had his passport seized. The Minister has suffered from that and I think he knows more about the case than I do because his passport was once seized. I am glad now he never has his passport seized. However, I was wondering whether, in connexion with immigration, he could say whether it is now going to be that each and every person in Kenya is going to be free to have his passport endorsed for any

other country in the world without restricting it. So far the stamp does not include Eastern countries, it just says the United States and all European or Commonwealth countries. I would like the Minister for Home Affairs in his reply to assure us that, in view of the fact that we have our own Government, we people will be able to move freely in any part of the world without any restriction.

The Minister for Home Affairs is here to reply and to tell me what I do not know, otherwise he should not be a Minister.

Mr. Speaker, I feel that the training of our youth is preferable to locking them up in prison. I do not think we get anywhere by locking somebody up—and I am very glad that the Minister mentioned that—instead of letting him learn what is right and then acting after that.

I take a serious view of what he does after training, but not before the training, and I support this idea entirely.

I do not think there is much to be said on this Motion, Mr. Speaker, since it has been ably put by the Minister for Home Affairs, and I hope that the Minister will act and put into practise what he has told this House.

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

Mr. Ngala-Abok: Mr. Speaker, Sir, I rise to support the Minister for Home Affairs in what he has said so far and to congratulate him on the very reasonable manner in which he has presented this Vote to the House.

I do not think there is so much to be said on this particular Vote, but I would like to point out some things which I feel are not going very well within his Ministry.

First of all, I have something to say about approved schools. These schools should be extended to nearly every district because this would go a long way towards remedying some of the problems which we have in the districts. We have certain people, let us say, who are unable to help themselves, to support themselves, and who could be usefully used when we have these approved schools in their own districts. So far the Minister stated that probably Eldoret, Kiambu, Kisumu, apart from the already existing approved schools, will receive approved schools, but I thought it would be encouraging if the Minister stated that every district would have an approved school.

Probably the Minister may feel this is not possible because of lack of money, but if you check carefully how the Government has been using

[Mr. Ngala-Abok]

money. I do not mean this Government, but even there you find that the Government may be using money in a way which is not very helpful. We will be discussing a Motion tomorrow to increase the pensions for retired people. If, for example, this money, I do not know what the House will do, which was to be given to increase the pensions, were now rejected, this money could probably be used for approved schools. The money is already here, and we are rejecting it to be used for the increase of the pensions, and my Minister should use it for approved schools in all districts.

Mr. Speaker, Sir, I would also like to say something about immigration. It is in the Immigration Department that the Minister has to deal with heavy problems and difficulties. In the Immigration Department Africanization is very, very slow. This House is not going to be satisfied with people being treated as they are in South Africa or Portuguese East Africa, and instead of having a passport they have to have a ticket. Even now we have cases of South Africans who want to come to this country, but because the Immigration Department is manned by Europeans and Asians they are not prevented from getting passports. If you have European officers manning this department when independence is approaching, then we cannot stop the people from the countries we do not like, such as South Africa, entering our country. We must organize the Immigration Department, and I have been told, confidentially, that the treatment some of our trainees are getting in the Immigration Department is not good enough. At the same time some of the officers there are very rude and this treatment will not cease unless our Ministers stop this treatment through public speeches. The Ministers must be straightforward and tough with these men. We know that when you are tough they listen to you as has been proved by the British people. They always listen to toughness, but when you say, "Well, we are trying to Africanize, we have trained five people and probably next year they will be ready," the people cannot see that the Ministers are trying to be tough. In due course we will be able to get on with our own jobs. They must be told in very concrete terms that Africanization is going to take place. The officers there must help and they must train the people to replace them immediately in this department. My Minister must realize that the Immigration Department must be Africanized otherwise we will find it very difficult to control that department in a few months' time, and particularly after independence, when they will be trying to take back the Colony and rule it by underground means as they have tried in

other countries. We must Africanize this department. We do not have a Deputy Immigration Officer—or whatever he is called—who is an African, but there again is also a group of Asians who will not listen to anybody. One day I stood there myself for ages and nobody looked at my face. They wait for you to introduce yourself and when you do so nobody cares at all. We do not want to have all these troubles after independence. As far as trainees in that department are concerned, there are not enough Africans being trained and if you go there tomorrow you will see one African at the last window and that is the junior window, the most junior window, and is the most junior position. He is doing the most junior work. All the other windows are occupied by these people whom we want to replace and we must make a move to replace them in the near future. I am emphasizing this fact because the British people need tough treatment. If there is no tough treatment they take advantage of what you say.

As far as the regional administration is concerned, there is much to be said about this particular administration. There is terrible confusion in this administration. We now have a Civil Secretary instead of a Provincial Commissioner and each Civil Secretary has several committees formed by the Regional Assembly members, these committees are mostly comprised of people who still need some training, just as we are training people to replace the overseas staff. Then when a Member comes to this Parliament and asks a question, he is told that is the business of the Regional Assembly. Then when you go to a Regional Assembly you are referred to a committee which really does not understand what has to be done. You find that the Civil Secretary does whatever he wants to do with you. Whereas you have been trained in the particular job, so any person, who is trying to ask our Government to hand over fully all the Constitutional powers to the Regional Assemblies, is trying to weaken his Government. I would like the Kanu Government to retain as much power as possible because this is where we are deficient. We are also being told that you cannot Africanize the post of Inspector-General of Police, because there is not a good man available or such a man needs experience. Why are we now being told to go to our Regional Assemblies which consist of people who did not sit for an examination in English which we sat for. This does not mean they are inefficient, but there is a certain amount of inefficiency there, due to the existing conditions in the Regional Assemblies.

(The Debate continues)

[Mr. Ngala-Abok]

After all, in this House we have many Regional Assembly Presidents who want the regional constitutional powers instituted in the Constitution, and then they come to this House with questions which are entirely their responsibility. I feel very strongly that there is terrible confusion and the Minister will have to check on the Civil Secretaries. Instead of the Secretaries just carrying out what has been discussed by the various committees, you will find that some of the Civil Secretaries are simply Provincial Commissioners whom we had under the Colonial Government. Therefore, as far as this matter is concerned, we would like to have a smooth Government. It should be just like a train coming from Kisumu to Nairobi. It goes to Muhoroni Station, oil is put on, and then it passes to this place. That is why we want our Government to have control over the entire country. Whatever has been passed by this House should not be objected to by the Regional Authority. So that there is smooth running of the country and therefore the Civil Secretary must act on the Minister's direction, and any attempt to return letters to the Ministry by the Regional Presidents that they could not consult the Minister before they passed any law, should be dealt with firmly. This is a temporary sort of—, should not use unparliamentary language, but these actions are temporary and I think that after the 12th December no letters will be returned to your Ministry because being a Back-bencher, and thinking it important to oppose the Opposition, I shall oppose with all the power I have. I shall see that the Government remains powerful throughout the country.

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

Mr. Gatuguta: I should like to take this opportunity of supporting the Motion before the House, but I wish to pass a few comments about this Ministry. As a Government, we must change the whole constitution of this Ministry and try to arrange things in a new form altogether. You find in the regions, as well as in the districts, a kind of duplication of administration. There are District Commissioners, who are now called Regional Government Agents, and under them there are the District Officers (one)—I do not know what they are called now—and so on; all these people are being paid with the taxpayers' money. The time has come, Mr. Speaker, Sir, when this Government should see that the taxpayers' money is spent in the best possible way. Most of the administrative officers in the districts and regions are expatriates, and there is no need

for them. Most of them were employed during the Emergency to keep law and order, but everyone knows that the Emergency is over now and that we do not need many of these people. Even if we did need them, we have Africans who are capable of taking charge of these affairs.

Also, we have a large number of tribal police in the country who were taken on during the Emergency under the pretext that they would maintain law and order, but now the Emergency is over. If you take the opportunity to go round the country, Mr. Speaker, you will find that the tribal police are doing virtually nothing. Why do we have them? Why should the taxpayer go on paying these people who do no job at all? It is time that we had a reshuffle, so that some of these people can go and work on farms or do other useful work.

Mr. Speaker, Sir, I would like to know from the Minister, when he comes to reply, whether he is going to take any steps whatsoever to re-organize the entire administration in the regions and particularly in the districts. I wish to make one point very clear: in the local authorities we have the secretary of the African district council, or county council as it is now called. I believe that the clerk of the county council, the secretary, or whatever you call him, is capable of representing the Central Government, so it is not necessary to have Regional Government Agents; they are superfluous. I would like to know from the Minister whether he is going to take any steps to do away with this duplication of administration. I had the opportunity of visiting some of these District Commissioners' offices, and these people do not have anything to do. Can this country afford to have people sitting idle in offices? We cannot afford it. We need money for various other things like hospitals; we need money for schools; we need money for road development, and many other things. If we need money so much, one is surprised to find so many of these people doing nothing, and yet they continue to draw large salaries.

Mr. Speaker, Sir, the question of the Immigration Department is of vital importance to this country. Many Members have spoken about it, and I wish to emphasize that the Minister for Home Affairs ought to take drastic action immediately, before independence, to see that this Department is completely Africanized.

It is surprising to find, even today, when we are about to achieve independence during the next few months, that we have only one African in a senior post, only one single African, the rest are all Europeans or Asians. That is something that

[Mr. Gatuguta]

very, very vital when we come to our Independence on the 12th December. At this time, we are obviously going to get so many people from foreign countries: the United States of America, Russia and China, coming to see an independent country, and the first impression they will get when they come to the Airport is that this is a European country. Therefore, Mr. Speaker, this is one of the Departments that ought to be Africanized immediately. However, I do believe that we have people capable of taking up some of these positions. All that is required is for our Minister to take immediate action. There is nothing to fear because this country is going to be independent. We have already started well, we have manpower and determination and all that is required is for the Minister to come forward and put our people in the right positions and remove the expatriates.

Mr. Speaker: Sir, with those few words I support.

Mr. Ngala: Mr. Speaker, Sir, I have only a few minutes but I would like to say one or two things. First I would very much like to congratulate the Minister for giving a brief statement on his functions, he is usually lengthy in giving explanations, but this afternoon I understand he has been very brief though a bit confused in some aspects.

I would also like to pay tribute to the Minister for the very strenuous visit he has made to different parts of Kenya and particularly to the different Regions in Kenya. He is Minister for Home Affairs and the implication is very clear; he has called upon the House and the country to co-operate in implementing the Constitution. Very sincerely he has said that there are a few matters that need to be looked into. However, I am surprised that although the Minister has called on the House and the country to come together and co-operate in the Constitution so that we can build one country; the backbenchers speak in an attitude reflecting complete ignorance of the Constitution. Every Government must be governed by a constitution and I hope this Government will not be an exception. This is why the Minister has emphasized the need for all of us to pull together in the carrying out and the implementation of the Constitution. The Constitution is a Regional Constitution and the Members, Mr. Speaker, are not agreeing with their own Minister, and it is time that they realized that we intend to carry out the Constitution. This very Government today has sent leaflets to the Northern Frontier District and these leaflets explain various aspects of the Constitution to the Somalis in the

Northern Frontier District; the Regional Constitution. The leaflets are being distributed.

An Hon. Member: On a point of order, Mr. Speaker, is the hon. Member in order in dwelling so much on the Constitution when we are discussing the Regional Affairs Vote?

The Speaker (Mr. Slade): Yes, this Vote, particularly 6B, deals very much with Regional Affairs. Indeed you heard the Minister when he moved his policy debate, also dealing with Regional Affairs and the working of Regional Affairs. Some hon. Members on the Government Side have also dealt with possible changes in the working of Regional Affairs, and all this is certainly relevant to this debate.

Mr. Ngala: Thank you, Mr. Speaker, this is why I said at the beginning that some Members are ignorant.

The Government is going to distribute pamphlets in the N.F.D. to show the Somalis in the N.F.D. the advantage of regionalism and to show them the local powers that they will enjoy under the present Regional Constitution. I must congratulate the Minister for doing this because he is showing the people of the N.F.D.—who would like to be in one with Kenya, or who we are trying to persuade to join with Kenya—the advantages that there are in the Regional Constitution. The Government would not do this unless they really thought that this was the right Constitution to bring about unity in Kenya; that is the Regional Constitution. I would like, in the interests of the other Regions too, what is going on in the N.F.D. to be extended to the other Regions. These pamphlets, showing the powers of the Regions and what they will enjoy after Independence, should also be circulated in the other Regions. So, when a Member gets up and says after the 12th December there will not be such a thing, I think he is talking complete nonsense, he appears to be in dreamland, and what the Front Bench is doing is obviously not being revealed to him. That is the trouble between the back-benchers and the front-benchers. Therefore, I would like to congratulate the Minister very much for emphasizing the need for all of us to honour the Constitution and make it known to the Regions concerned.

The other aspect, Sir, is the question of the pattern of administration in the different Regions. I think the Minister knows very well that he has transferred administration now to the Regions, as from the 1st July. I did not go into details on this, but we shall do our best, as far as the Minister honours the Constitution, in the Regions

[Mr. Ngala]

to help him as much as possible to carry out the Regional functions, but this is provided that the Government does respect the Constitution. Without the Government respecting the Constitution then the spirit of Harambee is not their. But I hope that the spirit of Harambee will be Harambee within the Regional Constitution. Therefore, we have a great deal of respect for the Minister and his understanding of the problems in the Constitution and also his wish to co-operate with the Regions and help them as much as possible. I would like to make it quite clear that the Minister has made a provision in his Vote for the Regional expenditure. It is £1 shown in the Vote. I hope the Minister will see the need for transferring this £1 to the Regions so that the Regions can work even more smoothly because if that does not happen then the services of the Regions will suffer and it will be the Ministry of Home Affairs which will be badly affected, and the reputation of the Minister will go down too. Therefore, I would like him to look into that. The Regions are suffering now.

As far as the servants in the Regions are concerned, the Minister knows very well that from the Civil Secretary to the lowest member of the staff in the Regions, they are all under the control of the Public Service Commission, of the Region. Therefore, to talk of a Minister shifting and ordering servants within the Region from one place to another as if they are his own employees must be stopped. We must respect the Civil Service Commissions that are appointed for these jobs and all that they need is direction from us. So the Members of the back-benches should do a little bit of homework on the Constitution.

I see I have no time left, Sir, but I would like to continue on other points later. Thank you.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business, the House is therefore adjourned until tomorrow, Thursday, 12th September, 1963, at 2.30 p.m.

The House rose at thirty minutes past Six o'clock.

Thursday, 12th September, 1963

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

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 76

K. I. C. COMMISSION OF INQUIRY

Mr. G. G. Kariuki asked the Minister for Information Broadcasting and Tourism: If the Minister would call for a Commission of Inquiry on the Kenya Broadcasting Corporation, to look into the following matters:

Alleged racial discrimination in the appointment of staff, and lack of opportunities and facilities for training and lack of chances of promotion for African staff.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng Oeko): No Commission of Inquiry will be called. There is no racial discrimination in the appointment of Kenya Broadcasting Corporation staff and I am satisfied that sufficient opportunities exist for the training and promotion of the African staff of Kenya Broadcasting Corporation.

During the last few years more than twenty African officers have attended courses of training with the British Broadcasting Corporation, Voice of America; in Italy; Sweden; and with the Centre for Educational Television Overseas in London.

Seventeen Africans now hold very responsible positions in the Kenya Broadcasting Corporation. The following are some of the positions they occupy: Controller of Programmes; Regional Controller, Mombasa; Regional Controller, Kisumu; Personnel Officer; Controller Production Facilities; Head of African Programmes; Head of Adult Educational Programmes; Engineer-in-Charge Kisumu Transmitting Station; Engineer-in-Charge Mombasa Transmitting Station; Duty News Editors (Sound and Television) (two); Editorial Assistant (one); News Assistants (three); Reporter (one); Senior Television Cameraman; Television Producer (one); Senior Sound Operator. Moreover the Timboroa Station is entirely manned by African staff.

Question No. 79

REPEAL OF OUTLYING DISTRICTS' ORDINANCE

Mr. G. G. Kariuki asked the Minister for Justice and Constitutional Affairs if the Minister

would inform the House when the Government expected to repeal the Outlying Districts Ordinance (Cap. 104), particularly that part which prohibits people from entering the areas formerly known as the Northern Frontier District.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to reply.

The question of whether or not the Outlying Districts Ordinance should remain in force in a particular region is, under the Constitution, a matter which is solely within the competence of the Regional Assembly for that region.

The Government is aware that the application of the Outlying Districts Ordinance is in most areas outdated in the present-day circumstances of Kenya and will draw the attention of regions to that fact.

Question No. 83

RAILWAY SYSTEM: SOUTH NYANZA AND KISII

Mr. Omweri asked the Minister for Works, Communications and Power when South Nyanza and Kisii districts could expect to be included in the railway system?

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

The South Nyanza and Kisii districts are already included in the E.A.R. & H. system to the extent that they are served by the ports of Kendu Bay, Homa Bay, Mohuru Bay and Kuwur. The marine vessels of the E.A.R. & H. have been able to maintain services to the first three of these ports despite the present high lake levels.

If the hon. Member is querying when a railway line serving the South Nyanza and Kisii districts may be built, I am afraid no firm date can be given. The traffic potentials of the district and the economics of a railway line have been examined from time to time and all the indications are that such a line would operate at a heavy loss. There are, therefore, no firm plans for such a project, and the work is not included in any E.A.R. & H. or Kenya Government financial programme.

Mr. Anyienit: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, is he implying that tea which is transported from some parts of Kisii, as well as the coffee and pyrethrum, are not economic assets to guarantee a railway being built to Kisii?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I am not implying that. I would like to say that Kisii has not been forgotten and that the last time the Government had somebody to look into the possibility of building a railway there, it was recommended that the road system should be improved and I can assure the hon. Member that since 1960 there has been considerable progress in the improvement of the roads so that they are now capable of carrying tea and coffee from that area to the main railway line.

Mr. Omweri: Mr. Speaker, arising from the reply, is the Parliamentary Secretary trying to tell us that Kisii District and South Nyanza have not been considered in the past when comparing them with the other districts which are supplied with railway lines?

The Speaker (Mr. Slade): I think he has answered that question, but he may like to add to the answer.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Sir, this part of the country has been considered many times. As far back as 1930 the possibility of building a railway station was considered, but it was found it was not economical to build a railway at that time. It was further considered in 1960 and we are still in the same position.

Mr. Anyienit: Mr. Speaker, in view of the fact that now and then we are told that it was not found economical to build a railway station or provide power lighting, can we have an assurance from the hon. Parliamentary Secretary that next time they look into this problem the Members from that area will be consulted so that they can give their recommendations?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): I am sure the Government is always ready to look at a request like that one and consider it favourably.

Mr. Ngala: Arising from one of the previous replies, Sir, when the Parliamentary Secretary said that Kisii is not yet forgotten, could he clarify the position as to whether that implies that there is the possibility of the railway system being re-considered, or whether the present provision is final as it is a road provision?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): It is certainly not final, but the financial implications as they are today would not make it possible for this Government to give an indication as to when a

railway line will be built to Kisii. However, I can assure the hon. Member that a good road network is provided in Kisii and even at this moment there are projects to improve the road system in Kisii and South Nyanza.

Mr. Ngala: Arising from that reply, Sir, does the Parliamentary Secretary agree with me that the economic assets in the districts referred to warrant extra transport facilities apart from the roads, and does this include a railway?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): I am afraid I cannot agree, Mr. Speaker.

Mr. Ngala-Abok: Mr. Speaker, will the Parliamentary Secretary tell the House what he is going to do in future when stations like Homa Bay and Kendu Bay—which serve South Nyanza and Kisii—are destroyed as last time in the floods, what is he going to do to repair them? Last time in the floods the railways were flooded and could not serve the two districts.

The Speaker (Mr. Slade): Did you follow that, Mr. Nyagah?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): No, I did not follow it, Mr. Speaker.

Mr. Ngala-Abok: These two stations that he referred to—Homa Bay and Kendu Bay—were so flooded that many buildings were destroyed and they were not repaired and up to now I think there is still only one good building there. Will the Parliamentary Secretary tell us now that in future there is not going to be such a situation because he has stated that these are the means through which the railway is serving the two districts?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, I cannot give an assurance to the hon. Member that there will be no floods. However, I can say that it will be necessary to take out anything that is of economic interest to Kenya from the area of production and, therefore, the Government will no doubt make sure that anything of value in that area will be taken out one way or the other.

Mr. Okwanyo: Will the Parliamentary Secretary tell us the improvements to the roads in Kisii he has in mind for 1963?

The Speaker (Mr. Slade): You want to know particulars of the improvements on the roads?

Mr. Okwanyo: Yes, Sir.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I said that the African District Council of Kisii, which is now Gusii County Council, and South Nyanza County Council at Homa Bay, has been very well treated in the past compared with other districts in Nyanza in that all the roads, minor roads, secondary roads and administrative roads had their share of the grants from the Road Authority. At the present time plans have been made to try and improve those roads still further and to construct more roads. However, had not regionalism come we would have been able to raise money from the World Bank, Mr. Speaker, it may be a shame but it is a fact that the World Bank will not consider a loan for the regions.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, could he ask the Government to publicize the report of the investigation so that the hon. Members in this House could be aware of what the report contains?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): What was the question, Mr. Speaker?

Mr. Khasakhala: Mr. Speaker, Sir, the investigations that have been made when it was not found to be a railway line to be built in Kisii and South Nyanza. Could we have the report of these investigations?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I have the facts of these investigations. If the House will be tolerant in listening to them I will give them the reading; or if they want to have it written or submitted in writing we will do so from the Ministry.

Question No. 91

REPEAL OF TRESPASS ORDINANCE

Mr. G. G. Kariuki asked the Minister for Justice and Constitutional Affairs: If the Government was considering the repeal of the Trespass Ordinance (No. 48 of 1962) and, if so, when?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to reply.

The Government is aware of the feelings of some people against the Trespass Ordinance, but it should be realized that this measure is intended to give reasonable protection to the owner of

private land and acts as a deterrent to persons intending to commit criminal offences. I am concerned that this measure should not be abused by property owners or the administration. Specific grievances will be examined on merit.

Mr. G. G. Kariuki: Arising from the Minister's reply, is the Minister aware that no European was ever affected by this Ordinance?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I do not understand the meaning of the supplementary question. If a European has not committed the offence of trespass we do not have to drag him before a court.

Mr. Ngala: Arising from that reply, Sir, is the Minister prepared to bring this particular Ordinance in line with African tradition where people could cross or build on land without any punishment as long as they are not doing any damage to it. This being an African Government I feel that this Ordinance should be repealed.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, the Ordinance is quite specific and in fact it is tolerant of people who trespass or step on to other people's land with reasonable excuse. They have to establish "reasonable excuse". Those are the words used in the Ordinance. Now, Sir, as far as African tradition is concerned, I do not know which African tradition the hon. Member refers to, but I can assure him that this Government is more African than he is.

Mr. Ngala: Arising from that reply, Sir, first of all I think I should tell the Minister that the African tradition is the African tradition which he is aware. This is based on the various African tribes in Kenya. Secondly, could the Minister tell us how many Africans have been charged on this Ordinance in Malindi and Kilifi Districts during the last two months?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I do not know how many Africans have been charged, but I know that the hon. gentleman is accused of telling some people to go and trespass over other people's land.

Mr. Ngala: The Minister is trying to twist things as usual. I would like a reply.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I have said that I do not know how many people have been brought before the courts in Kilifi and Malindi and if the hon. gentleman wishes to know the

[The Minister for Justice and Constitutional Affairs]

numbers we will certainly supply him with the figures. However, I have also said that the hon. gentleman could help a lot if he stopped encouraging illiterate and unknowledgeable people to commit acts which they should not commit. If the allegations against him are true he should make an effort together with us to stop them.

Mr. Ngala: Mr. Speaker, Sir, will the Minister supply these figures as I have asked for them? Also, I would like to refute the allegation made by the Minister.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, the figures will be supplied; the refutation I am saving for

Mr. Oduya: Mr. Speaker, is the Minister aware that the Trespass Ordinance was put into force by an imperialist Government and when the hon. Minister was a politician he was even telling the public that this Ordinance should be abolished?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, the Minister is aware that this House and these seats were built by imperialists and no Member has been objecting to them. I am prepared, as I have said before, to consider specific grievances where the Ordinance has been used to victimize any person. I have also said that I am concerned if, in fact, this measure is being abused by the property owners or the Administration. We have also looked at various complaints by trade union leaders and others, and considered suitable amendments which will allow them access to carry out their normal functions, and, for that matter, any other person who has a normal lawful function could, within the Ordinance, carry out such functions.

The other side of this Ordinance is to protect the property owner and I am sure that we have a responsibility both to the public who wish to trespass or pass through somebody's land and to the land owner. It would be gross negligence to take only one side of this matter and to ignore completely the security side which involves the owners of property, especially at the moment when there is a high incidence of stock thefts and other things which have been happening; it is necessary that we assist by this measure in the areas concerned.

Mr. Ngala: Arising from that reply, Sir, is the Minister prepared to give any assurance to this House that where stock thefts or any other

damaging exercise is not involved people would be able at least to walk across a piece of land without any restriction?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I imagine that normally a person will want to walk on a road or an established footpath, but when people walk away from a road on to grassland or into forest land or grazing land, there must be a better reason than just wanting to walk, and it is this that is being safeguarded. Nobody is going to be charged for walking across a road legally and reasonably, and the Ordinance provides for people to do so, providing they have a reasonable excuse. I am aware that there have been complaints in certain areas, especially in the Rift Valley, of alleged misuse of this Ordinance, and I am prepared to look into those, as I have already said. However, we must look into these on their merit. It is not the intention to remove this law altogether.

The Speaker (Mr. Slade): Next question.

NOTICE OF MOTION ON THE ADJOURNMENT

THE TRESPASS ORDINANCE

Mr. Anyien: On a point of order, Mr. Speaker, in view of the application of this law which seems to be discriminatory, could I be allowed to raise a Motion on the adjournment on this matter? —

The Speaker (Mr. Slade): It will be in order for the hon. Member to raise this matter on the adjournment, but the only difficulty is that we have only Friday left, even sitting into the afternoon. I think all I can say is that, subject to time allowing, you may raise this at the close of business on Friday, whether it be morning or afternoon.

Question No. 98

WORKMEN'S COMPENSATION FOR MR. LEKICHORUMUNI

Mr. Rurumban asked the Minister for Labour and Social Services if the Minister would state whether Mr. Lubweole Lekichorumuni, a Samburu National Parks Scout at Langata, whose left hand was amputated on 24th March, 1963, at King George VI Hospital, is entitled to receive workmen's compensation from his employer?

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, after very careful consideration, it is the opinion of the Ministry of Labour and Social Services and of the Attorney-General that the

[The Parliamentary Secretary for Labour and Social Services] person in question was not injured by accident arising out of and in the course of his employment with the Royal National Parks of Kenya. Consequently, no claim for workmen's compensation can arise.

Mr. Rurumban: Mr. Speaker, is the Parliamentary Secretary aware that Mr. Lekichorumi was injured while he was defending himself and for that reason he should be entitled to compensation, because he was returning from duty?

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, I am aware that he was injured in the course of a fight and he was defending himself.

Mr. Rurumban: Does the Parliamentary Secretary agree with me that it would be more justifiable and in the interests of the employees who suffer injuries to be given compensation by their employers?

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, there are all sorts of accidents and all sorts of risks in life and I do not think all of them can be brought under workmen's compensation.

Mr. Khasakhala: Arising from the Parliamentary Secretary's reply, could he tell the House the nature of the fight?

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, according to the man's own statement he was a Game Scout employed by the National Parks of Kenya and he was assaulted by another man on the 24th March at 6.30 as he was returning from his duty. The man alleged that he had stolen his bicycle.

Mr. Shikuku: Arising from the Parliamentary Secretary's reply, he said that this man was coming away from his duty; if he had stayed at his job, would he have encountered this same difficulty?

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, there is no question of "if" because the question is definite.

Question No. 110

EQUIPMENT AND STAFF: BARINGO SECONDARY SCHOOL

Mr. Sadalla asked the Minister for Education if the Minister would agree that the laboratory

equipment and teaching staff at the Government Secondary School in Baringo is totally inadequate?

The Minister for Education (Mr. Otiende): The decision to develop the Government African School, Baringo, as a secondary school was made after all funds had been allocated, and therefore they started off without a laboratory. If they had waited, the school could have started next year with a laboratory. However, we have over Sh. 3,800 ready for a laboratory next year. As to staffing problems, it is true that there have been staffing problems at Baringo. I do not know if the present set-up of *Majimbo* will help the problem, but we have been able to recruit a teacher for them from the Teachers for East Africa Scheme, and now, they will, I am sure, overcome their difficulties in the first two terms. Meanwhile, we shall look around for another teacher for the third term.

Question No. 119

FORCED LAND CONSOLIDATION: SOUTH NYAKACH

Mr. Bala asked the Minister for Lands and Settlement: If the Minister was aware that forced land consolidation by sublocation committees was causing unrest in South Nyakach?

The Minister for Lands and Settlement (Mr. Angane): Mr. Speaker, Sir, I beg to reply. I am not aware that forced land consolidation by committees in South Nyakach is causing any unrest.

My Ministry's policy is that Government funds will not be spent in consolidating any area unless and until the consent and co-operation of the overwhelming majority of the landowners concerned have been obtained.

Consolidation Committees are popularly elected from among the landowners themselves and they should therefore represent the interest of their people. The landowners can remove Committees from office if their behaviour proves unsatisfactory, and elect new ones. In these circumstances my Ministry does not consider that Land Consolidation Committees can be in a position to enforce consolidation anywhere.

Mr. Sadalla: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, is he aware that the decision of subcommittees are not actually to be taken to African Tribunal Courts. Their decisions are normally final and it is causing a lot of concern to the landowners that they cannot afford to pay for the high fees in the Appeal Courts?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, these Committees are established under the Land Registration Special Areas Ordinance and specific provision is made for the removal of Committees if the people feel that they are not doing their job correctly. I would submit to the hon. Member that, if in this area there is a strong feeling from the local people that they are not representing the views of the people, they should invoke the Land Registration Ordinance in order to change them.

Mr. Ngala: Mr. Speaker, would the Parliamentary Secretary tell us whether these subcommittees have been given instructions, so that their decisions are final, by this Ministry?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): No, Sir. We act entirely on their instructions.

Mr. Muliro: Would the Parliamentary Secretary not agree with me that the only way in which we can exploit the land in South Nyanza properly is by land consolidation in that area?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, it is not the Government policy to enforce Land Consolidation anywhere. The Government will provide consolidation services for people who ask for land consolidation to be done.

Mr. Murgor: Mr. Speaker, would the Parliamentary Secretary not agree with me that when people in some parts of the country want it, they should not force others to have it if they don't?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, the Central Government is not forcing anyone to do anything, in respect of land consolidation. The movement for land consolidation came from the people themselves.

The Speaker (Mr. Slade): As this question relates to forced land consolidation, and as the Parliamentary Secretary has said several times there is no such thing, I do not think it is worth continuing.

I should remind hon. Members that Mr. Ngei is to raise on the Adjournment today the matter of provision for families evicted from Ithanga Hill.

COMMUNICATION FROM THE CHAIR
RULING ON MOTIONS ON PROGRESS OF BILLS

The Speaker (Mr. Slade): Before calling on Mr. Ngala to move this Motion I should like to deal a little more with the precise status of such Motions. Yesterday, I was in some doubt as to

whether a Motion of this kind should be treated as a Private Member's Motion or as Government business. In order to remove any doubt, the House resolved that in any case it should be taken today. Now, after full consideration, I am clearly of the opinion that any Motion which arises directly out of the Constitution, particularly with regard to the progress of Bills, must be treated as Government business and not Private Members' business. So, it shall be treated as such in future. As a result of yesterday's resolution, this Motion will, nevertheless, be taken today.

All the same, I hope that the Government will not often use its majority to encroach on Private Members' time, although there was good reason perhaps on this occasion.

Now, as regards procedure today, since this Motion has encroached on the time allowed for Private Members' Motions and we normally divide the afternoon into time allotted to official Opposition Motions and free-lance Motions, I propose that when this Motion has been resolved we then allow two hours of what is left for Official Opposition Motions before we proceed to free-lance Motions.

MOTION

THE PENSIONS (INCREASE) (AMENDMENT) BILL

Mr. Ngala: Mr. Speaker, Sir, I beg to move:—

THAT the Pensions (Increase) (Amendment) Bill (Bill No. 20), 1963, should not be presented to the Governor for assent.

Mr. Speaker, Sir, I will not take long on this Motion because it was discussed fully in the last debate. However, a few new aspects have arisen and in view of this I feel that I should have this second opportunity to put the new facts before the House for its consideration.

This Motion, Sir, is not a Party Motion, it is not a Kadu or a Kanu question at all. It is a question which concerns both sides of the House. I believe a great majority of the Government side does agree with me that this Motion is not a Party Motion. I would like to give an example of that by quoting a speech that was made by Mr. Gichoya, a Member of the Government, when this Motion was originally debated. He said: "Yes, Sir, coming now to my real point, what I am trying to say is that this Bill is an embarrassment to the Government. It is an embarrassment to the public. I am 100 per cent a Member of the Government of Kenya and of the Party which is in power, but I would feel insulted if I had to tell my mother and my father that they have to pay something towards the increased rate of

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persons which were determined during the period that they were in detention camps." Now, this clearly reflects that the hon. Mr. Gichoya, who is in the Government, shares with me the views that this Bill has not been properly considered by the Government and its implications have not been made clear to most of the Members of the Government.

Sir, on this Bill I hope I will get the support of both sides of the House. While discussing this Motion originally, the Minister for Justice and Constitutional Affairs said: "Now, Sir, there is a very simple principle involved here, and that principle is that those who continue in employment have to have the opportunity from time to time to have their earnings reviewed whenever the cost of living rises or wherever circumstances change." This was the principle on which the Government defended the Amendment. I feel that since this is just an increase on pensions, pensions of expatriate servants mostly, although it was made clear that some Africans would benefit I have now discovered that almost no Africans would benefit at all, in fact a very negligible number. I think this is a Bill which is quite unnecessary at this stage. I am not opposing the principle that the Minister for Justice and Constitutional Affairs reiterated in his speech, but I feel that the time is not appropriate to bring this Bill forward to the House. Sir, the Senate which is very different from this House, consists of elected representatives of the people, and they have had this Bill and discussed it very carefully in the Senate, and, as the representatives of the people of the whole of Kenya, they have rejected this Bill. This shows that the whole country, the public, is completely against the Bill. The public, as Mr. Gichoya said, would be insulted by this Bill, and this has been endorsed by the Senate. The public is really insulted by this Bill, and have completely rejected it.

I feel, Sir, that it is completely the wrong principle when a Bill of this kind is rejected by the Senate, who are the representatives of the people of this country, and has to be agreed originally on a Division in this House. I am quite sure that in that Division most of the Government Members felt quite embarrassed because they had to vote for the Government, because they are earning their bread on the Government Side, but they were greatly embarrassed that they had to vote that way, and they were not voting according to their own convictions. The results of the voting were very close indeed. Now, the Government, having failed to get a complete majority passing of the Bill, and being faced with a complete rejection of the Bill in the Senate,

are referring the Bill to the Governor to give his consent. What else can the Governor do, as one of the expatriate servants in this country, except endorse it? I am glad to hear the Government admitting this, by saying: "Sure, sure, that is what is going to happen", but the Bill involves the handing over to the expatriate servants of £29,000. Sir, I am not attacking the principle of increasing this amount, as is indicated by the Minister for Justice and Constitutional Affairs, but I am grossly against the timing of this Bill, and also the circumstances in which Kenya is today. They are such that we should not spend any more money unnecessarily. Outside this House this afternoon, Sir, there are many jobless people sitting and standing around. These people would love to have that £29,000 to help them in their livelihood. Yet, here is the Government attempting to throw away this money to people who are in a state of hardship like those people standing and sitting around the fence of Parliament Buildings at the moment. I would like to make it quite clear then that I am not attacking the principle, but the timing, which I consider to be entirely wrong and which, to my mind, shows the Government to be misguided and lacking in co-operation even from its own Members.

Sir, the other point which was raised was the question of responsibility. Some Minister stood up and said that the Government has a responsibility and I know that Government must have a responsibility, otherwise it would not be a Government, but the difference is that the Government must exercise its responsibility at the right time and in the right circumstances. In this particular instance, I think the Government is exercising its responsibility wrongly, out of time and without consideration for the feelings of the public. For this reason, I would like this responsibility to belong to the right person, the right person being the British Government. If we must pay this £29,000, who should pay it? We think that if the Government is so wasteful as to give £29,000 away, they should feel guilty about the sufferings which are going on around this Parliament Building, as I indicated earlier, and the sufferings which are going on in the rural areas. They should think of those sufferings first, before throwing away this £29,000. This Bill has met such resistance in the House of Representatives; it was passed by pressure on the part of the Ministers in the Front Bench, being brought to bear on Back-benchers; there was a close division on the Bill, and it faced a clear rejection by both Kanu and Kadu sides of the Senate, as being unsuitable. They are elected representatives and are not just a House of Lords type of people. They are elected by the country, by the people,

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which clearly reflects the feeling of the country, and for the Government to go ahead, despite the feelings of the people, is entirely wrong. I think the Government should withdraw this amendment Bill, and reconsider the position and the circumstances thoroughly before they bring forward another Bill.

Since there was so much said in the initial debate on this amendment, I should like to appeal to the Government to be conscious and to be responsible for the feelings of the public, and also of the Senate on this, and also for bringing back our feelings to the Government. I do not feel it helps by sending this Bill to the Governor for endorsement. I do not see what else the Governor can do but endorse it. I think it is a wrong principle for which the Government are to be blamed, and they are very much to blame if they waste this £29,000 in spite of the difficulties and hardships which our people have.

Sir, the other new aspect is that even in the Salary Commission of Mr. Pratt, which I think the Government is considering, it has been found necessary to reduce some of the salaries because of Kenya's financial circumstances. This reflects very clearly the circumstances in which we find ourselves in Kenya, a poor country which has so many demands on it a few months before independence, and there will be more demands after independence. I do not think this step of increasing and giving extra pensions, of giving away £29,000 should be taken at all by this Government. I hope I will get the support of this Union of African Nationalists who are facing me today. If they do not give me their support, I will only feel that they are doing it because of their overwhelming majority and not out of their own conscience. Mr. Speaker, I would like to oppose this Bill going to the Governor for his endorsement.

Mr. Murgor seconded.

(Question proposed)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, it was very amusing to listen to the Leader of the Opposition quoting at length and learning from this side of the House. I notice that the hon. Mr. Gichoya, a Member on this side of the House, has become an authority to whom the Leader of the Opposition listens.

Now, Sir, leaving aside the purely emotional words uttered by the Leader of the Opposition, and coming to the facts of the matter before the House, the fact of the matter is that this Bill came before the House and, was fully debated and

passed by this House. I was rather surprised that the Leader of the Opposition chose to suggest that Members of the Government do not vote out of conviction, but because they are forced to do so. Is it the same of the Opposition? The Leader applies the Whip. I believe the Leader of the Opposition would like to reconsider these words. Members on this side of the House vote out of conviction, they are sitting on this side of the House out of conviction, and that is why this side of the House is growing and the other side is diminishing. Mr. Speaker, before we are through the hon. gentleman may be occupying the Back Bench on this side.

Sir, seriously, the Government cannot accept the Motion. We recognize and respect the Senate and we respect the fact that the Senate does not see fit to pass this Bill. But, Sir, the Constitution particularly recognises that money Bills are given a special type of treatment, and there is a very basic reason for that. It is accepted in the Constitution that money Bills should, to a large extent, be the responsibility of this House and not the Senate.

The Senate has no veto powers where money Bills are concerned. As far as other Bills are concerned, the Senate can in fact put them back as specified in the Constitution. The reason why this Motion is before the House today is precisely because the Constitution differentiates between money Bills and other Bills and gives this House the final say on money Bills and not the Senate. As far as the view of this House is concerned, this was clearly established when this Bill first came to this House and was passed by it. Nothing has happened since then for us to reverse that decision and no amount of trying to play upon the speeches made by Members on this side by the Leader of the Opposition is going to change that fact. The Leader of the Opposition must not imagine that he could split the Government benches by trying to quote these speeches. The Government's position, Sir, is that nothing has happened in the intervening period to justify a reversal of the decision which this House took after very exhaustive deliberation over this Bill. The Leader of the Opposition has produced not a single new argument but to quote from the HANSARD of speeches made previously. He has not produced a single argument—original argument—of his own, but to quote from Mr. Gichoya.

Now, Sir, the Senate has not, and I do not believe that the Senate would ever elect the Leader of the Opposition to represent them here. The Senate has not produced any argument—any new arguments—which would require the Government to reverse its original position or decision.

[The Minister for Justice and Constitutional Affairs]

I am informed, Sir, there is only one point perhaps on which it would be useful to inform the House and that is that the Minister for Finance tells me that in fact the money involved, half of it is in fact going to be a grant, a free grant, from Her Majesty's Government. The other half is an interest-free loan from Her Majesty's Government and it is therefore inaccurate for the Leader of the Opposition to suggest that the Government is throwing away £29,000. That is entirely untrue and the record ought to be put right.

I do not wish, Mr. Speaker, to delay the House any longer. I do not believe that any points have been made which justify a long debate and I wish merely to confirm that Government does not see there is any case for us to reverse the previous decision and therefore Government opposes the Motion.

Lastly, the Mover several times referred to the Governor being asked to give his assent and he suggested that the Governor will do no more than give his assent. However, Sir, what did he expect the Governor to do? Did he expect the Governor to refuse to give his assent? Mr. Speaker, Sir, this Government expects the Governor to behave according to the Constitution and according to that Constitution this Government is governed. The Governor acts only to the extent that the Constitution requires him to act and if the Leader of the Opposition thinks that we still have a Governor who dictated what the Government of this country does, he has been left very much behind the new developments that have been taking place in this country. The Governor of this country is no longer the colonial type which the Mover of the Motion was used to for some time. Therefore, Sir, the Constitution requires him to give assent and we expect him to give assent. The Constitution does not allow the Governor to send this Bill back once it is passed here and therefore we do not expect the Senate to send it back here. If the Leader of the Opposition expects the Governor to help him by blocking this Government he is too late in that.

Mr. Shikuku: Mr. Speaker, Sir, I do not think I will take much time on this subject in view of the explanation given that half of the amount will be given by Her Majesty's Government and that the other half will be by way of an interest-free loan.

However, there is a point which I will not allow to pass. Here we have a responsible, respectable Senate and it is indeed a credit to them that for the first time both sides of the House agreed.

This is a very important and historical fact in itself, and I think that if the same attitude could be adopted in this House the country would get on very well.

Hon. Members: Cross, cross.

Mr. Shikuku: Mr. Speaker, Sir, whenever one says something or appreciates something that has been said in this House it has become the custom of the people on the other side of the House—hon. Members—to shout "Cross, cross". May I, Mr. Speaker, Sir, with all due respect to the hon. Members, make it very clear that we are not interested in doing this. In particular, I would like to say that I will never, never cross even if the moon and sun come down. I am not in any, Mr. Speaker, an imperialist stooge who would easily cross over to the other side.

Mr. Speaker, Sir, I feel that Her Majesty's Government was sensible indeed because most of the expatriates, the people we talk of as expatriates, as really expatriates and if it meets half of the money required I would say congratulations. I was very worried about spending such a large sum of money as £29,000 on people who are leaving the country, going away and spending that money in London or some other place. However, since the Minister for Justice and Constitutional Affairs has explained the position, I feel we should not waste any more time on this subject.

It appears as though hon. Members on the other side are getting upset when they are told something which is not pleasant to them; we have, however, still got to tell them this.

Here is something which was mentioned by the Minister for Justice. He says that the people on the other side are there on conviction. Of course they are there on conviction. How then is it that the hon. nationalist Gichoya has aired his views? He had a vote but of course he was subject to party pressure, but how then did he vote? Did he vote with us? That is the question. He voted for the Government. His views were very clearly stated in black and white. Therefore, I do not think the Minister was right in implying that the Leader of the Opposition was wrong in his speech when he referred to the speech made by Mr. Gichoya and I think this is a very important question. If Gichoya and I could meet on this side of the House surely we could work very well for the welfare of the country.

I feel the Senate and this House should work co-operatively, and it should now be unanimous in this House that this Bill should have been rejected on second thoughts, because here is a situation in which we are all short of money, we

[Mr. Shikuku]

are short of almost everything. We need development in various areas and we need to help our people in every way by providing employment. There are students, Mr. Speaker, who come every now and then worrying me for £1, £2 or £5 for their higher education, for transport overseas for education. This money would have helped, and instead of giving it to some people to go and enjoy it in Europe or any other part of the world, it would have been ideal if it could have been spent for such purposes as helping those people who come back and help to build up this country of ours, Kenya, and help it prosper in the right direction.

With these few remarks, Mr. Speaker, and in view of the clarification by the Minister, I feel there is no need to expand on this.

Mr. Anyieni: Mr. Speaker, Sir, I did not intend to speak on this Motion, but in view of the remarks which have been made by the Opposition, I feel that I must speak and make our position clear.

In this House some of us at times have had to speak against the Government, but this has been not with the intention of destroying our Government, it has been for the sole reason that we want to open the eyes of our Government even wider than they are at the time.

Mr. Speaker, Sir, it seems as if the Leader of the Opposition thought that if he brought up this Bill again, the Back Benchers would vote against it, but the Leader of the Opposition must know that this Government has intelligent, elected Back Benchers and as such, if he hoped that when he brought up this Bill we were going to vote against it, I want to inform him that today the Back Benchers met—

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for the hon. Member to refer in his speech to the Leader of the Opposition as "him"?

The Speaker (Mr. Slade): References to other Members as hon. Members is desirable, but you are not expected to use the words "hon. Member" every time; "he" and "him" are certainly not out of order.

Mr. Anyieni: Mr. Speaker, Sir, I have a lot of respect for the hon. Leader of the Opposition, but all the same I should like the hon. Member to go to school again and learn his personal pronouns.

Mr. Speaker, Sir, it will be remembered that when we spoke on this Bill we opposed it, but our sole intention was to let our Government

know that we at the back here are not mere votes. The Opposition must know that we took a decision and voted in favour of the Bill, and the Leader of the Opposition is wrong to take advantage of the fact that we have been able to help our Government by making constructive speeches. If the Opposition is going to mistake these as opposing our Government, then I think these are crocodile tears.

Mr. Speaker, Sir, today we are supporting this Bill, and the quicker we can move from this the better, so that we can discuss the Constitution, which the hon. Leader of the Opposition has already been supporting. I am surprised because the hon. Leader of the Opposition is always talking about support of the Constitution. This is also part of the Constitution, so that today he wants us to go against the Constitution. This is a complete contradiction in the mind of the Leader of the Opposition and the people he leads.

Mr. Kamau: Mr. Speaker, Sir, I rise to support the Minister for Justice and Constitutional Affairs and to put the point very, very frankly to the Leader of the Opposition that this side of the House, being the African Government, knows what has gone on in the past and that most of the complications this House is facing are due solely to the things implemented by the Leader of the Opposition side when he was in the past Government. We are aware that the things he did during his time in the previous Government were to make things so complicated that when the African Government came into being it would be faced with a very hard position.

Mr. Speaker, Sir, as we have already passed this Bill, I think it is a waste of time to bring it up again. Now we should be discussing another important issue. As we know, in a few days' time our delegates will be going to London to finalize the last stage of colonialism in this country. Therefore, this side of the House—and I know very well that hon. Members on this side are supporting me—will have nothing to do with the Motion in front of us today. The Government has agreed with the Bill and I would request the House to support this Bill which has already been passed, so as to give us time to consider other important issues.

The last thing I have to say, Mr. Speaker, is that the type of African Government we are going to have in the future is not going to be a Government dictated to by any individual at all, we shall have a Government of the people, for the people and by the people. To that extent, Mr. Speaker, I am fully aware that if we continue to repeat such Motions or Bills whenever they are passed, it is going to cause confusion between

[Mr. Kamau]

the Government and the public outside. So I would say to the House that whenever it passes a Bill it should be final and other people should not play about with it.

Therefore, Mr. Speaker, I support the Bill as the Government has already passed it.

Mr. Shikuku: On a point of order, Mr. Speaker, could the Mover be called upon to reply?

The Speaker (Mr. Slade): I do not normally allow the closure to be moved by an hon. Member who has already spoken, and I would now encourage any hon. Member who has not spoken to do so.

Mr. Gatuguta: Mr. Speaker, Sir, I move that the Mover be now called upon to reply.

(The question was put and carried.)

Mr. Ngala: Mr. Speaker, Sir, I want to make quite clear to the public and this House that this question involves the expenditure of Sh. 580,000. All this money is now being pushed for mere endorsement, a pencil mark by His Excellency the Governor and is going to be spent on a purpose which is completely rejected by the Senate. It is also completely resisted by the House of Representatives. I very much protest against the attitude of the Minister for Justice and Constitutional Affairs that just because the majority of this House has passed it they have no time to reconsider it, in spite of the new factors that have been put to the Government. In fact, the Minister himself has indicated one or two new factors which are very important. These new factors indicated by the Minister himself never came to light when we were discussing this issue and I think the Government should be governed by the feelings of the people and the wishes of the people.

I am surprised to see some of the back-benchers standing up and saying that they oppose or express views against our Government for the sake of doing so, but they do not mean it seriously. If this is what they really mean as back-benchers they might as well pack up and leave this House.

Mr. Anyieni: Is it in order, Mr. Speaker, for an hon. Member to misquote other Members?

The Speaker (Mr. Slade): Certainly not, hon. Members must be careful not to misrepresent what others have said, and I do not think that any back-bencher on the Government side did say anything like what Mr. Ngala said.

Mr. Ngala: Mr. Speaker, Sir, I would like to make it quite clear what I had in mind. These

back-benchers, whose speeches I quote here, show clearly that they are opposing something and if they really mean it they should press it to the final push. When a whip is applied to them, they should not give up and surrender their positions, because if they surrender their positions finally when it comes to the push then they show that they do not mean it at all. This is what I mean, Mr. Speaker, and this is what they have been doing.

However, I would like to make it quite clear that if we send the amendment to the Governor for his assent I know that the Governor will have to give his assent because that is a constitutional provision. The question is, however, is this Government going to put forward to the Governor unreasonable and unrealistic Motions which are completely——

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): Would it be in order, Mr. Speaker, to make an explanation here because the Mover of the Motion has made some statements which are not accurate and I would like to make an explanation in accordance with the figures we have from the Ministry?

The Speaker (Mr. Slade): Mr. Okelo-Odongo, you may interrupt on a point of order as of right, but I you indicate that you would like to interrupt on a point of explanation the hon. Member on his feet may take it if he feels so disposed to give way, but if he does not give way you cannot interrupt.

Mr. Ngala: Mr. Speaker, Sir, I do not feel so disposed.

I would like to protest against the Government as Leader of the Opposition and protector of the public, because this Government would like to use the Constitution to put forward unreasonable and unrealistic measures, that have not taken into account the feelings of the public, to the Governor so that the Governor just endorses them on constitutional benefits. I protest against this. The Government must act reasonably and also must take a view of the feelings of the people.

The Minister for Justice and Constitutional Affairs only said that the Senate has no veto. I know, constitutionally, that the Senate has no veto, but we have brought this back for the Government to review it in view of the circumstances today. You are not going to tell me that the Senate has no voice; you are not going to steamroll unreasonable things just because of your wit. If you are really sincere, I want you not

[Mr. Ngala]

to apply your wit while voting in this House. Mr. Speaker, I feel that the Government has gone so much astray that I must bring it back on the rails.

The Speaker (Mr. Slade): Order, order. There is much too much interruption.

Mr. Ngala: Mr. Speaker, Sir, I think the public in the House today has noticed the unreasonableness of this Government. Also the lack of feeling for the need and the demands of the people who are suffering hardships and would like money to be spent on them, but in spite of that this Government is spending money completely unnecessarily to the tune of Sh. 580,000 for increases on pensions. For this reason the Opposition very much protests against this and completely rejects and opposes the move that the Government intends to take now.

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): On a point of order about——

The Speaker (Mr. Slade): I am afraid I cannot allow that, Mr. Okelo.

(The question was put and negatived.)

CONSIDERED RULING FROM THE CHAIR MINISTERIAL STATEMENT ON MISREPRESENTATION

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, Mr. Speaker, the Parliamentary Secretary for Finance and Economic Planning was feeling strongly that there were misrepresentations on a matter of fact by the Mover of the Motion. I wonder at what point the Government might be allowed to explain or put the facts to the House. Is it possible to do that now, or would it be necessary to make a separate statement to this House?

The Speaker (Mr. Slade): If it is a question of simply a mis-statement of fact as opposed to misrepresentation of what some other hon. Member has said, it is very rarely possible to correct a mis-statement in this House after the debate is closed. It is unfortunate, of course, if hon. Members make a mis-statement in the course of replying to a debate and there is therefore no opportunity of correcting it. On one or two occasions, however, when it is a matter of real public importance I have allowed a Ministerial statement to be made on another occasion giving the true facts; if Mr. Okelo or his Minister would like to discuss with me the necessity of making a Ministerial statement I will consider it.

MOTION

IMPLEMENTATION OF INTERNAL SELF-GOVERNMENT CONSTITUTION

Mr. Ngala: Mr. Speaker, Sir, I beg to move:—

THAT this House deplores the failure of the Government to take the necessary steps to bring about the full implementation of the internal self-government Constitution, and urges them to rectify the position immediately, especially in respect of the handing over of establishments and finance to the regions, in accordance with the provisions of the Constitution.

In moving this Motion, Mr. Speaker, I am very glad to see that almost all the Presidents of the regions are present, either in the House or in the gallery, the Kanu and Kadu Presidents——

The Minister for Justice and Constitutional Affairs (Mr. Mboya): There is no Kanu President.

Mr. Ngala: —because this is a matter which affects their powers very much. We are all loyal to the Constitution, and we are all loyal to the United Kenya Nation. This was repeated last night in a broadcast given by the Government. However, the new Constitution was declared as having started on 1st June, 1963. From that date, Kenya was supposed to be run under an internal self-government Constitution, which is well known to Members of this House, that is, a regional Constitution. As it is the custom with any type of federal constitution, there must be that very essential aspect of decentralization, which means giving powers to the authorities with whom they belong.

In this Motion, I am complaining, on behalf of all the regions, that these powers which should have been transferred to the regions have not been transferred to them. The exclusively reserved powers are ones which affect land, administration, local government, education, police, health, agriculture, probation, fisheries and exports.

The Government has dragged its feet on the implementation of this Constitution, because, since the new Constitution came into being, only one power has been transferred and that is administration, as from 1st July. That was the only power among those which I have mentioned. Therefore, I think the Presidents of the various regions will agree with me that the Central Government is keeping powers now, powers which Constitutionally do not belong to it. In this, personally, I feel that the Central Government is acting almost illegally and unconstitutionally.

[Mr. Ngala]

Some people have said that the regions are not ready for these powers. I would like to dispute that very strongly, because the regions have ever been ready. Even some of the Kenya papers have blamed the regions; they say the regions are not ready. This is true particularly of a paper called the *Daily Nation* when yesterday they asked me to think again. I would like this paper to think again itself. That appeared in the *Daily Nation* yesterday. It suggests that the regions have not created committees. This is untrue. The regions, talking from practical experience, have created their committees. They have done all sorts of things which are required for the powers to be received properly according to the Constitution. They have appointed committees, the various boards, they have adopted the Central Government terms of service, and they have created establishments or departments. This is far from suggesting that the regions have not prepared themselves. What has not acted is the centre. The centre has not seen fit to transfer the powers to the regions. Therefore, we feel that the centre should have acted more quickly.

Sir, the Lancaster House Agreement states that after the details of the Constitution have been settled and elections held, the internal self-government Constitution would be implemented. This is an agreement; the internal self-government Constitution would be implemented. Our contention is that the internal self-government Constitution now is not being implemented, and the Central Government is sitting on powers which do not belong to it. If it goes on sitting on these powers, the Central Government will be blown up by them.

Mr. Speaker, Sir, I would like to make it quite clear that I have said several times that as long as the Central Government respect and honour the Constitution, we in the regions are quite prepared to honour the Central Government, because we want to live constitutionally in Kenya and we want to create one united Kenya through the regions. The Kani Government, the British Government and Kadu are committed to this Constitution, and if we are all committed to it, there is no reason why there should be any imaginary speculation as to the workability of the Constitution. We want the Constitution to be implemented; we want to see the snags in the actual working of the Constitution; we should not state, as it were from dreamland, that it does not work before we try it.

Mr. Speaker, the workability of the Constitution can be demonstrated only by putting it into action; then you can discover the snags. In fact,

one of the very recent Colonial Secretaries said that he envisaged the internal Constitution working for a certain period. I think he said between six months and one year—so that we could discover the snags in it. I would like to press the Central Government to see the need for carrying out their function of implementing the Constitution. If anything does not belong to the Central Government, I do not see why they should keep the power. Local governments do not belong to the Central Government. Why should they be retained by the Central Government? Administration, lands, probation, why should these powers be kept by the Central Government at this stage? We are moving to independence, and yet the Constitution for internal self-government stage is not being implemented. I have never seen a country which is as awkward as Kenya in working its Constitution.

Mr. Speaker, this awkwardness is created by the Ministers on the Front Bench, but I would like to warn them that there is danger. There is danger, because they are sitting on fire which can burn them. There is danger, because they are selfishly holding on to something which does not belong to them. I have never heard of any reasons being given to the regional governments or Presidents, explanations as to why these powers cannot be transferred. If there is some explanation, then it is time it should be given to the regional Presidents. No Minister, Sir, has ever done that or even thought of it, and this is very impolite on the part of the Ministers; it is an unconstitutional way to behave on their part. I would expect the Minister to respect the regional Presidents, to respect the Constitution, and if there are any delays in implementing it they should politely explain to the Presidents and the Assemblies why. We are all interested in pulling in the *Harambe* spirit, but if it is in the wrong direction we shall never pull in the *Harambe* spirit.

Mr. Speaker, Sir, I would like to make it quite clear that the behaviour of the Government has surprised the country very much, because it is calling for a very serious situation; it is calling for chaos, misery, misunderstanding. In fact, if a Congo situation is created, it will have been created by the Government itself.

The Constitution must govern the Government. We do not want a Government which is not obeying the mother of the nation; the mother of the nation is the Constitution. As long as the Government is not obeying the mother of the nation—the Constitution—it should resign today and walk out of the Chamber. Sir, we have done everything we can; we have approached the Prime Minister; we have written to the Prime Minister; we have

[Mr. Ngala]

approached the Minister for Home Affairs, the hon. Mr. Odinga; I have approached the Minister for Pan-African Affairs, the hon. Mr. Mbiu Koinange, and put the situation very firmly to them, that they are keeping powers which do not belong to them. What has been done? All that has been given is a holiday from the Prime Minister, in the Coastal Region. We have not got anything out of him, apart from a private holiday. What have we obtained? We have obtained silence. Silence from the Minister for Home Affairs, and the Minister for Pan-African Affairs also keeps quiet. What else can any honest person do?

An Hon. Member: Refer to the Minister for Justice.

Mr. Ngala: The Minister for Justice—I doubt whether he has any justice at all! If the Minister for Justice had any justice he would have seen—because he lived in Kenya and he knows Kenya very well—and understood the feelings of the people. I am fed up with the lip service that is being dished out, even by the Minister for Justice himself. We are fed up with the false promises, statements of supporting the Constitution, upholding the Constitution, when, in fact, nothing is being done to implement the Constitution. It is no use telling somebody "I love you, I love you" all the time, that is unfair when the actions do not indicate real love. We are fed up with the tactics of hide-and-seek of the Government. If the Government is expecting co-operation from the Opposition, as some Ministers have demanded, they must know that co-operation is a two-way traffic: it is not a one-way traffic. We want to respect the Government, provided the Government respects the regions, and gives them appropriate powers according to the Constitution. On the one hand the Ministers get up and say, "We must send this Bill for assent to the Governor, it is constitutional"; then, when it suits them, they act very quickly. They do it unconstitutionally; this is what we are protesting against very strongly. The Ministers are sitting there doing nothing, although they know that they are doing harm to the country, yet they go on until the country reaches a stage of misery. When we reach this stage they will be the people to blame, they will be the people to be cast aside by everyone in this country. We hear that the Government is distributing leaflets to the Northern Frontier District people, in which they say there will be *Majimbo*. They are distributing them in police aircraft and Land-Rovers at the moment. I ask you how can the Northern Frontier District people be convinced of the sincerity of

this Government and the honesty of purposes of this Government if the *Majimbo* which they have assured to the Northern Frontier District people has not been implemented elsewhere? If it has not been implemented in other regions, the Northern Frontier District people will not be such fools as to believe in this Government.

It is for these reasons that we sense trouble. We sense a serious situation in Kenya, and in fact we feel that we would like to make it quite clear that we in the regions are prepared to co-operate with the Government, but the Government must also realize the need to co-operate with us.

Some Ministers were saying that there are financial problems. Of course, we realize that a country like Kenya—and there is no country in the world which does not have its financial problems—is bound to have these problems. Although the Press report made several recommendations it did not anticipate one or two new aspects. It did say that the date fixed for *Uhuru* would be the 12th December, but if we want to better the relationship between the Central Government and the regions, we need to revise our programme and our time-tables. If it is necessary to create a supplementary budget in order that it might fit in with the circumstances in which we find ourselves, then we must create one. There is no use in telling me that there is a Press report, the Press report is not the Government of this country. Somebody may argue that I agreed to the Press report when I was in the Coalition Government. I agree that I did, but I am also an intelligent person and I change with the changing circumstances. The measure of an intelligent citizen is if it changes with the changing times. This Government is completely unintelligent; it does not change with the times. You keep talking about the Press report and yet there are regions without any money. Why do you not create a supplementary budget?

The Speaker (Mr. Slade): Order, you must address the Chair.

Mr. Ngala: I am sorry, Mr. Speaker.

Why do you not create a supplementary budget? Mr. Speaker, although I am addressing the Chair, I am actually talking to the Ministers on the other side.

The Speaker (Mr. Slade): You must not speak directly to hon. Members on either side.

Mr. Ngala: Thank you, Sir. What I am trying to bring to the notice of the Government is that new aspects have arisen. New aspects have arisen which warrant a change and the creation of a

[Mr. Ngala] supplementary budget to fit in with the situation in the country and to bring about peaceful independence. We all want to see Kenya moving to independence peacefully. If this is the attitude of the Ministers, then they can forget anything like peaceful independence; this will have been caused by the failure of the Government and the failure of the Ministers themselves. We have done everything we can—we have used good sense, good will and co-operation, but we have met with a very unconcerned attitude and with a very unco-operative attitude.

In view of this, I think it is very important that the Government should bear in mind what the possible consequences will be. Now, Sir, some of the Ministers have said in the usual way, that the programme will be that Health will be transferred in September, Agriculture will be transferred in October, and Education will be transferred in January. This is the programme for 1964. They want the internal self-government to be implemented six months after the Independence of the country. Is this realistic? Has this ever happened in any other country? I want the Minister in charge of Constitutional Affairs to stand up and tell us where this has happened and has happened without the consent of the people. I want to make it quite clear that the Government does not have the mandate of the people to do this, they can ask the Presidents of the regions who are here. Mr. Speaker, Sir, we would like to reject the Government programme, and I think this matter should be taken to court. It is high time that the Minister for Justice and Constitutional Affairs is taken to court because he was acting unconstitutionally by sitting on the Constitution. I am sure if we did take the Government to court they would lose the case.

Now, since the date for Independence is fixed for 12th December we feel that we do not want to delay the independence of the country. We do not want to cause any embarrassment to our people but we would like the Central Government not to sit on the powers that really belong to the regions. I do not want the regions to be blamed because they have created the committees, because they have created the cause and employed the necessary personnel and created the necessary accommodation for their departments. All that is lacking is the shortage of appreciation by the Government and shortage of willingness to transfer the necessary files and for this reason we feel that the Government is deliberately causing an embarrassing situation which may lead to a

great deal of trouble for the country and a great deal of unhappiness for all our people.

Mr. Speaker, Sir, I am not interested in the struggle that is going on in the Government, the struggle for position, the struggle for power, the struggle for succession and all the other struggles that are going on. I am not interested in that.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): You have a greater struggle in the Opposition, the struggle for survival!

Mr. Ngala: All I am interested in at this stage is to see that the Constitution is implemented and I am quite prepared to consider genuine difficulties, but the difficulties that arise are not even explained to the regions and the powers are kept by the Central Government without the consent of the regions and this is unconstitutional. Some people have said that the Constitution was implemented as from the 1st of June, 1963. It was declared, but to implement it effectively and practically the departments must be transferred; the finances that will run the departments must be transferred. I see that the Minister responsible for Finance agrees with me and I hope he will get up and tell us what finances he has transferred to the regions. The question of my salary does not arise. I am talking of the departments, of the establishments of the regional governments. The files must be railed from Nairobi to the various regions, the files with the appropriate powers of Agriculture, of Social Services and of every other department. If it is impossible to rail the files we have our own Land Rovers and we will send them to collect the files.

Mr. Speaker, Sir, with these few words I want to show that I am very fed up with the service that has been given by the Government on the implementation of the Constitution. They have taken no practical steps at all to implement the Constitution and I would like to add that the Opposition would appreciate any genuine difficulties if they were explained to the Presidents of the regions and the assemblies, and we would be prepared to co-operate and respect the Central Government provided that it respects the regional governments and the Constitution above all.

I beg to move the Motion, Sir.

Mr. Oloitiptip: Mr. Speaker, Sir, I rise to support and second this Motion. I think I should make it quite clear to this Government of ours that although it is a Kanu Government it is still an African Government. From this side of the House nobody is rejecting that the Government now is not an African Government, we believe it is an African Government, which is there, and supposed to be leading this country, supposed

[Mr. Oloitiptip]

to be educating this country, and supposed to be bringing peace to this country. I am only shocked to see that the Kenya Constitution of *Majimbo*, which was agreed upon in London by all these Ministers who are present on the Front Bench, is not being implemented. I wish to say, Mr. Speaker, that we are very ready to co-operate with the Government provided that the Government is going to be constructive and is going to implement the Constitution which they agreed upon. The Constitution has not been implemented at all because we have all these Ministries such as Land, Agriculture, Police, Administration, Fisheries, Education, and so on. The Rift Valley Region have appointed all the necessary committees, all the chairmen, every person necessary in fact they have been appointed, but they just have to sit in their offices, in their empty offices, with nothing to do. The reason is because the Minister for Constitutional Affairs is sitting on the files, and I would like to make it quite clear that these files are the files for the country and not for the Minister. Another thing I would like to make quite clear is that we on this side of the House are elected Members and representative of the people. We would not like to represent miserable communities. These Ministers here are making our people miserable because the Constitution has not been implemented. They say that the *Majimbo* Constitution is going to be scrapped. Only two days ago I heard the Minister for Constitutional Affairs saying that they uphold and support the Constitution, but while he is saying this we have the people in the regions sitting doing nothing and then the regions are accused for the failure of the Constitution because they have not elected people to do the jobs! All the time these people are sitting in the offices with nothing to do.

I would like to assure the Minister that he should not consider himself, his Ministers must know—they have been very poor people like the ordinary masses on the street—and they must represent the people well. The people of Kenya would like to see that the first Constitution of Kenya, which will lead them to independence, is implemented, and if there is something wrong with it, then after we have practised the Constitution then we can say this is bad, and we can do something about it.

Mr. Speaker, Sir, I should also like to say that the people who are sitting on the Constitution must know that they are only leaders today, and leaders come and go; they might go tomorrow and be like the ordinary people in the streets, and the ordinary people will replace them in the same way.

They must not consider themselves as little gods, they are not, they are only human beings. Therefore, the public would like to see the Constitution implemented.

An Hon. Member: Which public?

Mr. Oloitiptip: Which public, the public we have in Kenya. Do you not know the public?

It is a great shame that some Members of the Regional Assemblies are now running away because their salaries have not been paid, just because the Minister for Constitutional Affairs is sitting on these powers.

I would now like to warn these Ministers that they should not consider Kenya as theirs alone. Kenya is for us all, my dear friends. You are now sitting in very comfortable chairs in the Ministries, but I think in the very near future, if you are not going to implement the Constitution, you will have had it.

The Speaker (Mr. Slade): Mr. Oloitiptip, you must address the Chair.

Mr. Oloitiptip: I think, if you know, you will say so—

The Speaker (Mr. Slade): I have just this very moment reminded you to address the Chair. That means that you only use the word "you" to me. You either did not understand or you disregard my ruling. Please be careful.

Mr. Oloitiptip: Mr. Speaker, Sir, I should like to ask the Government to implement the Constitution as soon as possible. Once we see that the Constitution is implemented, every one in the country will be very happy. Then we can go on to another step which will be independence for which all of us will have to celebrate. But if the Constitution is not implemented as soon as possible, I doubt whether we people on this side will celebrate independence. I think we will not celebrate as well and I do not think they will celebrate either.

Another point, Mr. Speaker, Sir, is that I think that while the British Government still holds powers in Kenya, it is very important that the Governor of Kenya sees that the Kenya Constitution is implemented, because we all know that Kanu people were not interested in this *Majimbo* Constitution, and they are out to destroy it. Therefore, the Government must advise these Ministers that they must implement the Constitution.

An Hon. Member: (Remarks on Mr. Towett.)
(Inaudible)

Mr. Oloitiptip: Well, if he speaks about Mr. Towett, Mr. Towett is a different person, and he can say anything he wishes, but that does not mean that he has something to do with the Constitution. I believe that Government have noted that we are not trying to be destructive. We are trying to be co-operative and constructive, provided the Government is going to make the country happy by implementing the Constitution. All we need is the powers to be transferred to the various departments, to the regions, and then the people on the street will understand that their future is secured. The problem, Mr. Speaker, Sir, which has been arranged by the Government, of transferring the powers to one Ministry today, and after a month to be transferred to another, we are strongly against it. There is no reason why it should be delayed and transferred after a month. These Ministries which we have here are different Ministries, and they are run by different people of the Government, why can they not transfer powers while the people are sitting and waiting for them?

The Speaker (Mr. Slade) You have had your ten minutes, I am afraid.

(Question proposed)

Mr. Agar: Mr. Speaker, Sir. I only have to note that Members of the Opposition have come to their senses. They have understood that the Constitution they tried to impose on the Kenya people is not implementable, it cannot be implemented. Kenya is a small country with only a few people and limited resources. The Opposition would like us to implement a Constitution which is very difficult to implement, a Constitution which is very difficult and expensive and which only imposes on our taxpayers a duplication of services and duties. It is now clear that the African people in Kenya, after the Lancaster House Round Table Conference, realized that although this thing was signed in London, because of some pressure, they realize that the Constitution was not suitable for this country, not even practicable for this country, and therefore, during the general elections which we have just passed, Kanu had an overwhelming majority by declaring openly that they did not accept the *Majimbo* Constitution.

Hon. Members: Hear, hear.

Mr. Agar: Whatever intentions we have to the opposite side it is clear that if Kadu was the Government they would not be able to find the money to do everything which is required in the Constitution. I am only glad that our friends on the opposite side who have been on the Opposition, namely Members of the African People's

Party, have seen it that they cannot carry out an unpopular and impracticable doctrine of the *Majimbo* Constitution. They are crossing the floor tomorrow.

Mr. Kamuren: Is it in order for the hon. Member to refer to that African Peoples' Party when they are discussing the Constitution?

The Speaker (Mr. Slade): Yes, as long as the reference is relevant, and evidently the A.P.P. have expressed definite views with regard to the Constitution and therefore it is relevant to this debate.

Mr. Agar: We on this side of the House know that in the democratic procedure of Government a Constitution is never made before it is referred to the people to vote "Yes" or "No" to that Constitution. Actually the Constitution that will rule Kenya has yet to be made, because people will be made to understand and some Constitution will be published for the people, or else the Government in power will publish a Constitution which they want and which they think is suitable for this country. Then the people will vote in favour or against that Constitution. The *Majimbo* Constitution was conceived in fear. A certain section of people thought that members of certain tribes were going to dominate other tribes. Let me assure the Members of the Opposition that *Majimbo* cannot prevent that. If we are merely interested in Kenya, this and the other side of the House, should find a way of instituting an efficient, democratic and impartial Government. That is the Government which will safeguard development in this country, safeguard the freedom of every country. But to say that a *Majimbo* Constitution will safeguard people is nonsense. However, we have seen that the Government, the Kanu Government, has tried its hardest to implement those parts of the Constitution which are practicable.

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

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

An Hon. Member: How do you know?

Mr. Agar: We only know too well that we are working towards an East African Federation and if we are going to insist on fragmentation of certain provinces in Kenya into autonomous regions, then the federation, the big unity of the African states will never come to be realized, and therefore this Motion which states that the Kanu Government has failed to implement the Constitution must be rejected. The Kanu Government is strong and it is trying its best to implement the

[Mr. Agar] parts of this Constitution which are practicable, but we know very well we can amend it and have the right to scrap this Constitution. In the elections we won a big majority, and again if the members of the Opposition, who are crossing the floor now, are doing so because they do not like the *Majimbo* Constitution.

Gentlemen, we are not going to play about in this country to please individuals or to please members of certain tribes and therefore we cannot allow a Constitution where duplication of services is repeated everywhere. We have the Central, regional and local governments in the districts and we can see that it is impossible to spend the money on all these services efficiently and, therefore, we urge the Opposition to think again and to follow the example of the hon. Mr. Towett, and to agree that this Constitution is ridiculous and we must abandon it at the next Conference and work for a new one. If the Kanu Government were to introduce a new unified Government Constitution then they could be defeated in the elections and Kadu would win, but I doubt it.

Finally, as my time is up, I would like to tell the House that if we want to give a lead to our people, we who are elected by popular vote, we must never never allow ourselves to say words and make speeches which brings a separatist attitude and feeling to this country. We have heard of people saying, "autonomists", of people who want to go and join another side, we must speak for the unity of Kenya, we are all Africans, all members of the human race, and therefore, the *Majimbo* Constitution, whatever part has to be implemented, let there be no grumble because it has failed to be anything that can help Kenya. I oppose the Motion, Mr. Speaker.

Mr. Oduya: I do not think I have very much to say on this blinking Motion.

Mr. Shikuku: Is the hon. Member in order to refer to the Motion as a blinking Motion?

The Deputy Speaker (Mr. De Souza): One should not use language which is not Parliamentary and I would rather he did not use it.

Mr. Oduya: You can say "shame" or anything but then just wait for what I am going to say. Mr. Deputy Speaker, Sir, much has been said by my honourable friends in the opposite camp about the Constitution which is operating in the country today. All I want to tell the hon. Members my hon. friends is that they must know that we are educated enough now to think of our own country. It is well known as a result

of the elections that the people of Kenya, let us say well over three quarters of the Kenya population, have rejected the *Majimbo* Constitution. Therefore it is just a waste of time for the leader of the opposite camp and his followers, who are today in this House, to come here and to start moving such a very funny Motion and by wasting our time have not permitted us to discuss other important issues or oppose developments or changes that are needed to suit the requirements of our people today. Here is the Constitution which is in operation. Of course, we know that these people went to London under the Coalition Government and they discussed a breach in the Constitution, but the Kanu policy which I would like my friends to know very well, it is well known everywhere as it has been reported in newspapers all over the world, even when they were at Lancaster House, whereby our President, today the Prime Minister of this Government, emphasized very strongly, and the Kadu delegation made it quite clear that they were not prepared to accept *Majimbo* in Kenya.

So, the Kanu Government is now in power and they have a majority and it is obvious that we have the authority to change the Constitution as a whole. If you are not aware of this I want to put this to you now. The Constitution is not going to work. Going to Lancaster House, Mr. Deputy Speaker, and writing things does not mean that what you write is going to be carried out for ages and ages. Going to Lancaster House is only going to a meeting with the Colonial Government to say that we want power. Now when this power is brought to us, who is it to say what is wrong? It is us on this side and it is not a question of you referring us to what happened in Lancaster House. Even I do not know Lancaster House, and most of my colleagues opposite do not know Lancaster House, only a few know it. When these people were at Lancaster House the question of agreement that was made there cannot be told to us and imposed on us when we do not like it. It is our duty to say this is right and this is according to the wishes of our people in the country. Therefore, Lancaster House is in Britain and the agreement was made there, and the papers have been brought to us only because we want to transfer power from the British Government to Kenya. Now that the power has been brought to us on the 12th December—whether some of you like it or not—we are going to be a free nation and whereby we shall come in full force according to the needs of our people.

We are going to do one thing, Mr. Deputy Speaker, and we are going to say this, no regions. That is our policy. As some of the other Members

[Mr. Oduya] in the opposite camp have said—especially the president of the party which is now operating the opposite camp—there will always be another Congo here. Let me say that if some people have not been educated enough to know what has happened with the other Tshombe of Katanga then this is the time for us to tell them how "Tshombes" are going to be treated in Kenya also. The Government is fully concerned with today's problems in the country, and the Government has no time to waste on talking and listening to people who are not even concerned with what changes are needed to suit the requirements of our people. Therefore, the question of the threats that a Congo is going to come to Kenya is a daylight dream. This I want to emphasize very, very strongly. However, if I had any power, leaving the Government alone, and if I were the Government of today, I would not have time to waste on people who just preach on about autonomy and what you call secession which are not going to help the country. I would really give them a very, very good holiday. I know that if my friends in the opposite camp do not behave, some of them will find themselves having a very good holiday somewhere like the Congo or Katanga. The Tshombe of Katanga today is not in his own country.

Mr. Kamuren: Is it in order for the hon. Member to speak of the Congo, Katanga, Tshombe and so on when we are talking of the Regional Constitution?

The Deputy Speaker (Mr. De Souza): That is not a point of order.

Mr. Oduya: Mr. Deputy Speaker, Sir, I know that some of my friends only want to waste my time, a very limited time, so let me speak. If they want to correct me, can they do it later? I know very well that it will not help.

Let us think very seriously of the threats that have been mentioned in the House today by my hon. friend the Leader of the Opposition when he said that there would be another Congo in Kenya. However, to talk about the Congo is only making a statement. What we really need to do is to put the issue to the vote and see what the people think about these things.

Mr. Deputy Speaker, another thing I would like to make quite clear is that the President of Kadu—the so-called "Opposition" camp—has already said that the Presidents of the Regions have certain powers. He said that the Presidents of the so-called regions have been cheated of being Presidents. I wonder what sort of Presidents they are. If we have a Government here with a

Prime Minister, and the Government is not even a republic, and yet we have some people under this Government called "Presidents and then the Leader of the Opposition—who is also President of a small region—calls himself a President. I wonder whether this means we are a republic and if it is a republic, why then does he come to this Parliament and demand for help? Therefore, I want to tell this man, the Leader of the opposite camp—

Mr. Ngala: I would like your guidance, Mr. Deputy Speaker, I think the hon. Member is straying far from the Motion.

The Deputy Speaker (Mr. De Souza): I think he is talking about the implementation by saying that he does not agree that the Constitution needs to be changed. I do not think it is irrelevant.

An Hon. Member: On a point of order, Mr. Deputy Speaker, I wonder whether you have been noting that the hon. Member is referring to us as "these men" all the time?

The Deputy Speaker (Mr. De Souza): That is not in order. Hon. Members, please, Mr. Oduya.

Mr. Oduya: As my hon. friend has objected that they are not named I think I will say the hon. Members.

Mr. Deputy Speaker, Sir, the question now of the Leader of the Opposition urging the Government to implement the Constitution does not arise because it is well known that the policy of our Government says that there will be no implementation of any section of this Constitution except what has been already applied, that is the change of the District Commissioners under administration.

My time has gone, so thank you very much.

Mr. Kamuren: Mr. Deputy Speaker, I congratulate the Leader of the Opposition as being the Mover of the Motion. This Government ought to know that without implementing the Constitution and transferring the powers from the Central Government to the regions; going to London is a problem. The Government today has got in mind that this Constitution was signed in London during the previous Lancaster House Conference; now some new Members are here at the mandate of their people and they are talking of a Constitution that they do not know about.

The Deputy Speaker (Mr. De Souza): You are not in order in insinuating that hon. Members do not know what they are talking about.

Mr. Kamuren: Mr. Deputy Speaker, the Government has been failing to hand over to the

[Mr. Kamuren] and it is now time that they thought of implementing this Constitution which would make independence successful. I am going to say that our people who are committed to regions, our people who support regions, and our people who want regions to stand are not going to be in favour of independence unless regions are going to stand.

I could see some new Members who have never been to London, who have never been to the conference talks—

An Hon. Member: On a point of order. Is it in order for the hon. Member to refer to the Government Members without the word "hon."?

The Deputy Speaker (Mr. De Souza): I think we have dealt with this type of a point of order. It has been explained dozens of times. Please refer to Members as hon. Members.

Mr. Ngala: On a point of order, Mr. Deputy Speaker. Is the hon. Member who has just sat down in order to order other Members to sit down?

The Deputy Speaker (Mr. De Souza): Well, as I said earlier it is only the Speaker and Deputy Speaker who will tell anybody to sit down. He is certainly not in order to do so.

Mr. Kamuren: This Government acknowledges that we have the mandate of our people who chose us to come here and represent them in this House. Some of the hon. Members think that the Constitution was being pledged—they think it was a game that was being pledged—at Lancaster House, that it was a mere Constitution that the Prime Minister of Kenya today signed. As a matter of fact it was a Constitution that was signed by the Prime Minister of Kenya in conjunction with the Leader of the Opposition. I would, therefore, ask the Minister for Justice and Constitutional Affairs to see that this Constitution is going to be implemented immediately before going to the next conference. It was rather embarrassing for the Minister for Justice and Constitutional Affairs to have gone to London immediately when the Kenya African National Union won the general election and ask for Independence without the consent of the Opposition.

Mr. Ngala-Abok: On a point of order, Mr. Deputy Speaker, am I in order to ask you to clarify to the Opposition that their going to the conference will not prevent Independence from coming to this country.

The Deputy Speaker (Mr. De Souza): That is not a point of order. You will have an opportunity to speak and can say what you want to then.

Mr. Kamuren: Mr. Deputy Speaker, I want to make it clear to the Government, I want to make it clear to this African Government, as they call it, that it is not easy to have a sort of Congo or Tshombe-Katanga Government here in Kenya but it will be very easy to witness its effects if we do not have Majimbo. The Presidents in the regions have a mandate of the people more than the Ministers in this House, and, Mr. Deputy Speaker, Sir, if the Government is not going to respect the regions and implement the Constitution and transfer the powers to the regions very soon, then I would tell or request them that going to London is a mere waste of time.

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

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

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

Mr. ole Tipsi: Mr. Speaker, I think this is a very important Motion which, unless we want to evade realities and facts, we should take seriously and not try to debate it in such a way as to make it a laughing issue because it is not a laughing issue. It is a constitutional matter and as such it is a legal document which will guide the Government of this country. It is true, Sir, that we have a Government and to have that Government there must have been a Constitution which brought that Government into being. This present Constitution has a sort of decentralized power from the Centre to the regions and the local authorities have their powers as well coming directly under the umbrella of the Regional Assembly. Now, Sir, the present internal self-government Constitution was implemented, or came into being, as far as the Central Government is concerned on the 1st of June, 1963. What followed then is that a handing-over of the administration to the regions came into being on the 1st July, 1963. Ever since this time, Sir, it has become absolutely clear to everybody that the present Government has done everything in its power to prevent the implementation of the Constitution and this, of course, can be substantiated by the facts—it is a well known fact—that even after the handing-over of the administration on the 1st of July the Minister for Home Affairs went out of his way to issue instructions to the effect that no more handing-over of other Ministries to the regions would take place without his

[Mr. ole Tipis]

permission. Surely, constitutions are not made to suit a given Minister, they are not made to suit the wishes of a given party, they are made for the whole country and if the Central Government can now boast and say that they are in power, which they are entitled to, they should at the same time give the regions those powers which are rightly theirs by the right of the Constitution.

From the instructions given by the Minister for Home Affairs—and my friend the Minister for Agriculture is here and he can correct me—it is obvious that despite repeated requests that the establishment of the Ministry of Agriculture should be decentralized to the appropriate regions. He has become so obstinate, so obstructive that he will not listen to anybody because he does not honour the Constitution. I hereby the hon. Minister set an example to the other Ministers, the Ministry of Health and the Ministry of Education.

Are we ready to work a Constitution smoothly and peacefully unless it is constitutionally amended or are we going to work unconstitutionally and thereby create a situation which will create frustration in the smooth running of the Government of this country? This is a very big question and I hope the Government will be in a position to answer it.

Now, Sir, the other point is the deliberate attempt or a deliberate policy of the present Government of keeping regions short of money. We are being fed by monthly cheques from the Centre. Every now and then we are told to wait. Even the members of the Regional Assemblies are without pay because this same Government wants to frustrate them knowing full well that they are part and parcel of the Government of this country.

This is very unfair, unjustified and, if I may say so, a deliberate conspiracy to try and upset the smooth, peaceful political development of this country to our independence.

Now, Sir, they keep on saying that this is a very expensive affair. Of course, everything is very expensive. If it is a question of expense, Sir, then they should think very, very seriously of not paying any hon. Member of this House, the Ministers as well, and the Members of the Opposition, and that would apply to the Members of the Regional Assemblies.

The point here which I want to stress very, very clearly is this: that even in the public service they have done everything in their power to try and issue instructions for public officers not to opt whether they will serve in the regional

service or the Central Government service up to the 30th June, next year. Here, Sir, I feel this is a very serious affair. Our independence will be on December 12th and we ought to know who is willing to serve under the Central Government and who is willing to serve under the regional governments now. If I may say so, Sir, let us make no mistake about it or try to minimize the situation, because it is not as simple as that. We are faced here with a situation where a Government elected by the people fails in its responsibility to implement the internal self-government Constitution, and at the same time—I can say it rightly too—there is a deliberate conspiracy between this Government and the British Government in the United Kingdom to try and undermine the peace and prosperity of this country.

It is also very clear, Mr. Speaker, that all this will have very serious repercussions because it can only frustrate our people. I believe the Government should know the feeling of the people throughout the country. There are people who feel that by the failure of this Government to implement the Constitution, it is deliberately frustrating them, humiliating them and going against such a section of this country's inhabitants.

I beg to support the Motion, Sir.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I am sure that Members will agree we have given them a lot of time to discuss this Motion. Now I would like to reply on behalf of the Government.

It is not our intention to amend this Motion, but to reject it in its entirety, Mr. Speaker, when the Leader of the Opposition gave notice of this Motion we on this side thought that when he came to address the House he would treat the subject seriously and that he would come up with some logical arguments and explanation of the substance of the Motion. What has been most disappointing is that he has taken the opportunity not so much to give the House or the country any clear issues but rather to raise emotional appeals and veiled threats. Mr. Speaker, whereas it may be reasonable to understand the 'frustrations' of the Leader of the Opposition, I do not believe that these frustrations arise from any failure on the part of the Government to implement the Constitution. These frustrations are entirely irrelevant to the Constitution and all of us in this House, and the public at large, know the source of these frustrations.

It is highly dangerous for the Leader of the Opposition to try and play about with the future of this entire nation and to talk lightly in this

[The Minister for Justice and Constitutional Affairs]

House of fires, explosions and Congo's. Let me make this point very clear from the outset. This Government is not in power out of generosity and it is our intention and resolve to govern firmly and properly all the time. We shall not be persuaded by veiled threats to do anything which we do not consider proper to do. We do not intend to threaten the Opposition and the least we expect is the Opposition to think that they will get anything done by threats and all this talk about explosions.

The test of whether a person is a sincere and loyal Kenyan citizen and leader in this country must rest on whether he treats seriously the future of Kenya or lightly as a toy to play about with. I say, Mr. Speaker, with all the emphasis that I can command, that to come here and talk of fireworks and Congo's and explosions is to play about with Kenya as though it were a toy, and no leader in his right senses would come here and talk to us of explosions, fireworks and Congo's.

Mr. Ngala: Wait and see.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, the Leader of the Opposition tells me to wait and see. Let me again say—and I say it with all the force that this Government can command—our whole life and effort are dedicated to serving Kenya, to serving it well and serving it loyally. We are also dedicated to seeking to resolve her problems, and to do so peacefully and constructively. However, Sir, if the Opposition thinks—and if it thinks this is a laughing matter, we do not—that it can talk to the Government in terms of "wait and see", it is undermining that influence and contribution which it could make towards building Kenya, because the moment this Government becomes convinced that the motives and purpose of the Opposition are merely to wreck and not to build, to threaten and not to contribute, then this Government will go ahead, despite the Opposition. Our sincere hope, Sir, is that we can move forward together with the Opposition in co-operation and constructive building. We still think there is time for this reckless and negative attitude to be revised.

Mr. Speaker, Sir, we have been told by a Member on the opposite side that unless we do this, the London Conference will never be; unless we do this, it is a waste of time to go to London. Mr. Speaker, those Ministers who are going to London are not doing so for personal gain, they are going to try and work out the last settlement between us and the British Government, to give

Kenya her sovereignty and to return her her dignity.

Mr. Speaker, Sir, if the Opposition oppose this objective and purpose of the London Conference, then the public is entitled to ask: what does the Opposition want? We have been told, Sir, that it was wrong for the Government to have gone to London to seek to set a date for independence.

An hon. Member: Who said so?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Either the Leader of the Opposition has ears or he has none.

Mr. Speaker, I am proud that in a small way I was associated with those who were able to settle and finalize the date for independence, and this Government will always be proud that within a few weeks of internal self-government we were able to give the people of Kenya a definite date for independence and remove the confusion and anxiety which have existed in the minds of our people for so long. Sir, if we are being charged with having brought the date for independence, we plead guilty and we accept the charge.

An hon. Member: That was not part of the Motion.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): If the Opposition knew it was not part of the Motion, they should have restrained themselves from bringing these irrelevancies.

An Hon. Member: Are you agreeing with it?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I am setting the record right.

Mr. Speaker, Sir, having said this, let me make this other general comment. The Leader of the Opposition comes to the House and says the Constitution has never been implemented. Kenya became self-governing on 1st June this year, and has remained so. If the Leader of the Opposition and the Members on his side do not know this, they should know it today, that this country has been enjoying the full powers of internal self-government from 1st June, and therefore the Constitution is already operating. In each of the regions there is a Regional Assembly elected as laid down in the Constitution. That, Sir, is part of the Constitution, and for that reason the hon. Leader of the Opposition sitting opposite me earns £100 each month. This is part of the implementation of the Constitution. It is necessary because the public ought not to be misled to think that the Constitution has never been implemented; it has been implemented.

[The Minister for Justice and Constitutional Affairs]

As far as Schedule IV of the Constitution is concerned, those powers to which some Members have referred, that are regional powers by virtue of Schedule IV of the Constitution, are in fact their powers and have been since 1st June this year. I am surprised at their ignorance. The Regional Assembly is, as of today, entitled to legislate on any of these issues if they so wish. If the Presidents and Vice-Presidents of the regions have not fully explained the position to the Regional Assemblies, the Central Government is not to be blamed. A lot of time is being taken arguing about irrelevancies. Have the Central Government at any time denied the Coast Region, the Rift Valley, the Western Region or any region the right to legislate as they have power to do? All they want is to argue about salaries.

Mr. Speaker, the Constitution provided for the establishment of public service commissions. These have been established, they are operating, as of today.

Mr. ole Tipis: From the head office.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): From Nairobi, where they should be. We are told that the police have not been implemented. The fact is that today in the regions, the law and order committees are operating, and the Regional Commissioners of Police sit on them and act as executive secretaries. Does the Leader of the Opposition deny that fact? Is that not the implementation of the Constitution? This Constitution is being implemented, and it is a question, Sir, of whether the Leader of the Opposition understands what is being done, or whether he merely thinks that it is necessary for his tactical position in the London Conference to create a state of panic and fear in the hope that it will help in his arguments. This, if it is the manoeuvre, is a very cheap one; it is late. The Government fully understands the position.

Mr. Speaker, the Leader of the Opposition talks of things not being properly implemented. In each region today there is a civil secretary. There is no provincial commissioner, no district commissioner. Instead, there is a regional government agent as laid down in the Constitution, and the President of the Coast Region fully understands this.

Mr. Speaker, we are told that if we do not implement this Constitution, they will not celebrate independence. Any African in this country who fails to celebrate independence is a sick man, or a mad man, because anyone who cannot realize

the significance of independence, that man is mad. The Government does not believe that anyone will fail to celebrate independence, nor shall we be threatened or intimidated with that kind of talk.

The Leader of the Opposition referred in sweet words to his idea of co-operation with the Government, and he asked why the Government has not called the Presidents of the Regions and consulted them on this and that, but is it not a fact that when the Minister for Regional Affairs attempted to do exactly that, when he called the Regional Presidents to discuss various matters, the Mover of this Motion walked out of the office instead of staying and participating in the discussions? Is it not a fact that the Mover of this Motion refused even to receive and read a general circular sent out by the Government aimed at facilitating the consultation that he now asks for in this House? It is not very fair, on the one hand, to be offered these overtures and to reject them, and on the other to come into this House and mount a propaganda machine. If the Opposition is serious that it wants to discuss these matters, it must then seriously come forward and accept the full terms of such discussions, but they cannot walk out and refuse to read circulars sent to them, and at the same time say that they want to be consulted. Who is going to consult people who walk out on them?

Now, Sir, the Government concedes that certain aspects of this Constitution have not as yet been fully implemented. We do not hide that fact, but it is entirely unfair to suggest that in the light of the amount of implementation which has already taken place, there is any hidden motive in not having succeeded in implementing certain parts of the Constitution. Physically to transfer establishments and to transfer persons requires certain preparations and arrangements, and the Leader of the Opposition and his senior colleagues were part of the Coalition Government which acknowledged that you could not implement all parts of this Constitution overnight, that it would take time, and consequently it was provided for that the financial year 1963/64 would be a transitional year during which certain changes and transfers would be taking place.

The Leader of the Opposition was a signatory to that understanding. He agreed with us that the transfers and changes would take at least twelve months, and that was also stated in the Press Report. As a consequence, budgetary responsibility for 1963/64, was agreed, would be a Central and not a regional responsibility. It was further agreed that no region would have control of its own budget until the financial year

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1964/65. These facts, Sir, are well known to the Leader of the Opposition, and yet we are being told here that we have refused to transfer the money. We have refused to give them control of this. This was part of the Agreement.

The hon. Member for Narok West who has just left said in this House a few minutes ago that the option given to the public service—whether or not they wish to serve in the regional public service or the central public service—is not satisfactory in that it is put until June 1964, and he seeks to blame this Government for this option going up to June 1964. Yet, Sir, he himself and the Leader of the Opposition were parties to those who agreed that the option given to the civil servants must last until June 1964. Why should we accept blame for it?

An Hon. Member: Acrobats!

The Minister for Justice and Constitutional Affairs (Mr. Mboya): These acrobats must cease if the Opposition thinks that this option is too long. The right thing would be for the Leader of the Opposition to write to the Prime Minister and ask us whether we would be agreeable to reconsider the period of the option. We have received no such letter. With regard to the question of paying money to the regions, the Press Report made it quite clear and the transitional period was made quite clear, that no money was to be transferred unless it was being transferred in regard to a service which had been transferred. What the Leader of the Opposition wants us to do is to transfer the money before the service is transferred so that they may do what they like with it.

Mr. Speaker, it has been said here that the Government has refused Regional Assembly members the money to be paid as salaries. Let us be frank with the Regional Assembly members and the public. Is it this Government which is refusing them a salary? Is it not a fact that the Leader of the Opposition was a party to an agreement last year, or early this year in which it was agreed that Regional Assembly members would never be paid a salary, but an allowance. If it was agreed and the Leader of the Opposition accepted it at the time, that regions would be run on a local government basis, and therefore the members would only receive an Attendance Allowance and not a salary, and the Leader of the Opposition was, at that time, Minister for State, and he agreed, and if today he is afraid to tell his Regional Assembly members the truth, he should not try to pass the buck to the Government. The truth is that it was agreed that the President.

Vice-President and the Chairman of the region would be paid a salary. It was never agreed that members would be paid a salary, and what we are being asked by the Opposition now is to transfer the money to the President of the region, so that he can begin to pay salaries which he never agreed could be paid in the first instance.

Mr. Speaker, it is necessary that these facts are brought out.

Now, Sir, before I conclude, I want to make this point. In order to transfer some of the services, it is necessary that a Ministry has a general picture of the requirements that this region is going to need. It is true that some regions have now, by resolution, decided that they will accept the full complement of the establishment which exists in their region as of today, but it is equally true that some regions have not yet done so. Even as we speak here, the Western Region, we understand, only yesterday passed a resolution accepting the establishment of the Central Service. Other regions have not done so. The Coast Region did so first, and the Rift Valley did so, but never took the trouble to let us know until we inquired. What are we expected to do? It is in the interests of the region itself to carry out its responsibilities before starting to blame us. The Minister for Agriculture asked regions, seven weeks ago, to give names for the Coffee Board. Until today, only the Western Region and Nyanza Region have submitted names. The others have not yet done so. On the Pyrethrum Board, a request was sent out four weeks ago but there is no reply to date. The Central Agricultural Board did so three months ago, and only one name came in from Nyanza. The Egerton Agricultural Board did so two months ago, and we are still waiting for a reply. It is not the Government alone which is needed to act in order to implement the Constitution.

I want to assure the House that the Government is going to act and we are going to ask our agents in London to act as effectively as possible. As for the Opposition, they must go to London. If they feel that they will have diplomatic sickness, then they must tell their people the truth, that "we feel that we are going to be beaten and therefore we will not go". We are moving very progressively and rapidly towards full implementation of the Constitution, so I do not want veiled threats. It is no good trying to hold Kenya to ransom because no Region, no political party, no Opposition will ever succeed in holding Kenya up to ransom. This Government is dedicated in its policy, and it is fully conscious of its responsibilities to all its people. I repeat, all its people: "all" with a

[The Minister for Justice and Constitutional Affairs]

capital ALL. It is no use saying that the Government does not represent all the tribes. We represent the tribes of Kenya just as much as the Opposition. We represent the Kalenjin, the Nandi, the Masai. One of the Members says that the cabinet does not have leaders from all the tribes, but Sir, if the Cabinet was to consist of every tribe what a Cabinet that would be. Mr. Speaker, there will be no question about this Government's intentions. Our Prime Minister, if he was here today, would have repeated what he has said many times, and the response which the country is already giving to his call is already being proved throughout the country, including Mombasa.

Mr. Ngala: Mr. Speaker, Sir, I note with regret that the Government has rejected such a Motion. I would first of all like to clear the misrepresentation that the Minister for Justice and Constitutional Affairs made. I think that the Minister for Constitutional Affairs has not been serious in his talk. He has shouted a lot which has meant nothing to me, because I know the Constitution much more than he does as Minister for Constitutional Affairs.

Firstly, I must make it quite clear that I have not said that the Government has not started to implement the Constitution. In fact, at the beginning of my speech I said that the powers of administration were transferred as from the 1st July. I also acknowledged the fact that Committees had been created, Presidents had been elected, and it is quite useless for a Minister of his stature to get up and infer that I said that something had not been started when in fact I acknowledged that it had. I think that if he had any appreciation of the Motion He would have seen that I had made it clear from the beginning.

It is true that I was in the Coalition Government. The Minister was trying to say that we in the Coalition Government determined what was to be done, or what was to be paid and how, to the Regional Assembly Members. I would like to refute this very strongly indeed. The Coalition Government to which I belonged only decided very temporarily the salaries—and this is no laughing matter—of the Presidents and the Chairman of the Committees. In the Constitution itself—I have no time to quote it—it lays down that the method of paying the Regional Assembly Members will be decided upon by the Regional Assemblies themselves. The Minister of Constitutional Affairs knows this, but he is pretending not to know anything about it

at all. It is up to the Regional Assemblies themselves to lay down the methods by which payment will be made to Members. What has happened, Sir, is that when the Regional Assemblies laid down the method of payment, then the Minister in charge of Regional Affairs who has in his Vote a provision of £1 for the expenditure, he comes to me and says that the £1 is not forthcoming. That is the trouble. This is what I am trying to put across to this deaf Government. The £1 is the nominal provision, and it is no use trying to pretend or trying to distort something about which you have full knowledge. If the £1 which was allocated was forthcoming, the Regional Presidents and the Assemblies would be able to pay the Members. The salaries of the Regional Assembly Members are not to be dictated by the Central Government, you know the Constitution as well as I do. Having cleared this question of salaries, I would like to reply to Mr. Oduya who said that the policy of the Government was not the implementation of the Constitution. I was waiting for the Minister to refute that. However, he did not refute it. If this is the policy of the Government not to implement the Constitution then we are playing a very dangerous game; to ask on the one hand for co-operation from the Opposition and on the other hand not implementing the Constitution. The nation will not be built if there is no Constitution. If this was Mr. Oduya's statement, that the Government is not implementing the Constitution and his statement is true then I am ashamed of the Government. Mr. Oduya then went on to say that he wanted power to deal with the Members as cowards. This is a very peculiar mentality. If this is allowed by the Government then I would want some private time to deal with the Member as I want to.

Now, on the question of the Congo, we have never said that we believe in violence, we have never said that we believe in subversion, we have never said that we believe in any kind of letting down of Kenya as a nation. All that we are doing here is to press for—

An hon. Member: On a point of order, Mr. Speaker, is the Leader of Opposition aware?

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

Mr. Ngala: What I am requesting here, Mr. Speaker, Sir, is the implementation of the Constitution. The Minister for Constitutional Affairs has said that the Constitution has been implemented as from the 1st of June, that self-government has been implemented from the 1st of June. Yet the elections of the Municipal Councils and

[Mr. Ngala]

The Town Councils took place last week, and the nomination which should have been done by the President of the region was done today by the Minister for Local Government. Now that is a clear example to show that the powers have not been transferred yet. Even the powers of nomination which should belong to the President are still in the hands of the Minister for Local Government. You can query this if you wish, but you know it very well.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): This is the Governor's power.

Mr. Ngala: This is not the power of the Governor in the Constitution.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): It is.

Mr. Ngala: Well, you can look at the Constitution as your homework for this evening.

The other point, Sir, which I would like to make is that the hon. Mr. Oduya has said that the President are being cheated, they are made to believe that they have powers but they are really being cheated. We do not create Constitutions to cheat the public. We do not create Constitutions just to make the public have false confidence. I am happy that the Presidents are sitting here today in the Gallery of the House so that they can see that the Government is saying that they are being cheated. You should be ashamed of yourselves because you—

The Speaker (Mr. Slade): Order, order. Mr. Ngala.

Mr. Ngala: I am sorry, Sir.—The Government should be ashamed of itself for obstructing or standing in the way of the Constitution. It is not sufficient to say that it was declared by notice in the Official Gazette of Kenya as from the 1st of June. This is not sufficient. We want the *Majimbo*, and the powers, and the appropriate finances to be transferred to the appropriate regions. I am told that we have the regional government agents, but these are names. What is in a name? We want the money to run the establishments and the departments that belong to the regions. The Ministers keep on talking about the salaries of the Presidents, which is one-seventh of the salaries of the Ministers. Why do they not talk of reducing their own salaries? Why do they not mention their salaries in the Constitution? I want them to forget this very destructive habit for the benefit of the country.

Mr. Speaker, Sir, I am told that we are frustrating the Government. We are not frustrating them, we are doing our work as the Opposition. In fact, we are proving to be a very active Opposition and presenting no frustrations at all to the Government. We have not come here for a job, we have come here to look after and protect the rights of our people. That is the reason we are here. We know that the Government did not come into power out of generosity and for a Minister to stand and tell me here that they did not come to power out of generosity is silly. We know that in a democratic country you have a Government side of one party and an Opposition of another. Why tell us this when it is obvious even to a Standard I pupil in the country? You are wasting your time.

Mr. Speaker, Sir, I noticed that the Minister was very careful in the use of all his adverbs and adjectives not to touch the words "constitutionally" or "constitutional". He mentioned "constructive", "peaceful" and many other such words, but we want him to see that the Government is not acting constitutionally at all at the moment. I have given you the example of the Minister for Local Government. It is not constitutional the way he is running his Ministry. We have no motives of breaking the Government, the Government will break itself in time. We do not have a negative attitude. It is the Government which has the negative attitude by not implementing the Constitution. It is not the Opposition; the Opposition is only acting for the implementation of the self-government Constitution, and we know that Kenya has been governing itself internally as from the 1st of June—this is not new information—but we want the right powers to belong where they appropriately belong, according to the Constitution, that is the regions. That is what we are putting to you. We know the date, for Independence and nobody has said that we would try to stop Independence coming to Kenya. We want it to come but we want it to come founded on the right Constitution. This is all that we want, this is the way we want Independence to come. If you are not acting constitutionally then do not expect the Opposition to act constitutionally, you will be living in dreamland if that is what you think.

Mr. Anyieni: On a point of order, Mr. Speaker, the Leader of the Opposition is referring to "you not behaving constitutionally". Mr. Speaker, Sir, I think we have been behaving "constitutionally".

The Speaker (Mr. Slade): Mr. Anyieni is right. Mr. Ngala has been reminded three, four, five times to address the Chair. Hon. Members must

[The Speaker]

to bear this rule in mind, it is very important to the dignity of the House. Whenever they use the word "you" in the Chamber it must be addressed to the Speaker and no-one else. I do not mind where they look when they are speaking, but the word "you" must only be addressed to the Speaker.

Mr. Ngala: Mr. Speaker, Sir, on the question of the budget, it is, of course, clear that we agree that during the 1963/64 year the budget should be framed here, but thereafter it should be the business of every region. We did agree to that, but the provision of £1 in the present provision for 1963/64 is not being transferred. Therefore, even the budget provision is not being complied with and that is the complaint of the regions. Secondly, a new factor has arisen and that is that everybody advocates that it will take a little bit longer to work the internal self-government constitution. The Minister for Constitutional Affairs has a date now, the 12th December, and, therefore, I have insisted in my Motion that we should have a supplementary budget and we should adjust our ideas to fit in with the circumstances and the conditions. I do not think this is wrong even in matters of giving option to the Civil Servants. That also must be adjusted to fit in with conditions and the circumstances in which we find ourselves. The powers, as I have said before, have not yet been transferred and, therefore, we do not want just names and titles of all the District Commissioners and the Provincial Commissioners to be changed into regional titles. What we want are the powers mentioned in Scheduled IV, the powers I have mentioned, to be transferred to the regions.

The Minister knows very well I have written to the Prime Minister, and I have also seen the Minister for Home Affairs—he can deny it if he wants—and I have also seen the Minister for Pan-African Affairs and he is also here. Now to suggest that we have made no approaches to the Ministers, I think is quite wrong. We have done everything we can to make sure that we get our rights, only our rights, what belongs to the regions. Not your rights, it is our rights we want. Therefore, Mr. Speaker, I think we must decide—

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): Mr. Speaker, on a point of order, I think it is now time.

The Speaker (Mr. Slade): Only just at this very moment has the glass run out.

Mr. Ngala: Mr. Speaker, Sir, I see that the Minister is panicking and, therefore, I would like

to say that I hope the Government will quietly and rapidly implement the Constitution for the good of the country as a whole.

(The question was put and negatived)

The Speaker (Mr. Slade): We have not had two hours on an official Opposition Motion so that the time that is left should be allotted to the first free-lance Motion which is Mr. Gachago's.

MOTION

NATIONAL PROGRAMME FOR KENYA YOUTH

Mr. Gachago: Mr. Speaker, Sir, I beg to move:—

That this House notes with gratitude and admiration the great contribution made by the youth of this country in the struggle for our *Uhuru* and urges the Government to plan and assist immediately a National Programme whereby the country's youth will be suitably and profitably occupied to ensure that they will play their full part in the development of Kenya.

Mr. Speaker, Sir, my Motion is hardly worth moving because the substance of this Motion and the importance of it is very clear to everyone, and I do not anticipate that there will be any opposition to this Motion. On the contrary, I believe the whole House will co-operate with me in seeking what I believe is very important, and that is to have a National Programme to keep the youth of this country in suitable and profitable occupations.

The intention of my Motion, Mr. Speaker, Sir, is not to please anybody nor is it to embarrass anybody. It has been anticipated that perhaps by moving this Motion I intend—and I probably will—to embarrass some of my colleagues. This is a very wrong assumption. If any Member of the Opposition is of the opinion that by moving this Motion in a free-lance capacity I intend to embarrass the Government, or any section of the Government, it is a misconception and it is this misconception that I decided to clear up before I go ahead with my Motion.

My Motion could be divided into two sections. One is the section that deals with the gratitude for the contribution made by the youth, and the other part that deals with the most important part of the Motion and that is the National Programme to develop the youth and get them suitably occupied. These two parts of the Motion are very closely related to one another, and I would like to deal with them very briefly.

[Mr. Gachago]

First of all, although the word "youth" could be interpreted to mean the young people, including the school boys, including those very, very young kids who are at school and who are not at school, politically, the word means mainly those who are in the political field. However, in terms of my Motion and in terms of my request for the Government to do something for the youth I include all these sections of the youth, the political youth, the small boys and girls and every section of the youth one wants to think of, and they should all benefit as a result of the Government accepting this Motion.

If we consider those who should be congratulated or who should be thanked for their contribution to our past struggles for Independence, we can see many young people—young boys and girls—dedicated to the cause of freedom, to the achievement of Independence and the self-government that we enjoy today. Almost entirely all of the youth worked with us unpaid, unprotected and even then they worked together and worked with us and they did all they could. They, therefore, bought privileges. We, the political leaders, with the rest of the country joined with them to fight and to defeat colonialism, and as a result of their struggles and as a result of their co-operation we have defeated colonialism, we have bought freedom from the colonial régime that was ruling this country. This effort has landed us in a situation where we are now self-governing. Furthermore, we have, as a result of their co-operation and hard work, achieved also the victories of the parties. My party has achieved and has been victorious in obtaining status where they are now the Government. The other party has been victorious in that they have achieved the status of being the Opposition in this House, although they will probably not appreciate that because they would have liked to have been the Government, but this is not my concern right now.

Although these people sometimes can be regarded as being hostile—I know the very mention of the word "youth" makes some people shrink because it is the same people who were fighting, the same people who caused riots in public places

we cannot always consider a human being to be in the wrong. We must also be able to consider human beings in their rights and their contributions. As a result of what the youths did we have these three victories. We have achieved self-government which consequently will lead us to the independence of this country, and we have also achieved the victory of the parties, one being the Opposition and the other being the Govern-

ment. These two victories which remind us of the contributions of the youths of the country also remind us that if we go deeper and think more we will be reminded of one other thing, that the youths of the country have some energy. This energy, Mr. Speaker, Sir, can be used either in a destructive or a constructive way. Here, therefore, comes the question, Is either the Government or the Opposition—in this House—willing to see the energy that the youth spend, and we have witnessed it being utilized, running to waste? Can we afford to leave it to be used in a bad way in so far as it would be dangerous and destructive? That, Mr. Speaker, Sir, I am sure neither the Government nor the Opposition can afford to see happen in this country. If this is the case, Sir, if we cannot afford to see this energy running to waste, if we cannot afford to see this energy being ignored, if we cannot afford to see this energy being misused then this is exactly where the Government comes in.

There are two aspects of looking into this problem. The first and foremost aspect is where the energy of the youth can be used to develop the country, looking at the question of development, the youth, irrespective of whether they are the political youth, young boys or girls who have not as yet taken an active part in doing things, it is the responsibility of the Government to prepare these people to be good citizens of the future. These are the citizens of the future and the fact that they are the citizens of the future nobody can dispute. However, whether they will be good future citizens is the question that is facing us today and we certainly want them to prove to be good citizens. If we do want them to be good citizens of the future, the only thing we can do is to ask the Government to prepare them to be the good citizens of the future.

The other aspect, Mr. Speaker, Sir, related to that, is that in this country although it is desirable that the young boys and girls should be educated, it is unfortunate and impossible to get all of them educated. The reason is that we do not have a sufficient number of schools, we do not have enough teachers and, on the whole, we do not have a satisfactory and a good system of education into which we can fit everybody. Some of these young people unfortunately in the past have not received any education, some of them even today do not receive education and, as a result of their not getting any education, we may in the future be faced with a situation where these people will be a danger to the security of this country. Do we want this to happen? Do we want to perpetrate such a situation or the coming of such a situation? The answer is definitely

[Mr. Gachago]

"No". Therefore, what are we going to do to see that such a situation does not arise where our young boys of today—of the past and of the future as well—will be a danger to the security? Some of these boys who are not getting education will want to live like us, will want to live a modern life, they will want to fit in a developed and prosperous Kenya but, probably, without employment and it is important that they have some form of education or training—they cannot fit into our present form of society. Are we providing this training? Do we care well enough for the youth to prepare them for the future? I am sure we do not.

Now, Mr. Speaker, Sir, I see I have very little time to speak and get my Motion sanctioned and I would therefore like to be brief.

Needless as it is, I would like to make certain proposals. Throughout the world there are Government-sponsored youth organizations. Throughout the emerging Africa, the emerging states of Africa, the independent states of Africa, there are creative and constructive ideas as to how they will organize their youth. I claim to have travelled around quite a bit of Africa, a bit of Europe and parts of Asia and I have recently touched on the American soil. I have seen that various Governments are very keen in trying to see that (a) the energy the youths have, that creative energy, that important energy that they have, is not allowed to run to waste, and (b) that the energy they have is prevented from being destructive and they have—in most parts of Africa and in the developed countries of Europe and America—developed youth organizations which are organized by the youth and sponsored by the Government. These youth movements are functioning well and they have proved useful both to the country and to the youths themselves.

I am not accusing my Government for not having done this, because it has been in power for only a few months and I do not know if it is one of the programmes they have in mind. However, I think that the creation of a National Programme for the youth is long overdue and is so urgent that if time is wasted in making it materialize the Government might, in the long run, have more serious consequences than just the ignoring of the youth of the country. I know it costs some money for any Government to establish a sound youth movement and a good youth system, but what good comes out of anything without spending a little money?

I know, Mr. Speaker, that if, for example, the youth assembled somewhere and started creating trouble, fighting or destroying the country's assets,

the Government would not waste time in organizing forces to go and deal with them. If the young people of a certain part of the country started misbehaving, the Government would not waste any time in spending as much money as necessary to deal with the situation and to restrain such a group. What I am asking the Government to do in this Motion is to prepare the youth, so that at one time or another it will not be necessary to take action which will cost the Government more money and which will see the youth of our country spoiled.

Mr. Speaker, Sir, it is just impossible to think of a good programme in any part of the world which could be organized by the Government without any expense, but in a situation like that of this country today I am sure the Government could organize a national youth programme without necessarily spending all that much money.

The youth who are being used by all of us, in fostering and developing our political organizations are still in this country and are anxiously waiting to see, now that the African Government has come to power, what it is going to do for them. If something is not done for them immediately, nobody can tell what the youth will resort to. They might resort to any kind of destructive action which the Government does not wish to see carried out in this country. So, Mr. Speaker, Sir, I am sure no person with creative and reasonable political and social thinking would stand in this House or in any part of this country and tell us that the organization of a national youth programme is not due or even long overdue.

The Speaker (Mr. Slade): I think it is the end of your time, Mr. Gachago.

Mr. Gachago: I am sorry, Mr. Speaker, that my Motion has had to come when time is so short. All I am asking is that the Government develops a system whereby the youth of the country can be suitably and effectively utilized, so that the energy they have does not run to waste and is not used for destructive purposes.

With this, Mr. Speaker, Sir, I beg to move.

Mr. Gatuguta: Mr. Speaker, Sir, I would like to know whether this Motion, before I second it, will continue next time, because there is such a short time to discuss it and it is so important, and there is no time for the Minister to reply. I would like to know your ruling on this, Sir.

The Speaker (Mr. Slade): The next occasion when we have a Private Members' Day on which there is time for "free-ance" Motions, the continuation of this debate will take precedence, provided that it is still in the same Session, because

[The Speaker]

at the end of a Session everything dies which has not been completed.

Mr. Gatuguta: Thank you, Mr. Speaker, Sir.

I rise to second this Motion on a youth organization. I think my colleague, the hon. Mr. Gachago, has dealt with it very well and I have very few things to add. What we have to note, Mr. Speaker, Sir, is that the youth of this country are the people who have worked hard and have struggled for the independence of this country, and they are the people who have enabled this Government to come to power. Consequently, it is a matter of very great importance that this Government should take a very keen interest in the youth movement in this country, and that there should be a national programme through which the efforts of our youth can be channelled.

For the last several years, during which this country has been fighting for independence, our youth have been directing all their energy towards the achievement of independence, but now that independence is coming about very soon, the question, of course, arises as to what the youth of this country are going to do next. If the youth of this country are not provided with something constructive to do, they might be a danger to security, as the previous speaker has said.

We can make use of our youth to develop this country and we must not lose this opportunity, because this is a time when the youth of this country are very enthusiastic about what is happening. We are faced as a Government and as a people with three great dangers in this country. We are faced with the dangers of ignorance, disease and poverty, and it is the duty of every person in this country to eliminate ignorance, disease and poverty. It is more so the duty of the youth because they are capable of working, they have the energy and the interests of the country at heart, and they are the people who could be used to eliminate these three dangers. They could be used to build this country and, in fact, when our Government talks of building a new nation, we realize very well that the people who can help to build this nation more than anybody else are the youth. That is why this Motion is calling upon the Government to organize a national programme through which the youth of this country can do something constructive for our country. Of course, without the guidance and insistence of the Government, the youth can do nothing.

There are many things in this country which the youth can do. We are faced with the question of eliminating illiteracy in our country, and when

Kanu was fighting for the last election, it was declared as a policy that Kanu would do away with illiteracy as soon as possible. One of the things which the youth can be employed upon is adult literacy. They can move around the countryside, in the villages, and organize adult literacy classes, and in a few years' time—it is not a question of months—we shall find almost everybody in a position to be able to read and write. It is the duty of the youth, as a matter of fact, to teach their parents and the old people how to read and write and to do a little mathematics. If the Government could help the youth to do this particular job, I am sure they could do it and do it quickly. The youth of this country could also be employed in other projects, for instance, road construction, in the case of those who cannot do the job of teaching. We know that road development in our country is very poor and that unless we have properly developed roads the economy of this country cannot progress. We could get the youth of this country, who are so keen to work, to do this particular job.

There are various other projects, such as school building, which is something else they can do. In the countryside people are finding it extremely difficult to put up good classrooms for our students.

I believe that our youth, even a fraction of it, would be able to do this particular job, and that several of our schools in this country improve the buildings.

Now, Sir, there are many projects in which we can put our youth, and it is the responsibility of this Government and this House to accept this Motion, and accept the committee to organize or arrange the programme under which these people can set, so that something can be done about it. We know, Mr. Speaker, Sir, that there are some people who might say that the Government has no money to organize all these projects and put every youth into action. That is not a serious problem, because what we have in mind is a bit of voluntary programme which will not cost the Government or this House much money. What we need, Sir, is organization of the youth and a sense of direction so that they can be useful to this country.

I see that my time is passing, Sir, and I do not think I have much more to say on this but I hope that this House will support this Motion concerning youth, which is so vital to this country, not only to the youth themselves, but also to the nation. We need a number of youths in the army or in the police forces, tomorrow if not today, and the only thing we can do to train these people

[Mr. Gatuguta]

is to organize them so that they are ready to take responsibility for protecting this country in the near future.

With these few words, Mr. Speaker, Sir, I beg to second.

(Question proposed)

The Speaker (Mr. Slade): It is so near the time for interruption of business, I do not think it is worthwhile calling on any other Member to speak.

Mr. G. G. Kariuki: As there is one minute, Mr. Speaker, Sir, I wonder if I can reserve that one minute and speak again later.

The Speaker (Mr. Slade): You can reserve that one minute if you like. Do you want to speak?

Mr. G. G. Kariuki: Yes, Sir.

The Speaker (Mr. Slade): You can begin to speak and then you can speak again on the subject next time.

Mr. G. G. Kariuki: Mr. Speaker, this Motion is not as simple as some people might think, and I would like to say at least a few words today in connexion with this Motion.

The youth of this country and Africa in general are the social leaders, and if we are going ahead to build this nation we must give preference to the needs of our youth who have done so much in the past during the elections and who are quite willing to do much more in the future.

As the hon. Mover pointed out, there are so many programmes to which our youth can actually contribute in this country, not only those which we have mentioned today but also many others which I would like to point out if I had more time to explain them. I see now that the time has expired and I would like to ask you, Sir, whether I can proceed when we meet in the next Session.

The Speaker (Mr. Slade): Yes, whenever this debate is resumed.

MOTION ON THE ADJOURNMENT

ITHANGA HILLS EVICTIONS

The Speaker (Mr. Slade): It is now time for the interruption of ordinary business, so I will call upon a Minister to move that this House do now adjourn.

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I beg to move that this House do now adjourn.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki) seconded.
(Question proposed)

The Speaker (Mr. Slade): Before calling on Mr. Ngei, perhaps I should remind hon. Members that we only have half-an-hour altogether for discussion at this stage and that every hon. Member is limited to ten minutes.

Mr. Ngei: Mr. Speaker, Sir, I am bringing a matter before the House this evening, not just because I want to come and oppose; there is no opposing here. There are mere facts which I am presenting to the House this evening.

This is a matter touching a 150 Akamba who are now languishing in prison and who are now being publicly fed under my direction because they have nowhere to go. This is a case of seventeen children who are parentless, and when I say parentless they do not know where their parents are at the moment. This is a case of two women delivering or having babies, to put it in naked language, in a publicly supported place just because the police, under some sort of pretence, removed these people from what is universally known as three abandoned farms in Ithanga, and these three abandoned farms are at the moment being usefully occupied by the Akamba. We know very well from the time when the Prime Minister went to London during the time of the Carter Commission and other reports and Commissions which have been submitted to the British Government, then the Colonial Government, that Ithanga—and this is also accepted by those prominent Kikuyu and Kamba Elders—that this was Kamba land.

When I say that, I am not, and repeat not, trying to raise tribal feelings. But, of course, one need not prove to be non-tribalist, when his own property is being snatched from him. I am not trying, Mr. Speaker, because this matter touches the Minister for Home Affairs, to say anything against the Ministry, but I am trying to point out one of the cases which I believe before long, some of the Members here, including myself, will be thrown at us, which, of course, I am not encouraging, because of the negligence of poor souls like these on whose behalf I am speaking.

These lands, which were formerly farms, were abandoned and then reverted to what was known before the Lancaster Conference as Crown land, and this Crown land reverted to African Land Units. But before the reversion of these farms which I have just mentioned, the Akamba people had been staying in the place, cultivating their *shambas* there and having their own goats and cattle where they lived. When I tried to obtain

[Mr. Ngei]

information—as to why these people had been mercilessly removed from this area I was told by one of the junior police officers that these people had been removed because there had been alleged arson of the surrounding or adjoining farms around Makuyu.

I do not want to go into this more deeply, I am not a learned man, as the lawyer said, but I have never seen a man being accused of a crime which is committed by another person. If we are to see things happening like this, then I am sure circumstances will take a serious turn. Think of women just being put in jail and then being pushed out of it by some shall I call them *askaris* who have in their minds that they still have the power they were given by their former masters. They are handed over to an African court and fined without being told anything. This is the African court at Thika. They are fined Sh. 10, Sh. 20, Sh. 75, without being told why, just because somebody dropped a cigarette and started a fire on a farm, without any deliberate intention of burning the farm. Then seven lorries filled with police came to arrest women. Some of them were just trying to pick peas and so on in their own *shambas*. They were charged with vagrancy, trespass. Where are we? What about the proud Government of Kenya? We have been accusing the Colonial Government of very serious and merciless atrocities like this. But here is a Government of Kenya, and—I should say without the knowledge of the Government—underneath something like this takes place. Seven lorries go to the area, everybody who is found there is taken, and all these people are hauled off to Thika. They are charged and fined. They leave their belongings, their clothes, their children. Some of their children were left without parents; their granaries are full of maize. Then from Thika they are expatriated to a police station at Kangundo, they are left there and are told to go whichever way they wish.

Mr. Speaker, I regard this matter very seriously, and I have the right to do so as an elected representative of these people. I tried to get the information from the department in the Ministry concerned, and I was told that these people were arrested, brought before the court and accused of trespass and vagrancy, that many were fined because of vagrancy. I do not know what this description of vagrancy really means, but I can be a vagrant as well if I cannot get employment and I have nowhere to stay. This is not because those people are not human beings; it is literally so. Some of us, including the hon. Members here—and if they refuse I can say so—have reached

the stage of being a vagrant, without money, and having no money, being treated as a criminal, when I can get no means of livelihood, when I have no employment, and yet this Government professes to be an elected Government which is here to help those who are poor. I have been told many times that this is a nationalist Government. I believe it is, but how far are we going to believe that it is when such things are carried out.

I have also been told by the police—they did not know what they were trying to say, but it was just because somebody was doing something without their knowledge—that these people have been accused of illegal grazing. I say, grazing where? In the abandoned farm which reverted to Crown land and the Crown land reverted to the African Land Unit. Where does the illegality come?

Mr. Speaker, Sir, after following it up the police officers gave up because they could not really answer these things. They did not know what was happening and on top of that we have some people who still think that these are still the good old days of the Imperial Government, when they did carry out what they set out to do without being questioned. He goes on arresting and handcuffing women. I have seen with my own eyes what they do. I was there during the night trying to find out what was happening and getting food for these poor people and I saw a chief ordering somebody to go and handcuff a woman.

The Speaker (Mr. Slade): I think your time is up.

Mr. Ngei: Yes, Mr. Speaker. I would only like to speak for another half a minute or so.

The Speaker (Mr. Slade): I am afraid it is not possible.

Mr. Ngei: That is my fate, Mr. Speaker, Sir.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I apologize to the Mover that I was not in to listen to the whole of his speech, but he knows very well the concern of the Government in this particular case because he raised it to the Minister for Home Affairs and myself yesterday and we promised to investigate the circumstances of this action as well as the allegations which he has made. For the time being I must refer to them as allegations because we have no proof that all the various incidents have taken place. We understand, however, on preliminary investigation—

Mr. Ngei: Are you calling me a liar?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): No, I called them allegations until we prove them.

[The Minister for Justice and Constitutional Affairs]

On preliminary investigation we understand that certain people were evicted indeed in that area. We understand they were evicted because they were trespassers who lived on this land and abandoned, in one case, and other people's land in another and then started burning some of the area and, consequently, as a result of a court order, the police moved in to secure the evictions. In the process of this eviction, people were maltreated or mis-handled, women and children certainly the Government takes a very serious view of this and intends to take appropriate action once we verify the fact. The Government assures the hon. Member that we will not tolerate any mishandling of the people even if it is in the process of carrying out a court order. Sir, there is very little that we can add at this stage in this debate until our investigations are finalized and I would like to invite the hon. Member to continue discussion on this matter with the Minister for Home Affairs and myself until we have verified the facts when we can take appropriate action. I regret we cannot add very much more to the debate at this stage, and perhaps not be able to satisfy the hon. Member at this stage, but I assure the House that every effort is being made to take appropriate action. One will be made to take appropriate action once our investigations are finalized.

Mr. G. M. Mutiso: Mr. Speaker, I would like to add only a few comments to what my hon. colleague, Mr. Ngei, has just said. The part in question is a part of my constituency, and it is very unfortunate that this instance occurred. What surprised me, Mr. Speaker, was that the police took such drastic action without consulting the elected representative of that particular area. I personally believe that if any attempt was made at all by the Administration to try to refer this matter to the Regional Members or the Members of the House of Representatives and to find out what action, in their opinion, should have been taken, it was negligible. I feel that if we had been notified we would have tried to do something to prevent such a situation. I do not know whether we shall continue to find the same attitude in the Administration as during the colonial regime. I felt that during this period of internal self-government the Administration and the police would have thought twice before they took such severe steps. I would have thought they would have consulted the elected representatives. I am entirely against this move; Mr. Speaker, because, as Mr. Ngei has just so clearly stated, about 150 people are involved, seventeen children and a few women

Sir, Mr. Speaker, this is a situation which our Government must take very seriously. We do not want to raise this matter simply because part of the area belongs to the Central Region and part of it belongs to the Eastern Region, because it would create a tribal feeling, but because it is a situation which one cannot overlook. Mr. Speaker, I think that the police acted wrongly; if they had referred the matter to the right channels we would have discussed the matter amongst ourselves and in the face of any trouble we would have done our best to see that such a situation should not arise.

Mr. Speaker, I feel that the Government must take full responsibility for what has taken place and if the fault lies with the chiefs, if the chiefs tried to create tribal enmity, then such things should be rectified. These chiefs should be made to understand that a wind of change has swept our country. It was only the other day that I brought up this question: that there are still chiefs who still feel and act as if they were still under the colonial regime. The Minister for Home Affairs assured the House, in connexion with this matter, that certain courses were being organized in order to train the chiefs to cope with the situation at the moment.

I am still surprised to see that there are still some chiefs who do not really understand that it is the time that we should curb ourselves from thinking on a tribal basis.

Mr. Speaker, as a representative of that area I am bitterly against that action, and I would demand a statement from the Government, when it has completed its investigations, that such action will never be repeated, and that before this it should be referred to the representatives for consultation. I do not feel that I will continue on this issue because, as the Minister for Justice and Constitutional Affairs has rightly said, this matter is being investigated and we would like to wait and see what steps the Government is preparing to take.

With those few remarks, Mr. Speaker, Sir, I beg to support.

Mr. Gachago: Mr. Speaker, Sir, I rise to speak on this matter not necessarily to oppose anybody or necessarily to agree with all that has been said. My concern arises from the fact that part of this area that is affected is also in my constituency since the constituency of the hon. Member borders on mine on the eastern side. I think there is a cause for the Member to be concerned about certain incidents that have taken place recently. However, the only thing I can say is, that the

[Mr. Gachago]

question of these people having been arrested, or being taken in custody without the knowledge of the Government, is not really the case. I have been informed that this matter, before the arrests were made, was taken to court and the court issued an order for their arrest and the police had no alternative but to act according to the order. Whether the hon. Member on the opposite side means that the police should not have done their lawful duty, i.e. executing a court order, I am not certain about. I would like to know, though, because this matter affects me almost as much as it affects my hon. friends on the opposite side.

The question of the unlawful occupation of land is something that has been bothering the politicians and the Government, and I know in that area there has been a considerable amount of concern as to whether some of the land that has been occupied has been lawfully occupied or whether it has been unlawfully occupied. My hon. friend has said that before the arrests were made the police did not consult the Members representing that area. I feel that probably I should have been consulted if such a consultation was warranted.

There is, however, another very important question, and probably it would have been better if this question was answered by the Minister for Home Affairs or even by the Minister for Justice and Constitutional Affairs. The question is, if the police, after a court order, make some arrests and carry out the removal of some people, is there, in fact, a legal provision which entitles the Members to consultation with the police before any such arrest can be made? Naturally, if the people who are occupying any part of the land that is legally or lawfully owned by another person, this person is entitled to make a complaint and that complaint is usually made to the court and the court issues an order for the removal of such people, I have—and my hon. friend, Mr. Mutiso knows this—had a bitter experience in that area, the district of Thika, when I was the Organizing Secretary of the Kenya Federation of Labour. In my experience, the court issued an order and the police had no alternative but to execute that order and that order meant probably the removal of the people in that area and the arrest of the people. Sometimes it was even a mass arrest, and it was very unpleasant for me just as it is very unpleasant to my hon. friend now.

I think, as a matter of fact, that the case is genuine, but what is to be done, I think, is the whole thing and it is not necessarily a challenge

to this House, or a challenge to the functions of a Ministry. It is a challenge to a certain law that exists in this country. This afternoon we had a question regarding the Trespass Law and that Trespass Law is still there and it still stands and it may be that this is one of the challenges.

Mr. Speaker, Sir, to conclude my comments I think the position as it is today is more administrative and should be dealt with at the administrative level rather than as a matter for the National Assembly. If such a matter should be brought to the National Assembly and has to be brought to this House, I think that before it is brought here it should have been dealt with very effectively at the administrative level. It should be decided whether it is a matter of rectifying the law or amending the law or some other matter, so that we do not come here and talk but do nothing.

The Speaker (Mr. Slade): Mr. Ngei, you cannot speak again, I am afraid, unless it is on a point of order or on a point of explanation.

Mr. Ngei: Mr. Speaker, it is a point of explanation. I would like to know whether an African court has the jurisdiction to order an eviction and give an eviction order?

The Speaker (Mr. Slade): For a point of explanation you have to make your explanation on a point which another hon. Member has raised.

Mr. Agar: Mr. Speaker, Sir, I am happy that the Minister for Justice and Constitutional Affairs has told the House that the Government is already investigating this matter to find and possess factual information about what actually did happen. When we say that an African Government will restore the dignity of our people I want to add that while investigating—I agree with my friend opposite, Mr. Ngei—we must take care of people who have become homeless and who have no shelter and who are hungry. While investigation is being carried out this Motion should also urge the Government to see that the people are fed; the babies, men and women are fed. This should be from the Government purse, because even if we arrest people and take them to prison we still give them food, clothing and houses to stay in. Nevertheless, such matters should not be raised in this House merely for publicity, or to show that someone cares for another move. However, such incidents have taken place in this country and although the Government still calls these things evictions I know very well that they could have happened anywhere. I have seen many cases where people have been removed in such a way and left on the roadside.

ADJOURNMENT

Therefore, Mr. Speaker, I add only that in this Motion, while the Government is investigating what did happen in the incidents and the facts of the incidents, I also urge the Government to see that these people who have been evicted and who are homeless, who have no food and who are hungry, should be fed at the expense of the Government.

The Speaker (Mr. Slade): That brings us to the end of our half hour, and therefore the House is adjourned until tomorrow, Friday, 13th September, 1963, at 9 a.m.

The House rose at Seven o'clock.

WRITTEN REPLY TO QUESTION

Question No. 121

DESIGNATED OFFICERS: PROMOTION/RETIREMENT

Mr. Obok asked the Minister of State, Prime Minister's Office:—

- (a) How many designated officers have been—
- (i) promoted since the introduction of the Limited Compensation Scheme;
 - (ii) promoted since the introduction of the General Compensation Scheme;
 - (iii) retired or have been given their notices to retire since the introduction of both compensation schemes.
- (b) How many retired designated officers have been offered contract terms of service in order to retain their services?

REPLY

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

The answers are as follows:—

- (a) The number of designated officers who have been promoted:—

(i) Since the introduction of the Limited Compensation Scheme .. 296

(ii) Since the introduction of the General Compensation Scheme .. 28

(iii) The number of designated officers who have retired, or given notice of retirement, since the introduction of both schemes, is as follows:—

Under the Limited Compensation Scheme:—

(a) For the purposes of Kenyanization .. 600

(b) Redundancy — under the Economy Commission Report .. 87

Total .. 687

Under the General Compensation Scheme (as at 24th August, 1963) .. 803

(b) The number of retired designated officers who have been offered contract terms of service in order to retain their services is .. 5

Friday, 13th September, 1963

The House met at Nine o'clock.

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

The Game Department Annual Report, 1962.

(By the Parliamentary Secretary for Natural Resources (Mr. Njiiri) on behalf of the Minister for Natural Resources (Mr. Sagini).

ORAL ANSWERS TO QUESTIONS

Question No. 105

KIKUYU AT ITABUA DETENTION CAMP

Mr. Mbogoh asked the Minister for Health and Housing what the Minister was doing to provide more sanitary conditions and to arrest the infant mortality rate among the Kikuyu people at Itabua Detention Camp, and if he was aware that people who were sent to the T.B. village at Embu for treatment were dying from starvation and neglect.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I beg to reply as follows:—

Itabua village was an emergency village established in 1956 in Embu to house the landless Ahoi, the Kikuyu from other districts. It is not a detention camp.

The land on which this village is built is owned by various Embu people and not by the villagers, and the Embu owners do not encourage these people to build either permanent houses, or establish any form of sanitation because they do need to acquire better land. Therefore, sanitation there is not very good, in fact, it is roughly on the average of other villages elsewhere.

There is no evidence of a high infant mortality rate in this village as compared to other villages everywhere else. If there was the villagers would have to report it to the district hospital, which is only four miles away. The villagers themselves deny that children are dying there.

This actually is a question not of my Ministry, but that of the Ministry of Lands and Settlement, and also of the Eastern Region, and we have also told them about the permanent settling of these people.

As regards the second part of the question: In the T.B. village there have been only five deaths

since January, 1963, and these have been caused by advanced pulmonary tuberculosis and not by either neglect or starvation. These people are getting adequate diets as available, and they also deny that they have been neglected.

Mr. J. M. Karuki: Mr. Speaker, Sir, is the Minister aware that those people who are there (in actual fact, according to his reply, they are not in a detention camp) but are they not in a more deplorable situation than people in detention camps?

The Minister for Health and Housing (Dr. Mungai): If the Embu people there would permit these people to have security of land tenure, then maybe they would improve their conditions, but they are not permitted to do so.

Mr. J. M. Karuki: Mr. Speaker, Sir, is the Minister speaking from his own personal experience of facts as far as this village is concerned, or is he replying according to the report he has received from his own staff who are there?

The Minister for Health and Housing (Dr. Mungai): I do not have to go to the village or camp to know the conditions there.

Mr. J. M. Karuki: Mr. Speaker, Sir, has the Minister ever visited that camp?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I think that is irrelevant, one can know about a camp and its conditions when one has never been there. Besides it would be very difficult for a Minister to visit every clinic, every dispensary, every health centre, every district hospital and every provincial hospital in Kenya so that he could find out about these things.

The Speaker (Mr. Slade): I am not quite clear, have we dealt with the second part of this question?

The Minister for Health and Housing (Dr. Mungai): Yes.

Question No. 112

MEDICAL DISPENSARIES: SAMBURU

Mr. Ngunjiri asked the Minister for Health and Housing if the Minister would take urgent steps to increase the number of medical dispensaries in the Samburu District giving priority to the following places:—

Lorok; Marian; Archers Post; Marti, Ngilai, Barsaloi and Ilao?

The Minister for Health and Housing (Dr. Munga): The provision of health centres and dispensaries is a responsibility of local health authorities and Regional Assemblies and, while Central Government assists in guiding and advising local authorities on the planning of their health services, no funds are available to it for such developments, apart from *ad hoc* capital grants.

The total population of Samburu District is 50,000 people who are served at present by a District Hospital at Maralal and health centres at Wamba and Baragoi and it is considered that in the present stage of development of this District, there are sufficient static units to serve the present population. It is considered that, as funds become available, these static units should be strengthened by mobile health units based on each of the present static units, undertaking fixed safaris throughout the District.

Mr. Rurumban: Mr. Speaker, Sir, arising from the Minister's reply, is the Minister aware that these places mentioned here are about fifty, sixty, seventy miles away from the three main hospitals in the District, and that they do not cater for the whole District?

The Minister for Health and Housing (Dr. Munga): Mr. Speaker, that is why we recommend that there should be mobile health clinics going around on safaris as soon as we have the funds to buy them.

Mr. Kamau: Mr. Speaker, Sir, is the Minister aware that the T.B. is not only in Embu, but it is spread all over the country?

The Speaker (Mr. Slade): You are very late in the day, Mr. Kamau, we are now on the next question.

Question No. 118

MINISTERS, PARLIAMENTARY SECRETARIES:
EMPLOYMENT OF WIVES

Mr. Murgor asked the Minister of State, Prime Minister's Office:—

(a) How many wives of Parliamentary Secretaries were employed in Government offices?

(b) How many wives of Ministers were employed in Government offices?

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

(a) Two.

(b) None.

Mr. Murgor: Does the Parliamentary Secretary imply that there is not a single wife of a Parliamentary Secretary employed in a Government office? This is all very embarrassing.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): The question asked for numbers and I have given him the numbers correctly.

The Speaker (Mr. Slade): I have to inform hon. Members that we are not likely to get through all the business that we still have to complete in the course of this morning. I have been informed that it will be to the convenience of hon. Members if I exercise my discretion and appoint this afternoon for further sitting rather than, as usual, going over until next Tuesday; that is what I shall do if we do not complete the business this morning.

NOTICE OF MOTION ON THE
ADJOURNMENT

Question No. 91

TRESPASS ORDINANCE

The Speaker (Mr. Slade): I have received notice from Mr. Anyien of his desire to raise on the Adjournment the matter of the discriminatory application of the Trespass Ordinance which was the subject of a question yesterday. I have pointed out to him, as I have pointed out to other hon. Members that, whereas the original question raised the repeal of that Ordinance, if he wishes to pursue it on an Adjournment he may not deal with any alteration of the law; he may only deal with the application of the law as it stands. He understands that, and I have allotted today at the final close of business, whether it be this morning or this afternoon, for him to raise this matter.

I think Mr. Godana has a point of order.

Mr. G. Godana: I have a point of order, Mr. Speaker, Sir. I have given notice to the Minister for Home Affairs, and I wish to have this matter approved first before I move it as a point of order.

The Speaker (Mr. Slade): I must warn you, Mr. Godana, that you may lose your opportunity on this altogether unless you bring it up very quickly.

PERSONAL STATEMENT

CROSSING OF THE FLOOR OF A.P.P. MEMBERS

The Speaker (Mr. Slade): Mr. Ngei, did you wish to make a Personal Statement?

Mr. Ngei: Yes, Sir.

The Speaker (Mr. Slade): Now is your chance. You are very nearly too late.

Mr. Ngei: Mr. Speaker, Sir, on behalf of all elected African People's Party Members of this House, I wish to make the following statement which is prompted by the reasons I am going to outline now.

The first one is because of the wish and desire, and the proper conviction, that we want Kenya to go the right way. We do not want Kenya to go the Congo way because of small kingdoms or because of individual political ambition; we want to see that at least she has somewhere to go. We desire to have unity in Kenya—

The Speaker (Mr. Slade): Mr. Ngei, I did not want to interrupt you, but when you make a personal explanation, you must first of all say what is happening to cause the explanation.

Mr. Ngei: Yes, Sir, I am coming to that.

The Speaker (Mr. Slade): It must be first, Mr. Ngei.

Mr. Ngei: Yes, Sir. On behalf of the Elected Members of the African People's Party, and on behalf of the members of the African People's Party, I want, this morning, to declare our desire and action to join the very nationalist Government of Kenya and this is going to take place. Mr. Speaker, this morning when I personally will lead my good colleagues to cross the Floor and sit on the proper side, Mr. Speaker, Sir,—

Mr. Murgor: *Majimbo, Majimbo.*

Mr. Ngei: Some of the Members are shouting *Majimbo*, but I must make it very clear that I have no room in my heart for regionalism. Mr. Speaker, Sir, we have suffered, we have been sentenced to jail for the sake of independence.

The Speaker (Mr. Slade): Order, order. Mr. Ngei, I have to warn you that you cannot make a Personal Statement into a political debate. You may only give briefly your reasons for going across.

Mr. Ngei: Thank you, Sir. Mr. Speaker, Sir, our main reason is desire for unity of Kenya and the Elected Members of the African People's Party want to set the good example, that we want to have a good Kenya. For that reason, Sir, I do not wish to go on because everybody knows that we are true nationalists and there is no doubt about it.

(The hon. Mr. Ngei with six other hon. Members then crossed the Floor of the Chamber and took their seats on the Government side)
(Prolonged Government Applause)

The Speaker (Mr. Slade): Order, order. Hon. Members have now had their fun and we shall proceed with the business.

MOTION

EXEMPTION FROM STANDING ORDERS: MORE THAN
ONE STAGE OF BILL IN ONE SITTING

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I do not know whether this is now necessary in view of your statement, but the Government wishes to move:—

THAT all remaining Stages of the following Bills be taken today: that is, The Agriculture (Amendment) Bill; The Kenya Meat Commission (Amendment) Bill; and The Criminal Procedure Code (Amendment) Bill.

The Speaker (Mr. Slade): I think we should still regard that as necessary; although we are having two sittings probably, it might not be necessary, and in any case, it is really on the same day. Do you want to speak to the Motion, Mr. Mboya?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Yes, Sir.

The Speaker (Mr. Slade): Well, will you speak to the Motion now then.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, the reasons for this are pretty obvious in that Council rises today and does not meet again in the next few weeks. It is desirable that these Bills are dealt with finally during this Session and, consequently, Government wishes that the Second and Third Readings and the Committee Stages be all finalized today.

The Minister for Commerce and Industry (Dr. Kiáno) seconded.

(Question proposed)

The Speaker (Mr. Slade): As hon. Members are aware, our Standing Orders provide that no two stages of a Bill shall be taken the same day, unless the House otherwise orders; this is inviting the House to order otherwise.

(Mr. Ngala and Mr. Ololthipit entered the Chamber)

[The Speaker]

Mr. Ngala, Mr. Oloitipip, you know very well that hon. Members do not walk into the Chamber when the Speaker is on his feet.

(The question was put and carried)

BILLS

Second Reading

THE AGRICULTURE (AMENDMENT) BILL
(Resumption of Debate interrupted on 11th September, 1963)

The Speaker (Mr. Slade): Mr. Ngala, I think you were speaking when the debate was interrupted, were you not?

Mr. Ngala: Yes, Sir. When the House rose the other day I had protested very strongly against the Agriculture (Amendment) Bill, 1963. This Amendment provides two things: the power for the Minister to acquire land compulsorily for the production of a particular crop; and also the power to zone a certain area exclusively for the production of a particular crop. Now, I feel that this is creating something which is taking away the rights of the land owners because we have, in the past, made it very, very clear that at any time when Government wishes to take away land it has to negotiate with the land owners, and where compensation is necessary a fair one is considered. This Bill is a departure from that custom. Now the Minister wants to take land by force from the land owners and I think this is very wrong indeed. On the question of zoning an area, this means that, if I own a piece of land anywhere and am growing crops that are not considered to be within the zoning area by the Minister, I would be stopped from growing these crops on my own land. It would not matter if I was growing sugar cane, coffee, cashew nuts, sisal or even fish, if you like, if they were not crops that were wanted by the Government I would be prevented from growing them. I think this is very unfair indeed but seeing that the Government this morning has increased its numbers as a result of some political acrobatics—by Members who said that even if the heavens and earth came together they would not go back, and although they have not gone back together they have crossed the Floor—I would like to suggest some amendments for the Minister to consider. First of all, I would suggest that this Bill should be confined to the Muhoroni and Songhor areas only. I would suggest that the Government should consider confining this Bill to those areas and not covering the whole country. I think it is right, and we all appreciate, what the production of sugar means to the economy of the country, but

I feel that this is not the right time to make it a country-wide measure. So, I would suggest that amendment so that the Bill is only confined to the Muhoroni area at the moment.

Secondly, Sir, I would suggest that the cotton growers—although the ginneries have been provided for in this Bill—should be considered. Therefore, I would suggest two or three things that will cover the growers as well. Although it is fully realized that the powers sought by the Minister under the proposed deal may be necessary, under certain circumstances, for the efficient and beneficial running of some of the industries, it is considered that the Bill as proposed could result in hardship and material loss to growers in the areas sought to be zoned in the Bill. As proposed the Bill does also seek to give powers of intervention. In this case, I would like the Minister to have powers of intervention in the cases where he is satisfied that the factory owners are unduly exploiting the growers in any manner whatsoever. I think the Minister should be in a position to protect the growers where he feels that they are being exploited by the factory owners. This has not been covered in the Bill and I would like the Minister to consider this.

The second point I would like to put to the Minister is that, with reference to paragraph 2, the Bill seems to be incomplete as it is proposed as regards the growers owning land in the proposed zones who may be willing to develop their land by growing the required crops, but through lack of finance have failed to do so. The Bill makes no provision for Government finance to be provided to such growers for the purpose. I would like the Government to be sure that a landowner who intends to develop the area himself will be given money by the Government so that the development can be carried out by the landowner himself instead of his land having to be taken by force by the Government and given over to an investor outside this country, or to someone within the country who is not the landowner. I think this would help the landowners and the development of many African areas because many Africans may have land, but they do not have the money to develop the area. If we allow this amendment which just takes away the land, then the Africans who have land may not have the development. I would like this to be considered in the interests of the landowners and development. Finance should be made available by the Government.

Furthermore, Sir, the Bill, as proposed, unless amended, might penalize the bigger growers in the various zones who might not be able to obtain

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sufficient finance for larger development projects because of the ceiling placed at present on the various types of loans which are available. This Bill would affect all races.

The question of the ceiling is very well known to the Minister as far as financiers and banks are concerned. I would like the Minister to reconsider this amendment, so that the big growers are not penalized in any way by the ceiling.

Sir, with your permission I would like to hand over these amendments which I consider very important. Originally, I completely rejected the Bill, and I would like the Minister to consider, therefore, confining it to the Muhoroni area with the amendments I have proposed.

Having said this, I hope that the Minister will not use this Bill carelessly because if he does that it is quite clear that he will be able to take away land in different African areas and this land would be surrendered to investors, to people with money, and many poor Africans, who have land and who have cultivated it for their own livelihood and the maintenance of their own families, will suffer. We have fought for political independence, but this Bill, if it is used carelessly by the Minister, will deny economic independence to the many poor Africans in Kenya. Therefore, I would like a definite assurance from the Minister that he will carefully use these powers so that they do not extend carelessly to the areas such as the large tracts of land in Masai area, in the Kalenjin area or in the Coast area, and that he will never use his power without the consent of the Regional Assemblies concerned in the African areas, because if he does this I will regard him as the grabber of African lands all over Kenya.

The hon. Dr. De Souza has given the Government a very clear explanation of why, even though he is on the Government side, he does not agree with this amendment. I would like the Minister to pay attention to the comments of the hon. Dr. De Souza, who is on his side, on this Bill.

With these few words, Sir, I would like to reserve my position on this Bill and to suggest the amendments which I have put forward.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrion): Mr. Speaker, Sir, the Minister for Agriculture has for long had the power to evict from their land the owners of land who do not use it properly. Therefore, there is nothing intrinsically new in this Bill. Government feels that agriculture is such a national asset to this country that it cannot afford to allow landowners either to abuse their land or to allow them

to let the land lie idle when it could be planted to a significant crop for the development of Kenya as a whole.

Under the Minister's powers, he has been enabled in the past to force the development of land which is undeveloped by use of a development order. The disadvantage in the past has been that such an order has always had to be backed by a development loan, and Kenya in its present state of economic stringency has been unable to make this money available. As a result, development orders which should have been made have very often gone by default.

I agree with much of what the Opposition have said regarding safeguarding the owners of agricultural property. I feel that in this Bill there is insufficient opportunity being given to the landowner to put his land into a state of full production. In the Bill as it stands, it appears to me that the Minister has overriding powers to take land even though the owner is perfectly prepared to develop it. What I would suggest is that we insert in this Bill a clause which gives the landowner the opportunity to develop the crop which the Minister may have designated as being the type of crop which is desirable for a particular area.

I would like, therefore, Mr. Speaker, to ask the Minister whether in the Committee Stage he would consider moving an amendment in these terms; that under 186A (2), the first words up to "Subsection (1) of this section" should be deleted, and that there should be therein inserted, "Where the Minister is satisfied that the owner and other interested persons have been given a reasonable time to plant an adequate quantity of the particular crop concerned on any land, but have not done so, and where he is unable to agree with the owner and other interested persons for the purchase of such land under subsection (1) of this section."

I feel, Mr. Speaker, Sir, that if such a clause were inserted in this Bill it would remove many of the fears of the Opposition and would give the landowners concerned an opportunity to put their land into a state of full production.

Mr. ole Tjips: Mr. Speaker, Sir, I think this Amendment Bill is very unfair, and I feel we must be told categorically what is in the Minister's mind in introducing such a Bill at this stage. It is true, if I may say so, that this amendment is quite contrary to the whole Constitution.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Of course it is not

Mr. ole Tjips: The Minister may say what he wants, but it is contrary to the Constitution. He

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knows it as well as I do, because no land in the Constitution is vested in the Minister or in the Central Agricultural Board as such. The land is vested in the African land units to the tribal authorities according to the Constitution, and in the Scheduled Areas it is vested in the landowners. I regard this Bill as something which is going to create more trouble in this country, if it is carried, and it follows in the same steps as the Imperialists when they grabbed our land and drove our people into the arid areas. That is the whole intention of this amendment. Mr. Speaker, you can see it is quite clearly stated that where such land is required for the production of a given crop this is a pretence. You can say that there is no land which is not suitable for the production of a given crop. If this is so, and if the Minister is really interested in developing undeveloped land, and has crops which are suitable to be produced in such areas, there is no reason whatsoever why he cannot use his influence and meet the money into such areas so that the owners of the land can make the best use of it and produce the crops required.

Mr. Speaker, we know very well where the Minister is casting his eyes

The Parliamentary Secretary for Lands and Settlement (Mr. Mariani) Where?

Mr. de Tipsis —and it is very clear. It is no good asking me, "Where?" He is casting his eyes at Mwega, at your farm.

The Speaker (Mr. Slade): On my farm, Mr. Tipsis?

Mr. de Tipsis: No, Mwega. Therefore, this Bill ought to be rejected outright. I do not know if the Minister wants to create more trouble over the land question, but we have had them for long enough, we will have them, and there is no reason whatsoever why he should cast his eyes on other people's land. Whether or not the man uses his land, it is his; it does not belong to the Minister, nor to the Central Agricultural Board.

On the other hand, he goes on ignoring the tribal authorities completely; there is no mention of consulting them as to which land he intends to take by such a pretence for the purpose of certain crops being produced in these areas. If I may say so, it is a very unfair Amendment Bill, and I think the Government would be well advised to think over this matter again, and withdraw this Bill. With regard to the question of producing certain crops, they can lend money to the owners of the land, so that the crops can

be produced. If the Government tries to implement these amendments by pretending that certain areas might be suitable for producing coffee, tea, or pyrethrum for that matter, and they try to take the land away from the rightful owner, then they are looking for trouble and they will get it, because no African in this country would agree to his land being taken by an African Government in the way the British Government took it when they first came to colonise this country. We are getting rid of that idea, and we are not going to have it repeated, and if the hon. Minister for Agriculture does not know the feeling of the Africans about their land, he should learn it from his colleagues.

I beg to oppose.

The Minister for Commerce and Industry (Dr. Kiako): Mr. Speaker, Sir, I rise to make a few comments in reply to the statements made by the hon. Member, the Member for Nairobi North-West. I think it is important that we clear some of the matters that he raised because we are dealing with a very important amendment to the Bill. Mr. Speaker, in the course of his speech the Member for Nairobi North-West indicated that there were some practices that were questionable with regard to licensing of some companies for sugar production, and he implied that there has been some favouritism. I would like to make it very clear, Mr. Speaker, that although it is constantly said by Members of this House, whether on the Government side or on the Opposition that investment is welcome in this country—even the Member for Nairobi North-West referred to it several times—that there has been a company which has been licensed for a project which is a £3½ million project. I do not think that £3½ million is a small matter at which we can laugh. It is one of the things that we have been trying to encourage to start in this country. The main issue that was raised was why the main sugar producers had not been given such licences and why this newcomer, as it were, had been given the licence.

I would like to make a number of cases here. Mr. Speaker, in the first case, Kenya continues to import sugar from Uganda and from Tanganyika, as well as from overseas. Kenya aims at being self sufficient in sugar production and not only that, but she also aims at exporting sugar. For example, between the 1st September, 1962, and the 31st August, 1963, we imported 39,000 tons of sugar from Uganda. In the same period we imported over 2,500 tons from Tanganyika. This indicates that the companies that have been producing sugar in Kenya have not been producing enough for consumption in this country.

[The Minister for Commerce and Industry] therefore, we felt that it was obligatory for us to encourage another company to come and produce sugar, and I am glad to say that this new company is going to produce sugar according to the international standards of sugar production, so that we can actually export quite a lot of what we produce.

I would also like to point out that out of the existing companies whose names I would rather not mention, one was licensed to produce 28,000 tons and last year produced only 7,936 tons of sugar. This is only 28 per cent of what it was supposed to produce. Another company was licensed to produce 40,000 tons of sugar and they produced only 38,531. This indicates that the existing companies have not actually made full use of the licences given to them. For that reason, there should be no question of favouritism. If we encourage the company that is ready with capital to go ahead, that is good. I would like to say that the Government view is this; if a person or a company is given a licence to produce a particular item, that company or that individual must make use of it, otherwise the Government will have to consider a way of withdrawing that licence and giving it to somebody who is ready for action. This does not only apply to producers of sugar, but to all people. The cases that I have quoted has happened in other industries besides the sugar. It has happened in the textile industry. There are about six companies which have been issued licences by the East African Industrial Licensing and they are still sitting on these licences, but as soon as a third person comes to us for a licence then these companies come to us and say "Do not give them a licence".

Mr. Speaker, I just wanted to clarify that my Government will not allow sitting on licences. We are ready to encourage people who have capital to invest, immediately, and for the other type of people they will get Government action. For that reason the Government is very happy that the company has this licence to produce sugar in this country.

Mr. Matano: Mr. Speaker, Sir, I beg to oppose the Amendment Bill for one reason only; that is with this Bill, I think there will be a lot of hardship among the African farmers. They will be deprived of their land, as well as there not being enough provision as to where the money shall be put. We have been told that this country needs investment and money, but at the same time, I think that it is wrong that we should ignore the human side of it. I think that before the Government comes forward with this Bill—as the land of

the African farmers will be taken because it will be needed for crop production in a certain place—preparation and arrangements should be made so as to lessen the hardship to the people. We have also been told that there are companies who cannot produce enough sugar in this country. I know of one farm, whose name I shall not mention, which has 20,000 acres, but out of this acreage they have only used 11,000 acres. Therefore, it is not the lack of land that is the problem, but the use of the land. I feel that if some initiative could come from the Government so as to induce some of these people to give up their land so as the companies can carry on their production, it would be a good idea. However, to disturb people without proper arrangement, and to move them from one place to another without reference to them, I think this is very unfair, and will cause a lot of trouble. We have also been told that this is not a new thing but that it has been going on for a long time. This fact does not warrant our endorsing it, especially when we know that it will cause a lot of hardship to the people. I think this is a point into which the Minister will have to go very carefully. Land has been a very touchy point in this country and now that an African Government has come into power, the Africans are expecting to get some security in their land. If we are told that the Minister will have powers to acquire land when he thinks that that land will be better used for some other industry, I am afraid that there is danger there. What will happen is that some of us who have been expecting to find a change in the attitude of the Government, may find that their land is being taken by an African Government in order to be given to a few rich people, and these few rich people will not be the Africans. We shall see another advent of capitalism from overseas, coming here exploiting the land, and making money out of the land while the poor African is left there; the excuse of the Government for this is that they want to invest money in the country. This is an important problem. The Government must consider it very carefully, because land is a very thorny problem. The African in this country is very sensitive about land and I feel that the Minister should use his big powers correctly.

There is another point that some of the land is in the jurisdiction of the Regional Assemblies. I hope that the Bill does not take the powers which were invested in the Regional Assemblies away, and put them in the hands of the Minister. I hope that he will be careful about this: He should not try to get powers from other bodies in this country, because we all know that land was one of the things that was put in the hands of the Regional Assemblies. I would like to warn the

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Government and the Minister that although this Bill has some merit in bringing money to this country, money is not the end of all of everything. There is also a human side of it. We must be sure that our people have land. We must be sure that Settlement Schemes are done in such a way that people will not suffer. We appreciate the efforts of the Government to bring money into this country, but not at the cost of the misery of the people. We do not want a few people rich, while many suffer. I would like to join hands with the Leader of the Opposition in saying that instead of acquiring this land, I think the Government should advance money to the people who own the land.

Therefore, Mr. Speaker, Sir, if the Minister thinks he knows the way in which he is going to handle the problem then let us be told about that. Let us be told how these people whose land is going to be taken away will be looked after. I feel that the interests of the ordinary man must be protected and land, as I see it, is an explosive subject. If the Minister is going to acquire all these powers we would not like to see just a few people with plenty of money coming to Kenya to exploit the land and make us squatters again. We are fed up with the Africans being called squatters on their own land. We are fed up. This is the time when the Africans should be able to own land. We should be encouraged to have co-operatives where they will be able to exploit the land and the word "squatters" should be done away with.

If the Government is worth the name of a Government it is time to get rid of the squatters, make the Africans land owners, in any form, whether private or by co-operatives, instead of bringing in more and more capitalists, people with money who come and acquire land here for one simple reason, saying they are bringing money into the country. We do not want money at a price. We only want it if the lives of the people are not going to be disturbed. Mr. Speaker, Sir, if the money continues to come into the country then let the lives of the people proceed normally. We do not want this money to come in and disturb the lives of the people, make the African a stranger on his own land and then continue to be called squatters. We do not want this state of affairs to exist while we are on our way to independence. What will be the use of going on enjoying independence while our people are called squatters on their own land? Mr. Speaker, this is a very, very serious problem and I hope the Minister for Agriculture instead of laughing will ponder over it and make sure that the African will benefit by the powers which he will receive from this House.

With these few words, Sir, I beg to oppose.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I would like to correct one impression that has been given to the House. The whole object of this exercise is to help the local people. It is no good making political capital out of something that has very good intentions. The intention here is to enable the local people to grow more sugar by lending them more money, but the Minister must have the power to ensure that the sugar-cane is grown with the money that is going to be lent to them. The whole exercise is to help the people. The only part that the capitalist is going to play is in providing the capital. It is a very big item in the whole exercise. It is a wrong approach the way that the Members of the Opposition have looked upon it. This is definitely development and the whole idea is that eventually these smallholders around these factories will come to own part of that factory and as prosperity goes on they will eventually own the whole thing.

Mr. Ngala: Japanese.

The Minister for Finance and Economic Planning (Mr. Gichuru): What are you talking about when you say "Japanese"? The point is that the Leader of the Opposition is too negative in his outlook that he cannot see a little way beyond his nose. The fact is that you cannot grow sugar-cane in Kilifi and therefore a real development scheme of this nature cannot be put up at Kilifi, and therefore to try and create the wrong atmosphere about this, to give the country the impression that the country is being exploited, is wrong. The country belongs to the people.

Mr. Ngala: To the Japanese?

The Minister for Finance and Economic Planning (Mr. Gichuru): What Japanese are you talking about?

Mr. Matano: Mr. Speaker, Sir, on a point of order. Is the hon. Minister in order to address a Member of the opposite side as you?

The Speaker (Mr. Slade): You know the procedure, Mr. Gichuru.

The Minister for Finance and Economic Planning (Mr. Gichuru): Yes, Sir. When the gallant gentleman, the hon. Leader of the Opposition, indulges in talking about Japanese I do not actually know what he is talking about. In this exercise there are no Japanese involved. If we can find Japanese who are prepared to put up a factory here which is going to help employ a

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lot of our people, that will be something to consider. It was only yesterday that the Leader of the Opposition was making political issue about the people standing outside this building and saying that they ought to find employment. This is exactly what we are trying to do. To find employment for more and more of our people. However, if we are going to receive interruptions of this nature, the programmes that we are trying to put forward will only be delayed. That day which will be a very happy day for most of our people who have no employment is going to be delayed. Mr. Speaker, Sir, I wanted to clear the impression given. The land is not being taken away from the people. In fact they are being encouraged to grow more and more sugar. They are going to get some money to enable them to grow more and more sugar so that they supply these factories where more and more people will be employed and, in the course of the whole process, we shall be employing more people from the unemployed group than we do today.

Mr. Speaker, Sir, I beg to support.

The Parliamentary Secretary for Agriculture and Animal Husbandry, (Mr. Osogo): In accordance with Standing Orders, Mr. Speaker, Sir, may I move that the Mover be now called to reply.

(The question was put and carried.)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I want to start off first of all by explaining to the Members on the Opposition clause 199 of the Constitution. They do not seem to appreciate that on matters appertaining to land the Government, through the Prime Minister, is satisfied that any estate, interest or right in or over land that is vested in a region is required for (a) the purposes of the Government of Kenya; or (b) for the purposes of any body corporate established for public purposes by a law made by the Central Legislature; or (c) the purposes of the East African Common Services Organization; and so it goes on. This only leads to show, Mr. Speaker, that this Government has the power, if it wishes to, under a body corporate which is a statutory body to take over land which it maintains is not being used to the utmost.

I just wanted to correct the Members of the Opposition who said that this power was not in the Constitution. The power is already in the Constitution. What we are setting up under this amendment is to make it easier for the people belonging to the local areas to be able to discuss at district committee level and at the Central Agri-

cultural Board whether the Minister ought to take action on this land or not. I have agreed, Mr. Speaker, Sir, under an amendment which was proposed by the National Member, Mr. Marrian, to alter that clause which the hon. Member for Buret was so concerned about yesterday. I am sorry that he was not in the House when Mr. Marrian was speaking, but I do give an assurance that I intend moving this amendment in the Committee Stage, so as to meet the point which he raised.

It is unfortunate that the hon. Member for Kwale West was not in the House when I moved this Bill because I am sure that then he would not have said a lot of what he did say. When the hon. Minister for Commerce and Industry mentioned that certain sugar estates were not getting up to their capacity, the trouble is not so much the cane or land in the area being available, it is the bottleneck at the factories. They do not seem to have the finance to develop the factory so that it can absorb enough cane to meet their licence. That is the main difficulty, I gather, at the moment with the people who are producing sugar. This Government does not intend acquiring land under any type of force whatsoever. We fully appreciate that land is perhaps the most explosive matter in Kenya, but we do feel, Sir, that where we as a Government have done our best to help a man—he gave a very good example—who owns 22,000 acres of land and only develops 11,000 and says that he does not want to develop any more, it is only right that if he refuses to develop any further we ought to acquire this land and give it to people, perhaps the landless people, who are prepared to develop it, and to produce from that land sugar, in this instance, which can go to the factories.

In the Muthoroni area we have large tracts of land which have been lying very nearly idle for very many years and it is our intention to give everybody the opportunity in this area to develop their land. As the Minister for Finance said, we as a Government intend giving every assistance we can, but if there are people in this area who are not prepared to accept that there is a future in Kenya and are not prepared to develop their land, then we cannot sit and watch a whole factory brought to a standstill or economic ruin for the simple reason that there are tracts of land not being used for the production of cane. It is then that we intend coming in and saying to the person, "Look, you are not producing cane on your land, you are not developing your land. We have discussed this with the District Agricultural Committee and they are in agreement; we have discussed it with the Central Agricultural Board, which has the regional representatives on it, and

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they are also satisfied, so we are now bringing in the Compulsory Acquisition Act." If at that stage he wants to appeal, he can do so; he can appeal to the Appeals Tribunal Board and he can always appeal to the Supreme Court. Under the Acquisition Act he will get a very fair price plus fifteen per cent, so he is well taken care of under the Constitution.

I have no worry whatsoever, because I have discussions with the African co-operatives in the Luo Land Unit and in the Nandi Land Unit and they are willing to go immediately into the production of sugar; they want to. They have been growing sugar in those areas and for a number of years have not been able to sell the sugar. They want a factory, so that they can go ahead and sell their sugar. There is going to be no difficulty whatsoever in getting those two land units to develop along the line of Government requirements for sugar.

Sir, I have already mentioned that these powers are already in the Constitution; the powers are given to the Government. Without "by your leave" or anything like that at all, the powers are under clause 199, but under this Ordinance—I have said this, but I want to repeat this point—the Minister, whoever he may be at the time, is given the opportunity of having discussions with the District Agricultural Committee, which is an elected body, and with the Central Agricultural Board, before he takes action. No Minister, I maintain, Mr. Speaker, could possibly take action if the District Agricultural Committee and the Central Agricultural Board were against it. He must do it in full consultation with them, and this, I think, is much better than leaving it under clause 199 of the Constitution.

I think the other points which were raised by Mr. Matano, the Member for Kwale West, were covered by the Minister for Finance. I have already said that I am prepared to accept the amendment put forward by the National Member, Mr. Marrinan.

I now just want to touch on some points which were raised by Mr. Tipis, the Member for Narok West. I find that it is obviously becoming a habit and a plan of certain Kadu Members to get up and attack the Government very viciously, as they did yesterday afternoon, and as some of them did this morning, and then when the Government wants to reply they smartly walk out of the Chamber. Whether this is an indication of the line they are going to take in London or not, I do not—

QUORUM

Mr. Oduya: On a point of order, Mr. Speaker, do we have a quorum?

The Speaker (Mr. Slade): No, we are one short of a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum; you may continue, Mr. McKenzie.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Thank you, Sir. I sincerely hope that no more Members of the Opposition walk out on us.

Sir, I can promise the Member for Narok West that we have no ulterior motives whatsoever in this and there are no envious eyes being cast by this Government on any areas. I think that he was making the point that he was concerned about the Masai Land Unit. Under these amendments it would be impossible for us to take action in the Masai Land Unit, because there is no single owner of land on whom we could attempt to enforce these amendments in the Masai Land Unit. It is tribal land and it would be impossible for us to take action. Therefore, he can sleep in peace tonight and rest assured, the same as the people in most of the land units can rest assured. At this stage, where most of the land is tribal land or is commonly owned, no action under this Ordinance can be taken, but it can be taken under Clause 199 of the Constitution if ever a Government wished to do it under the Constitution. Therefore, Sir, I sincerely hope that he is satisfied with my reply on this one.

Sir, the Leader of the Opposition, the Member for Kilifi South, has asked me whether I would be prepared to look at some amendments which he has put up. I have had a very quick look at them, Mr. Speaker, and two of his paragraphs affect paragraph 2 which I have already agreed to amend, and I am prepared to amend those. I think that had he been in here and listened to what I said about the development money which is being made available, and if he had listened to the Minister for Finance, he would have been reassured, on the first points which he raised, that it is not the intention of Government to act in the way in which he thought Government might act. I think I have covered most of the other points which he raised, other than the point of zoning.

The hon. Member for Nairobi North-West also raised this matter of zoning, and I would like to give the House an assurance that I fully appreciate that a great number of growers have already

[The Minister for Agriculture and Animal Husbandry]

made contracts with a certain mill and they may now find themselves in another zone. I met the growers over last week-end and I gave them an assurance that Government fully appreciated what they had done and would do its utmost to see that those contracts would be honoured. Sir, I am also in another difficulty in that after the debate the other day two growers came to me and said that they disagreed with zoning for the simple reason that they wanted to send to the other factories. Therefore, I have difficulty with growers on both sides here, and I sincerely hope, as I said when I moved the amendment, that the millers and the growers by getting together may make it unnecessary for Government to do anything about zoning whatsoever. If the growers, and more so the millers—it is really the millers, Mr. Speaker—are prepared to accept the spirit of *Harabee* which the Prime Minister has put out, then there is no reason whatsoever why Government should come in with any zoning or with any development. But as long as we have friction between the millers then the Government must have these powers so as to get the whole area geared up, so that the Luo land unit and the Nandi land unit can grow the cane which they have been wanting to grow for very many years.

Now, Mr. Speaker, Sir, if I may touch on the speech of the Member for Nairobi North-West, I have read through his speech very carefully and other than in zoning I find that his speech has really nothing whatsoever to do with these amendments, nothing whatsoever. He raised points on what had happened with my predecessor and I have had two people in my Ministry working day and night looking back into files and all I can say is that a lot of his speech is absolute drivel and the Member is not correct in his facts. Therefore, Mr. Speaker, I feel that most of what he said would be best left untouched except the one aspect of zoning. I am a little surprised that he raised this matter because he himself was with me, with the Member of this House for that area, when I was down in the area talking to the millers and the growers. I gave both the millers and the growers the assurance which I have just made in this House, that we will do our utmost to see that they can honour their obligations. As I also said to the Miwani people, one of the very large mills, they have a large tract of land which is obviously going to be in someone else's zone and I gave the assurance that it is not our intention to say that this large property must stop sending cane to their factory. We know that that

cane is necessary for their factory and Government are not going to be stupid on this if they do have to come in with zoning.

I would now end, Mr. Speaker, by giving the Members of this House an assurance that it is not the intention of Government to bulldoze or act under this Bill unless we are absolutely forced to by the lack of co-operation between the millers. It is only their lack of co-operation that will force us to do this on behalf of the small growers. The agricultural aspect of it is to see that the large land owners develop that land to the utmost. If they are not prepared to develop that land to the utmost with our aid and with our financial backing then, in our opinion, they cannot sit on that land and hold up the development of sugar in that area. But I do call for a final appeal, Mr. Speaker, to the millers, to the people that have been licensed in that area, to get together, to co-operate together, to co-operate with the growers, and with Government, in the spirit of *Harabee*.

Mr. Speaker, Sir, I beg to move.

(The question was put and carried)

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

Second Reading

THE KENYA MEAT COMMISSION (AMENDMENT) BILL

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, as hon. Members will see from the Memorandum of Objects and Reasons, this is one of the numerous Statutory Boards in which we are altering the composition to come into line with the modern Kenya. Also, Sir, we are taking the opportunity to rectify certain small amendments which are today no longer necessary. For instance, there is no such thing as Governor-in-Council, so we are altering that; there is no Legislative Council, so we are altering that; and there is no—

QUORUM

Mr. Mongare: On a point of order, Mr. Speaker, Sir, are we a quorum?

The Speaker (Mr. Slade): No, we are not, ring the Division Bell.

(The Division Bell was rung)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, may I ask you to give one or two more minutes extra because two of my Ministerial colleagues have gone out to call people in?

The Speaker (Mr. Slade): I will only give one more minute. We have a quorum now, you may proceed Mr. McKenzie.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, as it is obvious that there is so little interest being shown in this amendment Bill I would just like to give notice now that there are amendments on the Order Paper and to reiterate by saying that it is changing the composition of the Board in view of the new Kenya so as to get a better representation.

Sir, I beg to move.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

(The question was put and carried)

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

Second Reading

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Justice and Constitutional Affairs, who is obviously detained elsewhere, I beg to move that this Bill be now read a Second Time.

If people have read the Memorandum of Objects and Reasons of this Bill, they will see that the main purpose is to remove the provision which confers on Europeans the right to be tried in certain cases by jury. Sir, I think any Member who is interested in this Bill, and who has read the Memorandum of Objects and Reasons, will be perfectly satisfied with the various provisions of the Bill. As I said earlier, it is obvious that the House has interest elsewhere; I doubt that anyone has a very great interest in this Bill. I therefore beg to move that the Criminal Procedure Code (Amendment) Bill, 1963, be now read a Second Time.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

(The question was put and carried)

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

CONSIDERED RULING FROM THE CHAIR

ORDER OF BUSINESS

The Speaker (Mr. Slade): This is near the point when I have to interrupt business. I do not think there is time for the Committee Stages of these three Bills to be taken before 10.30, so we will interrupt business now to commence a Supply Day. I think the best procedure, bearing in mind that this is the last Supply Day and the Guillotine is to be applied an hour before its finish, will be to continue after that with Orders 14, 15 and 16, disposing of the Appropriation Bill. Then we will come back to the Committee Stages of these three Bills which have just passed their Second Readings, and then proceed with the remaining part of the Order Paper.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, on a point of order and clarification, would it be your intention that if we can finish Orders 14, 15 and 16 by, say, twelve o'clock that we should possibly do the Committee Stage before 12.30?

The Speaker (Mr. Slade): Yes, we shall do as much as we can this morning.

COMMITTEE OF SUPPLY

(Order for Committee read)

VOTE 6A—MINISTRY OF HOME AFFAIRS

VOTE 6B—REGIONAL AFFAIRS OFFICE

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Resumption of debate interrupted on 11th September, 1963)

Mr. J. M. Karuki: Mr. Speaker, Sir, I rise to congratulate the Minister for Home Affairs on the way he presented his Vote to the House. Although this Ministry is responsible for many departments, I would like to discuss only two from his own Ministry. One is the department dealing with administration and the other is that which deals with the Immigration Department.

Administration in this country, Mr. Speaker, Sir, has been going very slowly as far as Africanization is concerned. There are many African district officers who have been understanding the present expatriate district commissioners in different parts of Kenya. These people have been humiliated in the past in many ways. I would like to quote the case of a district officer who at the moment is a district assistant. He has been serving under previous governments for sixteen

[Mr. J. M. Karuki]

years. Today, he is still a district assistant. This is ridiculous at a time when we have an African Government. I would like to mention, Sir, that if an African has served under an expatriate for more than three years, such a person is qualified to take any post in our own Government, and I do not see any reason why we should not Africanize almost every part of the Ministry of Home Affairs, as the Minister mentioned the other day when presenting his Vote. The Minister said that he is moving very fast as far as Africanization in his Ministry is concerned.

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

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

I quite agree with what he said, but he only gave the House figures and percentages. Mr. Deputy Speaker, it is not very simple for the hon. Members on both sides of this House to explain by way of mathematics how the Africans are being promoted in this Ministry.

I would like to quote examples which show that even today there are many experienced Africans in this Department of Administration who could hold the most responsible jobs in the headquarters of this Ministry, and yet they are still confined at the district level and are not given a chance to come up to the high level of the Government. What is annoying about this is that the salaries of the African district officers and district commissioners are still very low. A European district assistant gets more salary than an African district commissioner. The salary given to an expatriate district assistant could be used to employ at least two African district commissioners. After all, what do they get, what do the district commissioners get in this country? They are given mere titles, but nothing else. They get no salary.

Here, I would like to give an example of what I am saying. There is an African district officer who has served the past Governments over the last six years. This district officer is now earning £1,085 a year, whereas another district officer, who was employed in September, 1963, this month, is earning £1,089 a year. Why is that? This man was employed in September and he is earning £1,089 per year, while the African district officer, who has served for six years, does not get more than that. What can we call that? I would like to know from the Minister when he comes to reply whether there is any justification in that. Mr. Deputy Speaker, I can substantiate that. I do not believe in mentioning figures, but in giving the facts. My Government is here to look after these

facts. I am pleased that the Minister is aware of this, and that he is going to listen to what hon. Members on this side of the House, or on the other side of the House, are going to tell him, so that he can find out the solution.

I am going to give an example of two people. A man was employed in 1947—he has served for sixteen years—who earns £1,089 per year. Another European is employed in my constituency who began in September, 1963, he earns £1,089 per year.

Now, Mr. Deputy Speaker, is there any justification in that? Are we going to humiliate our people? Are we going to just give them titles without salaries, that is what I would like to know from my own Government? We are not here to oppose the Government, but we are here to show the Government what is embarrassing the people; giving them titles and not giving them salaries is what is embarrassing them. If this continues the Government will find that many people will turn away from them and go into commerce, because commerce will give them a lot of money.

Before Africans are promoted they are asked to pass a certain examination, as, for example, in the case of district commissioners, but Europeans are not asked to pass a law examination. Why? I would like to know from the Minister when he comes to reply. Why is it that Africans are the only people who are asked to pass an examination? I can quote so many examples. If I am asked to substantiate, or if the Minister would like me to tell him what I mean, this I can do. Is it not discriminatory that Africans should be the only people who are asked to pass an examination? Yet, at the same time we talk of African nationalism, what is nationalistic in this? I would like to say to this House, and repeat again and again, that nationalism is becoming a negative philosophy, and it is a philosophy that is now losing its force. It is based on popular emotionalism, because people were handed together in fighting against a Colonial Government. As soon as Independence is won the force of nationalism dies. We now tend to speak with different voices. We do not practice what we preach. As we are an African Government yet us not promise to do something for our Africans, while not doing anything about it at all. We do not want our public to be embarrassed for so many years. If they continue to do this then people will not think there is such a thing as internal self-government. They are still being humiliated as they were before. Bringing a whole lot of figures to the House means nothing. If one could make words out of 1,004,180, then let one make them. One could say: "I owe

[Mr. J. M. Kariuki]

nothing, because I ate nothing"—this could mean 1,004,180, because the "1" could stand for I and so on. We must avoid all this.

I am not here to oppose our Government, because we do not need any Opposition in this country. The moment we have Opposition in the country, we will not be able to rectify what is wrong with the Government. The Opposition Leader was yesterday saying something about a Bill not being referred to the Governor. Let us suppose there was no Opposition, then we would not waste so much time debating here. What do we discuss? We can rectify things if we had a one party government. We can do this if we are of one opinion. There is no sense in having an Opposition, because the moment we have an Opposition we have to follow the party Whip. This is a fact, and it is a pity. This is the reason why I am saying that I am not opposing our Government, but I am trying to point out to it what is embarrassing the public. I, as a Member of the Government, would not like to see the public being embarrassed like that. This is why I am asking the Minister for Home Affairs to look into this matter very carefully.

There is another point and that is the one of the part-time European district officers. Most of these were employed as long ago as 1955. They get £226 per annum on first appointment. I am ready to substantiate this, Mr. Deputy Speaker, but why do they get so much money when they work only part time? Is this just because they know their work more than an African, or is it because their skins are white? The Africans who work full time get only £924 per annum. How does this come about? How long are we going to tolerate this situation?

This law examination is embarrassing and I would like to ask the Minister when he comes to reply to say whether all these people will be required to pass examinations, or only one section of the community. This is very serious and I call for the dismissal of those part-time Europeans and the replacement of them with Africans who will demand less money. I must state the facts, even if I am called names. I will quote one example. There is one European who was nominated on the 20th October, 1955, and even today he earns £926 per annum, and he is working half time. There is another one who was nominated on the 27th January, 1961, and he earns the same on the first appointment. I know their names. They did not pass any examinations. They still earn this much. How is this? The African salaries in the Administration are very poor. They get a big title D.C., but that is all, what else do they get? They get £20 increment of

the D.O.'s salary, and that is all. They get Sh. 150 which is called "Entertainment Allowance". They do not get this by right, they have to entertain somebody and then claim for it. On the other hand, an expatriate gets much more and he can employ three or four Africans under him. They also get passages overseas for their children. Do we Africans not have children? In the report that was published recently, Africans were told to build their own houses. Is the Government really going to accept that? The Government should either publish this report or ban it, and if they want to ban it I have a very big forest called Nyandarawa in the Aberdares and we can go and drop the report there.

Mr. Deputy Speaker, Sir, I would like to know the way in which the Africanization in the Ministry is going on, because we can make a lot of mistakes by putting in a person just because he is black. I would like to mention something else on Africanization. We are making a lot of mistakes by simply saying that we must Africanize this and that. Hon. Members must know that there are so many black Africans whose mentality is even worse than the Imperialists' mentality. I would like to explain something there, Mr. Deputy Speaker. It is the wish of the Colonialists that before they hand over independence to any African country they will first of all give their own good boys the top posts, so that whenever they go to their metropolitan cities in Europe they will still get the information they want. We must be very careful. Very recently the Prime Minister announced that he has put a committee onto Africanization, I would like to tell that committee and to warn it very seriously—and the members, if there are any here—that we should not only look at the black faces because there are many Africans whose mentality is even worse than the British mentality. This must be given serious consideration because we do not want this country to be another Liberia in Africa. I quote this as an example because I have been to all these countries where another continent is in Africa. Are we going to allow this in Kenya? Was not the Minister for Home Affairs (for whom I have a lot of respect because he has been a good leader for many years) the first man to mention that the Prime Minister is the only nationalist in this country? He must realize today, however, and he must go through his Ministry very seriously and find out what is going on in that Ministry. There is no use in putting good boys from the district level into head office, because that is not the solution. Something serious must be looked into by that commission. I mean the committee set up by the Prime Minister.

[J. M. Kariuki]

On the other hand I would like to say that there is no use in setting up committees every day, it is a sheer waste of time. A committee without work, Mr. Deputy Speaker, is useless. I urge the Minister for Home Affairs to see that the committee set up will work and work and work. The committee appointed today will not be able to make any report until 1964 and so what use is that? How many committees are set up? So many committees are set up, but there is still no development. From the Development Committee not even one programme has ever been put to the House; we have never heard of any programme. No development, nothing! What have we heard from the committee set up by the Prime Minister for Africanization? Nothing! How long are we going to wait? Until Doomsday? I wonder.

Mr. Deputy Speaker Sir, I would like to say something else about the chiefs. It has come to my notice and I have learned in the course of my duties that there are some chiefs in different parts of this country who had *barazas* and tell the people that Kanu has not fulfilled the promises they made during the elections, and if it had been a Kadu Government things would have been better today. Is the Minister aware of that? I would like to give him examples if he wants them. These chiefs must be sacked because we do not approve of their doing this; it is really true that they are doing this. How are we going to run this Government if there are some people who are trying to sabotage a national Government? These chiefs are, also, the servants of this Government. Since when have the chiefs been allowed to participate in politics? I would like the Minister to warn them very seriously that they are Government servants and they are not supposed to indulge in politics at all. If they do so they must be sacked without notice. I say this because I am amazed to hear what is going on in some parts of this country. As I am so frank I would like to say that this is happening in the Western Region and the Members of the Western Region can tell this House if I am speaking just through rumours or because I have heard and seen this with my own eyes when I attended one of the meetings with the hon. Mr. Oduya in his own constituency. That point, Mr. Deputy Speaker, I beg to leave to another Member to speak on, but I have not finished.

The other point I wanted to deal with, Mr. Deputy Speaker, is on immigration.

Mr. Matano: Mr. Deputy Speaker, before the hon. Member moves on to another subject I would like to say that he has made a very, very

serious allegation on the integrity of the chiefs of the Western Region. I wonder whether the Member should be called upon to substantiate this.

The Deputy Speaker (Mr. De Souza): Yes, I think so. Mr. Kariuki, can you substantiate your allegation, and give us evidence on what you base it?

Mr. J. M. Kariuki: Yes, I can substantiate that, Sir.

The Deputy Speaker (Mr. De Souza): You may give your substantiation to the Minister. Are you prepared to undertake to provide to the Minister the evidence on which you base these allegations?

Mr. J. M. Kariuki: Yes, Sir, everything I said here is correct.

Mr. Matano: Mr. Deputy Speaker, Sir, I think in a serious matter like this where the House has been told that there are some irregularities going on in a certain area that touch the integrity of some of our Civil Servants in the country the House ought to be told openly, not only secretly between the Member and the Minister. I think it is very serious as it touches on the integrity of our officers in this country and I feel the House should be told openly.

The Deputy Speaker (Mr. De Souza): My ruling is that it would be in order if the Member gave the details of these allegations to the Minister and the Minister gave them to the House in his reply. I think it would be better that way round than bringing it all up unnecessarily.

Mr. J. M. Kariuki: Mr. Deputy Speaker, I am quite ready to give evidence to the Minister.

Mr. Deputy Speaker: I would like to mention immigration, but before I proceed I would like to say something about the *pro forma* there which is given to our own people whenever they want a passport and that *pro forma* is full of questions like those used in the detention camps when they were screening us. This *pro forma* must be abolished straight away because it is embarrassing.

The other point I would like to make is that there are four Senior Immigration Officers and, according to my knowledge, two of these are now vacant. Two European Immigration Officers are only acting. Do we not have an African capable in the whole department to take up these posts? We would like to know that. There are twenty-six Immigration Officers and these two vacancies, according to my understanding, were expected to be vacant on 30th August, 1963 and another vacancy on 30th June, 1963. Well, when did our Government come into power? In June this year.

(J. M. Kariuki)

When did these two vacancies come into being? On 30th August, 1963.

The Deputy Speaker (Mr. De Souza): Your time is up.

Mr. J. M. Kariuki: If I may continue and finish I would like to dwell on this point very quickly. In spite of the fact that the vacancies appear on 30th June, 1963, by the retirement of one expatriate, the one supernumerary African officer is still a supernumerary today. There are fifteen trainee immigration officers and the length of training is two years. One Goan and one African are now completing their training but which of the two posts are they going to take? We would like to know this from the Minister. There are only a few Africans in the Department and the rest are Europeans and Asians, and we would like to know from the Minister why this is so. There is also a lot of discrimination in the Immigration Department. There is only one African Immigration officer who is not allowed— for the information of hon. Members in this House to sign the correspondence he drafts. He stamps the passports at the Airport but he is not authorized to sign the passport in reality, he only stamps them. I understand that he spends most of his time walking from his table to the European or Asian for them to sign the passports for him, the passports he has stamped. What is the use of that?

This is our own Government. Are we going to tolerate all these things? Are we going to tolerate all this discrimination, Mr. Deputy Speaker, Sir? The person himself is entitled to wear an immigration uniform and even today, the 13th September, 1963, he has not been allowed to wear the uniform. What sort of immigration officer is he? That is degradation.

There are three Europeans among the twenty-six who are being trained. They all have the authority to sign correspondence. They are under training and they are permitted to sign the correspondence which they draft. They are allowed to sign passports and send them off. They have uniforms and they are only under training. They are not like the African officer who is already an officer. They are under training and yet are allowed all these facilities and responsibilities which an African cannot enjoy. Before I sit down, Mr. Deputy Speaker, I would like to say that the most degrading thing is that this African immigration officer gives his correspondence to those European and Asian people for signing. Why should this be so? I would like to say today that this is a very serious state of affairs and

must not be accepted by our own Government. This is a new nationalist Government—

Mr. Gachago: On a point of order, Mr. Deputy Speaker, Sir. This is a very serious matter. Would the speaker be in a position to substantiate, if he were called upon to do so, either in the House or to the Minister concerned, that this actually happened in this Department?

Mr. J. M. Kariuki: Mr. Deputy Speaker, with pleasure I can do so. I am quite sure of anything I say in this House.

Mr. Deputy Speaker, my time has expired and yet I have many things to say but I would only end by saying that we should not keep on saying nationalism, nationalization when we do not practise what we mean by these words. It is our own country and we are not prepared to embarrass the Government but to tell the Ministers exactly what is happening. It is our work as members of this Government to tell our Ministers to go through their own Ministries and find out what is going on there and not to allow only the Permanent Secretaries to deal with the questions and various problems. We know that it is the Permanent Secretaries who elicit the necessary information which is brought before us in this House. This is not as it should be.

Mr. Oyoo: Mr. Deputy Speaker, I will not be very long since my colleagues have proved most of the points which I should have liked to put before the House.

This is in fact one of the Ministries where an African should expect more satisfaction and the first thing I would like to say here is on the matter of chiefs. I have been in Europe and other places, but I have never been to any place—and I stand to be corrected—where a European is called a chief. It is a colonial word and I would like the Minister when he replies to assure us that this word is no longer to be used in this country. We should not permit our own people to be given such names which in fact do not exist. It at all this is an English word then we ought to have found an Englishman being addressed in the same way. What terms we do hear people being called are things like Chief of Staff, Chief of the Admiralty and so on.

This is the time when we have to start removing such meaningless names from our nationalist Government.

Going on to the Administration. When one really examines what is going on in the Administration you find that officers who do not in any way help the country are appointed to various posts. They roam around in their cars, some

[Mr. Oyoo]

leave the offices and visit their friends, they sometimes receive correspondence which is returned to the district offices, and we pay this type of man for a particular job he is expected to do. We are being told that only graduates are being appointed to such jobs. I think, therefore, we must do all we can to revise the way in which the Administration has so far been run. We find people who have been termed by some of my colleagues here as "good boys" being appointed to the posts of District Officers whereas in fact they have not studied even up to Standard III. You also find Africans from the United States of America and from Great Britain with a recognized degree also being given appointment on the same level. Why should this be so? This is what the hon. Member who has just sat down has stated, I think. When any country emerges to independence the former colonial employers would always like to employ certain "good boys" in whom they have confidence who would embarrass the Government and stand in the way and obtain all the information their employers seek. I feel that we ought not to inherit what the Colonial Government has planted in this country. The whole Administration must be revised. We must have things our own way. Further, it is in these activities that there are so-called Civil Secretaries and yet there is not a single African who has been found fit to be called by this name. Not in any region. This is very serious. Is this position a technical position?

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

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

Of the people who are holding these positions, probably one or two might be graduates. I believe that such positions should not be retained. I know that we have to retain certain expatriates who have technical qualifications, but when it comes to positions such as those in the Administration, where anybody could be picked up to do the job as required by the Government, I feel that we should employ our own people. Here also I would like the Minister, when replying, to be definite and to tell us what he has in mind in Africanizing these positions.

In every region where we have an African as President we want to have an African Civil Secretary as well. We must tell the Minister now that it is time these chaps made way for our own people who are now starving in the country and are jobless until the people who have been standing in their way are removed.

Mr. Speaker, I would now like to go on to another point. This is a nationalist Government which is totally anti-tribalism, and here we have the words "tribal police". Are we going to accept this name in our nationalist Government? I would like the Minister to tell us what he has in mind, because actually we are anti-tribalism and we cannot accept such colonial names. This was started by the colonial regime which we do not need at the moment, and I would say to the hon. Minister concerned that this section should be immediately disbanded and joined up with our regular police in this country. We are not going to allow a certain section in the country to be called "tribal police" when we are always telling our people that we do not like to have this word used, especially in appointments. Mr. Speaker, Sir, in the country you find that with the police there is much change, but in the tribal police there is no change at all. There are people who still have the old colonial mentality, whereby they think that whenever an African commits an offence he should be beaten or caned and so forth. I think the Minister concerned must tell us why no improvement at all has been made in the tribal police, a name which will not exist in this country after the winding-up of this debate, because our people do not like this word—

The Speaker (Mr. Slade): I think you have made that point quite clear, Mr. Oyoo.

Mr. Oyoo: Mr. Speaker, Sir, I would now like to go on to the Immigration Department. This is one of the departments which I would call an island within the Ministry of Home Affairs. Whenever we talk about Africanization in this House, our shouts for Africanization do not affect this department at all. It is where you find foreigners are still favoured in every section, and when you go into the nature of the work they do it is purely clerical and can be done with a little bit of intelligence which our own people here have. I see no reason why every section here has not been Africanized because it gives us rather embarrassing ideas when we say that every department within the Ministry should be Africanized, and when we still find certain departments which cannot be affected by our own statements we feel rather embarrassed. We would ask the Minister to do all he can to carry out Africanization in that department which is an island within his own Ministry.

Mr. Speaker, Sir, there is another point which I would like to stress and which is now the concern of the Ministry of Home Affairs: that is the Famine Relief Fund. Every hon. Member in this House knows that I represent an area where there

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are thousands of flood victims. There is no fund in the Ministry to feed these people who have had their homes flooded and who are really living in misery, but the way in which the Administration is doing the job outside is no good at all. Our people ask what they should feed on and they still find that the Administration is not in a position to offer as much as we want the people to have. I think the Minister concerned should go out and investigate this because many, many people in my area are suffering and we feel the Government is duty bound to give all the assistance it can to these flood victims. Therefore, I would ask the Minister to increase the *posho* rations. Those people who are now in transit camps pending settlement should be given more funds because they are being given Sh. 30 and at the same time they are expected to pay their taxes and send their children to school. This is where the Minister for Agriculture and Animal Husbandry, the Minister for Lands and Settlement and the Minister for Home Affairs should all join together and see how they can carry this out because it is rather too much for my people to tolerate. If the Minister for Home Affairs does not improve the situation at all, then it means that a lot of funds will have to be used. Here I feel that the Minister concerned should definitely intervene in this matter and have our people settled immediately. If they do not, then they should give out enough funds, so that our people do not go on suffering because it was not their intention to get into such a situation.

Mr. Speaker, Sir, I want to say a little on the prisons, which come under the Ministry of Home Affairs. I have visited about two prisons and the way in which the prisoners are handled is very bad. If anybody is sentenced I do not think that it is right for the prison warders to beat him. If a prisoner is to be caged it is the duty only of a Magistrate to authorize that. Yet when you go to a prison you find, especially in those run by the Colonial-minded officers, who do not seem to know that Kanu is in power, that the people that are suffering are people who happened to be members of the Kanu Youth Wing or members of the Party. These people are tortured in the prisons, and there must be a change. We cannot have our own Government and yet have our own people being beaten in the prisons. We want everybody to be treated equally. A wrongdoer is a wrongdoer but there should not be any discrimination whereby those people who are known to have been members of the Kanu Youth Wing are being mistreated and tortured. I hope the Minister will go into this and have it rectified.

The position of Commissioner of Prisons is not a technical job at all and I see no reason why we do not have an African Commissioner of Prisons. Anybody can do this job, it is not a technical job. If our own people are suffering in the country with no jobs and we are still retaining expatriates with the old Colonial mentality who cannot change, we should make room for an African at least in this post.

Mr. Speaker, as I said at the beginning of my speech that I would not go on too long with these few remarks I wish to support the Vote.

Mr. Matano: Mr. Speaker, Sir, I would just like to make one or two points. On the question of Africanization, Sir, I feel that something must be done and done well because those points which were raised were genuine and I support them. There are times when I get worried when I see Africanization taking place. If we are going to carry out this Africanization, of course we should not do so just because somebody is black, we should try to get the right people in the right positions, but if we are going to do it let us do it. It does not help our people and it does not help us as the leaders of this country, if we go to an immigration office and find that the whole office is full of Asian clerical staff, with not even one African typist. This does not help anybody at all. I am not saying this because I do not want the Asian to be there, but they should be there in proportion to the number of Asians in the country.

Another point, Sir, is the question of the district officers and the district commissioners. This is a point which is worrying the people of the Coast at the moment. As you are aware, Sir, the old Liwalis, who are mainly Arabs, were changed from Liwalis to Assistant Regional Government Agents. Because they have been changed to these administrative posts they tend to be all posted to the Coast and what our people are saying at the moment is that all the administrative posts have been taken over by the Liwalis and the Arabs—although they are also Africans and our friends—and I feel that there should be a fair distribution of these posts. If an Arab is a Government servant why should he only be sent to the Coast all the time? I think he should be posted all over the place. Mr. Speaker, Sir, I feel that if they are Government servants they should be posted anywhere in Kenya and not be confined to the Coast.

There is another point which I would like to mention here. I know that at this juncture it is wrong to talk about tribes. But at the same time, Sir, I feel that it is very, very important that the Ministries, when employing these people in the

[Mr. Matano]

administrative posts like the Regional Government Agents or Assistant Regional Government Agents, should be careful to give a fair distribution between the tribal groups. By that I am not trying to say that at the Coast we do not want other tribes or that we at the Coast do not want to go to other districts, but I feel that if we are going to employ people let us make sure that the Regions are fairly represented in the Administration. At the moment you find that at the Coast we either have an Arab Regional Government agent or a Luo—this may not please the Minister, but it is true—and we are beginning to wonder whether this means that the Coast man is not ready to hold this post? I feel that the Coast should be given a chance to recruit some of these people to go and occupy some of these posts.

On the question of the prisons, Sir, I would like the Minister to try an experiment which I saw in one of the other African countries: the open type of prison where the prisoners are selected—perhaps their offences were not very serious—and instead of being subjected to the humiliation of an ordinary prison they are allowed a certain amount of responsibility, they are allowed to move freely and they are given a certain amount of trust. If they abuse that trust then they are sent back to the ordinary type of prison. I would like to see an experiment of this type tried out in this country to give people a little responsibility. They are given the responsibility of looking after themselves and people will then regard them as useful citizens. They must be occupied in these prisons, taught trades, and I am sure that by doing that we shall not only reduce crime but we shall make useful people out of the prisoners who are at present confined between the walls of the proper prisons of our country.

To turn to the question of the Chiefs, Sir, I feel that it was necessary in years past to have Chiefs. They were very, very necessary in those days. However, things have changed now, and in an area like my own in the past we would have one person representing the district—

Mr. De Souza: On a point of order, Mr. Speaker, Sir, I move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): When we regard the fact that we have to apply the guillotine in about eight minutes time, and assuming that all hon. Members would like to hear the Minister comment on some of what has been said, I will allow that question.

(The question was put and negatived)

Mr. Matano: Mr. Speaker, Sir, thank you very much, and I would also thank the Government Back-benchers for supporting me.

The position of the Chiefs has changed because in a district where one Member used to be the only representative, we now find that there are five Members, the Members of the Regional Assembly, and the Members of the County Councils, representing the people. Therefore, the people have more and more representation and because of this, and because the representatives are elected by the people themselves, I feel that the time for the Chiefs has passed. There is no work for them now because if it is a question of collecting taxes these Members who were elected by the people have been given this sort of job. They tell the people to pay their taxes because it is for their good, and for the benefit of their children. So, Sir, I hope that the Minister will go into the question of the Chiefs very thoroughly and, if necessary, try to change the type of work which they are doing.

The last point which I would like to put forward to you, Sir, is the question of famine relief. In my area, Sir, I had a very queer situation. We suffered from famine during the last two or three years because of the drought and at the moment because we have had good rains—people have a lot of crops on the fields. But because there is a game reserve close to the African native land unit we find that elephants—of which there are so many at the moment come and ate all the crops and the people are now left without food. I would like the Minister to go into this and make sure that when he considers the famine relief question he does not forget this area which has been so damaged by the elephants and other wild animals which the people are not allowed to shoot. If he does not, I am afraid the people will shoot them.

Mr. Speaker, Sir, I would like to go on, but I feel that my time is up so I will refrain. Thank you, Sir.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I would intervene for just one or two minutes to clarify a constitutional point which has been raised by the last speaker. He raised the matter of the Mudiro and the Liwalis and implied that the Minister for Home Affairs was responsible for either their presence or their posting in the Coastal Region. If the hon. Member would read the Constitution Section 184 he would appreciate that, in fact, the whole question of Mudiro and Liwalis is the subject of a legislation that can only be enacted by the Coast Regional Assembly and I may suggest to him that he is addressing the

[The Minister for Justice and Constitutional Affairs]

wrong audience: As the Vice-President of the Regional Assembly he has it in his hands to look at this question in the Coast and not to bring it to the Minister for Home Affairs.

Lastly, the hon. Gentleman's Party have always insisted that because people are different and are from different communities or tribes they should be safeguarded. You cannot have it both ways. Either you are completely for unity and integration or you are not. If you are not for unity and integration then you cannot quarrel with others who wish to protect their positions, and I hope that the hon. Gentleman will now go back to the Coast and start talking more effectively of complete unity and complete integration.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): I was very anxious, Mr. Speaker, Sir, to make a few remarks.

The Speaker (Mr. Slade): You have three minutes to do so.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Well, I will not waste much time.

I want to mention something briefly about the chiefs and say it very strongly. My hon. Friend, Mr. Kariuki, has mentioned something, and I have just given him papers to substantiate for the Minister what we say is happening with the chiefs in the Western Region. I hope the Minister for Home Affairs is going to take steps on this, because I have seen it and I have attended the meetings where these things have been said. I have talked to chiefs about this, but they have not appeared to be listening to the advice I have given them. I think maybe in a short time the Governor—who represents the Queen here—will go, and to be frank, these people, these chiefs must also go. As a Socialist Government we want people who will co-operate with the people they rule, we do not want those who will be looked on as colonial relics remaining behind here. Therefore, Mr. Speaker, Sir, I hope the Minister for Home Affairs will take this very seriously and do something about it.

Another small point concerns the cells in the chiefs' centres, the cells in which the prisoners are kept. There is no blanket, nothing at all. These people who are arrested are put on cold cement, and are left there; and particularly in my area, mosquitoes bite these people throughout the night. The cells are not protected at all. The Minister for Home Affairs, who used to be a challenge to the chiefs—he now calls them good

boys—has put us in a very difficult position. When we talk to the people they tell us that Mr. Odinga has told them he is their friend. He used to say they were bad, but now they are good, and that they need not listen to what Mr. Osogo says. That is what they tell us in the country.

Mr. Speaker, you have given me three minutes, and lastly I should like to mention briefly famine relief which comes under the hon. Minister's Vote. I think he should consider this very closely, particularly in my area, and in that of my friend, the hon. Mr. Oyoo. My area has been stricken with famine, and the crops the people planted have again been washed away by floods in May this year, and they have been left without food. I have written to the Minister about this, and I hope he is considering it.

Mr. Speaker, in the three minutes you have given me, I think I have made some very strong points to the Minister for Home Affairs.

(Interruption of business pursuant to Standing Order 144 (7))

The Speaker (Mr. Slade): This being the last of the allotted days, and it being only one hour before the time for the interruption of business, Standing Order 144 (7) applies, and the House must now go into Committee to conclude the business of the Estimates.

Mr. Anyieni: On a point of order, Mr. Speaker, we would like your ruling on this question of discussing the Vote of the Ministry for Home Affairs. You say that the time is finished, but we feel we would like to speak on this. Are we going to have another chance, or is this the last?

The Speaker (Mr. Slade): This is the last time.

Mr. Anyieni: Mr. Speaker, can the House vote on this?

The Speaker (Mr. Slade): No.

COMMITTEE OF SUPPLY

(Order for the Committee read)

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

IN THE COMMITTEE

(The Hon. Mr. De Souza in the Chair)

The Chairman (Mr. De Souza): As non-members know, this is what is known as the application of the guillotine, and all the remaining Votes which have been left undebated and undiscussed will now be put to the vote straight away.

VOTE 6A—MINISTRY OF HOME AFFAIRS

THAT a sum not exceeding £848,600 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 6A—Ministry of Home Affairs.

(The question was put and carried)

VOTE 6B—REGIONAL AFFAIRS OFFICE

THAT a sum not exceeding £1,319,750 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 6B—Regional Affairs Office.

(The question was put and carried)

VOTE 11—POLICE

THAT a sum not exceeding £2,114,500 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 11—Police.

(The question was put and carried)

VOTE 1—THE GOVERNOR'S OFFICE

THAT a sum not exceeding £14,950 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 1—The Governor's Office.

(The question was put and carried)

VOTE 2—JUDICIAL

THAT a sum not exceeding £119,650 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 2—Judicial.

(The question was put and carried)

VOTE 4—EXCHEQUER AND AUDIT

THAT a sum not exceeding £46,450 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 4—Exchequer and Audit.

(The question was put and carried)

VOTE 5—PUBLIC SERVICE COMMISSION

THAT a sum not exceeding £20,700 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 5—Public Service Commission.

(The question was put and carried)

VOTE 7A—MINISTRY OF LOCAL GOVERNMENT

THAT a sum not exceeding £27,300 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 7A—Ministry of Local Government.

(The question was put and carried)

VOTE 9—MINISTRY OF FINANCE AND ECONOMIC PLANNING

THAT a sum not exceeding £367,100 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 9—Ministry of Finance and Economic Planning.

(The question was put and carried)

VOTE 10—DEFENCE

THAT a sum not exceeding £47,825 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 10—Defence.

(The question was put and carried)

VOTE 12—MINISTRY OF EDUCATION

THAT a sum not exceeding £3,391,750 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 12—Ministry of Education.

(The question was put and carried)

VOTE 13—MINISTRY OF AGRICULTURE AND ANIMAL HUSBANDRY

THAT a sum not exceeding £1,150,000 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 13—Ministry of Agriculture and Animal Husbandry.

(The question was put and carried)

VOTE 15—MINISTRY OF HEALTH AND HOUSING

THAT a sum not exceeding £1,034,000 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 15—Ministry of Health and Housing.

(The question was put and carried)

VOTE 16—MINISTRY OF LABOUR AND SOCIAL SERVICES

THAT a sum not exceeding £217,500 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 16—Ministry of Labour and Social Services.

(The question was put and carried)

VOTE 17—MINISTRY OF COMMERCE AND INDUSTRY

THAT a sum not exceeding £38,500 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 17—Ministry of Commerce and Industry.

(The question was put and carried)

VOTE 17A—MINISTRY OF NATURAL RESOURCES

THAT a sum not exceeding £363,550 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 17A—Ministry of Natural Resources.

(The question was put and carried)

VOTE 18—MINISTRY OF WORKS, COMMUNICATIONS AND POWER

THAT a sum not exceeding £1,620,500 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, in respect of Vote 18—Ministry of Works, Communications and Power.

(The question was put and carried)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, Sir, I beg to move that the Committee of Supply do report to the Council its consideration and approval of the Resolution without amendment.

(The question was put and carried)

(The House resumed)

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

REPORTS

Mr. De Souza: Mr. Speaker, Sir, I am directed to report that the Committee of Supply was considered Motions and approved Resolutions without amendment that sums not exceeding the following amounts be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1964, on the following Votes respectively:

Vote	£
6A—Ministry of Home Affairs	848,600
6B—Regional Affairs Office	1,319,750
11—Police	2,114,500
1—The Governor's Office	14,950
2—Judicial	119,650
4—Exchequer and Audit	46,450
5—Public Service Commission	20,700
7A—Ministry of Local Government	27,300
9—Ministry of Finance and Economic Planning	367,100
10—Defence	47,825
12—Ministry of Education	3,391,750
13—Ministry of Agriculture and Animal Husbandry	1,150,000
15—Ministry of Health and Housing	1,034,000
16—Ministry of Labour and Social Services	217,500
17—Ministry of Commerce and Industry	38,500
17A—Ministry of Natural Resources	363,550
18—Ministry of Works, Communications and Power	1,620,500

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

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

(Question proposed)

(The question was put and carried)

CONSIDERED RULING FROM THE CHAIR
PROCEDURE FOR ALLOTTED DAYS

The Speaker (Mr. Slade): Before proceeding with the next order, I think I should explain to hon. Members, with reference to a point of order raised by Mr. Anyieni before the House went into Committee, the exact position with regard to allotted days; this is all described in Standing Orders, but it is somewhat involved. Our Standing Orders allow fifteen days, no more and no less, for debate of the Annual Estimates; and the guillotine has to be applied before the end of the last day. This is the last day. Mr. Anyieni asked if the House could not resolve to allow further time to debate the Ministry of Home Affairs. The answer was no, because we have had the whole

[The Speaker] time allowed by Standing Orders. If ever hon. Members feel that more time should be allowed for debate of the Estimates, it is a matter of their resolving to change Standing Orders.

BILLS
First Reading
THE APPROPRIATION BILL

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

Second Reading
THE APPROPRIATION BILL

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that a Bill entitled The Appropriation Bill, 1963, be now read a Second Time.

This Bill gives statutory approval to financial provision made in the 1963/64 Expenditure-Estimates which have been approved by the House. Clause 5 of the Bill provides for normal short-term borrowing powers to enable the Treasury to meet any commitments arising during the year for which money is temporarily unavailable from the Consolidated Fund. This authority is in addition to that conferred by Regulation 2 of the Kenya Short-Term Borrowing Regulations, 1963 (L.N. 408, 1963) which covers the sum made available by Vote on Account.

I may explain to hon. Members that if the trend of revenue does not keep up to the level of expenditure, then it becomes necessary to have money with which to carry on with Government expenditure which has been authorized. Revenue does not come in a regular flow, throughout the financial year. There are times, especially early in the financial year when the expenditure exceeds the amount of revenue which has been received at any particular time, and in order to keep the Government services going, we have to borrow money on a short-term basis.

Clause 6 is an innovation on the practice in previous years and reveals the power contained in the general Local Loans Ordinance to borrow each year in perpetuity an amount not exceeding 5 million pounds; but providing instead for a specific power to make long-term borrowings in the new financial year. These long-term borrowing powers permit the Treasury to raise money locally when market conditions are suitable and when money is required for application towards financing development expenditure. Consequential amendments to the Local Loans Ordinance are made in clause 7.

Mr. Speaker, Sir, I beg to move.

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

(Question proposed)

(The question was put and carried)

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE APPROPRIATION BILL, 1963

(Clauses 2, 3, 4, 5, 6 and 7 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, Sir, I beg to move that the Committee do report to the House that it has considered the Appropriation Bill, 1963, and has approved the same without amendment.

(Question proposed)

(The question was put and carried)

(The House resumed)

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

Report and Third Reading
THE APPROPRIATION BILL, 1963

Mr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report that it has considered the Appropriation Bill, 1963, and has approved the same without amendment.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

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

(Question proposed)

(The question was put and carried)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Appropriation Bill, 1963, be now read a Third Time.

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

(Question proposed)

(The question was put and carried)

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

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

(The Chairman (Mr. De Souza) took the Chair)

THE AGRICULTURE (AMENDMENT) BILL, 1963

Clause 2

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, Sir, I would like to move the following amendment, notice of which has been given:—

That clause 2 of the Bill be amended by leaving out the word "owner" wherever it appears, and by inserting in place thereof the word "owners".

That clause 2 of the Bill be further amended by leaving out subsection (2) of the new section 186A thereby introduced, and by inserting in place thereof a new subsection as follows:—

(2) where a Minister is unable to agree with the owners over the purchase of any land under subsection (1) of this section and is satisfied that—

(a) the owner or the occupier of the land has had sufficient time since he obtained possession of the land to bring the land into usage for the production of the crop in question and

(b) the necessity of obtaining land is such as to afford reasonable justification for the causing of any hardship that may result to the owner and other interested persons.

He may acquire the land within the area or any part thereof in accordance with section 188 of this Ordinance.

(Question of the amendment proposed)

(The question that the words to be left out, be left out, was put and carried)

(The question that the words to be inserted be inserted in place thereof was put and carried)

(Clause 2, as amended, agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE KENYA MEAT COMMISSION (AMENDMENT) BILL, 1963

(Clause 2 agreed to)

Clause 3

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, Sir, I would like to propose the following amendment, notice of which has been given on the Order Paper:—

That clause 3 of the Bill be amended (a) by leaving out the word "colonial" which appears in paragraph (d) and by inserting in place thereof the word "Commonwealth"; and (b) by adding the word "and" at the end of paragraph (e) thereby introduced; and (c) by adding at the end thereof a new paragraph as follows: "(f) The Managing Commissioner appointed under section 5A of this Ordinance."

(Question of the amendment proposed)

(The question that the words to be left out be left out was put and carried)

(The question that the words to be inserted in place thereof be inserted was put and carried)

(Clause 3, as amended, agreed to)

(Clauses 4, 5 and 6 agreed to)

Schedule

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): I beg to move—and notice has been given today in the Order Paper—that the Schedule be amended in the second column thereof, by leaving out the item relating to Section 5 (4), and by inserting in place thereof a new item as follows: Insert "and" after "Ordinance", and delete "and one a Member appointed for under paragraph (e) of the said subsection".

That the Schedule be amended further in the first column thereof by leaving out the expression 8 (3).

That the Schedule be further amended by inserting in its numerical position, a new item as follows: S. 8 (3) Delete "Governor in Council" and substitute "Treasury".

(Question of the amendment proposed)

(The question that the words to be left out be left out was put and carried)

(The question that the words to be inserted in place thereof be inserted was put and carried)

(Schedule, as amended, agreed to)

(Title agreed to)

(Clause 1 agreed to)

CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1963

(Clauses 2 and 3 agreed to)

1st Schedule

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, notice has been given of the intention for an amendment and that is: "That the following item be inserted in the Schedule to the Bill, immediately after the item referring to section 230 of the Criminal Procedure Code the insertion of section 264 and the word delete."

(Question of the amendment proposed)

(The question that the words proposed to be inserted, be inserted, was put and carried)

(First Schedule, as amended, put and carried)

(Second Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, Sir, I beg to move that the Committee do report to the House that it has considered the Agriculture (Amendment) Bill, the Kenya Meat Commission (Amendment) Bill and the Criminal Procedure Code (Amendment) Bill and has approved the same with amendments.

(Question proposed)

(The question was put and carried)

(The House resumed)

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

Reports, Consideration of Reports and Third Readings

THE AGRICULTURE (AMENDMENT) BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the Agriculture (Amendment) Bill and its approval of the same with amendment.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

The Speaker (Mr. Slade): In spite of the fact that the Bill has been amended in Committee and should, therefore, be postponed for further consideration, it is clear from the resolution of the House this morning that we are to take it today.

(Question proposed)

(The question was put and carried)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the Agriculture (Amendment) Bill be now read a Third Time.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

(The question was put and carried)

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

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE KENYA MEAT COMMISSION (AMENDMENT) BILL

Mr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Kenya Meat Commission (Amendment) Bill and has approved the same with amendment.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

(The question was put and carried)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the Kenya Meat Commission (Amendment) Bill be now read a Third Time.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

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

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL

Mr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Criminal Procedure Code (Amendment) Bill and has approved the same with amendment.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

(The question was put and carried)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the Criminal Procedure Code (Amendment) Bill be read a Third Time.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, on a point of order, what would happen if no one seconded this Bill at this stage? Would it mean that it would be left over?

The Speaker (Mr. Slade): Yes.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): In that case I will second it.

(Question proposed)

(The question was put and carried)

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

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

COMMITTEE OF SUPPLY

(Order for Committee read)

MOTION

SUPPLEMENTARY ESTIMATE (No. 1) 1963/64—
COLONY

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, Sir, I beg to move:—

THAT a sum not exceeding £10,502 be granted to the Governor on account for, or towards defraying the charges of Supplementary Estimate No. 1 of 1963/64.

QUORUM

Mr. J. M. Kariuki: On a point of order, Mr. Chairman, is there a quorum in the House?

The Chairman (Mr. De Souza): No, ring the Division Bell.

(The Division Bell was rung)

The Chairman (Mr. De Souza): I must remind hon. Members that if from the time when the Bell is rung we do not have a quorum—three minutes is the usual allotted time—one should, strictly speaking, adjourn the House to the next sitting which apparently will be on Tuesday. That is the rule.

Mr. Maisori-Iumbo: Can you not decide, Mr. Chairman?

The Chairman (Mr. De Souza): No, it is up to the Parliamentary Group to decide, not me.

Mr. J. M. Kariuki: On a point of order, Mr. Chairman, can the Minister proceed even if we have no quorum?

The Chairman (Mr. De Souza): Not now. If you had kept quiet, that would have been all right, Mr. Kariuki; I might not observe that there is lack of a quorum unless it has been brought to my notice.

We now have one more than the number required for a quorum. We can proceed.

(Question proposed)

NOTE 3—NATIONAL ASSEMBLY

Head H—Constitutional Conference Expenses

Mr. Alexander: Mr. Chairman, may we please have an analysis of this £10,000?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): This sum of £10,500 represents the cost of the coming Constitutional conference. It covers return air fares of the people going to the conference, subsistence allowances in London and a small allowance for incidental expenses.

Mr. Alexander: May we know how much of this covers air fares, how much for allowances in London, per day, and how much are the incidental expenses?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): The estimate, Mr. Chairman, is that the return air fares will cost £6,700, the subsistence allowances in London will cost £3,000, and incidental expenses £800, which together give the total of £10,500.

Mr. Alexander: Mr. Chairman, what is the subsistence allowance? In total I agree it is £3,000, but I would like to know what it is per day and for how many people?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): Per day it is the same as it has been in the past, that is £7 10s. and we reckon the conference will last twenty days.

The Chairman (Mr. De Souza): I think the hon. Member has asked how many fares there will be.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): There will be twenty-one return air fares.

Mr. Alexander: Do I take it, therefore, Mr. Chairman, that the £3,000 to be spent on allowances is £7 10s. a day for twenty-one people for twenty days?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): Yes. Twenty-one people and twenty days.

(Head H agreed to)

NOTE 6—PRIME MINISTER'S OFFICE

Head A—Personal Emoluments

Mr. Alexander: Mr. Chairman, I have two very brief questions. This, according to the explanation, does mean a further annual expenditure of £3,350, although the token Vote is only for £1. May we be told where the savings come from, in order to make up this additional expenditure?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): All I can say is that the savings are there from some source. I am afraid I cannot give the hon. Member the information now. The savings apparently are there.

Mr. Alexander: But, Mr. Chairman, when the Parliamentary Secretary says savings are there, could he show me, because there must be something on this piece of paper which I have not read; I cannot see where they are listed.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): Mr. Chairman, it is not shown on this paper, but the very

fact that only £1 is asked for means that there are savings within the Ministry.

Mr. Alexander: Yes, Mr. Chairman, I realize that, because I said at the beginning that I thought there must be savings somewhere. Does the Parliamentary Secretary not consider it important that we should know where the savings are? There may be something being thrown out of this Ministry which might be the subject of debate. I do think it is important that we should have all the information made available to us.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): Mr. Chairman, I consider the hon. Member is entitled to information with regard to the money we are asking for. We are asking for an additional £1. If the hon. Member does want information with regard to the sources of savings, I can give it to him later on; I do not have it here.

Mr. Alexander: Mr. Chairman, this does raise a matter of major principle. We have voted a certain sum of money in the Estimates for certain items. That money was voted at the time because it was considered important at the time. If it is no longer considered important, I think we ought to know. However, I can see it is no use pursuing this question any further, but perhaps the Parliamentary Secretary will drop me a note and let me know what these savings are.

The second brief question I wanted to raise is whether the £1,000 a year entertainment allowance in note (a) is taxable or not.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): We believe, Mr. Chairman, it is not taxable, but we are not sure just now. We can give the hon. Member that information when we find out.

The Chairman (Mr. De Souza): But has not a special law to be passed to make any allowance or any money not taxable? That has not been passed, as far as I know.

Mr. Alexander: This is the point. Could we be told where we have approved this as a non-taxable item, and can we accept this as a departure in principle on allowances of this kind because, of course, there are other instances of allowances of this kind? In fact, I think in most of the Estimates' headings there is some sort of an allowance available either to the Minister or somebody.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, there is provision which enables, for instance, certain allowances, such as an entertainment allowance for the

[The Minister for Finance and Economic Planning]

Governor and Deputy Governor, not to be taxed, and the intention here is that this will be non-taxable on the same lines and under the same provision, and that exists today in law.

Mr. Alexander: Do we understand then that a Bill will be brought before us to provide for this because I think it has to be specifically stated in law?

The Minister for Finance and Economic Planning (Mr. Gichuru): It was not my intention to bring it up because there are certain provisions that enable, for instance, other people to have money like this, but if the people feel strongly that the Prime Minister should not get this money this way I shall convey it to him so that we can arrange a Bill later on.

Mr. Alexander: Mr. Chairman, I do not want to be misunderstood. I was not conveying anything of the kind. I was merely trying to get to the root of a matter of principle. It is for the Government to decide what should happen in a matter like this. I am merely trying to get it perfectly clear as to what is happening.

The Minister for Finance and Economic Planning (Mr. Gichuru): It is common practice and I shall bring a Bill.

Mr. Muisori-Itumbo: Mr. Chairman, I think we on this side of the House are also not satisfied with the amount. Could we have a full explanation as to how this money will be spent from the Minister?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Charan Singh): Mr. Chairman, Sir, is the hon. Member referring to the additional £1,000 or which particular amount?

Mr. Muisori-Itumbo: Mr. Chairman, I am sorry. I thought we were still on the London Conference Vote.

The Chairman (Mr. De Souza):
..... (inaudible).

(Head A agreed to)

VOTE 8A—INDEPENDENCE CELEBRATIONS

Mr. Alexander: Mr. Chairman, the last time this matter was put before us I was given an assurance that just as soon as the Ministry was in a position, we would have an analysis of this figure against estimates that had come in. At that time the answer was that there were really no estimates on which to make an analysis, but I take it that now, since it is eight or nine weeks

since the question was asked, we are in a position to know how we are doing. What would, of course, be of considerable interest is whether there is likely to be any saving on this £400,000.

The Minister for Finance and Economic Planning (Mr. Gichuru): An analysis has just been compiled, and I hope it will be ready for circulation soon, perhaps next week. The Celebrations Committee has gone into this very carefully and the emphasis is on savings. Up to this particular moment it has not been able to make any savings but we hope that by the time the whole thing is finished we might be able to find some savings.

(Head 8A agreed to)

(The question was put and carried)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Supplementary Estimate No. 1, 1963/64 and its approval thereof without amendment.

(Question proposed)

(The question was put and carried)

(The House resumed)

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

REPORT

SUPPLEMENTARY ESTIMATE (No. 1),
1963/64—COLONY

Mr. De Souza: Mr. Speaker, Sir, I am directed to report that the Committee of Supply has considered Supplementary Estimate No. 1 of 1963/64 and has approved the same without amendment.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

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

(Question proposed)

(The question was put and carried)

BILL

First Reading

THE SUPPLEMENTARY APPROPRIATION (No. 3) BILL
(Order for First Reading read—Read the First Time—Ordered to be read a Second Time today)

Second Reading

THE SUPPLEMENTARY APPROPRIATION (No. 3) BILL

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Supplementary Appropriation (No. 3) Bill be now read a Second Time.

This is a formal Bill which gives statutory approval to financial provisions made in the Supplementary Estimates which was approved by the House today.

I beg to move.

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

(Question proposed)

(The question was put and carried)

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE SUPPLEMENTARY APPROPRIATION (No. 3) BILL

(Clauses 2, 3 and 4 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Supplementary Appropriation (No. 3) Bill, 1963, and its approval thereof without amendment.

(The question was put and carried)

(The House resumed)

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

REPORT AND THIRD READING

THE SUPPLEMENTARY APPROPRIATION (No. 3) BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of the Supplementary Appropriation (No. 3) Bill, 1963, and its approval of the same without amendment.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

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

(Question proposed)

(The question was put and carried)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Supplementary Appropriation (No. 3) Bill, 1963, be now read a Third Time.

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

(Question proposed)

(The question was put and carried)

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

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

MOTION ON THE ADJOURNMENT

The Speaker (Mr. Slade): That concludes the business on the Order Paper. Mr. Anyieni has a matter to raise on the Adjournment, so I shall call upon a Minister to move that the House do now adjourn.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

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

(Question proposed)

Mr. Anyieni: Mr. Speaker, Sir, it is unfortunate that according to your ruling we cannot discuss repealing the law—

The Speaker (Mr. Slade): It is according to Standing Orders.

Mr. Anyieni: I am going to quote a few examples where this law has been put in the hands of a few policemen who are terrorizing the people.

Mr. Speaker, Sir, the Trespass Ordinance No. 48, 1962, has been used in a discriminatory fashion. According to the record, the police have been arresting only African people. I have tried to find in the reports a person of any other race, Indian or European, being arrested for trespassing. It is true, though, that Asians, Europeans and others, have crossed other people's land, but they have never been arrested. This law has been applied wrongly, and I think it is very discriminatory. If you go to a hotel and remain there, in a public place, you are thrown out and charged with trespassing; lots of people have been

[Mr. Anyieni] imprisoned for that reason. Sometimes a person goes to look for a job, and while doing so the farmer or person who owns the land where he went to look for a job arrests the man and says he is trespassing. Sometimes, a person who works on a farm is discharged, and while waiting for his pay the owner of the farm calls for the police who arrests him for trespassing, and that is final.

Mr. Speaker, Sir, a lot of arrests are carried out even at this time. Some are carried out just at Kazarani, five miles from Nairobi, where people have been staying on the *shamba*, they have been discharged by their employer, and now they have nowhere to go. The farmers use this Ordinance to have these people arrested and put in jail.

We feel that the law is being used in a very discriminatory way, and for that reason I hope the two Ministers concerned—the Minister for Justice and the Minister for Home Affairs, because this affects the police—will look into this.

We hear stories that the police sometimes come independently. Two or three police constables sometimes feel they have no work to do, so they go to the *shambas* to see if they can arrest someone, and when they arrest them they beat them up. I say that the police do this, because in Kenya there are too many policemen. We are spending too much money in this country, and these are the people who are spending the money to terrorize our people. I have a record here that in Kenya there are as many police as those in Tanganyika added to those in Uganda, and I feel that is a complete waste of money. Instead of that, we should have this money put into another channel so that the youths of today can be trained for the Army. I feel, Mr. Speaker, Sir—

The Speaker (Mr. Slade): Mr. Anyieni, that is outside the terms of the matter you want to raise, which was the discriminatory application of the Trespass Ordinance. I do not see how the numerical strength of the police comes into it.

Mr. Anyieni: Thank you very much, Mr. Speaker. I have said this because it is the police who arrest the people accused of trespassing, and I feel that there are too many—

The Speaker (Mr. Slade): It cannot be relevant to the discriminatory application of the Trespass Ordinance that there are too many policemen.

Mr. Anyieni: When the police arrest the people, they say these days that Mr. Oginga Odinga has given them the power to do it, they say the Prime Minister has given them the power to do it. In the process of arresting people, they say, "In

the name of Jomo Kenyatta, I arrest you. In the name of Jogoo, I arrest you." Mr. Speaker, Sir, we feel that this is very discriminatory, and because of the fact that not one Asian or one European has been arrested through this Ordinance it makes us feel that it is being applied in a very discriminatory way.

I feel, Mr. Speaker, before a person is arrested in this method, the Attorney-General, through magistrates, should be the one to issue arrest warrants, but it seems as if even the Commissioner of Police did not know that these arrests were going on. It appears that constables just go around arresting people. If this Ordinance is allowed to be practised in this manner, it means that if, at any time, there was a bad chief of police, Kenya would become a police state; because this law can have anybody arrested. You can go up to a man in the street and say, "You are trespassing; you are not supposed to be here," and you can arrest the person. If someone comes to say "Jambo" to you, you can say that he, also, is trespassing, and arrest him. As this law is being used with great discrimination, we feel that the Minister for Justice and the Minister for Home Affairs, and the Minister of State in the Prime Minister's Office, should be empowered to investigate this matter and find out if there are some people who are using this law for their own selfish motives, and for terrorizing the African people.

With these few remarks, I beg to move.

Mr. Ngala: Mr. Speaker, Sir, I rise to support, very strongly, the Mover of this Motion.

First, I would like to say that when I opposed this Trespass Ordinance yesterday, the Minister for Justice alleged that I had encouraged trespassing. I think that two things should be done to this Ordinance: it should be repealed completely—

The Speaker (Mr. Slade): Mr. Ngala, under Standing Orders only matters of administration can be discussed on an adjournment Motion and not matters relating to the change of laws. Therefore, you must confine yourself to matters of administration.

Mr. Ngala: Thank you, Sir.

As far as the administration of the law is concerned, this law is discriminatory. When Africans walk over a piece of land which may belong to Europeans or Asians they are punished for this. Although they walk over an established path, they still get punished. However, I have seen many Europeans, Arabs and Asians walking all over African *shambas* and they are not touched at all. I have seen them leaving the road and walking right across places where crops are being grown.

[Mr. Ngala] and they are not punished at all. Why should we have this discrimination? We have said that our Government condemns discrimination, but we have here a law which is discriminatory. I would like the Minister concerned—the Minister for Home Affairs, who is very interested in free movement for the people and less discrimination amongst the races—to make it his job to make sure that the use of this law is not discriminatory, as it is now. I am not trying to be racial or tribalistic in this; but I feel that the bulk of our people have the right to see that this law is being used in the correct way. I feel that the Mover of the Motion has spoken with great feeling and appreciation of the hardship of the people. It often happens, also, that when Africans go into a place investigating the sign "Hapana Kaz" they are arrested for trespassing, but if any other person—one who is not an African—goes round looking for a job, he does not come under the provisions of this law; he is not penalized by this law. For this reason I think this is being used just to give deliberate punishment to the Africans. I am sorry that in some ways this law is used to exploit the Africans, particularly in the Coast Region. What is happening is that you get the Africans living together with other races and so on, and they use the same facilities, roads, paths and other things, but when it suits a particular person to use this law to penalize an African, it is used.

The Minister yesterday said that I should bring to this House some specific examples, but I think if he has his eyes open and looks around Kenya he will see examples. However, I am quite prepared to bring him all sorts of cases where this discrimination is being used. I think the discrimination which is being applied through this law is worse than the discrimination—and more painful—which is used in hotels and other places in the worst countries that practise discrimination. Therefore, the Ministers have this responsibility of seeing that such a law is brought into a common understanding so that the traditional way of no discrimination, equal treatment and the equal use of facilities is kept and that one race is not punished at the convenience of the others. I will never appreciate the Government when they make a noise about discrimination in other places and forget this serious discrimination affecting the ordinary person everywhere in Kenya.

Therefore, with these remarks, Sir, I hope the Ministers for Justice and Home Affairs will be concerned because they have acted and have appeared to be the champions of African rights and here they are challenged today to put it right in the interests of African rights.

Mr. J. M. Karuki: Mr. Speaker, Sir, Sometimes I pity our Ministers. The reason is that the Trespass Ordinance comes before the magistrate and the magistrate says who are the people to be evicted, but in some places—for example, my constituency—the people do not know what is happening. I have one example, Mr. Speaker, Sir. There was a man who was arrested in my constituency only after being discharged from a European farm, the police were called, the man was arrested and then he was charged under the Trespass Ordinance. I quote another example, Sir, very recently we read in the *East African Standard* about a person who died in Nyandarwa.

There were some people crossing on his farm and, according to the report, he told these people that he was going to charge them with trespass. Their farm had a road passing through and so they crossed through his farm. When the time came for him to get in touch with the police, instead of ringing them he went to his house, took up a gun and shot three times into the air. What do you think happened later? He collapsed and died. This is very serious. The Trespass Ordinance is to be considered very seriously if its effects are that it can make somebody die.

Therefore, I would like to say that I know you have set up a committee, we appreciate what that committee does and I can see the Parliamentary Secretary to the Prime Minister's Office who is present in this House and who is the Chairman of one of the committees. There is no point in having one hundred and one committees which do nothing. It is a waste of time. The best thing to do is to go through these Ordinances and do away with those that are bad. Immediately.

The Speaker (Mr. Slade): You are now proposing alteration of laws, which I have said is not allowed.

Mr. J. M. Karuki: Mr. Speaker, I am sorry and will not go beyond that.

There are other people who are now in settlement schemes. They know that this Ordinance exists, the Trespass Ordinance. Despite this even today the people who have to travel to places where they have been settled find they have to go long distances. They have to use buses to get to these places on occasion: all this happens because they have to avoid passing through a farm belonging to a European. These roads through the farms always existed but because we have an African Government they restrict the people passing through a farm—belonging to a European. They say that our Ministers have safeguarded the farm owners. We allowed such things to happen during the so-called Imperialist Government but

[J. M. Kariuki]

we should see that this thing does not continue any longer. This is the challenge in particular to the Minister concerned because he is the man responsible and he is known as the hon. Tom who is fighting for the African cause. I would like the Minister to advise his committee to try and see that this law is repealed immediately.

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

The Speaker (Mr. Slade): In spite of my having said three times today, and on various other occasions, that in debate on Adjournment you must not ask for amendment or repeal of law at the very end of his speech Mr. Kariuki asked for repeal of the law. I will not have hon. Members disregarding my rulings in this manner.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I want first to assure the House that the Government is very concerned with the matters which they have raised in the House this morning, and will certainly look into those various allegations that have been made. The Government, naturally, is concerned not only with one side of this question but with both sides of it and must continue to do so. It is not enough merely to try and castigate the Government or its Ministers in the terms that have been used by the Leader of the Opposition.

Firstly, this law is not intended to be a racially discriminatory law.

Hon. Members: It is, it is.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): If Members would care to read the Statute Book they would understand that nowhere is there reference to race as far as the law stands. If, in its application it has tended to be discriminatory then certainly the Government will look into this question of its application. That, however, is an entirely different question. Now, I certainly intend to look into the question of its application in the field and to study such allegations as have been made here and outside. We are aware that people other than Members in this House have complained about action taken on the grounds of trespass in different parts of the country. There is that category of people, those who are dismissed from different farms and who have been charged under this legislation because they did not leave the farm in question. Government has appealed to farmers, in the Rift Valley especially, that, in view of the unemployment problem in the country and in view of the

difficulties encountered by dismissed labour, they should not try to use the trespass law as a means of securing eviction. Government has also asked and instructed the police not to take the initiative in intervening on matters of eviction, unless, of course, there is a court order. A court order has to be obeyed by every person and the police have a duty to facilitate the carrying out of a court order. The court orders are issued by a magistrate.

Mr. Ngala: By you.

The Minister for Justice and Constitutional Affairs (Mr. Mboya):—after hearing the case on both sides. I do not know, Sir, whether the Leader of the Opposition, or shall I call him the lonely man in this House, is deliberately trying merely to have a debate or wants us to look seriously into the difficulties and hardships of these different people. It is no use shouting that the court orders are issued by me, the courts of this country will stay, they are a necessary part of this society and they are not going to be broken down by the belligerence and arrogance of any person, including the Leader of the Opposition.

Mr. Speaker, I would therefore merely say to the Members who have spoken in this debate that we will certainly study aspects of the application of this law, and especially in the Rift Valley look into the question of dismissed labour who, in our view, should have facilitated the opportunity for looking for other jobs and not be harassed. We will also study definitely throughout the country any aspects of the application of this law, and instructions will be given to the police accordingly and the appeal we have made to the employers on the farms will be given accordingly.

Mr. Speaker, I do not intend to influence any court proceedings merely because the Opposition thinks we should do so.

Mr. Anyken: On a point of order, Mr. Speaker, I do not know if I am in order in asking the Minister to give us a report after the investigation.

The Speaker (Mr. Slade): No, you are not in order.

(The question was put and carried.)

ADJOURNMENT

The Speaker (Mr. Slade): The House is therefore adjourned *sine die*.

The House rose at fifty-five minutes past Twelve o'clock.

Tuesday, 12th November, 1963

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

DEATH OF MR. OYO

The Speaker (Mr. Slade): Hon. Members, it is with deep regret that I refer to the death on the 4th November, 1963, last Monday, of our friend and colleague Otieno Oyoo.

Though he was not long with us in this House he became known to us as a man of ability and sincerity, and one who served faithfully both his constituents and his country.

In respect for his memory, and as a mark of sympathy for his widow and children, I would ask you to stand for a minute in silence.

PAPERS LAID

The following Papers were laid on the Table:—

Extract from Command Paper No. 2156 on the Kenya Independence Conference, 1963. Report, relating to Independent Kenya's application for Membership to the Commonwealth.

(By the Prime Minister (Mr. Kenyatta).)

Annual Report of the Registrar-General—1962. (By the Minister for Justice and Constitutional Affairs (Mr. Mboya))

International Development Association, Articles of Agreement and accompanying Report of the Executive Directors of the International Bank for Reconstruction and Development. Articles of Agreement of the International Finance Corporation.

Articles of Agreement of the International Monetary Fund.

International Bank for Reconstruction and Development, Articles of Agreement.

The Exchange Control (Application for Permission, Consent or Authority) (Fees) Rules, 1963.

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

The Minister for Finance and Economic Planning (Mr. Gichuri): Mr. Speaker, Sir, may I make a point on the first four of these Papers. They deal with financial agreements incorporated in the International Development Association Bill, the International Finance Corporation Bill and the Bretton Woods Agreements Bill which are to come before the National Assembly.

Only a very limited number of these documents have been received in Kenya and it is therefore not possible to distribute them in the normal way.

Several copies of each have, however, been placed in the Library for inspection and perusal.

Annual Trade Report of Kenya, Uganda and Tanganyika for the year ended 31st December, 1962.

The Public Security (Amendment) Regulations, 1963.

The Public Security (Amendment) (No. 2) Regulations, 1963.

(By the Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh) on behalf of the Minister of State (Prime Minister's Office))

Forest Department Annual Report, 1962.

The Forests (General) (Amendment) (No. 3) Rules, 1963.

The Fish Protection (Lake Naivasha) Amendment (No. 2) Rules, 1963.

(The Minister for Agriculture and Animal Husbandry (Mr. McKenzie) on behalf of the Minister for Natural Resources (Mr. Sagini))

Maize Marketing Board Annual Report for the financial year ended 31st July, 1962.

Kenya Meat Commission—1962: Annual Report and Accounts.

Department of Agriculture Annual Report, 1962—Vol. I, Report of the Director of Agriculture.

The Kenya Meat Commission (Grading) (Amendment) (No. 2) Regulations, 1963.

The Kenya (Amendment of Laws) (Coffee) Regulations, 1963.

The Kenya (Statutory Commodity Boards) (Amendment) Regulations, 1963.

The Kenya (Amendment of Laws) (Agriculture) Regulations, 1963—Dissolution.

The Kenya (Amendment of Laws) (Agriculture) (No. 2) Regulations, 1963.

The Wheat Industry (Grading) (Amendment) (No. 2) Rules, 1963.

The Wheat Industry (Agency) (Amendment) (No. 2) Rules, 1963.

The Wheat Industry (Wheat Board Procedure) (Amendment) Rules, 1963.

The Wheat Industry (Import and Export) (Amendment) Rules, 1963.

The Wheat Industry (Agency) (Amendment) (No. 3) Rules, 1963.

The Kenya (Amendment of Laws) (Coffee) (No. 2) Regulations, 1963.

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

NOTICES OF MOTION

KENYA TO BE MEMBER OF THE COMMONWEALTH

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

THAT this House notes with satisfaction the agreement recorded in Command No. 2156 in which the British Government indicates its intention that Kenya will become independent on 12th December, 1963; and

expresses the wish that Kenya should become a Member of the Commonwealth on the attaining of Independence, and to this end desires the Government of Kenya to request the British Government to initiate on Kenya's behalf the appropriate steps with other Commonwealth members.

The Speaker (Mr. Slade): Is there any Minister wishing to give the Notice of Motion on behalf of the Minister for Health and Housing?

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Health and Housing, I beg to give notice of the following two Motions:—

EXTENSION OF RENT RESTRICTION ORDINANCE

THAT this House resolves that the Rent Restriction Ordinance (Cap. 296) shall remain in force until 31st December, 1966.

EXTENSION OF EVICTION OF TENANTS (CONTROL) ORDINANCE

THAT this House approves that an order be made to keep the Eviction of Tenants (Control) (Mombasa) Ordinance, Cap. 298, in force until the 31st December, 1966.

MINIMUM WAGES REGULATIONS IN RURAL AREAS

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

THAT this House urges the Government to make regulations to introduce minimum wages applicable to each Region in the rural areas in order to check the exploitation of workers by employers of all races in such areas.

AFRICANIZATION OF THE KENYA BROADCASTING CORPORATION

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

THAT this House urges the Government to Africanize the K.B.C. immediately, to replace the Europeans who have been controlling the important instrument of information in Kenya.

AFRICANIZATION: NON-TRIBAL APPROACH

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

THAT this House deplores the slow progress being made in the Africanization of the Kenya Civil Service with its tribal approach and urges the Government to speed up the system on a truly non-tribal basis throughout the entire service.

The Speaker (Mr. Slade): Mr. Oloitipitip, you have a notice of Motion?

Mr. Oloitipitip: Mr. Speaker, Sir, I think I have to reserve my Motion for the group to re-study.

ORAL ANSWERS TO QUESTIONS

Question No. 55

NON-INHABITED AREAS OF PARKARE

Mr. Rurumban asked the Minister for Lands and Settlement was the Minister aware of a non-inhabited area called "Parkare" bounding Kirumon-Kenya Meat Commission holding ground in Laikipia District and of repeated requests by the Samburu tribe for the occupancy of this land?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply.

In spite of considerable investigation, Government regrets that it does not know of any area known as Parkare. I do not know whether perhaps the hon. Member is referring to an area commonly known as the Samburu Ranch, which is in that particular area.

Mr. Rurumban: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, will the Government then try to find out the proper name by which the land is known because it is only known by the Samburu as Parkare?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, it is evident that the hon. Member can provide this information and if he would see me or my Minister outside today, we will certainly investigate the point he makes. I must make it clear, however, to the House that from the geography that he mentions, which is in the area of the Kirumon holding ground, this area appears to be in the old Non-scheduled Areas with which the Minister of Settlement is, of course, unfortunately not concerned.

Mr. Ngala: Arising from that reply, Sir, is the Government not aware of this alleged repeated request by the Samburu for a certain area, and if the Government is aware of that, is that not the area?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, I can only reply that the area concerned is in a Non-scheduled Area, and the hon. Leader of the Opposition will be aware that under the Constitution any request for occupation of land is entirely a matter for the Regional Authority in which that land is vested.

Mr. Murgori: Mr. Speaker, Sir, could the Parliamentary Secretary tell the House—as this question was not first introduced today—why his Ministry did not find out where this area is as they were aware of the question?

An hon. Member: He has already answered.

Mr. Ngala: Mr. Speaker, Sir, arising from the previous reply, could the Parliamentary Secretary tell us the name of the place outside the Scheduled Area for which the Samburu have made repeated requests?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir,

as I have already said, there is no place officially known as "Parkare". If there is a particular Samburu name of "Parkare" it is not known by the Government. If it is in the vicinity of the Kirumon holding ground, which is north of Archer's Post, it is not within the Scheduled Area and therefore does not come within the purview of the Ministry of Settlement.

The Speaker (Mr. Slade): I do not think the Parliamentary Secretary understood your question, Mr. Ngala. Would you like to repeat it?

Mr. Ngala: Mr. Speaker, Sir, I think the Government was trying not to understand my question. I was asking whether Government could give us the name of the place for which the Samburu people have made repeated requests. Whether it is inside or outside the Scheduled Area we want the name. The Government must know the name.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, as I have explained I cannot answer that question. The only area which seems to be under some dispute close to the Kirumon holding ground is the Samburu Ranch. The Samburu Ranch is vested in the Regional Authority and I know of no other area near to the Kirumon holding ground which could be in dispute, or which is known as "Parkare".

Mr. Ngala: Does the Minister know this?

Question No. 96

FISHING POTENTIAL IN RIFT VALLEY AND LAKE RUDOLF

Mr. Areman asked the Minister for Natural Resources if the Minister would arrange for an economic survey of the fishing potential of the Rift Valley lakes, with special reference to Lake Rudolf.

The Parliamentary Secretary for Natural Resources (Mr. Njiru): Mr. Speaker, Sir, I beg to reply. Yes, Sir, an approach has already been made to the Food and Agriculture Organization of the United Nations for an economic survey of the fishing potential of Lake Rudolf to be undertaken by a Fisheries Economist with a view to covering all marketing aspects throughout Kenya, which are applicable to this lake with particular emphasis on the participation in the industry by the local peoples in the area.

[The Parliamentary Secretary for Natural Resources]

Lakes Baringo and Naivasha are, however, already being exploited to the maximum permissible extent from the aspect of the preservation of fish stocks, and both of these lakes already possess developed marketing facilities in the way of frozen fillet factories.

Mr. Aremam: Could the Parliamentary Secretary immediately make arrangements at Lake Rudolf to reduce the amount of sporting fishing that goes on there?

The Parliamentary Secretary for Natural Resources (Mr. Njiri): The Government is aware of that, Mr. Speaker.

Mr. Rurumban: Mr. Speaker, Sir, arising from the formal reply of the Parliamentary Secretary, what is the outcome of this with regard to Lake Rudolf itself?

The Parliamentary Secretary for Natural Resources (Mr. Njiri): The survey is going on as far as the Government is concerned.

Mr. Rurumban: Can the Parliamentary Secretary give the House a definite answer with regard to the survey on Lake Rudolf, Mr. Speaker.

The Parliamentary Secretary for Natural Resources (Mr. Njiri): Yes, the work is being done by the United Nations and we can give the hon. Member a report any time.

Mr. Ngala: Arising from the Parliamentary Secretary's reply, is he aware that he is contradicting himself by giving, on the one hand an answer to the effect that Lake Rudolf is fully exploited and on the other hand saying that he has a survey at the moment taking place on the Lake? What is the survey for, and why has he given these two contradictory statements?

The Parliamentary Secretary for Natural Resources (Mr. Njiri): I think I have answered these questions.

Question No. 102**PUBLIC OFFICERS' AGREEMENT WITH THE BRITISH GOVERNMENT**

Mr. Alexander asked the Prime Minister if the Government intended to enter into a public officers agreement with the British Government similar to that completed by the Uganda Government, and if so, what were the reasons; and would the House of Representatives have

an opportunity to debate it before it was approved?

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

Yes, Sir, the Government intends to enter into a Public Officers' Agreement with the British Government similar to that completed by the Uganda Government, at the time of Independence.

The reasons are as follows:—

It has been the practice of the British Government, when a territory ceases to be dependent, to enter into an agreement with the territory to provide for the continuing payment of pensions already awarded to civil servants and their dependants, and to preserve certain terms of service of expatriate civil servants.

The British Government announced its intention of entering into agreements of this nature in a White Paper some years ago, and have adhered to the principles enunciated in the Paper in the case of every territory which has gained its independence since then. A draft agreement is now being prepared for Kenya, and it is intended that this will be incorporated in the handing-over instruments to be executed at the time of independence.

I can give no undertaking that the House of Representatives will have an opportunity to debate the proposed agreement before it is approved.

Mr. Alexander: Will this agreement, when it is entered into, amount to a guarantee by the Kenya Government not only for pensions but also for compensations, and if so, what is the total estimated amount involved, who will pay it, and how long will it take?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): That, I am afraid, is a different question. The original question does not refer to any amounts at all or to the contents of the agreement. The agreement is similar to that entered into by Uganda and that is the assumption I gained from this question.

Mr. Alexander: Is the Parliamentary Secretary suggesting that if the Government is going to enter into agreement it does not know roughly what amount is involved?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): The Government knows not only that but a lot more. The

[The Parliamentary Secretary to the Prime Minister's Office]

point is that it is not the subject-matter of the question before the House.

The Speaker (Mr. Slade): Order, order. No, Mr. Chanan Singh, I do not agree that it does not arise out of your reply. It is a matter for Government to say they cannot answer or they do not wish to answer.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): The question asks for certain information and that information has been given. There was no indication that the amount involved would be required. If I had known that I would have come supplied with the figure.

Mr. Alexander: Mr. Speaker, would the agreement undertake to cover the loss of exchange in respect of those who wish to be paid in sterling?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): The agreement is exactly the same as entered into by Uganda and the hon. Member knows it.

Mr. Ngala: Arising from the Parliamentary Secretary's reply, it looks as if he is not prepared to give the financial implications of the agreement. Can he undertake to give the information to the questioner because every Parliamentary Secretary and every Minister must be prepared for substantial questioning.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): No, Sir, I can give no such undertaking. If the hon. Member is interested he can put another question. So far as the hon. Leader of the Opposition is concerned, he knows the contents of the agreement.

Mr. Ngala: Arising from that (Inaudible.) you have ruled, Sir, that this matter is related to the question. Is the Parliamentary Secretary in order to say that this is another question, and that a third question should be submitted on this matter?

The Speaker (Mr. Slade): No, it is for me to say what is relevant to a question and what is not, but it is completely for Government to say how far they are able to answer today, or are willing to answer today. If they are not willing, it is a case of following it up another day.

Mr. Alexander: Mr. Speaker, would the Parliamentary Secretary agree that a reasonable estimate for compensation alone is £25 million and if so where is the money coming from?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): I do not know.

Question No. 107**IRANGI FOREST STATION: CLOSURE**

Mr. Mbogoh asked the Minister for Natural Resources if the Minister was aware that, due to the closure of Irangi Forest Station, the production of timber there has completely fallen and that people in Embu, needing building poles, have to travel some 60 miles to Kamweti or Chogoria for even a small consignment.

The Parliamentary Secretary for Natural Resources (Mr. Njiri): Irangi Forest Station has not been closed. Due to the acute shortage of Foresters, the Chief Conservator of Forests has been obliged to staff Irangi Forest Station with a Forest Ranger instead of a Forester. The Forester in over-all charge is stationed at Kamweti. People in Embu who wish to pay for and remove building poles and other forest produce from Irangi can still do so without travelling to Kamweti or Chogoria.

There has been a fall in the production of timber in the Irangi Forest, but the alternative on which the Government is working is to staff the Irangi Forest with a Forest Ranger.

Mr. Mbogoh: Arising from the reply, could the Parliamentary Secretary tell us why one Assistant Forester is posted to an area which previously employed five Foresters?

The Speaker (Mr. Slade): I do not think that arises out of that question, Mr. Mbogoh. I cannot see the relevance to this question.

Mr. Mbogoh: I have another question. Why are they not promoting the other Assistant Foresters and Rangers to fill the vacant positions?

The Parliamentary Secretary for Natural Resources (Mr. Njiri): They are not qualified. If they are qualified, they are promoted.

Mr. Gichoya: Arising from the reply, Sir, may we know what steps are being taken to develop the local potentialities in matters of personnel?

The Parliamentary Secretary for Natural Resources (Mr. Njiri): We have a training programme.

Mr. Gichoya: Arising from the answer, how many people from the Kirinyaga District and particularly Gichungu are being trained or listed for training in forestry work?

The Parliamentary Secretary for Natural Resources (Mr. Njiri): Mr. Speaker, I would like the hon. Member to come to my office and I will give him the reply.

Mr. Mbogoh: Mr. Speaker, Sir, I would like the Parliamentary Secretary to say what the Government pays for the loss of revenue?

The Parliamentary Secretary for Natural Resources (Mr. Njiri): I did not hear the question.

Mr. Mbogoh: I would like to know what the Government is doing to cover the shortage.

The Parliamentary Secretary for Natural Resources (Mr. Njiri): How can you say there is loss of revenue?

Mr. Murgor: On a point of order, is the Parliamentary Secretary addressing the hon. Member, or is he addressing the Chair?

The Speaker (Mr. Slade): I must say, I find it difficult to hear the more or less private conversation which is going on down at the far end. I would ask the hon. Members to speak up, to make sure that all hon. Members can hear.

Mr. Aremam: Arising from the one point of the Parliamentary Secretary, can he tell us what qualifications Foresters in that area can acquire so that they can try to become qualified Forest Officers?

The Parliamentary Secretary for Natural Resources (Mr. Njiri): Government is always having courses, and if you want to be a Forester, a man has to be trained as a Ranger and then go for further training.

Mr. Gichoya: Arising from the reply, Sir, can the Parliamentary Secretary state specifically what academic qualification is needed for someone to go to any of the forestry schools.

The Parliamentary Secretary for Natural Resources (Mr. Njiri): The qualifications depend on what type of work he is required to do. It takes about six years of training and the person must have a high academic record.

Mr. Ngala: Arising from one of the replies given by the Parliamentary Secretary where he says that the Government is going through the training, I think he means that the Government is having training for people who would like to be Forest Officers. Can he tell us how many there are and the various stages of training they have reached and when they are likely to come out and be posted in order to take over these jobs?

The Speaker (Mr. Slade): I think not today, Mr. Ngala, but another day.

Question No. 108

CO-OPERATIVE MOVEMENT: AFRICAN OFFICERS

Mr. Mbogoh asked the Minister for Commerce and Industry if the Minister was aware that the Co-operative Movement in this country was being threatened by resignation of senior officers at the end of this year and the whole movement was being thereby left to unqualified Africans? If the Minister could tell the House how many officers there were and how many Africans held top posts in the Department of Co-operative Societies?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. I am aware that of the 16 senior Co-operative Officers in the Department of Co-operative Development who are Europeans, seven are likely to leave by January, 1964. We have a total of 31 senior officers—that is to say, officers of the rank of Co-operative Officers or above—and eleven of these are at present Africans. They have had, like all other Co-operative Officers, at least nine months highly concentrated training at the Loughborough College, or similar overseas training, in addition to considerable experience in the Department. There is therefore no question of the Co-operative movement being left to so-called unqualified Africans and I am sorry that my hon. friend should have made such a remark. I will add that I have every intention of continuing a reasonable and practical programme of Africanization within the Department, subject only to the need to safeguard the very considerable funds handled by the co-operative societies.

Mr. Mbogoh: Mr. Speaker, could the Minister tell us why the department is only taking the "hard core Europeans" who are most unqualified for this department?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, Sir, in my knowledge of the English language I am unable to define what a hard core European is. However, as my reply indicated, the trend is towards more and more Africanization of the department.

Mr. Ngala-Abok: Arising from the Minister's reply, can he agree that due to these hard-core Europeans this particular organization is weak and needs to be overhauled and re-established?

The Minister for Commerce and Industry (Dr. Kiano): As I said earlier, there is no person known as "a hard-core European," unless one

[The Minister for Commerce and Industry] refers to the mental thought process of an individual. However, as I have said, of these 16 Senior Co-operative Officers in the department who are Europeans seven of them will have left by January, 1964. I also indicated, Mr. Speaker, that we are looking forward to further Africanization of the department.

Mr. ole Tippi: Mr. Speaker, Sir, arising from one of the Minister's replies I understood that seven European officers will be retiring before January—something of that sort—and these officers will be replaced by African officers who are at present undergoing training. Now, does the Minister want to imply that as soon as a man completes training, and without having any practical experience, he qualifies to take over from an officer who has had many years of experience?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, I must congratulate the hon. Member for his very fertile imagination. I did say that seven co-operative Officers are likely to leave by January, 1964. I did also say that we look forward to the programme of Africanization. However, nowhere in my reply did I imply that the replacement for the seven will come directly from college. I should inform the hon. Member that already in the field we have Africans as Senior Co-operative Officers who have experience and I hope the hon. Member is not against the idea of promotion.

Mr. Towett: Mr. Speaker, would the Minister correct the records. Are these seven Europeans likely to leave or are they leaving? We are left in doubt and would like to know the exact position.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, Sir, anything can happen between now and January.

Mr. Anyeani: Mr. Speaker, arising from the Minister's reply, and in view of the fact that co-operatives are a first step towards Socialism would the Minister give an assurance to this House that if the question was in his mind that the problem is that we do not have Africans who are qualified, he got some scholarships first for Kenya Africans to go overseas for further studies in the co-operative movement in order to replace the Europeans who are going away.

The Minister for Commerce and Industry (Dr. Kiano): I am glad to inform the House that during our visit to the Socialist countries we did discover the possibility of training more and more co-operative workers in those countries and the response was very satisfactory.

Mr. Ngala: Arising from one of the replies by the Minister, particularly where he refers to having 31 officers in the co-operative department, could the Minister give a breakdown of these officers according to regions where they occur.

The Minister for Commerce and Industry (Dr. Kiano): In our department, Mr. Speaker, like in most other Government departments, we are not interested in Majimbo.

Mr. Mbogoh: On a point of order, Mr. Speaker, I do not think he has answered the second part of the question.

The Speaker (Mr. Slade): It is too late. We are on to the next question.

Question No. 115

GROGAN CONCESSION: KAPTAGAT FOREST

Mr. Murgor asked the Minister for Natural Resources when the Government intended to hand over to Elgeyo the former Kaptagat Grogan Concession Forest?

The Parliamentary Secretary for Natural Resources (Mr. Njiri): Mr. Speaker, Sir, I beg to reply.

It is not the intention of Government to hand over to Elgeyo the Kaptagat Forest.

That part of the forest which lies to the west of a watershed running roughly north to south through the forest, is very, very vital for water catchment. These streams are the water supply for the neighbouring farms in the Usain Gishu and also for the Eldoret Municipality. When the Grogan Concession expired, full examination was made into the possibility of existing land for the Elgeyo. Therefore, approximately 2,500 acres were taken and the agreement was that the Elgeyo Council would be given £2,500 per annum *ex gratia*.

Mr. Murgor: Mr. Speaker, arising from the reply, is the Parliamentary Secretary aware that the Kenya Land Commission Report which was published in 1933, paragraph 1006, I quote: "In 1957 it says it may be advisable to grant rights to the Elgeyo on economic grounds."

The Parliamentary Secretary for Natural Resources (Mr. Njiri): Mr. Speaker, arising from the reply that if the Government is aware of the position when is it going to grant rights to Elgeyo?

Mr. Speaker: Sir, according to the Estimates for 1963/64, it is Government's intention that it should be paying the Council from now on.

Mr. Murgor: Mr. Speaker, Sir, what I am actually asking the Parliamentary Secretary is whether he is aware that the Government is renting that concession from the Elgeyo and the Elgeyo now do not want the rent, they want to have their forest back?

The Speaker (Mr. Slade): I do not think the Government has any more to say.

Question No. 126

PURCHASE OF LAND FROM LUGARI FARMERS

Mr. Khasakhala asked the Minister for Lands and settlement whether the Minister would tell the House if land had been bought for settlement from farmers at Lugari and whether these farmers had since been employed by Government as settlement officers?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, I beg to reply

In the Lugari area some 38,400 acres have been bought from farmers for settlement.

One only of the ex-owners has subsequently been employed as a settlement officer.

Mr. Khasakhala: Mr. Speaker, Sir, why did the Government find it necessary to employ an ex-farmer as a settlement officer?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, it is the Government's policy to employ, irrespective of race, the best men that can be obtained, in order to give new farmers the best possible opportunity to get on to their land. In this case, it was felt that this ex-owner was suitable for this job.

Mr. Khasakhala: Mr. Speaker, Sir, could the Government tell the House what qualification this particular farmer had to qualify for this employment?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, he was patently a man who had experience of agriculture, it was felt that he was a man who would get on with the new farmers and, no doubt, in due course of time, when it is allowed, he will take Kenya citizenship.

Mr. Masinde: Mr. Speaker, Sir, is the Parliamentary Secretary aware that those ex-farmers who failed to farm their land well are those who are employed as settlement officers?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): No, Sir, I am not.

Mr. ole Tipis: Mr. Speaker, Sir, does the Parliamentary Secretary mean to tell us that this particular farmer who sold his farm because he was not interested in this country is now interested in training the Africans to farm properly?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, farmers who have farms in a designated settlement area will very often decide to sell their farms, quite irrespective of their loyalty to Kenya.

Mr. Gichoya: Mr. Speaker, Sir, arising out of one of the replies given by the Parliamentary Secretary, are we to understand that he is very sure that every farmer will become a citizen of this country?

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): No, Sir, I am not, all I am saying is that a man who is prepared, instead of selling his farm and immediately leaving the country, to help African settlement is the sort of man who is likely to take up citizenship in the future.

The Speaker (Mr. Slade): I do not think we can get any further on this question.

NOTICE OF MOTION ON THE ADJOURNMENT

GROGAN CONCESSION: KAPTAGAT FOREST

Mr. Murgor: On a point of order, Mr. Speaker, owing to an unsatisfactory answer from the Parliamentary Secretary to question No. 115, I wish to raise a Motion on the adjournment.

The Speaker (Mr. Slade): Mr. Murgor gives notice that he wishes to raise on an adjournment the question of the Kaptagat Forest, and I think the best time for us to do it will be next Tuesday evening, on the assumption that the House is still sitting then.

PERSONAL STATEMENT

PENSIONS (INCREASE) (AMENDMENT) BILL

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg leave to make a statement in connexion with the debate held on 12th September on the subject of the Pensions Increase (Amendment) Bill.

Mr. Speaker, Sir, in the course of moving the Motion that the Pensions Increase (Amendment) Bill should not be presented to the Governor for assent, the Leader of the Opposition referred to the negligible number of Africans who are going to benefit by enactment of the Bill. I had no opportunity to comment on this

[The Parliamentary Secretary for Finance and Economic Planning]

matter before the debate ended, but to prevent the House from labouring under a misapprehension I should like to point out that, in fact, a greater number of Africans will benefit from the increase in pensions than either Europeans or Asians. In the circumstances, the Leader of the Opposition will, no doubt, wish to examine the accuracy of his statement.

I also wish to take the opportunity to correct a statement made by my hon. colleague, the Minister for Justice and Constitutional Affairs, during the same debate, to the effect that the cost of the increased pensions would be met by Her Majesty's Government, partly by grant and partly by an interest-free loan. This, Mr. Speaker, Sir, is a true statement of the position regarding the payment of commuted pensions and compensation, covered by the Overseas Aid Scheme. However, the Pensions Increase (Amendment) Bill relates to a period before the introduction of this and, consequently, the cost of increases will be fully borne by the Kenya Government.

Thank you, Mr. Speaker.

The Speaker (Mr. Slade): It is not open for hon. Members to debate that statement, but questions may be asked to elucidate further information on the salient points.

Mr. Ngala: It is unfortunate, Mr. Speaker, Sir, that we cannot debate that statement because we opposed it in principle, but can the Parliamentary Secretary state how many Africans would benefit, and what fraction of the £29,000 which was, I think, concerned in this particular debate, would go to these Africans?

Also, how many Asians would benefit from this and what fraction of the £29,000 would go to them? I would like to know the same figures with regard to Europeans and any other people concerned, according to the races and the breakdown.

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): Mr. Speaker, Sir, the number of people who will be benefiting will be 1,400 Africans, 1,000 Europeans and 600 Asians.

Based on the year ending 30th June, 1963, the amount going to the Africans is £8.7 thousand, to the Asians is £17.3 thousand and to the Europeans £12.8 thousand.

The Speaker (Mr. Slade): You have a further question, Mr. Ngala?

Mr. Ngala: I want amplification of the last question. The answers given by the Parliamentary Secretary, Sir, very much justify the objection by the Opposition.

The Speaker (Mr. Slade): I am sorry, Mr. Ngala, we will have no debate; you can ask for further information if you wish it.

NOTICE OF MOTION ON THE ADJOURNMENT

STUDENTS AIRLIFT TO BULGARIA

The Speaker (Mr. Slade): I have to inform hon. Members that I have received notice from Mr. Masinde of his desire to raise on an adjournment the question which arose as a result of the confusion in arranging for the flight of students last week by air to Bulgaria, and I am allotting tomorrow evening at the close of business—that is, Wednesday, 13th November—for that matter to be raised.

BILLS

First Reading

THE EVIDENCE BILL

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

THE STATUTE LAW (REPEAL) BILL

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

THE GOVERNMENT ACCOMMODATION BILL

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

THE INTERNATIONAL DEVELOPMENT ASSOCIATION BILL

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

THE INTERNATIONAL FINANCE CORPORATION BILL

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

THE BRETTON WOODS AGREEMENTS BILL

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

MOTION

AGRICULTURE (LAND UTILIZATION) (FARM EMPLOYEES) RULES

The Speaker (Mr. Slade): Before I call on the hon. Mover to move the Motion I would remind hon. Members of the limitation imposed on debates of Motions of this kind, in accordance with a resolution in this House and noted at the end of the Order Paper.

Mr. Ngei: Mr. Speaker, I would like to speak on the Motion:

THAT this House urges the Government to annul the Agriculture (Land Utilization) Rules, which were published in 1963.

By this time we had a Kanu—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, I wonder if it would be possible for Mr. Ngei to speak near a microphone.

The Speaker (Mr. Slade): Yes, I think it would be better if you moved near the Table, Mr. Ngei.

I suggest that you move the Motion in terms as set out in the Order Paper, Mr. Ngei, so as to get the exact wording correct.

Mr. Ngei: Mr. Speaker, Sir, I beg to move:

THAT this House urges the Government to annul the Agriculture (Land Utilization) (Farm Employees) Rules, 1963, published in Legislative Supplement No. 18 of the Kenya Gazette, dated 9th April, 1963, under Legal Notice No. 217.

Mr. Speaker, Sir, I have been told by the Minister for Agriculture—this is my latest information—that these Rules were published, but were never made legal and, therefore, could not be legally operated. However, I would like to point out what has been happening during the last few months. After the publication of these Rules, which were sponsored by the Minister for Agriculture, who was a Kadu member of the Coalition Government, the settlers in various areas, especially in the Rift Valley, Thika area and farms round Nairobi, started to take advantage of these Rules. They, implied that they were empowered by these Rules to issue licences to Africans.

Mr. Speaker, Sir, we must think about the recent developments in the country whereby the farms originally owned by Europeans in the Scheduled Areas are passing into the hands

of various individuals—Europeans, Asians or Africans—under the settlement schemes. Both the buyer and the seller are willing to undertake these transactions. Let us say, for example, that the willing seller is told by the willing buyer: "If you want me to buy your farm, you must get rid of these several thousands of African squatters. I would like the farm to be clean before I buy it." Therefore, the farm owner quotes the Agriculture (Land Utilization) (Farm Employees) Rules to the Africans—most of the victims are Africans—and tells them: "You must have a licence, and your daughter must have a licence to be in business because this is established in the rules. Whoever stays on these farms in the Scheduled Areas must have a written licence from the owner of the farm." Some of these farm owners are a little disheartened—some of them would like to go to South Africa, some would like to go to Australia—and they would like to make things move as quickly as possible. Circumstances sometimes force them to be very cruel and they order about women and children, some of whom have lived for more than 15 years on the farms in the Scheduled Areas.

I can quote, Mr. Speaker, Sir, an incident that occurred in what used to be called the Thika area, at a place called where a settler who wanted to sell his farm went round to the police and the Government Regional Agent and told them that his farm was invaded with a large number of people and he wanted to get rid of them. The result was a Motion which I wanted to bring before this House. Large trucks and lorries were sent to this farm and women were put in them and sent to Thika. Some of them were sent to the Langata Prison; others were put in the Thika prison; and, others were put in various places where accommodation was available. Some of the women were tried and fined Sh. 10 each and I have receipts of these fines. These women were fined and then ordered to be repatriated to their own areas. However, these people had lived on this farm for more than 15 years—some of them were born there—and they had nowhere to go so they were sent to various areas in the district. They were taken to a place called Tala and I was summoned from Nairobi—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): I wonder if Mr. Ngei would be good enough to give way to a point of clarification. Sir, what I would like to ask him is: were these people convicted and moved under these Land Utilization Rules or not? If they were I would like the Hon. Member to substantiate it.

Mr. Ngei: I went to see various farmers, Mr. Speaker, and they told me this. They also showed me copies of these Rules. I told the Minister for Agriculture that it was true that the settlers concerned—on the farms where these people were being evicted—based their arguments on these Rules. I have plenty of evidence of this and I can bring it for this House.

Mr. Speaker, Sir, what happened was that some of these unfortunate African ladies who were dropped at Tala—I hope this is not impolite language—gave birth to children with no one to help them. I had to ask the police to give me a permit to collect money so as to sustain these innocent ladies.

This has been happening in various places. In Rift Valley we have had mass eviction of these people, and the settlers, under my investigation, have been basing their argument that they are empowered by the Agricultural Land Utilization Rules of 1963. Whether they understand the laws, I just do not know, but they were there and their own magistrate interpreted it that these people must have had licences under these rules.

If I can take the current evidence, Mr. Speaker, Sir, I know some farmers have been buying one farm, selling it at a profit and buying another one. They have been asking the squatters to leave the place; in some cases, the police have been called in. I am sure these people will not be tried for trespass or anything. Of course, the settlers did not know whether I was going to bring this Motion, but they have shown me the rules and based their argument on the fact that they were doing so because the squatters refused to get a licence which is established in the Agricultural Land Utilization Rules.

I am told that these rules never came into operation, but even if that is the case it is published in the Kenya Gazette Supplement No. 26 of 1963. It has been interpreted by these settlers so that during the time of its operation it caused many innocent souls to be convicted of an offence based on rules which do not exist. I would like the Minister for Agriculture to tell us today why this has been going on with regard to these rules, if he took action to nullify the rules which have caused many people to suffer.

I do not wish to say much more about this, because it is very clear, but I want to make another point. In the same area last week a modern Black Hole of Calcutta, was established at Itisak where sixteen innocent people who tried to see their relatives in a place which, we know very well, is not owned by anybody—it is a Kamba land unit—were arrested and put in a small room measuring about four feet by six

feet. There were sixteen of them, and one of them was sick. This is evidence which cannot be challenged by anyone, because I took the trouble to see what was happening. Sixteen people were put in a small room, and some of them were sick. They were kept there the whole night and next morning they were tried, and the evidence which was brought before the African Court was based on these Agricultural Land Utilization Rules. These and many other trials which we have had in the last few months have been based on this. I would like these rules to be annulled, if they do exist; if they do not exist I would like to ask the Minister for Agriculture to state categorically and emphatically that he will see that those who are involved, I will not say are brought to justice, but at least are warned or reprimanded.

Mr. Kamau: Mr. Speaker, Sir, I rise to second the Motion with very strong feelings because I have witnessed myself the incidents which are taking place at the moment. For your information, Mr. Speaker, Sir, we feel that the settlers are now taking the opportunity of our independence to exploit our poor African people, women and children, who have been serving them for years. Now, the position in the country, particularly where those settlers are, is that according to the Ordinance or rule, which has already been referred to by my hon. friend, they are evicting the people in those settled areas under these rules. The pretext they give is that unless one signs that document, he is not allowed to live in a certain place.

To quote a very simple instance, I live in the Ruiru area. If you go to the estates known as Tatu Estate and Sukari Ranch, you will find what happened very recently: was that the Europeans on those farms went with their tractors and uprooted all the crops of the Africans. This was to humiliate the hon. Members who represent the people of those areas. We thought that the people were doing it intentionally to show that the African Government could not do anything for their people. Therefore, I take a very serious view of this and I urge the Minister for Agriculture to intervene in this horrible matter, to look into what innocent men, women, and children have been subjected to. Those who are working on those farms owing to the very meagre wages they receive from their masters, were getting some help from those small farms, they were keeping just near the river. Now they have been stopped farming unless they have signed those documents. Therefore, I urge the hon. Members in this House to ask the Minister for Agriculture to see that no such rule will be applicable to our people who have been humiliated during the time of Colonial rule. If this is an African Government,

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none of us can tolerate seeing such horrible things going on any longer before our eyes. I urge this Government to see that any settler who is not prepared to respect our Government packs his goods and leaves tomorrow, because they humiliate our people. Therefore, Mr. Speaker, I strongly support the hon. Member who has brought this Motion to the House and I invite the Minister for Agriculture to come into my constituency. I will take him round, show him where I went myself to try to persuade those Europeans to allow my people to have some of these crops. Some had sugar cane, some had arrowroot and some bananas. Instead, they only gave them a month's notice. This was very serious, and after all they did uproot these crops. When I argued that those African farmers must be given compensation it was not accepted and, therefore, I appeal to the Minister for Agriculture to see to it that these rules do not exist, and to see that our people are free to remain on those farms. If that is the case, I would suggest to the Government later on that we nationalize all this land. We cannot allow Colonists to exploit our people during our own time of Self-government. To this effect, I ask the Minister for Agriculture to see that this rule is done away with, and got rid of from the Laws of Kenya.

(Question proposed)

The Speaker (Mr. Slade): Now, before inviting debate on this Motion, I must remind hon. Members that the Motion refers exclusively to these particular rules. The Mover in moving his Motion kept it with reference to these rules, to the extent that, whatever the legal effect of the rules, they have been used or abused by some farmers to justify wrong actions. To that extent any other Member is relevant in speaking, but I do ask all hon. Members to keep all their remarks to what has been done under these rules, or by direct reference to these rules.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I want to intervene at an early stage in this debate so that the true and correct facts of these rules can be put to the House. Sir, these rules were rules which were made by my predecessor in the Coalition Government. They were published in the first half of this year. The moment we took over, the Government suspended these rules and moved their date forward until the 1st August so that we could look at them.

Mr. Ngala: You did not suspend them.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): We did, Mr. Speaker, Sir, I am not prepared to stand here and have the Leader of the Opposition say we did not suspend them. We suspended them in the Gazette and I would like him to substantiate that we did not suspend them. His Coalition Government, of which he was the Leader, brought these rules in, we suspended them. It is no good him sitting there and saying that we have not suspended them.

The Speaker (Mr. Slade): Mr. McKenzie, I should get on with what you have to say.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): We then decided that we would suspend them further until 1st February, 1964, and I want to give the reasons why we, as a Government, have suspended them. I also want the House to know that not one single person has been charged under these rules, not one. I fully appreciate that there may have been people who have utilized the forms which were sent out by the Coalition Government to the various production committees as means of trying to tell people that they have to sign them, but I want Members of this House to know that these rules have not been legalized at all. They are not legal at the moment, they have never been legal and we, as a Government, suspended the date from the 1st August and before that date we suspended the date again until the 1st February, 1964. There have been no prosecutions whatsoever under these rules. Now, Sir, the evictions and the prosecutions of evictions which were raised both by the Mover and the Secondor have been done under an Ordinance Rule which is nothing to do with my Ministry, but a rule and regulation of the present Government. I think that I can tell hon. Members that these Rules and Ordinances are being looked into by my colleague, the Minister for Justice.

Now, Sir, we in the Ministry have asked the Central Agricultural Board to look into these rules because we want one aspect, and one aspect of them only, as far as agriculture is concerned. We have always wanted only one aspect of it, and that is to see that farmers in the various regions operate the land properly. It is for the preservation of land, not only by people who lease land but to people who farm in any way whatsoever; we do not want people to farm their land badly. This is the only interest we, as the Ministry of Agriculture, have. We know, and this is why we want the matter looked into, that various people have been trying to utilize these rules and regulations to evict people and to make life difficult for their labourers. It is obvious to me by the remark

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made by the Leader of the Opposition that he does not understand the Constitution. He has asked for Majimbo, and this matter, as from 1st June, is a concurrent matter and we have been discussing it with the regions, including his own region, so he is part and parcel of this whole exercise.

Mr. Masinde: On a point of order, Mr. Speaker, is the hon. Minister correct in referring to an individual Member instead of speaking to the Chair?

The Speaker (Mr. Slade): Hon. Members must be allowed to refer to each other. What is objectionable is if they speak directly to each other. The Minister is not doing that, he was addressing me and referring to the Leader of the Opposition as "he".

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, the newly assembled Central Agricultural Board is made up of two people from each region. This is a predominantly African Board made up by members from the regions. They have been discussing how we can alter the rules to cover this one aspect, namely that the land is properly looked after and properly cultivated. We are not interested, as far as agriculture is concerned, in whether the person has been there for ten years, fifty years or only one year. All we are interested in is that whatever area a person is given that that land is taken care of and cultivated properly. That is all we are interested in as far as the Ministry is concerned.

Now, Sir, when the full Central Agricultural Board meets on the 28th November and the members have finished their deliberations on this they then, under the Constitution, have to discuss this, as it is a concurrent item, with the various regions. This they will do; all we, as a Ministry, have asked them is that before the planting starts next year they come back to us in Government with a rule and a regulation which will take care that the land is properly cultivated. The Mover also referred to the "black hole of Calcutta". Sir, I have also heard about this, and I want him to know that we also went into it. These people were not charged under these regulations. All I am doing is protecting the people within my Ministry, and explaining that nobody has been prosecuted under these rules and regulations which were, in the first instance, passed by the Coalition Government and which have been suspended by the present Government until we can get them operating properly.

What I would like to ask the Mover and the Secondor of this Motion is whether they would be prepared to accept an amendment by Government. I think that the amendment covers what they are after. We in the Ministry are certainly alive to the misuse which could take place under the previous regulations and this is why we suspended them. Mr. Speaker, I would like to move an amendment reading as follows:—

That all words after "That this House" be deleted and that there be inserted in place thereof the words "While accepting the need for Land Utilization Rules, this House urges the Government to consider ways by which the existing rules may be amended to ensure that they may be equitably applied."

Now, Sir, I want to give both the Mover and the Secondor an assurance that we have no intention whatsoever as a Government of continuing with the rules as they are at the moment. So, in giving that assurance we are meeting part way the Motion which was moved by the Mover. However, I think the Mover would agree with me that we as a Government would be lax in our duty if we did not take care of land which is being ploughed up, which is being cultivated, irrespective of where it is. This is the only aspect—and I want to stress this very strongly—this is the only aspect in which we in the Ministry of Agriculture are concerned. This is a concurrent liability under the Constitution. We are prepared in the first instance, when the Central Agricultural Board has discussed this matter—and they have two people from every region on the Board, including some Back Benchers—to then discuss it with each of the regions. If, however, we get no co-operation from the regions then, as it is a concurrent liability, we intend going ahead with it irrespective of the regions not co-operating. But I am hopeful that all the regions, including that region which is known as the "Sleepy Region", that is the Coast Region, will co-operate. We have had discussions with the Members from the Coast and the Member from the Coast who is on the Coastal Committee which was discussing this is giving full co-operation, and I sincerely hope that his President will stand up in this House and give the Central Agricultural Board and his members from the Coast who are on that Board full support. Here is a challenge for the Central Agricultural Board to come out with some rules and regulations which cannot be abused in the way in which the original rules would have been abused, rules which would take care that land is cultivated and looked after for future generations. As I have said, in the Ministry we are not interested in who cultivates the land, in how much is cultivated,

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how long it has been cultivated for, as long as the land is cultivated properly and is taken care of.

Now, Sir, I think I have spoken long enough for the Mover and the Seconder of this Motion, who are both very interested in this matter, to be able to support the amendment which I have moved. I want to stress just one last point before I sit down, and that is—

Mr. Ngala: On a point of order, Mr. Speaker, is the Minister right in using rude language, and also using his own imagination by referring to the Coast Region as a sleeping region? He said this is known. Can he substantiate the fact that the Coast Region is known as the sleeping region in Kenya?

The Speaker (Mr. Slade): I did not hear all that the Minister said, because I was talking to an hon. Member, but obviously, all hon. Members are aware that it is out of order and most undesirable to use offensive language. I think it is unnecessarily offensive for any Member to refer to another Member's constituency or region as "sleepy". I hope the Minister will not continue in that way.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Sir, I am sorry that it so happened you were talking to another hon. Member at the time, but I do not think there was anything wrong in what I said. I will substantiate it by saying that whenever I go down to the Coast, I certainly always feel sleepy too, and so do lots of Members. It is the climate which has that effect on those people who come from up-country. Sir, this is something which we cannot help. It is the climate which has this effect on us. I know a lot of hon. Members on this side, and including some Members on the other side, will agree with me that when they go down to Mombasa—

The Speaker (Mr. Slade): Colonel McKenzie, you must not pursue or try to justify this line of reasoning. It is quite unnecessary. It would be more honourable just to withdraw the statement.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Sir, if you instruct that I must withdraw it, then I shall withdraw it.

Sir, I sincerely hope that after this the hon. Leader of the Opposition will, when he speaks, bear in mind that he has on the Central Agricultural Board, a member of his Regional Assembly and a member of his Regional Agricultural Board. They are charged with the duty of looking into this matter, of reporting it to the Ministry

who will then discuss it—as I have said—with all regions, irrespective of what names those regions may be given.

The last point I want to cover before I sit down is that if the Mover or the Seconder of the Motion can give me the information on where people are being harassed by farmers utilizing these Rules and Regulations as an excuse, then most certainly we shall see that action is taken against them because these Rules and Regulations are not legal. However, I would like them to bear in mind that the evictions which have been going on, in which we have been deeply involved, are under another Ordinance.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): In seconding this amendment, Mr. Speaker, I would like to thank the Minister for putting so clearly what the Government has done so far as these Rules and Regulations are concerned. I am sure hon. Members in this House are satisfied that when we came to power in June we withdrew these Rules. Up to now, as the Minister has said, they have not been in operation. I just want to make a few remarks in support of this. The Central Agricultural Board is meeting on the 28th of this month, and as the Minister has said representatives of the Regional Assemblies are on this Board, political representatives elected from Regional Assemblies, and also farmers appointed by Regional Agricultural Boards, and they are going to look into these Rules and Regulations. It is the duty of Members in this House to go to the people and ask them how they would like the rules to be amended. We have accepted that we are going to amend these Rules, and if we get direction and help from hon. Members in this House as to how these should be amended it will help us greatly, so that farms are utilized properly. Hon. Members in this House will agree with me that we cannot, as my colleague, the seconder of the Motion, suggested, just disregard these farms and have no rules to guard the interests of agriculture. You will agree with me that even schools have rules, small organizations have rules, and we have to have rules of some kind to guard the interests of land usage in areas where farming is carried out. I am sure that hon. Members have appreciated the reply given by the Minister for Agriculture, and I do not think Members will stand up in the House again and talk ruthlessly about these rules. They are not there at present, so we cannot really speak about rules which are not in operation. It was unfortunate that the Mover did not know these Rules were not in operation. Had he known—and I am sure he has appreciated the point now—he would not have

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moved this Motion; I believe he would have withdrawn it.

With these few remarks, Mr. Speaker, I have confidence that Members have understood what the Minister said in this House. I beg to support the amendment.

(Question of the First Part of the amendment that the words proposed to be left out be left out proposed)

Mr. Anyieni: Mr. Speaker, Sir, the original Motion and the amendment sound the same to me, and therefore I hope we shall be voicing our own views in this House, so that the people at the meeting which the Parliamentary Secretary informed us was going to sit on 28th December, will be able to take the HANSARD and read the views of the hon. Members of this House, and include them in the new rules which they are going to make.

Mr. Speaker: this question is one of land, and the land question has been a very touchy one in this country for a long time. While we are going to amend these Rules, it is possible that we are going to amend them not to eliminate the problem, but only to introduce another explosion, which will not help those who are suffering now but which will aggravate the position and the status quo of the people in the country.

Mr. Speaker: *Uhuru* has come. For some, it means 117 Seats in Parliament; and for a few, promotions to big jobs in Nairobi. However, in the country, although the Parliamentary Secretary has said that these Rules are not being employed to evict people nor to refuse permission to work on the land, they are nevertheless working in the country, and the people are wondering if this is the sort of *Uhuru* they have been waiting for. Mr. Speaker, if you will allow me to say so, during the time of the Emergency some people went to jail thinking they were fighting for land. Now they feel they have succeeded, but they are still being evicted from the land as they were before. What is going on with regard to Land Settlement? I wish to quote this because we will have the same thing again, where we buy the land from Europeans, and sell it to other Europeans, who get loans from Government or else to Africans.

The Speaker (Mr. Slade): Mr. Anyieni, you are getting outside the scope of the Motion now. The subject of Land Utilization Rules does not extend to the whole question of settlement. Keep to the subject.

Mr. Anyieni: Thank you very much, Mr. Speaker, Sir, I hope that the people on the land are going to utilize it, and I think we have been voicing views on the utilization of the land.

I would suggest that instead of allowing another man to come on the land, own the land, and probably in the utilization of the land, kick out some squatters, it would be better if, when the Committee sits on 28th December, since Government is buying out the land, is doing everything, they consider the idea of buying out the settlers and giving the land to the people who are on the land so that they can farm it on an organized co-operative basis, irrespective of their tribe. I am very glad because I have seen that some Members of the Opposition are in agreement. This is good because some of them will have an objection. If it is a Kikuyu in the Rift Valley, he will be told he is not wanted there. I agree with the Minister that we should farm out land economically, but there is no guarantee that when we give it to one man it is farmed economically.

Without taking up too much time, I would like to suggest that when this committee meets, our views, those of the back-benchers and most of the Members in the Opposition are put before it, that if Government buys this land it will be placed in the hands of the majority for the interests of the whole country, in the interests of the poor people, and not in the interests of one rich capitalist.

The Speaker (Mr. Slade): Before calling on any other hon. Member to speak, I should have ruled before embarking on this amendment, that the subject matter is not conveniently separable from the main question; so there can be debate on both, as in fact we have had from Mr. Anyieni, but it does mean that any hon. Member who speaks now cannot speak again. It also means that any hon. Member who has spoken already cannot speak again except in so far as this brings new matter into the question. Again, I would point out to hon. Members that the original Motion really raises only the question of eviction of people under certain rules, and although the terms of the amendment seem to go somewhat wider, the debate should be limited to that particular aspect of those rules.

Mr. Ngugi: do you want to speak on the new matter?

Mr. Ngugi: Yes, Sir. I hope you will allow me to do so. I was not in myself when this started because I am just recovering from an illness. I hope you will allow me to read a few passages from these regulations to substantiate what I am

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saying. This is the Agricultural Ordinance, Chapter 318, Agriculture Land Utilization Farm Employees Rules, 1963. I am only going to read the relevant parts for my argument.

The Speaker (Mr. Slade): Mr. Ngei, I am afraid you cannot really carry on with your original speech. You are limited at this point to anything new which is raised by the proposed amendment. I do not see that it has very much new in it, except that there is to be a general consideration of the rules rather than an annulment. You will have an opportunity of replying.

Mr. Ngei: Mr. Speaker, I will try to keep within the limit. In these rules, "Agriculture Committee means that agriculture committee established under section 31 of the Ordinance, having jurisdiction over the land concerned. Employee means a person who is in the whole-time employment of an occupier of a farm, or a person who has retired from such employment after at least twenty years of such employment, and who normally resides on the farm of the occupier". These are quoted and this is by way of interpretation of some of the rules. "Family in relation to an employee means his wife or wives and such wife's or wives' children as are under the age of eighteen years and are unmarried." Then there is the setting up of an inspector, which means "the public officer appointed by the Minister by notice in the Gazette and the inspector for the purposes of these rules, in which case the chiefs have been used as inspectors". "Licence means the cultivator licence granted under rule 4 of these Rules. Licensee means the holder of the licence." However, Mr. Speaker, even more I want to draw your attention to the agricultural committees, which some of these farmers have already set up.

The Speaker (Mr. Slade): Mr. Ngei, I cannot see how anything you have said so far is relevant to this proposed amendment. All you can say at this stage is whether or not you like the amendment, and give your reasons for that. I think if you are going to show how this is relevant, you had better say whether or not you like the amendment and then move up to this from that point.

Mr. Ngei: Mr. Speaker, I am trying to show what I may accept in that amendment. It is a half-way measure and that is why it is necessary for me—

The Speaker (Mr. Slade): If you start at that end, you can say what you like or do not like about the amendment, then we shall see how far this is relevant.

Mr. Ngei: Is it possible to have a word with you before I carry on?

The Speaker (Mr. Slade): No, I am afraid not.

Mr. Ngei: I am trying to show why I think such things are very essential when considering the amendment, because after showing this I can say I like this and I do not like that. Then, with the Parliamentary Secretary, who has been left to carry on with the apology of the Minister who was not able to continue, we can see whether we agree, and if we cannot agree, we shall have to come to a compromise of some sort.

The Speaker (Mr. Slade): Have it your own way, but make sure you are discussing the amendment.

Mr. Ngei: Thank you, Mr. Speaker. I would like to—

Mr. Ngala-Abok: On a point of order, Mr. Speaker, I would like to have your ruling on this. When a Motion has been amended, and the Member has accepted the Motion as amended, is it not in order for him to express his views first so that he can say what he thinks should be contained in the amendment?

The Speaker (Mr. Slade): The procedure in regard to amendments is that in the ordinary way the merit of the amendment only is debated, until it is decided whether or not the main question shall be amended. It is merely a discussion as to whether you shall alter certain words. That is all. But very often you get an amendment, as we have here, which really takes you over the subject matter of the main question. If the Speaker rules that it is a question of that kind, then there can be discussion on the original question and the amendment, the whole field. However, Members who have spoken on this cannot speak again. The only exception to that is that a Member who has spoken before the amendment was raised can just speak again on the merits of the amendment.

Here Mr. Ngei has already spoken on the main Motion. He cannot speak all over again on the main Motion. He can speak on the merits of the amendment saying whether or not he likes it, and why. He must keep to that. Other hon. Members afterwards, whether before or after the amendment is carried or negative, have a chance of speaking once on the whole question.

Mr. Ngei: Point of order, Mr. Speaker. I would like to know whether it is within the rules of this House to show by evidence first so that the Members of the House know that I determine certain things in an amendment or that I do not like certain things in the amendment. Therefore, because I like certain things in an amendment, I am asking that this amendment which has been put forward by the Minister to include the following suggestions, I would like your ruling on that.

The Speaker (Mr. Slade): That is quite in order. The difficulty of producing your material first and your argument afterwards is that it is not so easy for us to see the relevance of what you bring forward; but you can do it your own way.

Mr. Ngei: I would not like to follow the strict lawyer's way, but I would like to follow the way that perhaps I think will carry weight.

The Speaker (Mr. Slade): Very well.

Mr. Ngei: Thank you, Mr. Speaker.

I would like to read one or two paragraphs. First of all about the Agricultural Committee which these rules set up and then we come to the revocation of licences. This is the crux of the whole matter. I would now like to read "(1) A court convicting a licensee of an offence under these rules may order that his licence be forthwith revoked and authorize a police officer to cause the licensee together with his family and stock, if any, to be removed from his plot."

"(2) Where a licensee's contract of employment terminates and is not immediately renewed, or is terminated or a licensee has given thirty days' notice to the occupier of his desire to have his licence revoked, or the Agricultural Committee under rule 61 (2) of these rules order an occupier to terminate a licence . . . a notice or revocation under paragraph (2) of these Rules shall specify the . . ."

Mr. ole Tipsi: Point of order, Mr. Speaker. I would like your ruling on this because I do not think what the hon. Member is reading or quoting is relevant to the actual amendment. He has already spoken in moving his Motion.

The Speaker (Mr. Slade): I have already warned the hon. Member of the limits on what he can speak about, and he assures me he understands and that what he is saying will be proved relevant to the merits of the amendment. He will get harsh words from me if he fails in that.

Mr. Ngei: I do not want to have hard words from you, Mr. Speaker. I think I was trying to pursue my argument to show that although I take it that the amendment that has been put up by the Minister for Agriculture and the words that have been spoken by the Parliamentary Secretary to the Ministry of Agriculture have been well weighed and considered, I do think that rules are important or that we need rules. However, Mr. Speaker, we must reckon also that rules can be bad if they are badly interpreted even by people who are not lawfully or legally allowed to interpret those rules. Therefore, in the amendment, I would like to ask the Parliamentary Secretary to

the Ministry of Agriculture to add another additional amendment which says that the Ministry will be prepared to check that these rules are not interpreted unlawfully. Mr. Speaker, this is an African Government and the settlers are telling the African people that it is your African Government which is telling us to order you out. We get the brunt of it. Therefore, we must really protect our political influence and, of course, popularity, so that we can be elected in the next election. We must also show our people that we do service to our country as well.

Therefore, Mr. Speaker, with due respect, I am asking the Parliamentary Secretary to the Ministry of Agriculture to agree that we come to a compromise by adding an additional amendment whereby he will suspend these rules pending further investigation by the Board of Agriculture of which the back-benchers make up the greater part of the membership.

The Speaker (Mr. Slade): I cannot formally entertain any amendment, or amendment of the amendment, unless I have it in writing. However, there is time yet for Mr. Ngei or Mr. Osogo to draft an amendment, if they so desire.

The question now before the House is simply whether certain words be left out. It is only after we resolve they shall be left out that we have the question of which words shall be put in. At that point an amendment of the amendment, as appropriate, can be put in in writing and proposed.

Mr. ole Tipsi: Mr. Speaker, Sir, we have before this House a Motion moved by my hon. friend who is also a member of the Government. Now, Sir, if I may hit the ball off—and I hope he is not running away—I would like to say that it is a complete waste of time of this House to bring a Motion of this sort because if there are some defects in the legislation the party that forms the Government can surely find ways and means of remedying the situation without bringing such Motions here. However, Sir, it has been demonstrated very clearly that the Government is confused; we have heard on several occasions that this is an entirely African Government, and so on, while on the other hand we still have in our Statute Books legislation which goes on harassing our people in this country which leads me to believe that there is a missing link somewhere. As soon as that missing link is found and linked with the main pipe the better our people in this country will be.

This legislation, which the Minister himself went to the extent of admitting on the floor of this House, that it can lead to abuse and to all sorts of things. The fact that the Minister—or the

(Mr. ole Tapis)

Government—has suspended this legislation twice in fact a proof that this is a wrong legislation. It does not help at all to suspend it. If the Minister admits, and the Parliamentary Secretary opposite also admitted, that they have suspended this legislation simply because it can lend itself to various abuse, then suspension is not going to help. The legislation should be repealed altogether, and new legislation should be brought before this House which cannot lend itself to abuse or misuse by those who do not wish our people well.

Credit must be given to the hon. Mover for the way in which he has woken up the Government, because the Minister has now agreed to move an amendment, although the only course he could take was to suspend this legislation, now he admits that he is going to amend it. We do not want an amendment at all.

As hon. Member: What do you want?

Mr. ole Tapis: It is no good my hon. friend looking at me and asking me what I want. I do not want any legislation which harasses our people, they have suffered long enough. You can shout at me and ask me what I want, and I can tell you very well and clearly, in no uncertain terms, that we do not want any harassment from any quarter and we want our people to be protected against those who do not wish them well. I hope you have understood that language.

The hon. Minister went on contradicting himself—I am afraid he is away—because he said that not a single person had been charged under this particular Ordinance. The hon. Mover pointed out to the hon. Minister that a number of Africans have been evicted. They were arrested; some of them were sick and still they were charged. It is immaterial—

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Speaker, I am seeking your ruling on this. If the Minister has said that the eviction of these people had nothing at all to do with rules and regulations, it arose under the different regulations, is the hon. Member opposite in order in referring to the incident again, as far as this is concerned?

The Speaker (Mr. Slade): I think so, because the Mover did make the point, whether or not in fact correct, that there had been instances of evictions where the landowner purported to act under these rules. I think Mr. ole Tapis is back on that point, that there has been abuse of the existence of these rules and attempts to make them extend to matters to which, indeed, they could not legally

extend while they were suspended. I think the hon. Member is entitled to follow that up.

Mr. ole Tapis: Thank you, Mr. Speaker, Sir. This is quite true. In the ordinary African way of interpretation, these Rules are there. The men and women were actually arrested and charged, and if the only excuse the Minister or his Parliamentary Secretary can give is that these people were arrested under different sort of Ordinance which does not come within the jurisdiction of the Ministry of Agriculture, then the Government side must explain clearly and squarely where that collective responsibility comes in. If something goes wrong in legislation which was introduced by a different Minister, then I take it that the whole Government is answerable and we expect a definite answer on it.

The Minister went on to talk of the new committees which are composed of regions and are entirely African. We do not need that sort of briefing, we know they are composed of Africans. This is an African country and we do not want to be reminded that they are composed of Africans. Of course, automatically they are African, whether somebody likes it or not.

Mr. Speaker, I think in future we shall not see anything which smells like somebody trying to shift his responsibility; we are not going to have that. The Government must wake up now. If it is not a sleepy Government, such legislation which has humiliated our people for the last sixty or seventy years should not be on our Statute Book today, if you mean business. If you do not mean business, get out and we will take over.

With these words, I beg to support the original Motion.

Mr. Oduya: Mr. Speaker, Sir, I do not have very much to say on the amendment of this Motion. First of all, I congratulate my hon. friend, Mr. Ngei, on bringing the original Motion which has been amended by the Minister.

The Speaker (Mr. Slade): It has not been amended yet.

Mr. Oduya: While speaking on this, Mr. Speaker, I would like to assure my Minister that the people who are most concerned with these Rules are our people on the farms. The land question in this country is very touchy and the African people—especially those called squatters by the farmers—are the people who are suffering. When these Rules were made, they were really made to mean that the African workers here were going to be suppressed, and it is true that they have been suppressed for many, many years.

(Mr. Oduya)

I agree with the Minister that the amendment is going to take place. If he is going to amend, the amendment should not, therefore, mean that with the rules the settlers, the farmers there, are going to take the law into their own hands, as they used to do in the past, as I know the practice of the settlers in the past has been to overlook the rights of the African people who have made them become rich men; some have left this country and now they are Lords in the Parliament of Britain just because of the poor men in this country. Some of them have worked on the farms for twenty, thirty or forty years and up to date their children have not even received an education, their heritage is so poor. They do not even know where to go.

We have a Government elected by these poor people, headed by an African, in order that this Government will change everything and bring them to a better standard of living. It is, therefore, the duty of this Government to see that any rule which in the past discriminated against our people is removed immediately, so as to allow more room for our people so to enjoy the freedom that any other human being enjoys in this world.

If it is the mentality of the settlers to take these Rules even if they are amended today—into their hands and handle them in any way they like, as they used to do under the colonial rule, I must tell them that I must reject them completely because the result will be very disappointing in the end and even this Government will not be able to help if our people one day become annoyed. We have so many thousands and thousands of workers, especially in the Rift Valley where my own people are, working on the farms. The Minister is telling us he is going to amend these particular Rules, but if they are not going to be amended in such a way that will help the workers there to enjoy freedom and if they are going to be amended so that the settlers will use them in the way they have been doing, then I do not see how he is going to help us because now we have so many people there who have been evicted from their farms; they have been sent away after being there for forty years. These people have no other land, they have no employment at all. Their former employers have left, they have sold their *shambas* to the Kenya Government. The farmer disappears, he goes to Britain to enjoy the savings which he has been getting for many years and leaves these people here stranded with such large families and they have nothing at all to support them. This Government must see these things.

The Minister stands up and says this eviction should not be brought into this subject, I must tell my hon. friend who is here, the Minister for Agriculture, that he must bear in mind that this is not the case and it is not as he thinks, because our people are suffering. There are these people in this particular area of the Rift Valley who are being evicted from the farms, and if he has no other land for them to go to, I do not know where he is going to take them.

If he tells us that we should not bring the question of eviction here, it is true that if people although there is a rule, make it a rule. But, then they have been taking this law into their own hands so that they get an opportunity to evict our people, eliminate them in any way they like. This is a mistake, as this is a Government of the people who expect things to be changed in a way they will enjoy what other races have been enjoying in the past.

I know the mentality of the British Majors who are occupying the land today—

The Speaker (Mr. Slade): Mr. Oduya, I do not really think that comes into the question of land utilization.

Mr. Oduya: Sorry, Mr. Speaker, Sir, I think the mentality of the settlers in the past has been very awkward in the areas. Recently when I went to Trans Nzoia, I found that several hundred workers were stranded, and I can even bring a few men to the Minister if he wants to prove this question. The members of my tribe I found were kicked off the farm when their former employers left. They have nothing to eat, they have no land and nowhere to go. They come to the reserves looking for a place to stay, but the land in the reserve is limited. All I want to tell the Government now is, as my hon. friend has already said—

Mr. Ngala: Mr. Speaker, Sir, is the hon. Member in order to take all this time talking on irrelevant matters? The Minister himself has said that the question of eviction does not come into it, eviction is a different thing to this.

The Speaker (Mr. Slade): The whole question concerns land utilization rules. The amendment discusses the possible amendment of those rules. Eviction have become relevant in so far as the Mover has alleged that these land utilization rules have been used as an excuse for evictions. To that extent eviction is relevant. I think the hon. Member is getting far beyond that. All other hon. Members must relate their speeches only to evictions which can be related to those rules.

Mr. Odhiambo: Thank you, Mr. Speaker, Sir, now as I wanted to say if the amendment is going to take place the Minister should send a circular to the settlers who are trying to take the law into their hands and also assure the members of the House that such things do not happen in Kenya, because if they are not careful of the Government and exploit the workers on the farms, the result will swamp the Government and there will not be the Kenya we expect it to be.

Mr. Ngei: Mr. Speaker, Sir, I think the Minister has managed to confuse the hon. Member of the Motion, and I think the hon. Member is not aware of the trick that the Minister is using in supporting the amendment.

Mr. Ngei: I would like to speak on the original Motion. The Motion has made it quite clear that the rules proposed here in the Motion are not legal. The Minister has argued that they are not legal. Now, if they are not legal, according to the Motion, some people are being harassed and some of them which are not legal.

Mr. Ngei: Mr. Speaker, Sir, the Chair?

Mr. Ngei: I think, here this should be done with respect to what the Motion has said in its main part of the Black Settlers, that they are not legal and therefore not legal. All the Minister is doing is that something which is not a law should be removed. Why should the Government insist giving something which is not a law?

Mr. Ngei: You made them.

Mr. Ngei: I made them, this is not a law.

Mr. Ngei: Mr. Deputy Speaker, Sir, with due respect to the hon. Member of the Opposition, I would like your ruling on one thing, I am thinking about this amendment. If the rules were enacted or made, let us say they were made.

Mr. Ngei: This is not a point of order, Sir.

The Deputy Speaker (Mr. De Souza): Let him finish.

Mr. Ngei: If they were made, and then they were suspended, and now here is a Motion of amendment a suspended rule, is it right, Mr. Deputy Speaker, that we should carry on speaking about it or is it right for me to support the new amendment?

The Deputy Speaker (Mr. De Souza): I think it is in order as it is Mr. Ngei. Even though the rules have been suspended, they are still rules of law as the law is concerned, and you are perfectly right to move that they should be abrogated.

Mr. Ngei: Since they are not legal, I think the hon. Member is quite right, and in view of the suffering that our people are having, these laws should be done away with. Now again, the Minister himself agreed that it is likely that the rules are misused. If they are misused, and if they are not legal, then it shows further, that these rules should be done away with. The Minister has also agreed that it is very likely that these rules are misinterpreted, and because they are misused, surely this is a very strong reason for the Government to support the Motion of the Motion quite happily, and thank him for reminding them that while they were asleep for having discovered that this is a bad ruling and they should remove it.

Secondly, Sir, I think we must strongly object to the amendment. It is not an amendment, it is a new matter altogether. As a new matter, with due respect, this should not have been accepted at all by the speaker, it is a new matter and not an amendment. I think the Motion will agree with me that this is not an amendment, it is entirely on a new line, and should not be accepted by the House.

I would like to agree with the Government on one point only, that is, the proper use of land. We can support that idea, because good farmers must be allowed to make proper use of the land, but when you make these regulations which are not legal and are misused and misinterpreted and you are reminded of the fact, then the Government should very honourably and nobly agree that they should be done away with. I support the original Motion and completely reject the so-called amendment, which is not really an amendment but a new matter altogether.

The Deputy Speaker (Mr. De Souza): It is nearly twenty minutes to five and I think it is time to put the amendment without any further debate. We have only twelve minutes more for the debate.

(Question of the first part of the amendment that the words proposed to be left out, be left out, put and carried.)

(Question of the second part of the amendment that the words proposed to be inserted, be inserted, proposed.)

(Question of the second part of the amendment that the words proposed to be inserted, be inserted, put and carried.)

(Motion, as amended, proposed.)

Mr. Ngei: Mr. Deputy Speaker, Sir, while I appreciate the need for my Government to be very sharp and to see that the voters do not get the sharp end of the stick from these departing

[Mr. Ngei] Therefore, Mr. Deputy Speaker, I would like a thorough check, and I have also been assured by the Ministry of Home Affairs that something will be done to check up on these Chiefs, who are really bad. Some of them have the inclination perhaps of *Majimboism*, etc, etc., but we shall check on them. Therefore, I have been assured by the Minister for Home Affairs that he will check on these Chiefs who have been acting as Inspectors, because he has been told by one of the farm owners that he is established as an Inspector according to these rules, and he can go on embarrassing and even arresting young girls and taking them away. In my own constituency and in the constituency of the hon. Member for Yatta, they have taken them away during the night under the pretence that they should not be in those parts because they do not hold a licence. I think that this is very serious and the members of the Board of Agriculture, who are mostly the back-benchers here, will consider very seriously when this matter comes up on the 20th in about a week's time.

I am saying so because I know it is the Board of Agriculture which recommends these rules to the Ministry of Agriculture, and the Ministry have powers to get the House to abrogate the rules. So I am stating this in good faith from the Parliamentary Secretary to the Ministry of Agriculture. I know also that the Board of Agriculture at the moment consists of very honourable and learned Members of this House, and therefore they should not waste time in trying to rectify this hard sore which was created by the Minister for Agriculture of the former Government led by my honourable friend on the other side. I do not wish to add much more to what has already been said, because this is a very acceptable kind of amendment, but I would like to say one more thing. It is bad for this Government, an African Government, to face a situation where the settlers are trying to get command of the situation. They go about saying to the poor African squatters, who live there and who have built their lives there, "Don't ask me why I am evicting you, go and ask your Prime Minister." They don't even say, "Go and ask your good Government." They go on blaming the Government indirectly. They go on trying to be the magistrate in the bush. They try people, thinking that they know the rules, and that the rules are there, and influence some of the Chiefs. I have said here, Mr. Deputy Speaker, and I am glad that you find whenever I give information here it is correct, because the Minister for Agriculture agrees that everything I said is true, as I have already investigated the matter. I am really asking, Mr. Deputy Speaker, that a thorough check be made with an investigation about the modern Black Hole of Calcutta at Yatta, about which we are trying to do our best to see what really happened. Sixteen innocent African souls in a room four by six for the whole night, and some of them were sick. We cannot tolerate such things. I may also tell you that the officer concerned was a Kadu supporting officer.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Members of the Central Agricultural Board are not Members of Parliament here, they are members of the Regional Agricultural Boards.

Mr. Ngei: Thank you, I do not belong to a region, I belong to Kenya. I do not appreciate the question of being a defeatist and establishing a political ideology based on regions. Therefore, Mr. Deputy Speaker, Sir, with due respect, I accept the Motion which has been amended by the Minister for Agriculture and my hon. friend, the Parliamentary Secretary, with an assurance that these rules will be amended or abrogated to suit the prevailing circumstances in the spirit of this Government. Mr. Deputy Speaker, Sir, I beg to move.

(The question of the Motion as amended was put and carried.)

Resolved accordingly:—

That this House, while accepting the need for Land Utilization Rules, urges the Government to consider ways and means by which the existing rules may be amended to ensure that they may be equitably applied.

(The question of the Motion as amended was put and carried.)

Resolved accordingly:—

That this House, while accepting the need for Land Utilization Rules, urges the Government to consider ways and means by which the existing rules may be amended to ensure that they may be equitably applied.

MOTION

MINISTRY OF CO-OPERATIVE DEVELOPMENT

Mr. Chepkikit: Mr. Deputy Speaker, Sir, I beg to move:—

That this House requests the Government to consider setting up a separate Ministry of Co-operative Development so that this movement

Mr. Oduya: Thank you, Mr. Speaker, Sir, now all I wanted to say is, if the amendment is going to take place, the Minister should send a circular to the settlers who are trying to take the law into their hands, and also assure the members of the board that such things do not happen in Kenya, because if they are not careful of the Government and exploit the workers on the farms, the result will disappoint the Government and there will not be the Kenya we expect it to be.

Mr. Ngala: Mr. Speaker, Sir, I think the Minister has managed to confuse the hon. Mover of the Motion, and I think the hon. Mover is not aware of the trick that the Minister is using in suggesting the amendment.

First I would like to speak on the original Motion. The Mover has made it quite clear that the rules referred to here in the Motion are not legal. The Minister too has agreed that they are not legal. Now, if they are not legal, according to the Mover's words people are being harassed over laws or rules which are not legal.

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

Mr. Ngala: I think, these rules should be done away with according to what the Mover has said. This should be clear to the Back Benchers, that this is not a law, and therefore not legal. All the Mover is asking is, that something which is not a law should be removed. Why should the Government resist giving something which is not a law?

An hon. Member: You made them.

Mr. Ngala: I made them, this is not a law.

Mr. Ngei: Mr. Deputy Speaker, Sir, with due respect to the hon. Leader of the Opposition, I would like your ruling on one thing, I am thinking about this amendment. If the rules were enacted or made, let us say they were made.

Mr. Ngala: This is not a point of order, Sir.

The Deputy Speaker (Mr. De Souza): Let him finish.

Mr. Ngei: If they were made, and then they were suspended, and now here is a Motion to amend a suspended rule, is it right, Mr. Deputy Speaker, that we should carry on speaking about it, or is it right for me to support the new amendment?

The Deputy Speaker (Mr. De Souza): I think it is in order as it is Mr. Ngei. Even though these rules have been suspended, they are still rules as far as the law is concerned, and you are perfectly right to move that they should be abrogated.

Mr. Ngala: Since they are not legal, I think the hon. Mover is quite right, and in view of the suffering that our people are having, these laws should be done away with. Now again, the Minister himself agreed that it is likely that the rules are misused. If they are misused, and if they are not legal, then it shows further, that these rules should be done away with. The Minister has also agreed that it is very likely that these rules are misinterpreted, and because they are misused, surely this is a very strong reason for the Government to support the Mover of the Motion quite happily, and thank him for reminding them that while they were asleep for having discovered that this is a bad ruling and they should remove it.

Secondly, Sir, I think we must strongly object to the amendment. It is not an amendment, it is a new matter altogether. As a new matter, with due respect, this should not have been accepted at all by the speaker, it is a new matter and not an amendment. I think the Mover will agree with me, that this is not an amendment, it is entirely on a new line, and should not be accepted by the House.

I would like to agree with the Government on one point only, that is, the proper use of land. We can support that idea, because good farmers must be allowed to make proper use of the land, but when you make these regulations which are not legal and are misused and misinterpreted and you are reminded of the fact, then the Government should very honourably and nobly agree that they should be done away with. I support the original Motion and completely reject the so-called amendment, which is not really an amendment but a new matter altogether.

The Deputy Speaker (Mr. De Souza): It is nearly twenty minutes to five and I think it is time to put the amendment without any further debate. We have only twelve minutes more for this debate.

(Question of the first part of the amendment that the words proposed to be left out, be left out, put and carried)

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

(Question of the second part of the amendment that the words proposed to be inserted, be inserted, put and carried)

(Motion, as amended, proposed)

Mr. Ngei: Mr. Deputy Speaker, Sir, while I appreciate the need for my Government to be very sharp and to see that the voters do not get the sharp end of the stick from these departing

[Mr. Ngei] I would like to support this amendment, that this House while accepting the need for land utilization rules, urges the Government to consider ways by which the existing rules may be considered to ensure that they may be equitably applied.

I am saying so because I know it is the Board of Agriculture which recommends these rules to the Ministry of Agriculture, and the Ministry have powers to get the House to abrogate the rules. So I am stating this in good faith from the Parliamentary Secretary to the Ministry of Agriculture. I know also that the Board of Agriculture at the moment consists of very honourable and learned Members of this House, and therefore they should not waste time in trying to rectify this hard sore which was created by the Minister for Agriculture of the former Government led by my honourable friend on the other side. I do not wish to add much more to what has already been said, because this is a very acceptable kind of amendment, but I would like to say one more thing. It is bad for this Government, an African Government, to face a situation where the settlers are trying to get command of the situation. They go about saying to the poor African squatters, who live there and who have built their lives there, "Don't ask me why I am evicting you, go and ask your Prime Minister." They don't even say, "Go and ask your good Government." They go on blaming the Government indirectly. They go on trying to be the magistrate in the bush. They try people, thinking that they know the rules, and that the rules are there, and influence some of the Chiefs. I have said here, Mr. Deputy Speaker, and I am glad that you find whenever I give information here it is correct, because the Minister for Agriculture agrees that everything I said is true, as I have already investigated the matter. I am really asking, Mr. Deputy Speaker, that a thorough check be made with an investigation about the modern Black Hole of Calcutta at Yatta, about which we are trying to do our best to see what really happened. Sixteen innocent African souls in a room four by six for the whole night, and some of them were sick. We cannot tolerate such things. I may also tell you that the officer concerned was a Kadu supporting officer.

The Deputy Speaker (Mr. De Souza): Address the Chair.

Mr. Ngei: As you know, Mr. Deputy Speaker, I am not very good at mud-slinging, but my learned friend is trying to provoke me, but I can tell you that I am never provoked, and I will therefore still go on with my argument.

Therefore, Mr. Deputy Speaker, I would like a thorough check, and I have also been assured by the Ministry of Home Affairs that something will be done to check up on these Chiefs, who are really bad. Some of them have the inclination perhaps of *Majimboism*, etc, etc., but we shall check on them. Therefore, I have been assured by the Minister for Home Affairs that he will check on these Chiefs who have been acting as Inspectors, because he has been told by one of the farm owners that he is established as an Inspector according to these rules, and he can go on embarrassing and even arresting young girls and taking them away. In my own constituency and in the constituency of the hon. Member for Yatta, they have taken them away during the night under the pretence that they should not be in those parts because they do not hold a licence. I think that this is very serious and the members of the Board of Agriculture, who are mostly the back-benchers here, will consider very seriously when this matter comes up on the 20th in about a week's time.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Members of the Central Agricultural Board are not Members of Parliament here, they are members of the Regional Agricultural Boards.

Mr. Ngei: Thank you, I do not belong to a region, I belong to Kenya. I do not appreciate the question of being a defeatist and establishing a political ideology based on regions. Therefore, Mr. Deputy Speaker, Sir, with due respect, I accept the Motion which has been amended by the Minister for Agriculture and my hon. friend, the Parliamentary Secretary, with an assurance that these rules will be amended or abrogated to suit the prevailing circumstances in the spirit of this Government. Mr. Deputy Speaker, Sir, I beg to move.

(The question of the Motion as amended was put and carried)

Resolved accordingly:—

THAT this House, while accepting the need for Land Utilization Rules, urges the Government to consider ways and means by which the existing rules may be amended to ensure that they may be equitably applied.

MOTION

MINISTRY OF CO-OPERATIVE DEVELOPMENT

Mr. Cheptikit: Mr. Deputy Speaker, Sir, I beg to move:—

THAT this House requests the Government to consider setting up a separate Ministry of Co-operative Development so that this movement

[Mr. Cheptikiti]

may, in all fields and in all aspects, proceed with the development of settlement, schemes and farms run in societies instead of through individual farm management, and private businesses.

Mr. Deputy Speaker, Sir, Co-operative Development is a world-wide Ministry which is run by various people with different economic, social and political environments and with different needs. This Ministry of Co-operative Development will help the Kenya Government by increasing the economy in the country through the organization of—

An hon. Member: On a point of order, is the hon. Member in order in reading his speech.

The Deputy Speaker (Mr. De Souza): I do not think he is reading it. You are not allowed to read your speech, but you are allowed to refer to notes on it.

Mr. Cheptikiti: Thank you, Mr. Deputy Speaker, Sir. This Ministry will encourage co-operative development in various societies. For example, the agricultural rural co-operative societies, the consumers' societies and the business societies. This Ministry will increase the agricultural units in the country so that many areas in our country will increase their productions. This Ministry of Co-operative Development will encourage the peasant farmers to develop their farms in the country so that their products will increase. In this way the peasants will also get a chance of farming together and selling their crops together. By selling their crops together like this the peasants will get more money, and by the peasants receiving more money in this way we shall have more money in the country.

Mr. Deputy Speaker, Sir, this Ministry will be of great value to Kenya, not only to the co-operative movement but also to farmers. The farmers will produce their crops, as I have said, on a large scale and also sell them on a large scale.

Mr. Deputy Speaker, I have an example. The Ministry of Agriculture is, at present, setting up settlement schemes so as to be able to give our poor Africans land. However, if these poor Africans are given these small units of land with no proper knowledge of farming they will produce very, very little. This Ministry of Agriculture is only concentrating on farming in the whole country and does not realize that these small farmers will not produce enough. Will they sell enough, will they regain something and will they get money for the crops they produce each year? The Minister for Agriculture is only interested in

farming and that is all. He does not have any knowledge of reproduction and large-scale marketing so as to enable more money to come into the country.

Mr. Deputy Speaker, Sir, at the same time the consumer will be able to get cheap and plentiful food, that is the poor consumer, and the rich man—the capitalist—will not be the only one to get food. This is a chance for these peasant farmers to farm in the proper way.

An hon. Member: On a point of order, is the hon. Member allowed to whisper all the time so that the members of the public cannot hear him?

Mr. Cheptikiti: Mr. Deputy Speaker, Sir, I am sorry for the hon. Member who does not know how to address a meeting.

I was saying that the peasant will get a chance to get regular food. At the moment the farming which is carried out in our country—which has been run by capitalists—is run by capitalists only. However, if we introduce this Ministry of Co-operative Development the peasants will also have the chance of producing first-class crops. They will then be able to sell their crops together and get first-class prices for them. The peasants will be able to acquire markets outside the country instead of being limited to markets in this country alone: in small locations.

Mr. Deputy Speaker, Sir, I feel that this Ministry will provide a solution to the problems that prevail in this country, and the problems that are facing our peasant farmers. With this Ministry, we shall have time to wash away ignorance and poverty in the country and then we shall increase the riches in our country and develop it very rapidly. This will happen as we now have the Government in our own hands.

Mr. Deputy Speaker, Sir, I hope that this Government will consider a Ministry for Co-operative Development so that it can improve the condition of the country and raise the status of our peasant people. This Ministry will also have to develop the individual peasant or farmer so as to obtain capital and credit more easily and cheaply. This Ministry will increase the amount of money in this country through the co-operative societies' proposals. These proposals would be as follows: purchases of agricultural requirements for production; marketing of products which will increase money in the country; provision of credit; use of machinery and power. At the moment if one does not have any machinery one will remain poor and one's children will cry.

—However, if we create this Ministry it will help people who have to farm without machinery because the people will have the machinery on a

[Mr. Cheptikiti]

co-operative basis. At the moment if the Masai do not know how to keep their cattle I will teach them because I am a Masai. To raise first class cattle and livestock the Ministry of Co-operative Development must be set up. Many areas in our country are not suitable for cultivation and we shall turn this over to raising livestock. If we have the Ministry of Co-operative Development we will be able to discover which areas are suitable for land cultivation and which would be suitable for raising livestock.

Mr. Deputy Speaker, Sir, with a Ministry we would be able to run insurance on a wide scale, and education and research in this country would not have to be in the hands of the capitalists.

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

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

Mr. Speaker, Sir, with these few words I beg to move the Motion.

Mr. Ngala-Ahok: Mr. Speaker, Sir, I rise to second this Motion. This Motion as it reads is self-explanatory and I know that our Government is going to take it seriously. Just this morning you have heard, Mr. Speaker, how the Minister for Commerce and Industry deals with a question on the co-operative movement. The House was completely dissatisfied with the reply from the Minister, and it was obvious that something is very wrong with the co-operative movement as it is at the moment in this country. The Minister was unable to explain why we still have very outmoded and very outdated European settlers still running the co-operative movements for the benefit of one community. There must be a very drastic move towards Africanization in all fields, and while seconding this Motion I know very well that if the Government accepts the Motion and creates a Ministry, the Ministry will be set up with Africans right, from the Minister to the lowest person in the Ministry. That will be a very great achievement, Mr. Speaker, and the Members will not have to waste time claiming that the Ministry has not been Africanized and that the Permanent Secretary is a European. It will be completely African from the Minister down. Therefore, this Motion is both timely and wise. Therefore, I hope that the Government will bear this in mind and will pass this Motion without any amendments, complications and Government manoeuvres which are the usual tactics and we are very tired of them. We do not need them at present.

We must have a system of farming based on the co-operative movement. Of course somebody

will tell me that there are already in existence very good co-operative movements and that the Government is keeping a watch on their movements, that the marketing facilities are being increased, and other smooth words are going to be spoken. However, we are tired of these words, we are tired of clever tactics which are always being passed on to us. This is a Government of the people, for the people, elected by the people, elected by Kanu supporters, and Kanu and Kadu would like to see the Government acting. That is why we are asking our Government to organize a Ministry that would help market our produce, help advise our ignorant farmers, help advise people of all races and particularly the Africans who do not have enough knowledge. We accept the fact that they do not have enough knowledge because I know that we shall be told that the co-operative movement is being run by Mr. Smith who is in the Central Region and that he has introduced a scheme which has worked very well, instead of being told that Mr. Kamau with a B.A., a graduate from the Russian university, is running the co-operative movement throughout the country. We have people whom we suspect and we know that we are going to get independence. But we are suspicious of some of the people running the co-operative movements because when some of them go overseas to negotiate for marketing facilities they will think of a very beautiful crop which will come from New Zealand and then they will concentrate on that particular crop and how to market it overseas. Then the first committee to be called on will be the Committee of Co-operative Movement run by Europeans in the Central Regions. So these are the things that make us think that we should have a Minister responsible for the co-operative movement so that we can challenge him in this House and he would be running a completely black Ministry. This is a good opportunity to work out our ideas, we want facilities to train Africans to run co-operative movements, we want trained staff, and I do not think that we are going to be told that so many people have qualified in co-operative movements. We shall probably be told that a six-month course has been organized and that those who have qualified have done very well, but when you go and speak to a person who has done the six-month course you find that even your father is better than he is, and your father has just learned from his own experience and from his own natural gifts. So, I am sure that our Ministers who are responsible for answering this Motion will see the light and will avoid the usual words that change the Motions. I hope that they will just accept the Motion without any arguments.

[Mr. Ngala-Abok]

We do not have enough marketing facilities. If I may mention Tanganyika, they saw fit and organized a Ministry of Co-operative Movements which is now running very, very well, and many African countries that have just attained independence know that there is nothing to be gained in talking in beautiful language. Only a few days ago the Parliamentary Secretary to the Ministry of Commerce and Industry made a speech inviting people to organize, on a nation-wide basis, a co-operative movement, then he went back to sit in his Ministry. He should have told the country that the Government has set up a committee to invite all the co-operative movements existing in the country to establish a nation-wide organization with the Government behind them to advise them from time to time and to give them expert advice. Then when statements are made to a nation which is wholly uneducated as ours is—we accept that because the majority of these people who are ignorant are Africans they go to the European papers and nobody reads them. You see this Government must be an action Government otherwise we shall form a national action group and that would be terrible.

Mr. Speaker, this is a time when our Government needs action because this Government was formed by the people who are tired of furries and the Government is to be dedicated to serve the people. Let any Minister concerned with this Motion come out tomorrow and tell us that he is convening a meeting of all the co-operative movements in this country and that he is going to advise them to form a nation-wide co-operative movement and create a Ministry to supervise it. Then you will find that our milk will be marketed properly, the coffee will be properly marketed and we shall be able to compete with the world. We must not bluff the country, and the Africans in particular, and I do not really need to say all these things because I might be judged as an extremist which I am not.

This, of course, is not what I am. I cannot undermine the Government, but when I feel the Government has been indulging in theories, and the existing co-operatives are weak, then I will not accept it; I will come out into the open. I am an elected Member, many of my people farm and we believe in farming. My area produces a lot of bananas, groundnuts, fish, cotton, and so on. I have always asked for industries. I have never failed in initiative. Somebody tells me that the people must work hard first, but if a person is ignorant, how can he start working hard? He would meditate and wish to do something, and

even if he has a little money but he has no confidence, he will need encouragement to move his *ngombes* away from his door and then go back to his house. How would he come out and act? As I am expected to act as a Member of Parliament, I have addressed many meetings and have asked them to organize some co-operative business, but who will give them the knowledge, who will teach them the accounts, who will teach them the simple marketing methods? It is not the job of Government.

That is why, Mr. Speaker, it goes without saying that our sensible Ministers and Ministries concerned with this Motion will automatically accept it. I do not want to prejudge, but any Member here can see that there is no room for the words to which I have justly referred.

There is another thing which is very important in case our Government accepts this Motion: that is, to introduce more factories, more industries which are not costly, and to advise investors who pour into this country from time to time, and who will come in like locusts next year, that we should look at this area, Homa Bay, or Machakos, or that area. This is a good distribution of industries and factories to encourage the local people and to provide good chances of employment. They will know that such-and-such a crop is produced in this area. They will say, "Could we have your advice on this?" However, from time to time you will find that near Makadara location a factory is being created, and that is a town where people already know enough, they have enough jobs. Then you find towns being created all over the country with no facilities there. We want small factories, so that the farmers in those areas can see where to market the small things they produce. If they see that there is a sisal factory there, a fruit-drying and processing factory in their area, they will know they should grow a lot of cabbages, because there is a factory for it. This is very cheap and will not cost the Government much.

Mr. Speaker, while talking on this, I would like to refer—

The Speaker (Mr. Slade): Mr. Ngala-Abok, I am afraid you cannot speak any more. Your time is up.

Mr. Ngala-Abok: Thank you, Mr. Speaker, Sir. With those few words, I wish to second the Motion.

(Question proposed)

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Speaker, Sir, I am very glad to have the opportunity of replying to this Motion.

[The Minister for Commerce and Industry]

In the first place, I want to thank the Mover very much for giving the House an opportunity to discuss this whole question of the co-operative movement, but before I begin taking the various points which he has raised, I would like to register very seriously a protest against a number of accusations which I shall prove conclusively were not warranted and which do not help in the creation of the best atmosphere in which we can discuss the best ways of developing our people.

Firstly, Mr. Speaker, it is true that my Parliamentary Secretary, in my absence when I was touring the eastern countries, did issue a statement indicating the importance of correlating the various co-operative societies we have in this country, that statement was issued and a further statement was issued in support of it. What the hon. Member does not know and does not care to know—he has not called at my office to find out the truth—is that certain steps have already been taken and on Thursday of this week there is going to be a national conference of co-operatives convened by my Ministry.

This will represent the various co-operative unions throughout Kenya. For a person to come to this House, pretending to be an hon. Member and interested in the development of this country, and to think that the best way to find out information is to make a speech as if there were no tomorrow, is to my mind absolutely irresponsible. The best thing would have been first of all to have gone to the Parliamentary Secretary and asked him what he had done about the statement. To come and accuse a Parliamentary Secretary of making a statement and then going back and sitting in the Ministry is the height of irresponsibility, and I hope in the future, as far as our debates are concerned, we shall refer to facts and as fact, and not talk to the galleries by what I call unnecessary accusations. I wanted to make that very clear.

In the second place, Mr. Speaker, I must remind this House—again referring to statements made by the Secunder in this Motion—that the Government of this country has accepted the policy of Africanization, but if we are going to have Members of this House substituted for the Public Service Commission, then the so-called independence of the Civil Service will be greatly jeopardized. Therefore, to make an allegation that a number of civil servants are operating only exclusively—and I am quoting the hon. Secunder—for their own community is to make an allegation which is difficult to substantiate, particularly as I can say that whatever mistakes they have made, to use the word "exclusively" is wrong. The

most important thing is this: we are all Members of the same House; as a matter of fact, we are all Members of the same Government, and if a person has a specific complaint about a certain person, it would be much more helpful to throw that person out rather than to make a speech here without being able to produce specific challenge except to call them hard-core Europeans.

As I said, during the present time, Mr. Speaker, such irresponsible allegations are not right. The facts are that if somebody is interested in knowing the exact rate of Africanization of the Department of Co-operatives, I would be very, very glad to give him those figures since I took over the Department, and what is planned up next year. That does not happen to be a part of this debate, Mr. Speaker.

I want to say that when we are making statements, in the first place we should be careful in our allegations. I also hope that the hon. Secunder was not dismissing as useless the short courses that this Government finds necessary to give, not only to officers in my Ministry which also incorporates the Department of Co-operatives, but also in other Ministries as well. In addition to the normal courses given elsewhere, such as in the college in London and overseas in Denmark, we have found it necessary also to give short courses, particular to the lower echelon of our operators. Therefore, I hope that the hon. Secunder was not dismissing as useless the courses for co-operative officers which have recently been initiated in Kabete. We have those as well as those given overseas in London and Denmark.

During my visit to the socialist countries, I had the opportunity with my hon. colleague, the Minister for Agriculture, and the Chairman of the Planning Council, Mr. Kibaki, to discuss with various people the possibility of sending a number of students to them to be trained in the more material aspects of the co-operative movement. Therefore, Mr. Speaker, I feel that when I report the details of this to my colleagues, and the finer points are worked out, we shall have both the short courses and the long courses. The people whose mentality goes no further than to either/or always mislead the country.

Mr. Ngala: Speak on the Motion.

The Minister for Commerce and Industry (Dr. Kiiano): I must reply to points made by the Secunder. We must have both short and long courses.

Having clarified those points and indicated that we are interested in knowing the feelings of the members of the co-operatives themselves so that

[The Minister for Commerce and Industry] we have taken the initiative of inviting them to come to Nairobi on Thursday at 10.30 to give us their views—and they are the people most directly concerned. I would like now to make a number of observations as far as the Mover is concerned.

I am in full agreement with many of the arguments made. As a matter of fact, there already exists in this country marketing co-operative societies, handling not only coffee but cereals, some of them handle sugar, vegetables, cotton, and so on. We have others which are co-operative farming societies, and we hope to increase the numbers of all of them. The total number at present of co-operatives which are actually operating is about 700, although the total registered number is 1,013. We are of the opinion that this number must be increased.

Secondly, Mr. Speaker, I would like to point out that in addition to helping in the marketing of agricultural produce, which has been the main occupation of the co-operatives, particularly among the African farmers, Government has accepted in general that co-operative farming is also a possibility. This aspect will be discussed in more detail by the Parliamentary Secretary for Settlement.

Thirdly, I would like to point out that at this meeting we are having on Thursday, one of the ideas I would like to explore with the co-operative unions is the possibility of co-operative wholesale as well as consumer co-operatives. We already have a few consumer co-operatives in the country, about sixteen and about thirty-one trading co-operatives. I would like to discuss with them how they can increase their work. I am not only referring to wholesale within the country but also from the point of view of exports and imports. I believe that one of the ways of enabling the African to enter the wholesale field of commerce is through the co-operative wholesale societies. This is one of the ideas I shall be exploring with the actual people in the field on Thursday, and I hope that very concrete proposals will be arrived at as a result of that meeting.

What I would like to point out, Mr. Speaker, is that I am in full agreement with the Mover that one of the ways of instituting African socialism is through the expansion of the co-operative movement. I also agree with him that we must accept a definition which does not restrict us only to one type of socialism because we have a mixed economy. We must have diversification: i.e. the public as well as the private sector. The point I want to make is this: it would be idle for anybody to assume that all you have to do to correct everything in this world is simply change a

department from one Ministry to another. What matters is the plan, not the person. I should point out, of course, that from the point of view of parliamentary constitutional procedure, the prerogative for creating the number of Ministries and selecting the Ministers, and so on, belongs to the Prime Minister, the head of the governing party. Therefore, we cannot in any manner try to amend things in that respect. We can discuss problems, find the reason, we can listen to the various proposals made. However, I do not think it is in accordance with the constitutional procedure of this country for this House, to decide how many Ministers with what portfolios there will be in the Government. If we did that, we would be acting in a contrary fashion to the spirit of parliamentary democracy.

Mr. Ngala-Abok: On a point of order, Mr. Speaker, I did not rise when I was supporting this Motion to see whether the Prime Minister could see his way to creating a Ministry.

The Speaker (Mr. Slade): This is not a point of order arising out of what the Minister has said: which is the extent to which hon. Members here can resolve or recommend changes or re-organizations in the Ministries. It is in fact well within the jurisdiction of this House to express views or even pass resolutions as to whether there are too many Ministries, but it remains for the Prime Minister to take as much or as little notice of those views as he thinks fit.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, I am very grateful for your clarification. I would like to say that that is the situation and it is within the competence of this House to express an opinion, but I feel as a Minister that it is for the Prime Minister himself to decide and consult with whatever Minister he wishes as to whether he wants another department within the Department of Agriculture or the Department of Commerce and Industry, or whether he wants another Ministry. Therefore, I would say this, Mr. Speaker. While I agree that the co-operative movement is very important, and while I agree that expansion of it is necessary—and, as I have already indicated, my Ministry has already invited these co-operative unions to come and examine some of the things I have in mind, including a Co-operative Bank proposal—I am unable to agree to one particular point which is the crucial point and which is difficult to amend: that is, to undertake to go and urge the Prime Minister to create an additional Ministry. That aspect is the only aspect of the Motion that I am unable to undertake because it is not within my terms and is one thing which I think the Mover

[The Minister for Commerce and Industry] himself would have found easier to do by discussing it with the Prime Minister. Therefore, despite my mute agreement with the Mover of the Motion, I cannot undertake the responsibility of recommending to the Prime Minister the creation of an additional Ministry.

Mr. ole Oloitipitip: Mr. Speaker, Sir, before I touch the important aspect of the Motion I think I had better clarify the point made by the hon. Minister who has just replied to the Motion. He said that some of the Members still come here just because they want votes in the next election, so they move the Motions. This is not true, Sir. I should like to remind the Minister that all Members are elected Members by their own people and they should represent the interests of their people openly here.

The Speaker (Mr. Slade): Mr. ole Oloitipitip, you must be careful not to misrepresent what the Minister said. He did not say people move Motions in order to attract votes. He said that some hon. Members speaking to Motions speak in such an irresponsible way that they are not sure of their facts and can only be speaking in a manner designed to attract votes.

Mr. ole Oloitipitip: Thank you, Mr. Speaker, for correcting me, but I feel at the same time that the Minister did say that instead of the Members coming and raising Motions here they should have gone to the Ministry concerned and raised their points there.

The Speaker (Mr. Slade): He did not actually. I said you must not misrepresent what he said, which was that instead of making irresponsible allegations in this House without enquiry they should make enquiries first. It is very important that hon. Members, when referring to other speeches, do not misrepresent what was said.

Mr. ole Oloitipitip: Mr. Speaker, Sir, thank you. I think this Ministry is a very, very important Ministry. In Kenya we are told that people in the field must work very, very hard indeed if they want to develop their country, if they want to be rich, if they want to be well educated. I believe our people have proved to be working very hard and they have managed to work and develop Kenya as it is today.

However, in connexion with this Ministry, I feel that most of the Africans today lack markets for their crops. For example, the area I come from, Masai. We are very limited in every respect. We have very limited auctions where we can sell our cattle. We work day and night to see that the cattle are fed. The same thing applies to my

friends who cultivate their land. Once the Kenya Government think of creating a Co-operative ministry which will be responsible to find where the Africans can sell their crops or their produce the better the country will be. Therefore, Mr. Speaker, I support wholeheartedly that this is a very important Motion and the Ministry to be created is in the interest of the country as a whole. However, I think our Government, led by the hon. Mzee, should think twice before creating this Ministry because I believe they have created some unnecessary ministries like the Ministry of Pan Africanism which does nothing for the Africans or the progress and development of Kenya. I should say—

An hon. Member: On a point of order. Is it in order for an hon. Member to refer to other ministries when that is not relevant to the Motion?

The Speaker (Mr. Slade): Not in this instance. Hon. Members must keep relevant to the Motion, and just now I do not think other ministries are relevant to the Motion.

Mr. ole Oloitipitip: Mr. Speaker, I said I support the creation of this new ministry, but at the same time I think these are my personal views and I feel I am at liberty to express my personal views. I have said all this because we all know that the country has no money, Kenya has no money. People are unemployed. Many are jobless. From where are we going to get money to create a new ministry at this particular stage? Because this is a very important ministry to have, I said it should be created by removing a useless ministry like the Ministry of Pan Africanism. That is why I think, Mr. Speaker, I should not be limited to what I should air here.

I support that this Ministry is a very important one but we have poor people who have no jobs, they find it extremely hard to get their daily bread, and from where are we going to get the money to create this Ministry? Because this Ministry is urgently required by the country, I suggest that the Prime Minister should remove the Ministry of Pan Africanism and replace it with this new Ministry.

Mr. Kamau: Is it in order for the hon. Member to repeat once more the point of removing other Ministries when it is not relevant to the present subject of creating a Ministry for the Co-operative Movement?

The Speaker (Mr. Slade): It is not relevant to talk of which Ministries should be removed to make way for this separate Ministry. We are getting too far away from the Motion.

Mr. ole Ololipitip: I agree with you, Mr. Speaker. However, we must get this point clarified and I think if perhaps I touch on this Ministry of Pan Africanism—

The Speaker (Mr. Slade): You must not touch on it any more.

Mr. ole Ololipitip: I will not touch on it again. I think what I wanted to imply has been understood by all present and that is sufficient.

The Mover is very correct in bringing forward this Motion, and we are looking forward to see that this Motion is adopted and that the Ministry is going to receive the full attention of the Government.

With these few words, Mr. Speaker, I beg to support this Motion.

Mr. Masinde: Mr. Speaker, while I support the Mover on this Motion I wish to register my observations as far as the whole position is concerned. The idea of encouraging Co-operative Movements is actually very important at this stage. We know the country is very poor. We have been exploited by the rich when I say rich I mean white or red—and unless we organize a very strong force it will be difficult to come forward and compete with these people who have exploited us for many years and are already established.

However, when I come to this question of establishing a new Ministry I ask myself whether it is actually necessary to do so at this stage when we have so many Ministries. It is true that we require some of them. Others are temporary and after *Uhuru* the Ministers who are responsible for these particular Ministries may find they have no jobs. It is not a good thing to see a Minister sitting in an office where he has no work to do. It is better to have a Ministry which requires a full-time person for a full-time job. That is why I think some of the Ministries should be done away with quite soon.

The Speaker (Mr. Slade): Mr. Masinde, I will not have hon. Members disregarding my instructions. I expect hon. Members to respect my ruling. This question of replacing other Ministries is strictly irrelevant, and should not be broached.

Mr. Masinde: I do not know how we can actually recommend that we should have an additional Ministry while at the same time we have the complication of supporting all these Ministries.

The thing is that we need Co-operative Movement in this country, and what is even more important is that we need Ministers to take care of these Co-operative Movements, to work hard

for the interests of the people and the country. We cannot afford to have Ministers who have little or no work to do in their particular Ministries.

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

Mr. Anyieni: Thank you very much, Mr. Speaker. I would like to begin with the Ministry of Lands and Settlement. With due respect, Mr. Speaker—

The Speaker (Mr. Slade): I do not see how you can begin with Ministry of Lands and Settlement, in speaking to a Motion about another Ministry.

Mr. Anyieni: I beg your pardon, Mr. Speaker. Mr. Speaker, Sir, we would like this country to start running co-operatives in many fields, practically in all fields. For example, with the Ministry of Lands and Settlement this country is heading for an economic disaster, because the Government is borrowing money from, say, West Germany or America or Britain, to settle people on the land on the basis of one individual. Mr. Speaker, Government has two policies of giving land. The average man pays a little and is given a loan of probably Sh. 15,000. The poorer people are given a loan of Sh. 4,500. Some of these people are not able probably they may not be all that intelligent—to work on their own and to pay back the Government loan.

Therefore, Mr. Speaker, we would wish that instead of giving this land to individuals, instead of Government giving Sh. 4,500 to an individual, that they would get, say, 50 people and multiply the Sh. 4,500 by 50 and give these people a piece of land, so that they could farm the land on a co-operative basis. The question of paying back the loans could be settled easily because then, since they would again create co-operative marketing for something like that, the Government would be getting the payment back through the Co-operatives from the crops so sold.

I know it is becoming a problem because in the place of settlement in Liatago many of the farmers who were settled there are now unable to pay their loans, and this should be a warning sign to the Government.

What is going to happen? I would like the Minister to reply to this. Some of the people who have loans may be people who will go and use the money probably for marrying more wives or for drinking, and then after four years all the overseas Governments which provided the money are going to demand that the Kenya Government pays this money, and it will be found that some one has used it for a different purpose.

[Mr. Anyieni]

Therefore, Mr. Speaker, Sir, if we have all these things done on a co-operative basis, this will be a guarantee. The hon. Minister has told us that he has contacted some overseas countries and that they are going to give us advice, so we will have advice from a high level on how these co-operatives can work for the economic development of this country. Mr. Speaker, Sir, these co-operatives could be very useful because instead of giving a man merely Sh. 4,500, giving him the land and then asking him to decide what he is going to plant on the land, these experts would advise the farmers in the co-operatives on which would be the best crops to plant, so that we can have more money.

Mr. Speaker, Sir, even on marketing we find today that there is a very great difference in the amount of money which is being paid to the producer and the amount of money the consumer pays. Mr. Speaker, we know the man who is gaining is the middleman, and he is the man in this country who is said to be controlling the economy of the country. We have been talking a great deal of Africanization, but there is one danger. If we want to Africanize, we also must be careful that we do not substitute African exploitation for European exploitation and in that respect, Mr. Speaker, instead of merely saying we would like an African to run this or that, we would rather give the poor people, the majority of the voters, the majority of the people who have elected this Government, a chance to improve themselves. If we leave these people on their own, they may not be able to do it. Individual farming was practicable in America because the people who left Britain were very well equipped, but in this country where we have been left very much behind we must expect direction from Government in all regions. In marketing we hope that if the co-operatives came in we would be able to remove the so-called Marketing Boards whose directors and managers are getting fat salaries while the farmers and the producers are not realizing the fruits of their labour.

Mr. Speaker, Sir, in the country today, in Kisii, for example—if I may be allowed to speak about that—as we have seen, people have started now to come together in groups; they come together in thirties, forties and fifties, and they work together as groups, on their own. This is the spirit of *Harabee* which the Prime Minister has asked our people to undertake. However, there is very little help from the Government and while these people are working very hard from morning until evening, they do not have expert direction on

where they should be going. In that way, Mr. Speaker, we feel that in the interest of this country—this is the longed-for aim of Kanu—at last, not in one day, this country will become a socialist country. I think co-operatives could be the first step towards socialism. If we do not introduce co-operatives there are two disadvantages. The Government has said it is going to lose money, and it is doing so even now because, as the Minister for Commerce and Industry will remember, it has given loans even to the traders in this country. The trader, instead of being shown how to use the money in the right direction, is given, say, Sh. 10,000 and left alone, and by the time the Government wants the loan back there is no money, the money has gone, and has gone for ever. If we do this, after five years, we will find that our Government will be the prisoner or the stooge of the Governments from which we borrowed the money because we shall be unable to repay the money. The Government will come to a situation whereby it has borrowed money from, let us say, West Germany, given it as loans to the farmers and traders and then the traders will not return the money, so Government again will go to Russia and borrow more money to pay West Germany, and we shall be borrowing, borrowing, borrowing. In the Bible it says that if you owe someone something you are that person's slave, and our country will be a slave for ever and ever.

So, Mr. Speaker, Sir, to this end I would call for an immediate stop to settlement, except on a co-operative basis. We cannot be convinced that settlement schemes can work on an individual basis. If we do this, the question of who owns the land will not be very important because you will have people working there, you will have Government supervision, you will have Government experts to advise the people on farming, on marketing and on trading, and I think this would be in the interest of the whole country. Therefore, Mr. Speaker, while the Minister has indicated that he is not going to undertake to inform the Prime Minister of our wishes, it is in the interest of this country that the Cabinet discusses this and sees the importance of it. In fact, I do not see—No, if I speak on that I will be ruled out of order, I was actually going to say, Mr. Speaker, Sir, that instead of calling that Ministry the Ministry of Lands and Settlement, we should call it the Ministry of Co-operative Farming, so that the people who would be given land for farming may farm it under a co-operative basis. With due respect to the Minister and the Parliamentary Secretary, they do not have to be removed, they can remain there, the only thing that will happen will be a change of name.

[Mr. Anyien]

Mr. Speaker, Sir, with those few remarks, I beg to support the Motion, and I expect no amendment.

The Parliamentary Secretary for Lands and Settlement (Mr. Marrian): Mr. Speaker, Sir, I would like to refer first to the remarks of the hon. Member who has just sat down, who takes a very gloomy view of the repayment position, both present and future, of settlement schemes. I would like to tell the House that, in fact, the repayment position of settlement schemes at the moment is extremely good; in many areas it is over 90 per cent. I cannot give him the figures on Liatago, but I will look them up. However, as far as I know, they are not very bad.

He suggests that the farmers are going to spend their money on, I think he said, wives and drink, but I do think he is taking an unduly gloomy view and perhaps is not having a high enough opinion of the farmers who are coming on to these schemes. The Kenya Government, of course, is concerned that the money should be returned because it has been borrowed from the British Government, and I have no doubt that when we get it back from the settlers the Kenya Government will then ask the British Government to lend it to them for further development projects.

I would like to tell the House exactly what settlement is doing as far as the co-operative movement is concerned and what it is not doing. I think it is true to say that virtually everything in settlement, other than ownership, is on a co-operative basis. We have a co-operative on every single settlement scheme and by the end of the year 1963/64—that is by the end of June next year—there will be a minimum of 77 separate co-operatives working on settlement schemes. These co-operatives are used in a variety of ways: machinery is used co-operatively; loans are made to co-operatives for contract ploughing; loans are made to co-operatives for water supplies; loans are given to co-operatives for the processing and marketing of pyrethrum and for the processing and marketing of milk; we have co-operative artificial insemination schemes; we have co-operative animal cleansing; and co-operatives are purchasing into the processing organizations such as the dried milk factory at Pura. When we get into the sugar areas of Muhoroni/Songhor, the whole of an area will be ploughed co-operatively, it will be harvested co-operatively and when the sugar has to be replanted it will again be ploughed on a co-operative basis with the help of heavy machinery and the modern techniques of agriculture.

In supporting a great deal of what is behind this Motion I would like to point out that in the Ministry of Lands and Settlement we are making use of the co-operative movement to a tremendous extent as, I hope, I have shown. What I said is what we are not doing. We are not, so far, in any quantity going into the co-operative ownership of land. We have done so, as Members will know, at Koma Rock and Lukenya. We intend to do so, Mr. Speaker, in large areas of poor land at Nyandarwa. There are, of course, advantages in co-operative ownership: you do not have to destroy an economic unit and this has a certain value. I well appreciate the opinion that is held by many Members that there should be co-operative ownership, and we are in constant negotiation with regional authorities on this point. However, I think I should point out that there are certain disadvantages in co-operative ownership.

The first disadvantage is this: certainly in the Central Region and, I hope, most of the other regions, the first priorities for settlement are the employees on the farm. You cannot force people to co-operate. The whole co-operative movement has been built up by a willing group of people who want to form a co-operative. It may be that the employees will form such a willing group. On the other hand, it may be that they will not. Members must satisfy themselves that they are a willing group because if they are not willing it will not work. If you cannot take everyone on the farm you are then going to displace labour and the displaced employees are going to be thrown off with little chance of work, probably no money and they will provide us with a very considerable problem in some part of the country or another.

The second point I want to make is this. Do the people, themselves, really want a co-operative or would they prefer an individual holding? Mr. Speaker, Sir, there are voices behind me saying that it is the African way of living. Nevertheless, I beg leave to suggest that there are many areas in the country where, ingrained in the African farmer, there is the desire for an individual holding. I only put it out as a feeling that I have; it does not necessarily apply everywhere, but nevertheless, this is, I think, a fact in certain areas.

Thirdly, in co-operative ownership there is the problem of management. You cannot have a large group of people running a farm without some direction from the top. We, ourselves, are finding some difficulty in acquiring good, qualified African staff for settlement officers. I am pleased to inform the House that we are now up to, I think, twenty-nine African settlement officers which is a great advance on the figure I gave you at the last session.

[The Parliamentary Secretary for Lands and Settlement]

The Ministry of Agriculture is finding difficulty in equipping itself with agriculture officers. You must not think too lightly of this problem of management, because the taking over of a large mixed farm is a very delicate mechanism. Please, do not think that you can run such a farm without expert management, if you do it will go wrong. The margin between profit and loss in agriculture, as many of you will know, is very slight.

Therefore, in conclusion, Mr. Speaker, Sir, I would like to say this on behalf of Government. We are doing everything we can from the co-operative point of view: marketing, use of machinery, purchasing and processing. Had the hon. Member who is guffawing on the opposite bench been here when I started, he would know that every single settlement scheme in this country has its own co-operative. We are going some way towards co-operative ownership in the ranching areas—Lukenya, Koma Rock and Central Nyandarwa. As far as the rest is concerned I would like just to sound a warning that although it may be of ideological benefit there are certain practical difficulties.

Mr. Gichoya: Mr. Speaker, Sir, I will stand on the Government side of the House so that I am not taken as a Member of the Opposition.

Mr. Speaker, Sir, I feel that the idea behind the Co-operative Development Ministry, which will introduce co-operative farms and certain things related to co-operative farming, is, by itself, a complete manifestation of the Kanu Manifesto. The Manifesto states clearly that we are moving towards African socialism. To achieve this I am of the opinion, Sir, that it is necessary to implement this while we have the opportunity of doing so. In agriculture today we have lands which are being bought by the State and therefore this land is State-owned land and not land owned by individuals. After the State has bought this land from the farmers it should introduce the very system which is the backbone of our policy: socialism. We should get co-operative farms and we should get a number of people on to these farms with a manager over them. If we have so many expatriates being employed in the Ministries as experts why cannot we have them on these farms as experts? I feel we could get expert expatriates employed as managers of our co-operative farms.

Mr. Speaker, I do not believe in a racial approach when I look at the social needs of the country. However, here again, there are many things which must be considered if this Ministry is to be created. I see one point here which has been expressed by two Ministers: one a senior

Minister and one a junior Minister. The Ministry of Co-operative Development would, somehow, have to halve the responsibilities of the Ministry of Commerce and Industry, because the Minister would not only be the Minister for the Co-operative farming section but also the Minister for every co-operative undertaking. Call them imports and exports, call it selling and buying, or consumers production, but all these things should be interwoven into a co-operative movement with a Minister at the top. Hence the Minister of Commerce and Industry would be vested with certain more responsibilities. The other thing would be to eradicate completely the Ministry for Settlement. We are today dissatisfied with the work of this Ministry of Settlement, it is a Ministry which cannot last very long.

The Speaker (Mr. Slade): Order, order. Hon. Members, other Ministries are not relevant at all to the question of a Ministry of Co-operative Development. There is an exception to this in so far as settlement schemes do involve the co-operative movement, as has been pointed out—but to discuss the merits of the Ministry of Settlement is irrelevant. To discuss the relation of the co-operative organization to settlement is relevant.

Mr. Gichoya: Mr. Speaker, Sir, what I am trying to do is to find out whether there is need or not for this Ministry because we have to cut our cloth according to our needs?

The Speaker (Mr. Slade): That is why I am not allowing, Mr. Gichoya, because it is discussing the merits of other Ministries.

Mr. Gichoya: Then, Mr. Speaker, Sir, I will put it this way. I will cite a very good example of the need for co-operative societies. We have a rice scheme which comes directly under my constituency and the tenants are asking for a co-operative organization to be set up by the Government to allow them to start a processing co-operative. But one Ministry which is connected with the scheme will not allow it. We want to set up a factory for the processing of the rice and the people are prepared to contribute money to set up this factory. But, again, the Ministry will not agree, they say that we cannot do this. However, I believe that if we are going to build up the capital needed for economic development in the country we should not always depend on something from outside, or on attracting the external investor. Let us attract the local capital, the local men. But we cannot attract the local men unless we get Mr. A, or Mr. Z, or Mr. B, who are all farmers, and put them together in a co-operative movement with the Government giving them some assistance. Mr. Speaker, Sir, I believe that the

[Mr. Glechosa] solution for this country lies in the co-operative movement. My father is in a co-operative society and he is better off today than he was when he was employed in Nairobi. So I feel that the co-operative societies should be properly created and to do this a Ministry is required and if necessary, Mr. Speaker, certain Ministries could be abolished to give way to a Ministry for Co-operative Development. A specialized body is needed to deal with this question and to help our economic development, Mr. Speaker, Sir, I believe that the man who put this Motion forward tried to put it forward having in mind a big co-operative movement or Ministry to carry out the work connected with the small-scale industries in this country so that the Ministry of Commerce and Industry could deal with the large industries, the heavy industries. We cannot run a country where we have to borrow even a pin, a pin has to come from overseas, and this must not be. After some time this country must be self-sufficient in matters of our food production. To get this a Ministry for Co-operative Development would be the solution for us.

Thank you, Mr. Speaker.

The Speaker (Mr. Slade): On a point of order, if hon. Members must walk from side to side of the House they should bow every time they do so. That is not actually necessary for an hon. Member to establish that he still supports the Government. It is now clearly accepted that hon. Members sitting in those Benches belong to the Government. Perhaps at this point I could remind hon. Members of the circular which asked for rearrangement of the seating so that in future only these seats at the top end will be reserved for Opposition Members, and the seats further away from me will be for Government supporters. I have seen some Opposition supporters sitting there, but please do observe this circular in future; otherwise there will be some confusion, and not quite so easy for supporters of the Government to reconcile their conscience about sitting on that side. However, if the Opposition would please sit in this section only, it will prevent confusion.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I would intervene only very briefly to make one or two points in this debate. The first point I want to make is that there is not the slightest disagreement between the Government, the Cabinet and the Prime Minister, and the views expressed here by many Members, including those Back Benchers on the Government side. The Government is committed as a party to a socialist economic programme and intends to carry out such a socialist

programme in the future. This Government also recognizes very fully the strength of all the views and points made here in support of the need to help and encourage the development of a co-operative movement both among the farmers, among the peasants, and consumer co-operatives, and it is the sincere intention of the Government to carry out this programme of encouragement of co-operatives with the fullest energy possible and, as rapidly as possible. Already, there has been given an indication of the assistance schemes that the Government has put in the field and intends to put in the field. What I am really saying is this, that most of the views that have been expressed here are entirely in line with what the Government's own views are, and we are not really at variance or quarrelling with any of the views that have been expressed. Having said that, I do wish to assure the Members who have spoken in this debate that all the views they have put forward in support of a stronger and more vigorous co-operative movement will be taken very seriously into account and we will undertake to ensure that the Prime Minister is made fully aware of these views expressed during the debate.

The only difficulty we find ourselves in, is that we do not wish to reject the Motion for we agree with the sentiments expressed but we have a constitutional problem, namely that the prerogative to determine the size and composition of the Cabinet must always lie with the Prime Minister. If we allowed a resolution of the House to predetermine the composition and size of the Cabinet we will, in fact, be interfering with our prerogatives. We, as a Party, including our Back Benchers, have every method of ensuring that the Prime Minister takes into account the views of both our Party and of this House, but if we were to vote on a Motion such as this we would be inviting even the Opposition to tell the Prime Minister what Cabinet he should have and which Ministers he should have.

That, Sir, is not their prerogative. The Opposition cannot participate in the formulation or formation of the Cabinet of this Government. I am, therefore, hopeful that having given the assurance that we shall take fully into account the views that have been expressed here and bring them to the notice of the Prime Minister, and having explained the dilemma in which we find ourselves, I am able to reject the Motion on the ground that the Mover of the Motion agrees that these views have been noted, they will be considered very carefully by the Prime Minister and the Motion need not be voted upon.

(The Debate continues)

The Speaker (Mr. Slade): I now call on the Mover to reply.

Mr. Cheptikit: Mr. Speaker, Sir, I have put forward this Motion because I know that on the faces of all the hon. Members and the faces of all the people of Kenya are written the words "money, money, money". Therefore, I feel that it would be appropriate for the Kenya Government to introduce a new ministry, a Ministry of Co-operative Development, so that this Ministry will take over the work of the Agricultural Department which has so far proved unproductive in this country. Why I say this is because all the agriculture or farming is in the hands of only the rich people, the capitalists, and not the poor people. The Co-operative Movement will take in all aspects and help the people to develop their cultivation and farming so that they produce more, they save more and thus have more money. If the peasant people are able to save money and have money then the Kenya Government will be the richest Government in the country.

I think the Minister for Commerce and Industry is not aware that outside in the countryside the people do not carry out the correct methods of farming. I know this from experience. The Minister for Commerce is only working through books and not through practical experience as the people in the countryside do. I have done the practical work and know the difficulties which the people in the country have to face. The difficulty is how to develop the small plots that we possess. We have means of getting overdrafts through banks, getting all sorts of financial assistance. The inspectors come to check how the work is getting on in the field but not to instruct the people how to work. Therefore, if we have a Ministry of Co-operative Development the Ministry would be responsible for instructing the peasant farmers how to work on their farms, it would be able also to instruct the businessman and in that way our country would progress and develop rapidly. I am aware of the difficulties that we have in the Government—I am a Member of the Government—and those which face us in the Constitution, and I do respect the Prime Minister, the Cabinet and the Government, and I hope that the Prime Minister will take this point and consider it very favourably, so that in future such a Ministry will be introduced as soon as possible.

I therefore withdraw my Motion.

The Speaker (Mr. Slade): The Motion being in the possession of the House, it can only be withdrawn with the leave of the House: that is to say, with no hon. Member dissenting. Is there any

hon. Member who does object to the withdrawal of this Motion? In that case, the Motion is withdrawn.

MOTION

ASSISTANCE FOR SUFFERERS FROM THE EMERGENCY

Mr. J. M. Kariuki: Mr. Speaker, Sir, before I move this Motion I would like to know whether I can amend it by adding, after the word "emergency", the phrase "and other national catastrophes".

The Speaker (Mr. Slade): Motions can be amended with my consent after they have appeared on the Order Paper, but this is a rather substantial amendment. The addition of the words "and other national catastrophes" after the word "emergency" does enlarge the scope of the Motion very considerably, and I do not think that I can allow it at this stage without the leave of the House. Therefore, I should like to know whether any hon. Member objects to that addition to the Motion.

Hon. Members: We object.

The Speaker (Mr. Slade): In that case, I am afraid you must stay within the terms of the Motion on the Order Paper.

Mr. J. M. Kariuki: Mr. Speaker, Sir, I do not intend to change, according to what I have asked you, and I still intend to add the words "and other national catastrophes", if I can be allowed to continue on that.

The Speaker (Mr. Slade): No, you did not understand me, Mr. Kariuki. I have ruled that you cannot amend the terms of this Motion at this stage, you can only speak to the Motion as it now stands on the Order Paper.

Mr. J. M. Kariuki: Mr. Speaker, Sir, in that case I beg to move:—

THAT this House, being aware of the difficulties facing those who became orphans or widows or were disabled by activities arising from the eight years of the state of emergency and other national catastrophes—

The Speaker (Mr. Slade): No.

Mr. J. M. Kariuki: I thought, Mr. Speaker, you meant I can speak on that even if I do not amend the Motion.

The Speaker (Mr. Slade): For the third time, Mr. Kariuki, I have to tell you that you must stick to the terms of the Motion as it appears on the Order Paper, without the addition you wanted to make, as the House has not allowed it.

Mr. J. M. Kariuki: Mr. Speaker, Sir, I beg to move:—

THAT this House, being aware of the difficulties facing those who became orphans or widows or were disabled by activities arising from the eight years of the state of emergency, urges Government to take suitable measures to assist these persons with jobs and other facilities.

In asking the House to consider this Motion, Sir, at this time of the eve of *Uhuru*, I am urging the Government to acknowledge the birth of a new era of unity, peace and good fellowship among the people of the land by removing any last traces of resentment and bitterness which may still linger as result of the eight years of the state of emergency in Kenya which have already passed. I have no need to remind the Members of this House of those dreadful days when brother was turned against brother. Like other Members I have turned from the past knowing that many brothers were turned against each other. There were many things which took place during those times and those were the darkest days we have known. However, we are now looking ahead to freedom and all of us, in this House and outside, have learnt a great lesson and will now be able to replace the colonialist dictum of divide and rule with our new slogan of "Unite and live".

It is in the interests of unity and brotherhood that I move this Motion: I ask the hon. Members on both sides of this House to give particular attention to its wording. It does not seek preference for anybody on any side, thus recalling the rancour of past days, it asks that the Government should take under its protection all those people who suffered in that time of violence, whichever side they fought on and whatever tribe they may belong to. In moving this Motion, Sir, I believe that the Government will finally reconcile those who were thrust apart by the interests of imperialism and will cement the rule of peace and law into the foundations of our new Kenya. We must not allow our people to live in the past, harbouring grudges or resentment about what was or was not done. Therefore, let us give our people a future to which they can look forward with confidence in the knowledge that our leader has made provisions for them. These people voted for us in this House and so they expect us to represent them in every way.

Mr. Speaker, Sir, there is nobody in this House who can feel free after meeting a hungry child. I am well aware that in these challenging times, when the ties of a new nation are being forged, there is much to be done and many calls are made upon our time and upon the country's coffers by

the Government, and the country at large is still waiting to see that the bereaved, the orphans, the widows and the disabled are recognized. There is no one among us here today who can sit comfortably at his table after meeting the eyes of a hungry child. There is no one who can button his coat about him with ease as he thinks of the threadbare shift of a woman who is in want. There is no one who can walk with pride and comfort when he remembers the cripples who cannot walk. At the moment, Mr. Speaker, you can find many of these people as you go around the River Road area and other such places. There is no one to care for these people. We cannot alleviate their problem by giving them Sh. 1 or Sh. 2. They frequently cry for help in voices that we cannot ignore. These people have elected us here, Mr. Speaker, and, as I have said, they expect us to do something for them.

Mr. Speaker, Sir, if you go to Kiambu, or to Turkana or any other place you will find so many children left by their parents. They have nobody to look after them. These people expect something to be done for them by their own Government. This is the Government they have voted in, they are the women who, queued during the elections to vote in this Government. Are we going to ignore them now that we have come to power? Are we going to ignore the cripples and disabled after all their suffering? Who is at the moment taking care of them and how long are we going to abandon them?

I do not want to dwell on these points, but what I would like to say is a special word for the children, the citizens of tomorrow who must go forward with the task of building the nation when we ourselves are no longer able to do so. We, in this House, do not expect to live for much longer, but let us ensure by timely action that yesterday's bitterness is not carried forward to tomorrow, from generation to generation, thus perpetuating what would survive as a bad memory from the past. This should be softened by the remembrance that a wise and just Government rescued them from their troubles. Children raised in want will remember their deprivation and therefore let us act now to ensure that this burden is lifted from the memories of our future citizens. Let us without delay seek to establish *Harambee* Homes for the young children and let us not only have these homes in the Central Region but in all areas where the need arises.

Once again, Mr. Speaker, may I remind the House of the purpose of this Motion. It is to unify the people by alleviating their distress and by providing for all who have suffered, regardless of who they are or what they may have done.

[Mr. J. M. Kariuki]

It is to fulfil this purpose that I ask for the support of the House to confer upon the unfortunates the greatest gift that we can give, the blessing of a future with the hope for a better life. Mr. Speaker, I do not want to criticize anybody, least of all the Government, because those people are the people who voted in this Government, but they are expecting the Government they voted for to do something for them. How long are we going to wait before we do something? We should not wait until these people are indignant and do something wrong. Therefore, I would like to suggest that the Government, in trying to help those people, the orphans, the disabled, and the widows, should at least try to observe the following suggestions.

Firstly, I feel that there should be created a National Assistance Scheme which would make the widows, the orphans and other disabled persons a national liability. Under such a scheme they would be designated as State-aided Persons.

Secondly, training centres should be established throughout the country on a regular basis to train and care for disabled persons who in any case would come under a National Assistance Scheme.

Thirdly, free education and medical care should be provided for the orphans.

Fourthly, the current National Fund should remain open for contributions for another year so its proceeds after the Independence celebrations may go into the National Assistance Scheme.

Fifthly, those who are able to work should be provided with employment by the Government.

Finally, those who want to become farmers and cannot afford to buy *shambas* should be settled by the State.

Mr. Speaker, these are the points that I would like to raise for the Government to observe when they come to answer this Motion. These are the only points which I feel, if they were observed, would start to alleviate many of the problems. There are so many farms which are being left by the European farmers after they have been satisfied with this country. Why does the State not take some of these farms and give them to those widows who need them?

Mr. Speaker, the charitable bodies in England and other countries would like to contribute something to this scheme, and it would be better if instead of taking money offered by the United States or the Soviet Union and putting it into our own banks and pockets, we formed a fund whereby this money could be sent to us to help

the poor people. Mr. Speaker, this is everybody's problem, it is the problem of every leader in this country, the problem of anybody who wants a good future, of anybody who wants a stable Government, and I think since my—

The Speaker (Mr. Slade): Mr. Kariuki, you still have another ten minutes, but if you want that long it should be kept for another day.

Mr. J. M. Kariuki: Mr. Speaker, I would like to talk for another day!

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the adjournment of the House, but before adjourning I would like to take this opportunity to remind the House of the seating arrangements. It was made quite clear in the circular that on account of numbers on the Government side, some Members of the Government side must sit on my left. Therefore, we have reserved for the supporters of the Government the whole of those benches from the middle gangway downwards, and these seats on my left nearer to me from the gangway are exclusively reserved for the Members of the Opposition.

The House is now adjourned until tomorrow, Wednesday, 13th November, at 2.30 p.m.

WRITTEN REPLIES TO QUESTIONS

Question No. 88

KALA-AZAR DEATHS: NORTH KITUI AND THARAKA

Mr. Njeru asked the Minister for Health and Housing if the Minister was aware that many people in North Kitui and Tharaka died every year because of kala-azar? What plans did the Minister have to eliminate Kala-azar in these areas?

REPLY

My Ministry is fully aware of the problem of kala-azar in North Kitui and Tharaka areas. Up to the 27th July this year, 136 cases have been reported by the Medical Officer of Health, Meru, and 149 cases by the Medical Officer of Health, Kitui. The incidence of the disease has tended to rise during the past ten weeks. Our experience of the mortality rate for this disease shows that it lies somewhere in the region of three to four per cent and that death is not usually due directly to kala-azar but primarily in children to measles and

[Mr. Njiru]
broncho-pneumonia and in adults bacillary dysentery, kala-azar being a secondary cause of death. The total of some 336 cases were notified in Kenya during 1962.

My Ministry has been greatly exercised over the last seventeen years in planning an attack on this disease and much research into the vector of and a possible vaccine against the disease has been undertaken. Whilst awaiting the final findings of these two research projects, intensive case finding and treatment has been undertaken in the affected areas. To date it has been established that a sandfly appears to be the vector of the disease and ways and means of destroying these sandflies are being given careful consideration. Research on a protective vaccine against the disease has been proceeding for the past three years but the results so far are not promising and though laboratory trials demonstrate immune reaction, vaccination results under field conditions have not so far demonstrated the necessary protection rates. Further research into the epidemiology of the disease as a whole is required and envisaged before action other than intensive case finding and treatment may be contemplated.

Question No. 131

PRACTISING DOCTOR: CENTRAL REGION

Mr. Kibaga asked the Minister for Health and Housing if the Minister would tell the House how many doctors were practising in each district in the Central Region; and why there was no M.D.H. for Kirinyaga District?

Reply by the Minister for Health and Housing (Dr Mungai):—

The distribution of doctors practising in Central Region is as follows—

District	Total Number of Doctors
Thika	9
Fort Hall	6
Kirinyaga	1
Kiambu	5
Nyeri	17
	(including 3 interns)
Nyandarua	1
	—
	39

The hon. Member is incorrect in thinking that there is no Medical Officer of Health for Kirinyaga District. The doctor stationed at Kerugoya is Medical Officer of Health.

Wednesday, 13th November, 1963

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

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

PRAYERS

NOTICES OF MOTION

GAME CONTROL MEASURES: TANA RIVER

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

THAT this House deprecating the damage caused by game throughout the Tana River District, calls upon the Government to bring into operation effective control measures at once or allow the inhabitants to take their own steps to protect their crops and lives.

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

COUNTRY-WIDE VILLAGIZATION

THAT this House urges the Government to explore the possibility of developing a country-wide scheme of villagization for assembling the people into workable economic units on the lines of those already established in the Central areas.

NATIONALIZATION OF MINES

THAT this House urges the Government to take steps to nationalize all mines in Kenya as soon as possible.

EUROPEAN RIFT VALLEY LAND BACK TO MASAI

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

THAT, in view of the fact that the land now under European settlement in the Rift Valley was acquired by the British Colonialists from the Masai and other tribes of Kenya without buying it from the rightful tribal owners, this House urges the Government to return such land to the rightful owners as the white settlers vacate it.

DEVELOPMENT, MASAI COUNTRY: WATER

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

THAT this House urges the Government, in view of the fact that the past Colonial Government ignored the development of the Masai country and especially the provision of water

supplies, to give first priority in its programmes to the provision of water supplies in order to alleviate the water hardships predominant in Masailand and enable the inhabitants to concentrate on other activities and play some significant role in the development of Kenya.

FOUR-HOUR WORKING DAY

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

THAT, in order to combat unemployment in independent Kenya, the Government is urged to reduce the hours of work to a maximum of four hours a day in the industries, factories and farms so that the unemployed secure employment.

OVERSEAS SCHOLARSHIPS FOR COAST

THAT, in view of the fact that Coast people have always been neglected in overseas education, the Government is requested to offer special scholarships to Coast people.

SEATING FOR MEMBERS OF GOVERNMENT AND OPPOSITION

Mr. Kiprotich: On a point of information, Sir, I would like to have your ruling. We, in the Government, are in the majority and so have been provided with seats on the Opposition side. I see that the Deputy Leader of the Opposition is sitting on the seats provided for the Government. I want to know if he is on the right or the wrong side?

The Speaker (Mr. Slade): You are quite correct, Mr. Kiprotich, but I think some hon. Members have not yet become accustomed to the new arrangements for seating. I referred to this yesterday, but I do not think all hon. Members were here. The arrangement is on account of the size of the Government supporters' party and, therefore, on my left, as far as the gangway, seats are reserved for the Opposition, and the rest of the seats on both sides of the House are available for the Government supporters. Therefore, I ask the Members of the Opposition to move up a little to this side of the gangway. We shall, in a day or two, provide a definite barrier on the Front Bench—the arm of a seat—so that there will be no difficulty.

Mr. Towett: On a point of order, Mr. Speaker. Was it in order for the hon. Member to move from where he was to where he is now when you were speaking?

The Speaker (Mr. Slade): No, he was not in order.

Mr. Ngala: On a point of order, Sir, I just want to seek your guidance on this. The Shadow Cabinet of the Opposition is big and is therefore likely to extend over the gangway you have mentioned. I wonder whether you would consider it appropriate that the Back Benchers of the Government could sit at the back, instead of interfering with our Front Bench.

The Speaker (Mr. Slade): No, Mr. Ngala, I do not think that would be a good idea, because it would lead to some state of confusion. I appreciate your point and, in fact, it has been anticipated and three chairs have been provided at the end of the Bench.

Mr. Murgor: Mr. Speaker, I am seeking your guidance. Would it be possible for part of the Government Front Bench to come over to this side. Back Benchers should only sit on the Back Benches.

The Speaker (Mr. Slade): That is a nice proposition, Mr. Murgor, but I do not think it is possible.

Before calling on hon. Members to ask questions, I would ask the particular Ministers answering questions to stand near the Table and stay there. If a Member is on a Back Bench and is asking a supplementary question, could he stand near a microphone? Otherwise HANSARD gets into great trouble.

Mr. arap Moi: On a point of order, Mr. Speaker, is it really fair as far as the Opposition is concerned for the Government, particularly you, Sir, without consulting the Opposition party, to ask the Opposition Members to squeeze on one side. They should have asked the Opposition what it felt about this.

The Speaker (Mr. Slade): Mr. Moi, I did write to the leader of your party and told him what was proposed and why, and there was no reaction whatsoever. Every Member of this House received a circular from the Clerk a good many days ago, and I understand there was no reaction whatsoever to that. It is, therefore, rather late for hon. Members to object today.

ORAL ANSWERS TO QUESTIONS

Question No. 123

SETTLEMENT OF EX-EMPLOYEES: NON-INDIGENOUS TRIBES

Mr. J. M. Kariuki asked the Minister for Lands and Settlement if the Minister would tell the House what the Government policy was as regards the settlement of ex-employees who were not indigenous by tribe to the region in which the settlement was taking place?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply. The President of the Regional Assembly concerned is responsible for the selection of settlers. Nevertheless, the Government hopes that no tribal considerations will influence such selection and that if it is the policy of the Regional Assembly to give priority to ex-employees, this shall be done on a non tribal basis.

I have had an undertaking in writing from the President of the Central Regional Assembly that the policy of that Assembly is to settle all employees on a farm taken over for settlement irrespective of their tribe and irrespective of whether they are indigenous to the Central Region or not.

Mr. J. M. Kariuki: Mr. Speaker, Sir, arising from the Minister's reply, can the Government give an assurance that non-Kalenjin tribes who are now in settlement schemes in the Rift Valley will be repatriated to the Central Region?

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, I have visited South Nyanza and have had a very long talk with the President there; I gave him an example of what the President of the Central Region does and he agreed to do likewise. I am shortly going to call up a meeting of all the presidents of the regional assemblies in my office and discuss this subject with them.

Mr. Murgor: Is the Minister aware that the Kalenjin people are not interested in the Nyandarua Settlement Scheme and are also not interested in having other tribes settled in the Rift Valley Region?

The Minister for Lands and Settlement (Mr. Angaine): The Minister is not aware, Sir.

Mr. Murgor: If the Minister is not aware, would he note that this is a request from the Kalenjin people and the people of the Rift Valley as a whole.

The Minister for Lands and Settlement (Mr. Angaine): We do not note that.

Mr. Kiprotich: Mr. Speaker, Sir, I would like to know from the Minister if the so-called regional assemblies which he is going to call together to ask for what purpose?

Mr. ole Tipis: Is it in order for the hon. gentleman who was speaking to refer to the regions which are established by the Constitution as "so-called" regions?

The Speaker (Mr. Slade): No, he should not do that.

(Cries of "withdraw")

When you know that an expression is out of order, you immediately withdraw it and apologize. Do that now before you say anything else.

Mr. Kiprotich: Thank you for your ruling, Mr. Speaker. I will withdraw on your ruling but not because the Opposition has asked me to do so.

The Speaker (Mr. Slade): That is quite a reasonable attitude.

Mr. Mbogoh: Mr. Speaker, I would like to know what is to be the fate of the people who are landless and are living in a region where no land is being bought?

The Minister for Lands and Settlement (Mr. Angaine): It is the intention of the Government to buy as much land as it can in the central areas, and if that is not sufficient I do not know what the Minister can do for the landless people. That is the only answer.

Mr. Kiprotich: Mr. Speaker, before I ask my question I am going to seek your ruling, Sir. I am going to ask the Minister to clarify to this House whether, when he invites the regional assembly members to meet him, he is going to sell our Kalenjin land to other tribes or whether he is going to sell it to the Kalenjin in these areas. I want an answer from the Minister.

The Speaker (Mr. Slade): That does not seem to me to arise out of any of the replies, as relevant to the original question.

Now, before the next question I would repeat my request that hon. Members of the Opposition come this side of the separating line on the Front Bench.

Question No. 124

KISUMU-BUSIA TARMAC ROAD

Mr. Khasakhala asked the Minister for Works, Communications and Power if the Minister would tell the House when a tarmac road between Kisumu and Busia would be built?

The Minister for Works, Communications and Power (Mr. Mwanjumba): The road between Kisumu via Yala and Ukunja—Mbwakas to Busia has been classified as a National Road. The Government is spending £47,000 on a new road connecting Yala by-pass road with Yala and on improvement of alignment, surfacing and drainage between Yala and Ukunja, a total distance of approximately 37 miles.

In addition Government will shortly be spending £70,000 on improvements and bituminization of approximately seven miles of the section between Kisumu and Kisiani. In addition the Government is negotiating for a loan to bituminize the rest of the road from Kisiani to Yala which stands very high in the priority lists for road development.

Mr. Khasakhala: Mr. Speaker, Sir, could the Minister tell the House when this work will start?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, the work has already commenced.

Mr. Khasakhala: When are they starting on the tarmacking?

The Minister for Works, Communications and Power (Mr. Mwanjumba): The work is already going on, but as I have already said, we are negotiating for a loan of £70,000. When we get that then we will be able to go on with the work.

Mr. Matano: Would the Minister tell us what factors were considered before this road was classified as a National Road?

The Minister for Works, Communications and Power (Mr. Mwanjumba): There are quite a number of factors brought in to classify a road as a National Road. First of all, the volume of traffic on that road is taken into consideration, and secondly the importance of the road to the country or nation is considered.

Mr. Tanui: Mr. Speaker, could the Minister tell us what is the importance of that particular part of the country to the nation?

Mr. Kamau: Is it in order, Mr. Speaker, for an hon. Member to ask what is the importance of another Member's region?

The Speaker (Mr. Slade): Order, order. I think that question must sometimes arise. I have often heard hon. Members arguing very warmly as to which is the most important area of the country, each thinking that his own area is the most important.

Mr. Khasakhala: Mr. Speaker, arising from the Minister's reply, could the Minister tell us the reasons why—

Mr. Tanui: On a point of order, Mr. Speaker, my question has not been answered.

The Speaker (Mr. Slade): Mr. Tanui has not had the answer to his question.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, I am afraid the question has gone out of my mind.

The Speaker (Mr. Slade): I cannot hear and I do not think other hon. Members can.

The Minister for Works, Communications and Power (Mr. Mwanjumba): I was saying that the question has gone from my mind. Could the hon. Member please repeat it?

Mr. Tanui: Mr. Speaker, I asked what important things there are in that particular part of the country which makes it necessary for that road to be of national importance?

An Hon. Member: On a point of order..... (Inaudible.)

The Speaker (Mr. Slade): The Government is being asked at this moment what they consider to be of importance.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I would like to answer that in this way: we have classified quite a number of roads in Kenya as National Roads. It is not only this road which is known as a National Road. In nearly every region and district there are roads classified in this way, but as far as this particular road is concerned, it is a very important one because of the traffic and the population in that area, and also the day-to-day business which is carried on along the road. This is an agricultural area.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Minister's reply, could he tell the House why it was not found fit by the Government to tarmac the road between Kisumu through Mumias to Tororo which is a much shorter route than the present road takes: they are spending more money than they should have spent on this particular road.

The Speaker (Mr. Slade): I do not think we can entertain comparisons about the importance of different roads, otherwise there will be no end to supplementaries.

Mr. arap Moi: Mr. Speaker, Sir, arising out of the Minister's previous reply, would the Government alter its policy of specifying certain roads as national so as to spread national roads throughout the country, because public funds are spent on these roads, so that everybody in the country should benefit from them.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I think the question of classifying these roads as national roads is because of the regional set-up. If the Member is suggesting that we take some of the roads from his region, we will be pleased to do so.

Mr. Murgor: Mr. Speaker, Sir, arising from the Minister's reply, I still wonder how this road could have become so important at the moment because it was not in the past. Others have been established for quite a long time but they have not been made national.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, it appears that some hon. Members have not understood what I said. There are national roads in every region, including the hon. Member's constituency. If he wants to have this clarified, I could give him the details later on.

The Speaker (Mr. Slade): We are certainly not going to discuss roads all over the country now. We shall go on to the next question.

Question No. 125

WIDENING OF MASENO-VIHIGA ROAD

Mr. Khasakhala asked the Minister for Works, Communications and Power in view of the large population in both Bunyore and Maragoli locations resulting in problems of unemployment and lack of means of obtaining a livelihood, would the Minister consider an immediate plan for widening the Maseno-Vihiga road so that the people of these locations could be employed on the road to earn their living and pay for their children's school fees, etc.

The Minister for Works, Communications, and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply.

The Road Authority do not have sufficient funds in this financial year for any construction works on the Maseno-Vihiga road, but this road has high priority for development in a future plan. It is not considered by the Road Authority economical to build roads with hand labour as the costs are more than double than for roads constructed with machinery and when the country's finances are very restricted—

Mr. Murgor: On a point of order, Mr. Speaker, is the Minister in order in reading his speech, because the ruling in the past was that a Minister was allowed to read his speech if he was not a former Minister.

The Speaker (Mr. Slade): No, no, Mr. Murgor. Really, you have been in this House long enough to know that the ordinary practice in Government answering questions is to write out the answer and to read it, and to make a copy immediately available to the questioner. There is no need to raise a point of order of that kind.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, I shall begin the reply to the question, again.

The Road Authority do not have sufficient funds in this financial year for any construction works on the Maseno-Vihiga road, but this road has high priority for development in a future plan. It is not considered by the Road Authority economical to build roads with hand labour as the costs are more than double than for roads constructed with machinery and when the country's finances are very restricted it is considered prudent to obtain as much mileage of reconstructed roads as possible at an economical rate.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Minister's reply, could the Minister tell us how the money, which was a loan from West Germany and which was allotted some time last year to roads, including the Vihiga road, was spent?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I am not aware of that money.

Mr. Khasakhala: Mr. Speaker, Sir, was there any money from West Germany for road development?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, as far as I remember since I became Minister, I do not think we have had any money at all from West Germany for road development.

Mr. Khasakhala: Mr. Speaker, Sir, in view of the fact that this road between Maseno and Vihiga is a very important road, linking the two national roads, and is a short cut to the two regions, the Nyanza Region and the Western Region, could the Minister reconsider his decision and make some funds available for the development of this road?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, in my reply I have said that this particular road has been given priority and that when roads are being considered for future development it will be included.

Mr. Ngala: Arising from one of the previous replies by the Minister, Sir, since this question is related to unemployment, could the Minister reconsider the possibility of more road construction by hand to provide employment if there is any unemployment in the vicinity?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, I sympathize with the problem of unemployment very much,

but, as far as road construction is concerned, it is more expensive to use hand labour than to use machinery. We are not, in fact, in the Ministry thinking of using hand labour instead of machinery. We feel that there are other fields in the Government where probably the problem of unemployment could be tackled.

Mr. Murgor: Mr. Speaker, Sir, is the Minister not aware that during the Kadu Government, the Government provided employment for unemployed people on the Nairobi-Thika road?

Mr. Kiprotich: On a point of order, Mr. Speaker, is it in order for the questioner to say that the Government, on the Thika Road project, provided for unemployment? Was it provided for all Kenya unemployment or was it provided for only one tribe?

The Speaker (Mr. Slade): You are raising a question of argument in the guise of a point of order and that will not do, Mr. Kiprotich.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, I am aware that the Government had this project in Thika in order to alleviate unemployment but, as I am saying, the Government has changed its policy now.

Mr. ole Tiplis: Mr. Speaker, Sir, the Minister has referred twice in answer to this question to the fact that using hand labour costs more than twice as much as using machinery. Could he give us the actual figure, say, per mile, in order to compare?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, the only figures I could give would be from the Thika Road which was constructed some time ago. On that road the Government spent Sh. 108 per foot of construction by hand labour, as compared to construction by machinery which cost Sh. 40 per foot.

Question No. 127

BUILDING OF SUGAR FACTORY: MUMIAS DIVISION

Mr. Khasakhala asked the Minister for Agriculture and Animal Husbandry if, in view of the fact that sugar cane crops grown by people around the Mumias area could now be processed economically, the Minister could tell the House when a sugar factory would be built in Mumias Division.

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

[The Parliamentary Secretary for Agriculture and Animal Husbandry]

The answer is that the quantity of sugar cane grown in the Mumias Division is far below that needed to warrant the building of a factory there and I am, therefore, unable to answer the question.

Mr. Khasakhala: Mr. Speaker, Sir, does the Minister know that sugar cane in that area does not have any market? This scheme was a Government scheme and what is the Government going to do in order to enable the people of this area to pay their fees and their rates?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): At present, Mr. Speaker, Sir, there are three jaggery factories in the area catering for the sugar cane that is grown there, but the hon. Member will have understood from my previous answer that the cane which is grown there does not warrant the establishment of a fine sugar factory.

Mr. Khasakhala: Mr. Speaker, Sir, would the Minister tell the House how much acreage has already been planted with sugar cane in that area?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): There are only 500 acres in the area.

Mr. Murgor: Mr. Speaker, Sir, this scheme, as I understood it, was a Government scheme. What is the Government going to do to try and help these people who have spent their money on planting sugar cane?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): I think I have answered that question, Mr. Speaker, because I have said there are three jaggery factories catering for the cane which is already growing there.

Mr. Muruli: Mr. Speaker, Sir, is the Parliamentary Secretary aware that—

Mr. Ngala-Ahok: On a point of order, Mr. Speaker, I would like to have your ruling on this. When a number of questions appear before the House and both sides are interested in putting supplementary questions to the Ministers, is it not better that both sides are given equal opportunity and one given a chance?

The Speaker (Mr. Slade): I am most surprised to be asked that question, having regard to the record of the sittings of this House. I have tried very hard—and I thought succeeded—in giving Members on both sides of the House equal opportunity to ask supplementary questions.

Mr. Muruli: Mr. Speaker, is the Parliamentary Secretary aware that the farmers around Mumias have been discouraged from planting more sugar cane because they have no factory?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): I am very much aware of that, Mr. Speaker. The fact is that with the new scheme of sugar in Kenya, Songhor has been given priority as a sugar potential area, and three factories are now being erected in the Songhor area, so we have no other place to put any other factory for white sugar refining.

Mr. Gachago: Would the Parliamentary Secretary tell the House approximately what acreage would warrant the construction of a factory?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): About 20,000 acres would warrant the construction of a refinery for white sugar.

Mr. Murgor: Arising from the Parliamentary Secretary's reply, could he tell us what will be the next step the Government will take if the sugarcane proves to be an uneconomical cash crop for the people?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I think the hon. Member will agree with me that that is a different question. We are concerned with sugar and that is what I am dealing with; not other crops.

Mr. J. M. Karuki: Mr. Speaker, Sir, could the Parliamentary Secretary tell us, in view of the fact that people other than the owners of the farms put up the factories, if the Ministry is going to establish a co-operative for the growers themselves with a view of buying the factories in the future?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, this is under way now.

Question No. 130

SISAL GROWING: BUSIA DISTRICT

Mr. Makokha asked the Minister for Agriculture and Animal Husbandry if the Minister was aware that Busia District and particularly the locations of Marach and Bukhaya were very suitable sisal-growing areas. If the answer was in the affirmative what was the Ministry doing to see that farmers in the area grow this crop?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, on behalf of my Minister I beg to reply as follows: The answer to the first part of the question is, yes, Sir. For the second part of the question the answer is: there has been an expansion in the planting of sisal in the area concerned as a result of the demarcation needs arising from land consolidation. Until adequate processing facilities are provided in the area, Sir, it would be unwise to encourage further expansion of planting. Applications to install suitable processing plants are being invited at present.

Mr. Makokha: Arising from the Parliamentary Secretary's answer, would he let the House know whether sisal is an economic crop in this area?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Sir, I have, in fact, answered that question already: it is an economic crop.

Mr. Makokha: Mr. Speaker, Sir, if it is an economic crop why should the people not be encouraged to grow some more?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Sir, I have answered this. I said that they will be encouraged as long as processing facilities are available. I have also said that processing facilities are going to be started and therefore the existing sisal leaf will be used.

Mr. Murilo: Mr. Speaker, is the Parliamentary Secretary not aware that unless the leaf is already there an industrialist cannot be expected to build a factory?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): I have agreed, Sir, that there is enough leaf, and I have also said that the Western Region Agricultural Board met yesterday to decide on who is going to install this plant. However, unless the existing leaf is catered for, Sir, we cannot encourage the growers to plant more.

Mr. Makokha: Mr. Speaker, may I know whether the machinery will actually be installed in Busia District?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Sir, we have had a number of applications to install a plant in this Region. These applicants were considered on their merit yesterday, as I said before, by the Agricultural Board of the Western Region. The recommendation will come to my Ministry, the Sisal Board sits and then gives a licence. Whether this plant is to be installed in the Busia District

or not I cannot say just now, as the Sisal Board has not sat.

Mr. Kiprotich: Mr. Speaker, Sir, I would like to know from the Parliamentary Secretary for Agriculture, as this question only seems to deal with one particular area, what he is going to do in the other areas?

The Speaker (Mr. Slade): Mr. Kiprotich, you have pointed out yourself how highly irrelevant your supplementary question is.

Mr. Ghehoya: Sir, from one of the replies given by the junior Minister I understand that they are processing the leaf and also encouraging certain individuals to set up factories in the Busia District. I wonder whether the local people have been put in the picture with regard to this?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Sir, we have asked the Regional Agricultural Board to consider that applicant who is going to give consideration to the growers while processing the sisal leaf. I think it is the duty of the Regional Agricultural Board to give the initiative to the people because they live near the people and they know them better. Therefore, those people who are willing to help the growers will be given consideration.

Question No. 133

ARREST AND FINING OF PEOPLE: MUTHARA

Mr. Gaciatta asked the Minister for Justice and Constitutional Affairs if the Minister was aware that innocent people were being arrested in Muthara and fined simply because they did not perform communal duties?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. No, Sir, I would, however, add that communal service is provided for, in the case of Meru, in the County Council of Meru (Minor Communal Service) By-laws 1958. In any case the proper course for redress of any person who has been fined in the courts and deems himself to be innocent is by way of appeal to a higher court.

Mr. Gaciatta: Mr. Speaker, Sir, is the hon. Minister satisfied that his reply is applicable to the Meru District?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I have said first that this action is taken under the County Council (Minor Communal Service) By-laws, 1958. Secondly, those who feel aggrieved have access to superior courts, and that applies not only to Meru, but to the whole country.

Mr. Gaciatta: Mr. Speaker, Sir, would Government set up a commission of enquiry to investigate things taking place in the African Courts in Meru District?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I do not know whether I understand the question correctly, but if the question is whether I would consider a commission of enquiry into the conduct of the African Courts of the Meru District, the answer is no. I have not been given sufficient reason for such action.

Mr. Gichoya: Arising from one of the Minister's replies. I wonder whether the Minister can tell us exactly whether this communal service is confined to certain areas or whether it is uniform throughout the whole country?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, it is not uniform throughout the country, and if the hon. Member was listening he would have heard me specifically state that it arose from a County Council by-law, and a County Council by-law applies only to the area as defined by that County Council.

The Speaker (Mr. Slade): Before proceeding with the next order I will just remind hon. Members that Mr. Masinde is to raise, on the adjournment today, the matter of the confusion over the recent airlift of students to Bulgaria.

MOTION

KENYA'S COMMONWEALTH MEMBERSHIP

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

THAT this House notes with satisfaction the agreement recorded in Command 2156 in which the British Government indicates its intentions that Kenya will become independent on 12th December, 1963; and expresses the wish that Kenya should become a member of the Commonwealth on the attainment of independence; and to this end desires the Government of Kenya to request the British Government to initiate on Kenya's behalf the appropriate steps with other Commonwealth members.

Mr. Speaker, Sir, this agreement was reached between Kanu and Kadu during our London Conference, that on attaining independence we should seek membership of the Commonwealth. The Commonwealth, as many of you know, is a free association of sovereign independent countries recognized as separate international entities who enjoy equal status. It is not a collection of subject nations. Both Tanganyika

and Uganda are members of the Commonwealth. South Africa has already been expelled.

I wish to inform the House that the Commonwealth is an association for the promotion of understanding amongst its people and for world peace. Membership of the Commonwealth does not involve any surrender of sovereignty, nor will it in any way qualify Kenya's independence. Kenya, by joining the Commonwealth, does so freely and, like all other members of the Commonwealth, reserves her right to withdraw from the association if it should be held to be in the national interest.

Mr. Speaker, I do not think I want to add more than this. This was simply an opportunity to explain to the Members of this House about the Commonwealth of nations, because I think, perhaps, some of them may not know the functions which are performed within the Commonwealth. I think you all know that this is an association which affords the usual kind of help. It is a family affair, which conducts business on an equal basis. It is not an association in which Kenya is going to subjugate itself. It is an association in which Kenya will take her full partnership on equal basis. With this I hope and trust that Members of this House will readily agree with us in seeking this application to join the Commonwealth on attaining independence.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I am privileged to second this Motion, and in view of what the Prime Minister has said I do not believe that it is necessary to say very much more, except to add that this Motion gives the House, and all Members of the House, the opportunity to associate itself fully with the recording in the first place that the 12th December will be our Independence Day. Secondly, that freely and voluntarily Kenya shall become a member of the Commonwealth. I believe, Sir, that having listened to the Prime Minister no one in the House will wish to enter into any debate because this Motion deserves being approved by acclamation and I am sure that the Leader of the Opposition would wish to associate himself with this sentiment.

(Question proposed)

Mr. Ngala: Mr. Speaker, Sir, although not quite in the spirit of *Harambee*, I would like to support the Prime Minister in this Motion.

First, on the question of Independence Day for Kenya on the 12th December. I think the House is fully aware that we have all been struggling for a very long time to attain this auspicious occasion. Some people have had more to do than

[Mr. Ngala]

others but it is true that everybody has made a contribution to this end. Therefore, it should not be understood by the country that this independence on the 12th December is for one person or for one party, or for the two parties in the House. Neither is it for any private organization outside this House. This independence is for the whole country; it is for Kenya. For this reason I think that everybody will have an opportunity to enjoy the independence, particularly as the Prime Minister has agreed to transfer the regional powers to the regions.

I would like to state that in relation to the 12th December as Independence Day one important issue must be borne in mind and that is the question of the national flag. The national flag is a flag for the whole country. It is not a one-party flag and I hope everybody in the country will respect it. The flag has all the colours of the two parties, the party in Government and the party in the Opposition, and therefore nobody should regard it either as a Kanu or a Government flag. It is Kenya's flag. For this reason I hope the flag will not be misunderstood or mistreated, or in any way resented by any people in any corner of Kenya.

Mr. Speaker, Sir, some person is asking whether we, in the Opposition, are going to have our own flag. Various people have their own flags, the Mayor has his own flag. I am talking of the national flag. If you look at my car I have my own flag on it.

We very much welcome *Uhuru* in this country and I think it is right that the Mover of the Motion should be given credit as a pioneer of *Uhuru* in this country. However, it must also be understood that as from 1957 when the first African elected Members entered this House the pace towards independence has been very much accelerated and those Members who were first elected must be given a great deal of credit for the contribution they have made. Of course, we now have back-benchers who have just come in as new Members and we hope that with independence coming they will look ahead and build the regions and ultimately the country.

As far as the joining of the Commonwealth is concerned, I think this is a very obvious move. We are becoming politically independent but it does not mean that we shall not need friends who can be very helpful to us in many aspects in future. The Mover has made it very clear that there is no surrender of sovereignty involved in this as far as Kenya is concerned. He has also made it quite clear that Kenya is joining as a

free country and with a right to withdraw from this association if Kenya deems it right to do so. For these reasons I think the Motion should be happily supported by our people in this House and also outside. Countries such as the African republics of Ghana and Tanganyika have accepted this position although the degree of their independence is, at the moment, much greater than what we shall have in Kenya on the 12th December. However, they have done this because they understand that today in the world the whole world is one big unit, particularly in matters of economy and in matters of human relationship and for this reason it is very important that we should have this kind of association as proposed by the Prime Minister, both for the human relationship and for the economic reasons. After independence Kenya will have to attend to the huge demands that will be put forward by our people on matters of economic development. We have hardly done anything yet, and it is very important that we should start well by having our friends around us. It is also very important that we have in the future these links that we have had in the past, although no longer as political links but as useful links to Kenya in many other ways.

With these few words on behalf of the Opposition I would like to support the Motion and support the Mover of the Motion.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, in supporting the Prime Minister I wish to say this. Only a few weeks ago I had the honour to represent you here at the Commonwealth Parliamentary Association's Meeting in Malaysia, and everyone was very keen to know what our attitude was going to be towards the Commonwealth, particularly after the 12th December. I must say that you people in Kenya here, our Prime Minister—

An Hon. Member: Including yourself?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Well it depends I have a lot of friends.

The people of the Commonwealth are interested in what is going on here. I was therefore very much enamoured to find out that the Prime Minister had given notice of this particular Motion and that on the 12th December we shall be able to go into the Commonwealth as a free nation, the Commonwealth from which South Africa has been removed. The Commonwealth groups have met already and discussed the position of Southern Rhodesia and have agreed that whatever happens and whatever they wish to do

[The Parliamentary Secretary for Health and Housing]

there will be no independence there of the type we are going to have on the 12th before they democratize the franchise which is there now. Now, Mr. Speaker, Sir, when we become members of the Commonwealth, free to move out if we are annoyed by anybody, free to go in independent and victorious, the people will respect us. This, I think, I can say.

There is another thing. As some of you are Parliamentarians and some of you are members of the Commonwealth Parliamentary Association it was difficult to be there alone. When one is alone one is one's own secretary, one's own typist, one's own everything! Other delegations, irrespective of their communities and the Parliaments they represented, brought in "bloating" delegations. The British Government alone had about ten, some little countries like Gambia—

Mr. Muliro: On a point of order, Mr. Speaker, is the hon. Member in order in referring to a country of the Commonwealth as "some little island"?

The Speaker (Mr. Slade): I do not think he meant to be offensive.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I am trying to say, Mr. Speaker, that Gambia is not an island, but it has only a small community and it had representation in the General Council. We are only referred to as an affiliate Member, not even as an auxiliary Member. What we are going to do on the 12th December is to become a main delegate so that we may be able to send our people there as a main delegation, with Members of the Opposition and Members from the Government in the delegation. Then Kenya will have its voice in the Commonwealth Parliamentary Association's meetings and I think at the next meeting, which will be next year, as an honoured and respected body.

Mr. Speaker, Sir, I beg to support.

Mr. arap Moi: Mr. Speaker, Sir, I think this is a great joy for most of us who have struggled for all these years to get rid of Imperialism, and I, for one, have been embittered by the attitude of the British. After having thought seriously about whether I myself would support it if Kenya were to agree with the British I decided that as some of us believe in forgiveness I thought the best thing would be to forget and allow the British to live among us as equals in this free Association of the Commonwealth of Nations and not as juniors. Therefore, I would

like to appeal to Members if they have bitterness in their hearts to support the Prime Minister and to support the idea of being a member of the Commonwealth. To go into the pros and cons of what has happened in the past, Mr. Speaker, I think would be a waste of time and the best thing for us is to accept this Motion in good faith, with goodwill, knowing exactly what the Prime Minister has put forward; namely that we shall not enter into the Commonwealth as junior partners but as equals with the other Members of the Commonwealth. It should be understood that those who were Colonial countries under the British Government have a very high standard and everybody knows that Ghana is not a junior country, it is known all over the world, and the same applies to other of our neighbouring countries, Tanganyika and Uganda, for example.

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

Mr. Jahazi: Mr. Speaker, Sir, as it is correctly indicated that no one is going to oppose this Motion, I would like to call upon the Mover to reply.

The Speaker (Mr. Slade): It is fortunate that Mr. Towett volunteered that he wishes to oppose this Motion. Otherwise I should have allowed the closure to be moved now; but if any hon. Member intends to oppose, I think he should be heard.

Mr. Towett: Mr. Speaker, Sir, this Motion has to be divided into two separate sections. The first section is on *Uhuru* on 12th December, and I think anybody who is sane is likely to support that. The second section deals with our being moved into the Commonwealth Association.

The problem here is this. We are told in sweet words that we are going in as equal partners. One poor man cannot be an equal partner in any association with the rich at all. We go there as a poor community, hoping to get help, and we are being deceived by being told that we are equal. We are equal in appearance but not equal in poverty.

I agree with the Prime Minister in entering into agreements with the Colonial Office after *Uhuru*, but the people of this country should have been given a chance to express their views on whether they like to be dragged into the Commonwealth Association, or not. Now we are being told that an agreement has been entered into, and we only have to endorse it. We must be told whether we are here to discuss or enter into an agreement, or whether we are here to endorse an agreement which has already been finalized. By the words of the Prime Minister, we are told that this has already been entered into. We are here to express

[Mr. Towett]

our views and not change even in the matter of a vote. I hope in future we shall not be dragged into things like this, being pushed by dictators in the name of the Commonwealth Association. This is a very serious matter. These people have agreed to be dictators, and they have agreed to push out South Africa. Are they not being dictators, when they push out people who do not agree with them? I am not supporting any South Africa, but I think it is the wrong principle for people to agree to go into dictatorship, while others are being pushed out. I do not agree with South Africa, but when people behave in a silly way and push out others, then they are acting foolishly.

Mr. Speaker, Sir, I wish to ask the Government on future occasions—because it is now too late—not to drag the whole of this country into agreements like this. We have people here who represent those in the country, and we have people to vote whether they would like to go into the Commonwealth Parliamentary Association or not. They do not have a chance to alter that has been done. When we have our *Uhuru* on 12th December, I will move a Motion that we withdraw from the Commonwealth Parliamentary Association. I oppose the Motion.

Mr. Jahazi: Mr. Speaker, I beg to move that Mover be called upon to reply.

(The question was put and carried.)

The Prime Minister (Mr. Kenyatta): Mr. Speaker, Sir, I am very touched by the sentiments which have been expressed in this House. I am grateful especially to the Opposition for the support they have given to this Motion. As the Leader of the Opposition has said, *Uhuru*—and I said this when I returned with my delegation from London—is not for one party, one community, or one group, it is for all people of Kenya to enjoy and breathe the air of freedom after so many years under the yoke of imperialism and colonialism.

Mr. Speaker, Sir, I think everyone realizes that we have, for many years, carried on a very hard struggle, and for this very reason, I think, it would be for every Kenyan to rejoice that at last we have a date to be free on the 12th December. Even those who have usually a slavish mentality will appreciate that this is an achievement. We shall be free on 12th December. This freedom is for everyone, and I hope that every citizen of Kenya will make it a day of rejoicing, not a day of saying that you belong to this or that party, or that you belong to this community or that tribe. This will be a day when the whole of Kenya will rejoice and think as one nation.

Mr. Speaker, I am very grateful for the sentiment expressed by both the Opposition and the Government side.

I want to correct one small misunderstanding, and that is from the philosopher: "I believe that sometimes philosophy can get out of gear, and I think this is what happened today. I do not think anyone in his senses would regard Kenya as a poor country. We are not poor. We are a country with great potentiality. Many of our resources have not yet been touched. Nobody knows what will come out under our soil, so, philosopher, please stop calling Kenya a poor country."

Secondly, I think either you belong to Kadu or you belong to yourself and should come out and say that this is some agreement which has been cooked up somewhere and brought to this House just for endorsement. At the very beginning of my remarks when I moved the Motion, I mentioned that this was an agreement arrived at between the two parties, that is between Kanu and Kadu, when we were in London.

The Leader of the Opposition expressed that sentiment. I feel very sorry for the philosopher as he was not aware that his party joined with Kanu in agreeing that we were to be a member of the Commonwealth on attaining independence. There is, I think, a kind of absent-minded professor, and, as a philosopher, he is likely to be absent-minded sometimes and I excuse him for that. I hope he will join in *Harambee* to rejoice on the day of freedom. I would also like to ask the Leader of the Opposition not to get away from *Harambee* because he belongs to it. We all belong to *Harambee* because *Harambee* is not a party slogan, it is a slogan for the whole nation.

I wish also to thank the Leader of the Opposition for the way in which he described the national flag of this country. We have a national flag, and designing it we took into consideration the fact that it should contain the colours of both parties and as such it has to be respected by the whole nation. It does not belong to Kanu. Kanu has its own flag, Kadu has its own flag too. The Kenya flag is a national flag and it must be respected by every citizen. Here I must repeat what I said before. I had occasion some time back to speak about the national flag and the national emblem. I think it is the duty of every citizen of Kenya to respect our national flag, and I might tell you that anyone who disrespects or abuses it will be dealt with accordingly, because it is not only the flag he will be insulting but the whole nation. It is a national flag and it is a national emblem, showing that we are one nation.

[The Prime Minister]

This symbolizes our "oneness", and as such it must be respected.

I did not want to make a speech about the Motion, but I thought it was necessary for me to clarify these few points.

In conclusion, Mr. Speaker, I wish to thank all Members of this House and members of our nation outside for the way in which they have behaved in anticipation of *Uhuru* because the spirit outside is for *Uhuru*, and everyone I think is looking forward to rejoicing on that day. Therefore, I hope and trust, Mr. Speaker, that Members of this House will spread the good news that on the day of our *Uhuru* we shall have calm and tranquility throughout the country, so that we can show the world that we in Kenya are capable of ruling our country, are capable of conducting our business and our national affairs as peacefully as any other nation.

With these words, Mr. Speaker, I thank you all for the sentiments you have expressed on this Motion, and I beg to move.

(The question was put and carried.)

BILLS

Second Reading

THE EVIDENCE BILL

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Speaker, Sir, it is with great pleasure that I move that the Evidence Bill, 1963, be read a Second Time.

This is a very important Bill and is one which everyone in this House and the members of the legal profession should welcome. At present, Mr. Speaker, the law of evidence as applied in Kenya is principally contained in the Indian Evidence Act, 1872, as it was applicable in India in 1907, together with certain applied United Kingdom Acts, along with other local Ordinances and the amendments which have been enacted in India. Those who are in the legal profession have experienced increasing difficulties in ascertaining and applying the terms of the Indian Evidence Act, 1872. This has been so, Mr. Speaker, because law being what it is, it is always a living and growing thing, and in India the Indian Evidence Act of 1872 has undergone considerable changes. There have been a number of enactments in that country: The lawyers and the courts in this country, who always find it necessary to consult textbooks written by Indian authors, find it extremely difficult to apply the law as it was in 1907, because

the textbooks in India, which have been written concerning this Bill, have in one way or another taken into account the development in that country. It has, therefore, become most desirable that Kenya should have its own law of evidence, and it is most appropriate that this Bill should become law particularly on the eve of our independence.

The Bill which is before the House, Mr. Speaker, consolidates the current Law of Evidence as available in Kenya, that is to say, it consists of the provisions of the Indian Evidence Act, 1872, the local Ordinances, bringing this Act so that it is consonant with local conditions, and also it incorporates certain provisions which are available in the English Law of Evidence. The Evidence Bill, 1963, has been drafted with these aims in mind. It does not propose to effect any substantial reform of the law, except where the need for such reform has become extremely necessary and obvious. The Law of Evidence as incorporated in the Bill continues to be based on the Indian Evidence Act, the Act to which I have already referred, although in drafting the Bill reference has already been made to the common law, that is to say, English law, and the statutory provisions concerning evidence enforced in England, and also to the various colonial laws. Considerations have been given particularly to the legislations available in Uganda and Malaysia.

Provisions have already been made in this Bill for repealing certain Ordinances concerning evidence in this country, and also with removing certain provisions concerned with evidence from other Ordinances and incorporating them in the new Evidence Bill.

The latter part is concerned with the Criminal Procedure Code, although the provisions concerned are those which are considered to establish substantive evidence or the Law of Evidence, and not those which deal with the purely procedural aspect of evidence.

This Bill, Mr. Speaker, has been under consideration and in preparation for several years, and its enactment can be considered by this House as highly desirable and long overdue. The Bill itself has been considered by the Law Society; that section of the community which takes an interest in law reforms of this country, the Supreme Court of Kenya, and also it has been referred to the British Institution of International and Comparative Law. In regard to the latter body, we have been favoured to have the opinion of Lord Justice Diplock, Mr. Justice Lawson and Mr. Carter, who is a Fellow of Wadham College, Oxford. These are great legal personalities, and their opinions have been of considerable value in preparing this Bill. Attempts have been made to

[The Parliamentary Secretary for Justice and Constitutional Affairs]

incorporate in the Bill the opinions and suggestions of the various bodies who have commented on the Bill since it was published in March.

One of the principal alterations to the Law of Evidence, Mr. Speaker, in this Bill is in connexion with the law of confession. These alterations have the approval of the Law Society, the Supreme Court and the British Institution of International and Comparative Law. The relevant portion to which I am now referring are clauses 25 to 32 of the Bill. The Bill provides a wider interpretation of confession, and at a later stage I shall be in a position to give an up-to-date definition which should be incorporated in the Bill when it comes to the Committee Stage.

As I have said, the Bill provides a wider interpretation of confession so as to include admissions or combinations of words and conduct which could constitute an inference of guilt. These wider interpretations of confession have consequential amendments to the Law of Evidence, particularly the clauses which follow immediately after clause 25.

Another alteration in the Law of Evidence as it is particularly concerned in Kenya is in relation to evidence given by spouses. The law at present relating to the competence and ability of husbands or wives who are called to give evidence as witnesses against their spouses does not take into account marriages under native or tribal custom. The present Bill proposes to rectify this, and people who are married under tribal custom can now be compelled to give evidence or to be competent witnesses and give evidence in a court of law.

Other amendments of significance are dealt with in the Memorandum of Objects and Reasons attached to the Bill, which the hon. Members of the House can look at if they so wish.

Apart from this, Mr. Speaker, there are no other major amendments to the present Law of Evidence. That being the case, this Bill being straightforward and consolidating the Law of Evidence in Kenya, I beg to move.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, although my hands are completely tied with regard to this particular Bill, I remember that this was brought in during—might I say—the old

Colonial days, some time in March, and for a very good reason I did not want to speak on the Motion. I think it was Mr. Chaniak Singh who spoke very convincingly about having certain amendments, and everybody expected those amendments to be incorporated. Unfortunately, it appears this does not appear to have been done. It is not too late, and I am asking the Minister to reconsider certain amendments, particularly those about which he has been speaking in clauses 25 to 32. This country is certainly not India and I looked in the Encyclopaedia Britannica a few days ago, and at the time of 1872, when the Indian Act was being drawn up, they tell you "for Pakistan, see India": It was the law then in those countries. I agree with the Minister's assurances, that he has consulted the Law Society over here. I am rather surprised they have not suggested certain amendments, and I would like the Minister to promise the House that certain amendments will be incorporated.

A very long time ago, Mr. Speaker, those of us who read certain law journals saw various things which transpired in the Sheffield police case. The police often get over-enthusiastic when they want somebody to be brought before the courts and convicted. When they suspect a person, rightly or wrongly, and feel that he may have committed a certain offence, they tend to be over-enthusiastic, not only by trying to put words in the mouths of people making confessions, but sometimes, because they feel there is something which can be done and that this man should be convicted, they tend to overstep the mark and occasionally—as in the Sheffield case of a very recent date—they commit perjury. The temptation is great. If you put an accused person with a private constable, what happens is that the police may promise to give the man a woman, drink or something, if he says what he knows about certain matters under investigation.

"We know you are clear of this offence," the police will tell you, "and you will get clear of it." I have had this myself, during the very difficult days when I dealt with criminal cases. I am speaking on this Bill as a lawyer and I am feeling hurt in certain instances.

The old Bill, as it was at 2nd March, 1963, was signed by the then Attorney-General, Mr. Webb. His was a colonial appointment, but we are now going into independent rule, and I would ask the Minister to reconsider the fact that even during the colonial days confessions could not be accepted unless they were given before a magistrate or somebody above the rank of, I think, superintendent or inspector. We are not only going below that, we are going to a rank which I do not think exists in Kenya at the

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moment: sub-inspector. Surely, Mr. Speaker, this will open the floodgates, so that not only perjury will take place, but also people may be convicted for offences they have not committed. The benefit of the doubt will not be there any longer, promises will be made left, right and centre by eager and anxious police sergeant-majors or sub-inspectors, and I would ask the Minister to reconsider, this particular point very seriously because the question of confessions is an important and difficult matter.

I would also tell him that quite recently Lord Shawcross, who as Sir Hartley Shawcross was the Attorney-General for the United Kingdom, has written to, I believe, the *Sunday Telegraph*, about the duties of the police and confessions.

I do not want this Bill to be passed as it is and for us then to be forced to revise it in the next few years. It is not easy to trust a police sub-inspector who may have been appointed only a few days ago, and we must consider that people like Lord Shawcross are not quite happy about police confessions or confessions to junior ranks in the police. We know they do a good job, but we know also that they can be over-enthusiastic. We know they are anxious, but I would say to the Minister that, whatever transpires at the end of this debate, he should, in consultation with the Law Society, which has a lot of eminent lawyers in it, think again about the question of confessions.

That is all I have to say, Mr. Speaker, Sir.

Dr. De Souza: Mr. Speaker, Sir, I would like, first of all, to welcome this Bill and to congratulate the Government on bringing forward the Kenya Evidence Bill which, in fact, has been long overdue.

I appreciate that the Act which was passed in India so many years ago has gone out of date and it is very difficult indeed to find textbooks which are completely in accord with the law of Kenya as it is today. However, Sir, I would like to join my friend, the hon. Member, Mr. Argwings-Kodhek, in voicing some suspicion about the provisions in relation to confessions. Sir, when one makes laws of evidence for trial in civil or criminal cases, one must be careful to understand that the persons who are being charged or accused in the ordinary courts are not persons who necessarily belong to one party or the other; they are the ordinary folk of the country who are entitled to receive the maximum amount of consideration, the maximum amount of sympathy and the maximum amount of safeguard that the law of this country can provide.

Sir, the most dangerous aspect of evidence given in any criminal case is the evidence of a person's own confession. I am sure, Sir, that you are well aware of the famous judgment given by a Justice Cave—I do not exactly remember the case just now—in which he pointed out the incongruity of a person who, having been arrested and locked up by the police, comes out with a complete confession of all the sins he is alleged to have committed and as soon as he is out of the hands of the police immediately repudiates that confession. I think, therefore, the Government and the Judiciary should be extremely careful in accepting those confessions.

Why are these confessions dangerous? The hon. Member, Mr. Argwings-Kodhek, has pointed out one or two reasons. We know that once a person is arrested he is usually so terrified, so scared of the police that he is normally willing to accept almost anything that the police put to him, if he is given a ray of hope. If a person is arrested and he is told, "Don't worry, I can assure you everything is all right; you just tell me what happened and I assure you that nobody will touch you", he will very gladly make out a statement incriminating himself and incriminating everybody else, as long as he believes—and I think in this particular case a person normally does believe—that the person who is giving this fatherly, patronizing advice to him is acting in his own interest. It is in these cases, Sir, that one has to be very, very careful.

There are, of course, other cases when down-right beatings are resorted to by police inspectors. My friend, Mr. Argwings-Kodhek, has just now referred to a case in Sheffield where detective-sergeants in fact flogged a man until he confessed, and one would have thought that in a country like England situations like this were impossible. Then there are the smaller cases where you have a little of both, where you have some threats, where you squeeze the man's arm or his elbow and at the same time promise him a very nice meal and all sorts of things; such cases are not unknown in most countries.

So, Sir, I believe that one should not accept a confession by an accused person unless it is made before people who are of a very high rank in the police or in the magistracy. Those confessions can, in fact, be accepted and understood as being perfectly legitimate and in order. There are two reasons why we say that we would accept a confession made to a magistrate or to a superintendent of police and not one made to a very junior officer. Firstly, a magistrate or a senior superintendent of police would be a person who

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has had long experience in these particular affairs and he would not need, therefore, to try and resort to these methods because he would know what is right and what is wrong, whereas a very junior officer would want to get promotion very quickly. He would want to show that he can get a conviction and fined the crook, and he would be much more tempted to beat up an individual or get a confession out of him than a senior officer. Secondly, Sir, the junior officer would be much more inexperienced, he would not know the much more subtle and more intelligent methods of investigation which a senior officer would know, so he would resort to beating up a person or trying to get confessions by tricks and inducements. Therefore, Sir, I appeal to the hon. Minister and the hon. Parliamentary Secretary to reconsider these provisions on confessions.

The history of Kenya, as far as confessions are concerned, is well known. Until about 1952 or 1953, no confessions by persons in police custody were accepted in a court of law unless they were made to a magistrate or to an officer in the police not below the rank of assistant superintendent of police. When this law was amended during the Emergency to allow confessions to be made to assistant inspectors I, myself, very clearly remember the hue and cry that was raised in this country by people who said that now there were great dangers that this might be abused. In my respectful submission, Sir, these provisions of confession have been abused and a lot of innocent people have, in fact, particularly during the days of the Emergency, been charged and convicted when they would not have been convicted if these provisions had been very strict.

I am, myself, very concerned about this and I do appeal to the Minister to reconsider this and give the accused persons the maximum amount of safeguard and protection that they need, and to ensure that no innocent person is ever convicted in this way.

With those few remarks, Sir, I appeal to the Minister to reconsider the provisions.

Mr. Gatuguta: Mr. Speaker, Sir, I would like to associate myself with the previous two speakers who have spoken on this section on confessions. This section is a very disturbing provision of the Evidence Law. I remember approaching the Ministry of Justice sometime back on this provision—when I received a copy of this Bill—and still I find that nothing has been done.

Mr. Speaker, Sir, the India Evidence Act does not provide that a confession to a police officer is admissible before a court of law. It is only the

British law, as far as I know, which does make a confession which has been given to a police officer, admissible evidence in a court of law. As the previous speakers have mentioned, this is a very, very dangerous thing in our country because all this depends on the integrity of the police. I wish to point out that the integrity of the police in our country, at this stage, is not so good as to enable us to trust them with matters of this nature. The police have been trained under a colonial régime. We know what the police have done in the past under the colonial administration; they have always presumed that the accused is guilty before he is proved guilty by a court of law. We still have this sort of police force today. I know that we expect them to improve after some brain-washing so that they can start to look at justice as it should be looked at. It is a pity that our police do not have the integrity to be entrusted with these kinds of dealings with the public.

I oppose very strongly myself this matter of confessions to an assistant inspector of police. This is serious, and it is even more serious when a confession is given to an administrative officer who only holds first or second-class magistrate's powers. We know that some of these administrative officers have been called first- or second-class magistrates, yet they have not studied law at all; they have just been given books to read and then made first- or second-class magistrates. This is very serious. We know that a police officer or an administrative officer is a person who is interested in this type of investigation. When a police officer arrests someone he is naturally interested to find this man guilty, and he may use all sorts of means to make this man confess and then the confession is taken to a court of law and the man is found guilty.

Mr. Speaker, Sir, I think, on the whole, that this Bill is good. However, I would request the Minister concerned to reconsider this particular provision and reconstruct the law on the lines of the Indian Evidence Act which was in use in this country before the emergency. This present law was a product of the emergency, but since we are going to be a free country I do not think that it is necessary to include provisions in the law that were used during the emergency. These provisions obviously helped the British Government a great deal during the emergency, but we certainly do not need these provisions in a free Kenya. If the Minister considers this he will be doing a great deal towards the promotion of justice in Kenya.

Mr. Warithi: Mr. Speaker, I would like to associate myself with what the Mover has said about this Bill. I think it is a good thing that the

[Mr. Warlthi]

Government should incorporate this into our laws of evidence. All these things have been scattered in various books and documents and I think it is a good thing that we have one book, an authority to refer to when dealing with the law of evidence. At the same time, Mr. Speaker, it is also important that when we incorporate our laws of evidence we should do so in such a way that we do not have to come to this House now and again to amend it.

Two or three previous speakers have referred to the law dealing with confessions. Mr. Speaker, I would like to refer to particular sections—25, 26, 27, 28 and 29—and say that some of us who have been in the legal profession are aware of the difficulties that arise with regard to these confessions. I think the main thing is to safeguard the way in which these confessions are taken down and who takes them down so that we are assured that no unfair methods are used. We know that the poorly qualified officer who takes down the confession is under the greatest temptation to go beyond the allowed practices.

Section 30 in particular provides, here I quote that "If a confession made by an accused person is otherwise admissible, it does not cease to be so merely because it was made under duress or in consequence of a coercive practice for the purpose of obtaining it or because the accused was drunk, or because it was made in answer to questions which he need not have answered. Whatever may have been the form of such questions, or because he was not informed that he was not bound to make such a confession, the evidence should not be taken."

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

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

Now, Mr. Deputy Speaker, the provision even goes further. It provides that a confession made by an accused person is otherwise admissible. It does not have to be so merely because it was made under some of the circumstances I have mentioned. I particularly request the Minister to re-examine this section 30. If we are going to admit evidence obtained under circumstances mentioned in section 30, I think, Mr. Deputy Speaker, we are going to create the chance for all types of practices and we shall make our legal system a mockery.

Sir, there is Chapter 4 which deals with the burden of proof. This also, it will be noted, is a departure from the present provisions of the Law of Evidence. I also request the Minister to reconsider these provisions in Chapter 4. It could be

argued that the reason why these provisions are included—the provision that you can record your confession with sub-inspectors—is because the majority of police stations in the country are in charge of sub-inspectors. However, it is also possible to get a senior police officer or a magistrate to record a confession. I think that instead of lowering the rank of those officers who can take a confession the Government should maintain the standards which were provided in the former Law of Evidence.

With these few remarks I beg to support.

The Parliamentary Secretary, The Prime Minister's Office (Mr. Chanan Singh): Mr. Deputy Speaker, my instinct as a lawyer compels me to support what my fellow practitioners have put forward, but on this occasion I want to make one other point. One of the previous speakers—in fact, it was you, Sir—seemed to think that before the Emergency confessions made to the Superintendents of Police were admissible, but this was not so. Confessions made to any policemen were not admissible at all. Since 1952, confession made to certain ranks of Police have been allowed. As we know, in England the position is just the reverse of what it is under Indian law. There the policemen are treated just like other people, they are treated as reliable citizens, and if they say that a confession has been made to them this is given due weight, accepted and considered. In India, we know for certain that the policemen are not trusted in this matter. As far as I know, this law has not been amended there.

I personally feel that we would not go far wrong if we took a position midway between India and Britain. However, this is for the Minister to decide.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I only want to make one brief point at this stage. I have listened carefully to the points made by the speakers on this Bill and will naturally consider the various questions they have raised. However, I think I ought to point out that it is clearly natural for those who have spoken on this Bill—most of them lawyers—to think more in terms of the lawyer or the advocate, but we in the Ministry must also think of the problems of prosecution and the need to ensure that the exercise of justice is carried out; that crimes that are committed are detected and dealt with. This is another side of this question which must be taken into consideration. It would be most unwise to act purely on the basis of what the defence considers might become the problem in the future. It is not intended to create a situation in which anyone will be punished if they are not guilty. I might

[The Minister for Justice and Constitutional Affairs]

also add that many opinions have been expressed by other lawyers in support of the Bill as it now stands. As I have already said, I am going to take into serious consideration the various points that have been made, but I hope that those who have spoken in this debate will also take into account the Ministry's concern with the problems of prosecution which are very important.

QUORUM

An Hon. Member: On a point of order, Mr. Deputy Speaker, is there a Quorum in the House?

The Deputy Speaker (Dr. De Souza): No, ring the Division Bell.

(The Division Bell was rung)

The Deputy Speaker (Dr. De Souza): We have a Quorum, you may proceed, Mr. Mboya.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I do not believe I want to say any more at this stage. I stand by what I have said.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Deputy Speaker, Sir, there is actually very little to say. We have noted the very useful suggestions which have been made by the honourable and learned Members of this House. These views have been expressed by other learned personalities outside the House, and the Minister has given an assurance that we will look into the matter, particularly in respect to those objectionable clauses relating to confessions, on which we may be able to satisfy the speakers who have spoken this afternoon in this House.

What I would like to say, Mr. Deputy Speaker, Sir, is this. Sometimes, the hon. Members of this House tend to underestimate the position of our police officers. I have been a practising lawyer myself. I have been in court very many times and seen some of the assistant police officers, sub-inspectors, performing their duties, giving evidence in a court of law. Not every case which comes before the court where a confession is tendered as part of the evidence really becomes evident as a confession which has been procured by inducement or threat of any temporal character. We realized that some people, and even the Press in this part of the country, have at one stage commented on this particular Bill, as the police charter which I think is very incorrect. What the hon. Members of this House and the responsible citizens of this country should do is, to begin to have greater confidence in the police force.

Unless we can have reasonable confidence in the integrity of the police, no amount of legal safeguard for the public will be effective. It is said or implied that these clauses dealing with confessions will enable the police to perpetrate actions which would be wholly unfair. That is not caused by our written law. Even if we cut the clause out, what is there to stop any police officer from getting a confession, telling the prisoner that unless he signs this he will be beaten within an inch of his life, or if he signs it he shall have a thousand pounds or something like that, and then blatantly denying in court it was no other than a purely voluntary confession.

Mr. ole Tipis: We do not want that.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): I agree with the hon. Member for Narok that we do not want that, neither does this Government intend to support police officers who fabricate evidence. I am trying only, Mr. Deputy Speaker, Sir, to explain that sometimes it is extremely difficult to legislate for complete legal safeguard, unless the police officers themselves decide to maintain a high standard of integrity. Similarly, the hon. Members and the members of the public should impose great confidence in the police officers in the course of executing their duties.

The clauses which have already been referred to by the learned Speakers, particularly Clauses 28, 29 and 30, some of them do no more than state the law as it is now. For instance, clause 28 and clause 30 make no change in the law, it is merely a repetition of the present law. As a matter of fact, there is a section in the Indian Evidence Act of the Uganda Legislation which is still in operation "the relevant section is 27". However, this does not distract us from our undertaking that we will look into the matter, and make the necessary arrangements to see that the views expressed by the hon. learned Members are met.

(The question was put and carried)

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

Second Reading

THE STATUTE LAW (REPEAL) BILL

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Speaker, Sir, I beg to move that the Statute Law (Repeal) Bill be now read a second time.

I do not believe there is need to make any speech on this. Members will know that from time to time it comes to the notice of the Ministry

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that particular ordinances have become obsolete or spent, or have ceased to have any practical effect or use. It is desirable that these ordinances should be repealed so as to remove them from the Statute Book, and this Bill contains a schedule of six ordinances which should be repealed for the above reasons. Two further ordinances are repealed by clauses 3 and 4, the first in relation to the Nairobi area alone. I do not propose, as I have said, on a second reading to go through this list in detail, because as I have stated already, these ordinances are in fact dead and all we are trying to do now is to bury them. If any hon. Member wishes or desires further information or particulars on them, I shall be pleased to give it.

I accordingly beg to move.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya) seconded.

(Question proposed)

Mr. Ngala: I am just standing up to help the Minister for Justice to bury this Bill.

I beg to support.

(The question was put and carried)

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

Second Reading

THE GOVERNMENT ACCOMMODATION BILL.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Speaker, Sir, I beg to move that the Government Accommodation Bill be now read a Second Time.

Members are aware that on December 12th we have our Independence celebrations and that we have invited to these celebrations a number of important guests including Heads of Governments who will all come to Nairobi. It is necessary that on this occasion the Government is able to entertain its guests in an appropriate manner. For some of these guests it is not possible to find adequate or suitable accommodation in our hotels. Steps have been taken to require members of the public, those public spirited members of the public, to come forward and offer their homes or houses in order to accommodate these guests. We have had some response in this and I would like to record that all our hotels have responded very well indeed and it is unlikely that we will have any problem with

them. But it is likely, or it may become necessary for us to acquire additional accommodation. I am sure no one in this House would wish to see us receive guests and fail to find a place for them in Nairobi or in Kenya. Consequently the Government must have the necessary powers to requisition, if it becomes necessary, either 'hotel accommodation' or dwellings for the purpose of entertaining Kenya's guests and it is for this reason that it is necessary to have these powers.

It is also necessary that where we acquire any person's dwelling or hotel accommodation, that we are able to pay for such accommodation and to compensate fairly. As things stand at the moment if we acquire such accommodation we have Legislation or provision by which to make necessary compensation or payment and this payment of compensation is provided for in Clause 7 of the Bill. This requires that the amount shall be negotiated by the Commissioner of Lands. In Clause 8 provision is made for the matter to be referred to the Supreme Court or to arbitration where the parties are unable to agree. In other words this Bill will cover both the Government to ensure that our guests are suitably entertained and cover the owner of the accommodation or hotel to ensure that where he is inconvenienced by the acquisition or requisition of his dwelling or hotel rooms that he is adequately compensated and where he is not satisfied, that he has access to the Supreme Court or arbitration to assess the compensation.

I am hopeful that it will not be necessary for us to use these powers at all. In fact, as I have already indicated, we have had very ready co-operation on the part of the hotels, but I would like the House to know that even the Hotelkeepers Association felt that this law was necessary to cover them in the event that we require them to give us hotel rooms which have been booked previously by other persons and they have to cover themselves from damages which might arise as the result of a cancellation of a booking by persons previously. So, that under the Bill if we require hotel accommodation which has previously been booked by other persons, the cancellation would not carry the kind of damages to which the hotels would otherwise be immediately exposed. So as members will see, here we are trying to cover, we have covered in fact, the interests of everyone concerned. The owner of any dwellings, the hotelkeepers, the Government, and of course what is more important the National interest which is that on the occasion of the Independence celebrations, all our guests should have priority in being accommodated and entertained in our city and

[The Minister for Justice and Constitutional Affairs]

in our country and it is purely for this purpose that we have come to ask for these powers.

I would like to state that these are very temporary powers which should not be necessary after independence and it is not our intention therefore, to carry them forward any longer than is absolutely necessary.

This Bill has, as I have indicated, the support of the Hotelkeepers Association who would be covered under the circumstances that I have explained.

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

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya) seconded.

(Question proposed)

Mr. ole Tipis: Mr. Deputy Speaker, this Bill I believe is quite unnecessary because so far the hon. Minister has had ample time since the date of our country's independence was known some months ago and of course a number of distinguished guests have been invited from outside to attend our independence. In introducing the Bill before us he has completely failed to give us an indication of the number of official guests who have been invited and the number of guests for who accommodation has already been found to justify the introduction of this Bill. I take the Minister's assurance that this Bill is going to be entirely temporary and will only be used if the need arises. I would like to see inserted in this Bill that it will be repealed immediately the Independence celebrations are over. It is no good my hon. friend telling me that that provision is there. If it is let him quote it. If it is not there then he must shut up.

The Deputy Speaker (Dr. De Souza): Mr. Tipis it is not in order to say "shut up" to hon. Members.

Mr. ole Tipis: I beg your pardon, Sir.

I think there are some omissions in this Bill. For instance under clause 4 (iv) it states, if I may quote "any person who when required to give possession of any accommodation under subsection (3) of this section fails so to give up possession shall be guilty of an offence". Surely, Mr. Deputy Speaker, if the Government is to acquire a house to accommodate some invited guests there is going to be a lot of inconvenience caused to the owner of that particular house. There is no mention at all in the whole Bill whereby the owner who through genuine reasons is unable to vacate his house if the Government

requires him so to do—where this particular person can appeal to see that justice is done to him.

The hon. Minister keeps on quoting Narok. Narok is part of Kenya, and still covers a part of the country.

I would like the Minister to tell us if there are any committee or any judicial committees which will redress any genuine grievances brought about by those who feel that they have been unfairly dealt with by the Government in taking over their private homes or houses.

Another point, Clause 6 requires the manager of an hotel to give the Commissioner one month's notice in writing of his intention to discontinue those services and on the expiration of that notice he may lawfully discontinue those services. This, to my mind, does not make sense because it is not possible to give one month's notice at this particular time. Today is the 13th November and one month's notice from today will take us to 12th December, and if the Government has failed to apply to various hotels for accommodation for our guests then there is definitely something wrong.

Clause 9 says that "as soon as the need for the accommodation in terms of section 3 of this Ordinance has ceased, the Commissioner shall arrange for the vacation of the accommodation and for the handing over of possession thereof to the persons interested". Here, Sir, the owner or the occupier, or the management of the hotel, is required to give one month's notice in writing but there is absolutely nothing requiring the Government to give a notice to the owner of any private house of its intention to cancel any bookings made by the Government if the situation arises.

Going on now to clause 16. As usual the Government has put the penalty so high that a person will be liable to a fine not exceeding Sh. 10,000 or to a term of imprisonment not exceeding six months. This is exceedingly high and I hope the Government will reduce it. Some of the Government front benchers tell me that I shall not be involved in giving up my house and I would like to tell them that the Narok District in particular will accommodate many distinguished guests who will like to see that beautiful country and all types of game that abound there.

Mr. Ngala: Mr. Deputy Speaker, Sir, I do think we are discussing a very serious Bill. This Bill intends to encroach on the private rights of individuals, people with their own houses, and Government intends to use their accommodation

[Mr. Ngala]

by force. It is not a laughing matter as the Government seem to think it is. It is a serious matter. It is a matter which is very rarely allowed, even in the Constitution. Therefore, I think that on this occasion when we shall be celebrating Independence it is entirely the wrong occasion for the Government to take away accommodation from the citizens of this country when they really need it. More than ever they will require it at this time for their enjoyment and use.

I very much appreciate the Government's submission that there will be many important guests and I do not want the guests to be inconvenienced in any way. However, Kenya, and Nairobi in particular, is a place which is gifted in the number of hotels and the type of accommodation which will be required at a time such as this. The Minister in making this proposal has not endeavoured in any sense to show us that so much accommodation has already been obtained for so many guests and that we need so much further accommodation in order to justify his introducing such a serious legislation. For this reason, on behalf of the Opposition, I would like to reject this Bill because it encroaches on the rights of the house and property owners very unnecessarily and very inappropriately. The Government should have shown exactly how many guests of great importance they have invited. In clause 5, (1) and (2), Government even suggests that when a person has a house the whole house can be taken over. This will put the owners of the houses in an inconvenient position at a time when they need to enjoy Independence. Other countries that have not had as much hotel accommodation as Kenya has, have in the past enjoyed and celebrated their Independence without introducing this kind of legislation.

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

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

Since Kenya has so much accommodation in Nairobi I think this legislation should not be necessary. If Government has money to compensate people for the temporary loss of their homes, Government has also had time to put up temporary places of residence for these important guests. This has been done before in Nigeria, Tanganyika and other places. Judging by any standards we have very good hotels here in Nairobi where important guests could be accommodated. However, I feel that the Minister has failed to tell us who are the honoured guests for whom he thinks special accommodation, of the type he has in mind, is required.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): You will be among the great.

Mr. Ngala: If the Minister is trying to make accommodation for me I would like to tell him that I, as an honoured guest, think this Bill is wrong and should not be introduced. I think I represent the views of the guests.

It is very unfortunate that the Minister is bringing in the Commissioner to harass the house owners at the time of Kenya's independence. The owners will be put to very great inconvenience and will be deprived of that freedom, pleasure and happiness which they require at this time of independence. I hope the Commissioner will start with the Minister himself in ordering him out of his house and taking it over. It is very unfair that these powers should be given to the Commissioner to be used at the time when we celebrate our independence. The Minister has even gone so far as to provide police who will assist in cases where there is resistance. This is certainly a wrong time for the Government to use the police to throw the house owners with their wives and children into the streets. This is completely dishonourable. This Government must realise that the *Uhuru* we are talking of has been brought about by the very people that it now wants to throw out into the streets. Only a short while back the Minister was busy asking for votes from those people he now calls capitalists.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): They are going to give up their houses.

Mr. Ngala: If they have given up their houses what is the necessity of this Bill? You have shown very clearly that there is no need for this Bill. It is entirely unnecessary and uncalled for.

Therefore, the Minister and the Government should withdraw this Bill. It is not right to bring in the police at this time and just to mention the aspect of compensation, that the people can be compensated and if they are not fairly compensated they can refer the matter to the Court. These people do not want your compensation, the people want their houses and they want them at this time when they may want to privately invite their own guests to have the use of their homes. They do not want to be harassed by a Commissioner and the police. This is completely unfair. (I see that the back-benchers are crying at the back. They should join the Weeping Kamau's if they can!)

Mr. Speaker, Sir, I think we ought to think sensibly here because the Government knows

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that the date for independence was announced immediately after the elections. The hotel owners have known this date for the last three months at least, and the Minister is now trying to tell us that the hotel owners do not have any bookings. Are you telling me that the hotel owners have bookings from such a long time ahead, and that none of them are cancelled even in view of—

Mr. Anyieni: Is the hon. Leader of the Opposition in order in speaking of the Minister as "you"?

The Speaker (Mr. Slade): Mr. Ngala has forgotten the rule that Members must address the Chair.

Mr. Ngala: Mr. Speaker, Sir, it is just because I am getting heated over the injustice that the Government is trying to do to the people.

The Speaker (Mr. Slade): Mr. Ngala, that is the very reason for this rule, to avoid the heat.

Mr. Ngala: Mr. Speaker, Sir, I will address the Chair.

Say I think that this Bill should be withdrawn. The Minister has been very careful. He knows that the reaction of the people will be very bitter so he has included, under paragraph 14, this title "Obstruction of Occupants". He wants to use force, he is determined to use his police, he is determined to use everything to make it inconvenient for the house owners. This is not a democratic type of Government, this is a completely dictatorial type of Government. On a happy occasion such as the attainment of independence we should be free to entertain our friends happily. But if an important person, a head of State, a President of a Region is only to take over one room of a house all the children of that house will be turned out—

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Speaker, Sir, on a point of order, is the hon. Leader of the Opposition not exhausting his points and becoming very repetitive?

The Speaker (Mr. Slade): Very near to it, I think.

Mr. Ngala: Mr. Speaker, Sir, I am making a point on the question of obstruction which is something I have not touched before. So I am not repeating myself.

Well, if one important person occupies one room then, according to the Minister, the owner of the house, is to be thrown out of the

house, his wife, his children and his goats, are all thrown out with him. I think in the interests of the country the penalties here are not necessary; the introduction of the police, the introduction of the commissioner and the whole approach, which seriously disturbs the rights of the people who own houses, are all unnecessary. I take it that it is a temporary measure, but however temporary it is, it is completely undesirable on such a happy occasion. So I oppose this Bill.

Mr. Anyieni: Mr. Speaker, Sir, we the Members of the Government Back Benches are extremely surprised by the reasoning of the Leader of the Opposition. In the African customs, Mr. Speaker, when a visitor comes to your home you will want to give him the best accommodation. Even if you do not have any money you will at least look for a goat to slaughter for your visitor. If you have a house where your children or your relatives stay, and you have a visitor, then your children must go and stay in a house somewhere else so that you can give accommodation to your visitor. However, the Leader of the Opposition, who is a much older person than myself, does not seem to know this rule. Surely, if you are the owner of the house you will move your family so that your visitor can sleep in a comfortable place so that when he goes away he does not speak evilly about you.

Secondly, Mr. Speaker, we are going to have honoured visitors from overseas, from London, the Duke of Edinburgh is coming—from the United States, from India, from China and, in fact, from everywhere, even from Mombasa. The Leader of the Opposition will be one of the honourable guests. Mr. Speaker, it will be shameful if we have to ask our visitors from Russia to go and sleep at River Road and so I think we must support the Minister who has thought it fit to ask some of the householders to vacate their premises just for one or two days so that our visitors can be comfortably accommodated. I do not see why the Leader of the Opposition should oppose this Bill. It is natural that when something is happening some people must be inconvenienced on that day. But which is more important, inconveniencing a person for a day or two so that an important visitor can be given accommodation, or throwing the visitor out on to the streets so that we can sleep in comfortable places? This is the reasoning and we have to reason like this and decide which is more important. We know that there are going to be inconveniences for some people, but these are all necessary, absolutely necessary. When these visitors arrive from London, from the United States, and so on, some of them are going to declare probably in their speeches that they are going to give

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Kenya so many scholarships, or so many loans, and it will be very disrespectful to have to ask them to sleep in River Road if the following morning you expect them to offer these sort of things. Moreover, Mr. Speaker, when the hon. Leader of the Opposition tours another country and finds no accommodation—I do not know whether this has ever happened to him—I do not know whether he expects the leaders in that country to offer him the worst accommodation to himself as a visitor? If that is the reasoning of the Leader of the Opposition then we say that he is not a true African because the African custom is that the visitor always has the best accommodation because he is the visitor. So, we very strongly support the Minister who has introduced this Bill and we hope that the people who are going to be asked to move from their houses—they are not going to be evicted—are not going to be victims of the cheap propaganda from the Leader of the Opposition and made to feel that they are being mistreated by Government.

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

Mr. Masinde: Mr. Speaker, Sir, I stand to oppose the Motion. The situation is very clear, when we speak as Africans we are probably speaking of the customs of different tribes. We may be referring to the views of particular tribes. The Government may be referring to one tribe, but as far as I know the customs of my tribe are that you cannot expect somebody to move out of his house so that you can accommodate your visitors. If you want to entertain visitors in your home you invite as many as you can fit in and still give them proper accommodation. But if the Kenya Government knew very well that it did not have enough accommodation why did it not invite a few people for whom it could provide good accommodation without causing problems for other people. There are very many people living in various hotels with their families and the Government expects these people to sleep where during independence? If they have troubles how can they celebrate their *Uhuru*? The important and first thing is for the people of Kenya to enjoy their *Uhuru*. They are the first people who have the right to celebrate, not the man from New York, not the person from Russia. What we want is for the people of Kenya who have fought for independence to enjoy the fruits of their fight on the first day. They should not have to worry where they are going to sleep, whether they are going to have to sleep outside—just for the benefit of some overseas visitor. If this is the Government we are going to have, which says that they are protecting the rights of the people, I do not

think they are working in that direction. What is important is first of all to ensure that the people of this country are protected first of all before anyone else is protected. Secondly, all Kenya people must entertain the visitors. Do you think that it is only the Ministers and Members of Parliament who have the right to entertain visitors? Are they the only Kenyans? Everyone outside this House who is a Kenyan, should also be allowed to welcome other people from other countries. I think this is the situation where the Minister must choose the number of people who are to be invited to this country to celebrate our *Uhuru* with us, and I think that it is quite sufficient if, for instance, Russia only sends one delegate. Why must they bring thousands? I mean that only one person is needed to represent Russia. One Russian is enough. Why invite one thousand? They are not coming to the wedding of a relative, they are coming as representatives of their country to witness and to share with us our Independence Day.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, on a point of order, is the hon. Member suggesting that we have invited one thousand Russians?

The Speaker (Mr. Slade): I do not think that was what he meant.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): He said, "One Russian is enough, why invite one thousand?", perhaps trying to give the House the impression that we have in fact done so.

The Speaker (Mr. Slade): No, I do not think that is the intention. He is merely indulging in rhetorical exaggeration.

Mr. Masinde: What I am trying to point out to the House is that there is no need to have so many visitors from each country, I meant that we should only have one person to represent each country, and if we only invite that number they will actually fit into the accommodation that we have. What is the point of getting about 20,000 people from other countries? It is just too many people, and that is why we are faced with this situation of having to take houses from other people by force.

The Speaker (Mr. Slade): Mr. Masinde, rhetorical exaggeration is permissible, but do not over do it.

An Hon. Member: Do not waste time.

Mr. Masinde: Mr. Speaker, Sir, it is not a question of wasting time, but it is simply that when I speak to the Government properly they think that I am wasting time. The case here is very clear.

The Speaker (Mr. Slade): It is quite out of order for hon. Members to suggest that other hon. Members are wasting time. I have said this before and I have asked hon. Members to respect it. What I was saying to you, Mr. Masinde—and I hope you took it in—was that you really spoil your speech if you go right beyond reason, as opposed to a little exaggeration.

Mr. Masinde: I understand, Mr. Speaker, but I must point out some of these things.

What is important here, Mr. Speaker, is that our Government has to pursue the idea of getting accommodation for various guests from all over the world, but if there is a certain amount of accommodation, it is necessary that they tell us at this moment how much accommodation they have for how many people and how many guests are lacking accommodation so that, we know where we are. We were not told this; we are only told that we would be faced with the possibility of vacating some houses for these people who are coming to celebrate in this country. This debate is very difficult, Sir, because we should be acquainted with all the information; if we know the details we can state exactly how the situation could be solved.

With these few remarks, I oppose the Motion.

The Speaker (Mr. Slade): There is a matter of procedure we must get straight. If hon. Members wish to oppose a Second or Third Reading, according to the Standing Orders, it is the practice not just to vote against the Bill being read a Second or Third Time, but to move an amendment to leave out the word "now" and to add on the end "on this day six months hence". The effect of that is actually that the Bill is never read again. So as a matter of form I would ask you, Mr. Masinde, to move the amendment, I see you do oppose, so you should move that the word "now" be left out.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, supposing the Member who spoke did not intend to carry his disagreement to this point. Is it necessary that by merely saying he opposes the Bill he must so move, because I thought on some occasions people who have expressed their opposition to a Bill have not thought fit to move an amendment such as you have suggested?

The Speaker (Mr. Slade): That is perfectly true, I am referring to hon. Members who intend to vote against this Bill. It is not correct procedure to wait until the question is put and then say no. If hon. Members were thinking of doing that they should move this amendment. If hon. Members

were not thinking of saying no when it comes to the question being put, there is no need for the amendment.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Speaker, Sir, I did not intend to speak in connexion with this Bill, but in view of the speeches which lack foresight and careful reasoning that have been made by some hon. Members on the opposite benches, I would like to clarify one or two things.

First of all, the hon. Member for Narok made one or two points about this Bill. It is a pity he is not here, but I hope he will get this from his copy of HANSARD. If he had read this Bill carefully, he would have come to the conclusion that the intention of the Bill is purely of a temporary nature. The Government does not intend to preserve this Bill beyond the time or for the purpose other than which has already been described. If the hon. Members were to read the Memorandum of Objects and Reasons of this Bill, they would see that it is intended to empower the Government to requisition houses. This may not be necessary, but we do not want to find ourselves in a position whereby, after 13th December, the Leader of the Opposition finds it necessary to table a Motion on the Adjournment saying that this Government showed lack of foresight and did not make provision for the accommodation of our guests. It is for that purpose, Mr. Speaker, that this Bill has been brought to this House, to empower the Government to requisition accommodation for the reasons which are mentioned in the Memorandum of this Bill. If this Bill had not been prepared, nothing could have been done by a sane and able Government to see that the rights of individuals or owners or private property were respected. Access to the Supreme Court is provided if the owner or occupier of the property is not satisfied with the compensation he receives. Provision is contained in this Bill whereby, if someone fails to carry out a certain contractual obligation as a result of this Bill or Ordinance—if it becomes an Ordinance—he will not be held liable to pay damages because of that. This is a very clear and straightforward Bill in connexion with respecting the rights of individuals and their private property and we on this side—like the Leader of the Opposition who intends to champion the freedom of all people—also cherish those ideas and intend to keep them.

Mr. Speaker, I do not want to take up the time of the House unduly, because this is a very simple matter whereby the Government, with its usual clear foresight, has decided to cater and provide for the guests of Kenya when they come to celebrate our *Uhuru*.

Mr. ole Oloitipit: Mr. Speaker, Sir, the country is looking to us to see that we are constructive as Members, and not only as Members, but as leaders. I was a little surprised when I heard one hon. Member referring to the African custom of inviting guests. When you want to invite a guest, it is an African custom first of all to find out if you have enough food for him. Secondly, you make sure you have sufficient accommodation for him. The House here is amazed to be told that so many guests have been invited to the independence celebrations without us first knowing how much accommodation there is available and what sort of entertainment we can give to them. The Government should know exactly what accommodation we have and what sort of entertainment is needed for the number of guests they have invited to the independence celebrations, but they should not try to bring so many guests to Kenya who perhaps may harass the public here.

The Prime Minister has just told us that *Uhuru* is for everybody, and everybody should be pleased to celebrate *Uhuru*. If we want to invite these guests we should not invite them to stay in other houses. Not a single man, not even the Minister concerned has invited people intending that they will spend a night or eat at other people's houses. He has invited guests, but he does not know if they will have accommodation or entertainment. All we ask the Government is that they should find out the number of guests invited, and then tell us that they want so much accommodation. This is a day when everyone should be jolly, when all the people should be celebrating independence; that is the day when our yoke will be removed from us, and all of us want to be very, very happy. From the Opposition side, Sir, we do not want to see a single hotel owner being forced to appeal in court. This brings shame to the Government of Kenya. If we expect some of our people in Kenya to appeal in the court when we are celebrating our independence, then it is really shameful. It is high time we stopped thinking of sending people to court on that day when everyone should be so happy.

Mr. Speaker, Sir, with regard to this Bill being only of a temporary nature, we know that, but what we want to know is how long it will go on. If it is temporary but harmful, we reject it.

An Hon. Member: You are speaking for yourself.

Mr. ole Oloitipit: I am not speaking for myself. Not a single Masai has a hotel here, you know that. If they come to the ordinary Masai camps we can accommodate them there.

Mr. Speaker, I think the day on which Kenya celebrates her independence is a day on which everyone should celebrate, and we do not want to see the police being brought in. Even the police want to celebrate independence, so does the Commissioner who was mentioned, and he would like to be in his own house. Therefore, I do not think this is a very good Bill. It is a very serious matter and must be considered as such.

I appeal to Government to invite guests according to the accommodation facilities available in Kenya: if they fail to get accommodation for them, they should not then apply force. This will be a time when force should not be applied, certainly not on such a day when we should all be happy. We shall bring our *morans* here to dance with their shields, and we do not want the hotel owners to be miserable. I suggest, Mr. Speaker, that this is a hopeless Bill, and we do not want to see it introduced.

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

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I would like to make a few remarks. I think the Members who have spoken so far against the Bill have failed to appreciate on or two things. Firstly, the hotel keepers themselves required some coverage, just in case they have to cancel certain reservations in their hotels. They may be sued, and this Bill will cover them from any such legal action. On the other hand, if a person has offered his own house, and many people have done so—although those who have opposed the Bill, not one has said that he can offer a house within Nairobi. It is no use offering a house right out in the bush beyond Kajjado because it would be very difficult for people to travel. It is possible that an occupier might be careless and the house might be burnt down during the time that they occupy it, so it is necessary for the Government to ensure that the house which they have offered is secure. The Bill covers all these eventualities. Looked upon constructively—rather than just on the emotional side, pointing to the police and everything else—Members will appreciate that the Minister responsible for this has done well. We have to entertain our guests, and it is our responsibility and the Government has no alternative. It wants to ensure that everyone, particularly the Leaders and Heads of State whom we would like to put in a house rather than in a hotel, should have pleasant accommodation. As I mentioned before, many people have offered their houses, and these houses are going to be used. Even if the houses that we have are sufficient, and we do not need any more, it is still necessary

[The Minister for Finance and Economic Planning] to cover the hotel owners and the individuals who have offered their houses. Therefore, the Bill is necessary if looked upon constructively. I beg to support.

Mr. Molano: Mr. Speaker, Sir: I beg to oppose the Motion, for one reason only. I think we are clearly shown the lack of foresight in planning ahead by the Government. They knew Independence was drawing near, and yet they were not ready for the guests, and they are now in a fix. They want this House to commit itself and try to cause a lot of inconvenience to the law-abiding citizens of this country. I do not think this should be encouraged. I have one or two suggestions to put to the Government which might help them out of this situation. Firstly, I would like to see, if possible, all the Minister's houses made available for the guests when they come here. If they are, and the accommodation is not sufficient, I would like to know when the Minister is replying, how many guests will still be without accommodation. Then I think an exercise should be arranged for the soldiers at Kahawa to go out and manoeuvre and leave open the accommodation. Mr. Speaker, these are suggestions I am putting to the Government to help them out of their fix. There is this accommodation at Kahawa, and these soldiers could be made busy for a week while our visitors are here. Let these visitors occupy these quarters which I know are very attractive, because I have seen them. For a Minister of the Government to come here and tell us that some hotel accommodation will be cancelled, and for a certain man who has been looking forward to the day when he can come and see the flag of Kenya flying here in Nairobi, to be suddenly told that this has been cancelled, what is he expected to do? It is for the Government to find accommodation for these guests, and not to inconvenience them. I wish to repeat that. It is not for the Government to inconvenience the law-abiding citizens of Kenya who are looking forward to this day. This is a very important day, and one cannot play about with the citizens of this country and push them aside because of the inconvenience of a few people who want to come and enjoy themselves. This is a very serious matter. I have given the Minister some suggestions and I hope he will consider them carefully. All Minister's houses should be made vacant by 1st December to be made available for the guests.

Secondly, all Parliamentary Secretaries' houses should be made available for the guests, so that when they arrive they have accommodation.

Thirdly, a few soldiers at Kahawa should go out to celebrate independence in the N.F.D.

in case there is trouble there, and their accommodation is taken up by these guests.

Mr. Speaker, if the Government does that, all Kenyans will be happy and our guests will have wonderful accommodation at Kahawa. Everyone will be happy, and it will not be necessary for the Government to come forward to say that they want to cancel accommodation. We Kenya citizens wish to enjoy independence, not to be inconvenienced because of lack of foresight of the Government.

Mr. Speaker, I hope the Minister will consider this very seriously, and that the Government will agree with the Opposition when they say they will not support this Motion at all.

I beg to oppose the Motion.

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, I beg to move that the Mover of the Motion be called upon to reply.

The Speaker (Mr. Slade): I think it is reasonable at this stage for the House to consider the closure.

(The question was put and carried.)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I am surprised by some of the statements which have been made by members of the Opposition. They do not seem to realise that the most important event ever to take place in this country will be the independence of Kenya on the 12th December. Nothing can be more important. The Leader of the Opposition said that powers such as these should only be applied very rarely. What occasion is there more rare than the independence of Kenya? He must surely agree with us that these rare powers should be used on this rare occasion.

Now, Sir, if the Leader of the Opposition had taken the trouble to read the Memorandum of Objects and Reasons for this Bill, he would clearly have understood that one of the most important considerations in the Government's view was the protection of the individual and respect for the Constitution. Paragraph three of the Memorandum of Objects and Reasons clearly explains that this Bill complies in full with the Constitution.

It complies with the Constitution in two respects. In the first case, the Constitution itself allows for the acquisition by Government for Government purposes of any property belonging to any person. The Constitution does not say that you cannot do so on the occasion of independence.

[The Minister for Justice and Constitutional Affairs]

The second aspect in which it complies with the Constitution, is that where you acquire property on such terms, there must be full compensation.

These two aspects of the Constitution have been fully met in the Bill and provided for. This, I am afraid to say, the Leader of the Opposition seemed to have ignored, or perhaps deliberately ignored.

I made a point which I ought to repeat here: that is, in the case of the hotels, unless we provide these powers, any hotel-keeper who cancels a previous booking is open to being sued for damages by those persons who have booked accommodation. I am surprised that the Leader of the Opposition, having been a Minister, appears to be so ignorant as not to know that hotels in this country are sometimes booked as much as one year in advance. Because of the increase in our tourist trade, bookings for December in some hotels have been made as early as January of this year and some earlier than that: late last year. In some cases, these were block bookings. To cancel them the hotel-keepers have to be covered, and since the Government asks them to cancel these bookings, it is only right that the Government should cover them by this legislation. It is for this reason that this now means that any hotel-keeper who cancels a previous booking in order to accommodate Government guests on the occasion of the Independence Celebrations will not be open to being sued for damages by this action. I am sure that the Leader of the Opposition will agree that this is a very necessary step in the interests of our hotel-keepers.

Sir, I was most astonished to hear the Leader of the Opposition seriously suggest that we could meet the problem of accommodation by providing tents. I know that the Leader of the Opposition went to one or two other celebrations and I ask him in all honesty whether he would have stayed there had he been housed in a tent. I am sure, Sir, that had he been asked to stay in a tent he would not have stayed for the celebrations.

An Hon. Member: What about in a boat?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): There is nothing more luxurious than a boat!

My friend, the Member for Kajiado, complains of this Bill and he pretends that what my friend, the Member for Majoge-Bassi, said was un-African and did not apply to all tribes. Let me tell him what happens among the Masai. In this Bill we intend to give notice that we will acquire premises. Among the Masai no advance warning

is necessary and you merely establish your arrival by leaving your spear outside the hut, and this gives you the privilege of not only owning the hut for the night, but also the wife. I am quite sure that the Government could not have been more reasonable, tolerant and moderate; had we applied Masai standards, there would be no Bill to talk about here, all we would have needed was to provide each guest with a spear!

Now, Sir, I want to correct the suggestion that anybody is being thrown out on the pavement. There is no such thing as throwing anyone out. I also want to make it quite clear that the Bill, in fact, protects the Kenya citizens by its various provisions. I am myself quite convinced that those among our people who are able to give up their houses will consider it, not an encroachment on their rights but a privilege to be asked to house the guests of Kenya at the time of Independence.

Mr. Speaker, Sir, it is absolute nonsense to suggest that we should limit the number of our guests by first knowing how many houses are available. Kenya's Independence is not only the biggest event in Kenya, it is the biggest event in Africa. Many people throughout the world have read so much about Kenya and its leaders, especially the Prime Minister, that they all wish to come; and we say that on the occasion of Independence our motto is, "The more the merrier". Our intention is to welcome as many as want to come, to be in Kenya, we do not want to have to say to anyone, "We are sorry, we could not get a house for you, therefore you may not come". I am sure that the Opposition will now see the spirit in which this Bill has been brought to the House.

One point, Sir, has been made which I am prepared to accept. I do not want to mislead the House into believing that the Bill is going to be a temporary measure. It would become permanent legislation but, understanding the feelings which have been expressed, I am prepared to consider in the Third Reading making it a temporary measure rather than a permanent part of our legislation. That will meet some of the fears which may have been expressed. It is not necessary for us to have it permanently on the Statute Book and I intend to deal with that in the Third Reading. However, I must say again, and emphatically, to the Opposition that it would be—I am sure they will agree—most undesirable that any of our guests should fail to receive the treatment and the hospitality which are due to them when we ourselves comfortably sit in our houses and, as the Member for Kajiado says, enjoy ourselves. There would not be that much enjoyment if our guests were not also enjoying themselves together with us. The intention of Government is to ensure

[The Minister for Justice and Constitutional Affairs]

that our guests do enjoy the highest possible hospitality in this our country. They have heard of this hospitality before, and we intend to prove to them that it exists and that Kenya is capable of giving the very best hospitality compared with any other part of the world. This is the sort of thing which I am sure the Opposition would like to join us in doing for Kenya and in giving Kenya the name which Kenya deserves; to do otherwise is, in my view, not to accept the responsibility that this time demands.

(The question was put and carried.)

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

Second Reading**THE BRETTON WOODS AGREEMENTS BILL**

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Bretton Woods Agreements Bill be now read a Second Time.

Mr. Speaker, Sir, on Independence, Kenya will be eligible to join the four important special agencies of the United Nations which deal with financial matters: namely, the International Monetary Fund; the International Bank for Reconstruction and Development, usually called the World Bank; the International Finance Corporation; and the International Development Association.

The three Bills being read a Second Time today will, if passed, enable Kenya to join the 75 nations, from every continent, which are members of these international organizations. There are many advantages available to Kenya on joining these bodies, so many, in fact, that it has become a vital necessity to do so.

Mr. Speaker, Sir, the crux of this Bill—the Bretton Woods Agreements Bill—is that it will enable Kenya to join the International Monetary Fund and the World Bank. The reasons for the establishment of the Bretton Woods Conference in 1944 were: the objective of promoting international co-operation in monetary problems; exchange stability; and the elimination of foreign exchange restrictions. Perhaps its most important activity is the provision of loans to countries that are undergoing serious temporary deficits in their balances of payments. This is a facility which may well, in the future, be of great value to Kenya if low prices for agricultural products temporarily affect our export earning advantages.

The exact circumstances for encouraging loans from the International Monetary Fund would enable Kenya to continue to purchase essential goods from overseas. Each member-country is given a quota, within which it can borrow when necessary.

When Tanganyika joined it received a quota of 25 million dollars which is approximately £8.9 million. By special arrangement between the three East African territories and the International Monetary Fund the same quota has been reserved for Uganda, which is now in the process of joining; and also for ourselves. This East African co-operation in monetary matters—so important to our common market—is continuing and will be given international recognition by the International Monetary Fund.

The International Bank for Reconstruction and Development—the I.B.R.D.—was also established by the Bretton Woods Conference. Its function is to channel funds from developed countries towards investment in viable development projects in the under-developed countries on a multi-lateral basis. The Bank does this by using the considerably larger subscriptions from economically developed members to make development loans to each economically less developed member, and also by borrowing on the open market, in order to re-lend to Governments of under-developed countries.

Loans are made at market rates of interest and for periods of ten to twenty-five years.

While Kenya is a dependent territory, the Bank can lend money to Kenya under a guarantee from the United Kingdom, which is a member. Under this arrangement the I.B.R.D. made two loans to Kenya, covering roads, agriculture and settlement. However, after independence there will be no way for Kenya to borrow from the World Bank, unless it becomes a member itself. The next development plan is likely to require I.B.R.D. finance and applications are, at this moment, pending for a loan to support a £3 million tea expansion programme and a road programme. The Bank will only accept as members countries which are members of the International Monetary Fund and this is an additional reason for joining the International Monetary Fund.

After this Bill has been considered I shall be moving the International Finance Corporation Bill and the International Development Association Bill. The International Finance Corporation affiliate of the I.B.R.D., although under a separate manifesto. It was established to provide finance to support private investment in member countries without Government guarantees. In addition to participation in private ventures through loans or

[The Minister for Finance and Economic Planning] purchase of shares, it is prepared to underwrite open market sales of shares under certain conditions. The activities of the International Finance Corporation can be most helpful to countries like Kenya which depend substantially on private investment to promote economic development, but do not have the finance to give sufficient assistance to investors.

The International Development Association—although it co-operates under a separate charter—is in effect a fund administered by the I.B.R.D. The International Development Association provides finance for development projects for member countries on soft terms. It makes, for example, forty-year loans with an administration charge of three-quarters of one per cent, and no interest. The International Development Association funds are loaned to countries which present viable development projects to the I.B.R.D., but which, in the opinion of the Bank, have such hesitant servicing bodies that a World Bank loan would put the country in financial difficulties.

Kenya, which has borrowed substantially, to finance development, may well be eligible for loans on the very generous I.D.A.'s terms. In order to take advantage of certain opportunities, we must join the Association. It will not be possible to join it unless we are members of the I.B.R.D. as well.

In order to become members of these international organizations Kenya must pay a portion of its subscription, which is related to this I.M.F. quota, in cash. The major portion of these cash payments—2.9 million dollars or just over £1 million—must be in gold or convertible currency. This portion, in addition to 100,000 in local currency, can be covered by existing reserves of the East African Currency Board, which has already provided Tanganyika's gold and convertible currency and is in the process of doing so for Uganda as well. The balance of the subscriptions will be covered by non-negotiable notes of the Kenya Government deposited with the I.M.F., I.B.R.D. and I.D.A. The chances of these notes ever becoming a cash liability on the Government are small.

The three Bills now before the House will, in part, enable Kenya to join the International Monetary Fund, the International Bank for Reconstruction and Development, the International Finance Corporation and the International Development Association.

Briefly they provide the following:—

- (1) That the Minister for Finance be empowered to sign the articles of agreement of the

four organizations and deposit this Government's instruments of acceptance in Washington.

- (2) That various tax payments arising from membership in these bodies be charged upon the Consolidated Fund.
- (3) That the Minister for Finance be empowered to issue notes to cover various payments.
- (4) That certain provisions of the articles of agreement of the four organizations have the force of law in Kenya.

The specific provisions are listed in a schedule to each of the Bills.

These Bills are in standard form and follow very closely those passed by the Registrar in charge of Tanganyika and Uganda. I shall, as a result of technical consideration, be introducing certain minor technical amendments when the Bills are debated in Committee, but this represents no change in the substance of the Bill. I should like to take this opportunity, Mr. Speaker, of informing all Members that the task of the I.M.F. and World Bank and each affiliate have been extremely helpful in advising on and processing membership application. When the Government decided in July to apply for membership the Fund and the Bank went to great lengths to have our applications ready for registration by the Board of Governors at the annual meeting in October which I attended on the invitation of these bodies. The speed with which our applications were considered must certainly be a record, and I am most grateful to the Fund and the Bank. I am happy to report that the Boards of Governors accepted our various applications at their meetings, and the Fund and the Bank have been most helpful in advising us on the completion of the formalities which must precede membership. Because of the speedy action by the Fund and the Bank the Government will be in a position to join upon independence once legislative approval has been given. As I said earlier, speed in joining the Fund, Bank, I.S.B. and I.B.A. is essential. Once we are independent we will not be able to conclude any further loan agreement with the Bank or I.B.A. until we join those organizations. At least one, and possibly two outstanding loan applications, may be ready for signature in the month after independence.

I therefore commend this Bill which will enable Kenya to take its place in the financial community of nations to the House.

Mr. Speaker, Sir, I beg to move the Second Reading of the Bretton Woods Agreements Bill (Bill No. 33):

The Speaker (Mr. Slade): Mr. Gichuru, this is the type of Bill which requires the consent of the Governor to be signified.

The Minister for Finance and Economic Planning (Mr. Gichuru): The Governor's consent has been signified.

The Parliamentary Secretary to the Treasury (Mr. Kibaki) seconded.

(Question proposed.)

Mr. Ngala: Mr. Speaker, Sir, I think this is a necessary action for a country which is going into independence and which will seek financial relationship with other countries of the world. Therefore, I think the Minister has taken the right step in introducing this Bill. Also, it is with satisfaction that I note the speed with which the body concerned has hurried over the application of Kenya.

I would like only to receive some assurance from the Minister on one or two matters. In the past we have been suffering from money borrowed by this Government not flowing to the so-called low potential areas. In the Constitution, the Development Council in the Constitution, will put forward projects from all sorts of areas in Kenya and with the attainment of independence these areas, whether they are low or high potential areas, particularly the low potential areas, will want development. They will want water development, development of the agricultural industry and other aspects of progress. In the past the Minister has always been saying that he is dictated by the bodies that do lend Kenya money. If these bodies have been lending Kenya money on the guarantee of Britain, now that we have direct contact with them I would ask the Minister to explain thoroughly the constitutional position of Kenya as far as the development is concerned and the need for the money to flow to the low potential areas so that when we want money to develop the Northern Frontier District area, or some parts of the Rift Valley, or any other areas around the different Regions, this money can be made available without that restriction that has been in existence in the past. If that restriction continues then restriction from the Minister on the terms provided by the Bank will be necessary. In previous times we have been told that every project has got to be examined by the Bank, and if the Bank itself is not satisfied it is not going to allow its money to be spent on the project. Therefore, what I am asking for is a change in the terms required for the flow of the money, so that these Banks

do not have to come and examine the Mwea/Tebera Irrigation Scheme or they do not have to come and see where the road from Takungu to Kilifi is.

The Minister for Finance and Economic Planning (Mr. Gichuru): You want me to tell lies.

Mr. Ngala: I do not want you to tell lies, I do not believe you are a liar but I want you to say now that Kenya is a sovereign country the guarantee of Kenya should be sufficient just as the guarantee of Great Britain has been sufficient to those Banks. The money should be given to us so that it can flow to the different areas. If we do not get this kind of agreement then there will be no Harambee spirit in the financial flowing to the various areas. This is very important if the development of the country is not to be lopsided. I hope the Minister does realise the importance of the backward areas catching up in development. They should not be given any further excuses. We have suffered from this kind of attitude and even today this same attitude prevails in the case of money for resettlement. There is a lot of money which comes to the Central Land Board—to give you one example—but areas that would like that money to carry out their settlement schemes and help needy people are told that this money is given with strings attached and they cannot have it. Hence, the development is one-sided and if the Harambee spirit is pulled to one side one of these days we shall say "to hell with it."

Mr. Speaker, Sir, I think we ought to make the change a very, very clear one and as a sovereign country we should agree that this has a technical point. As the Minister himself has said that he will deal with the technical points I consider this to be one of the important technical points which he should take up with the bodies concerned so that Kenya's development will go ahead smoothly and properly.

I also want to know what the Minister means by money being borrowed on soft terms: Is my first point not an additional point to the soft terms? If it is not, I think he can add this one other aspect so this can be made even more soft as far as the development of Kenya is concerned.

There is one further point that I wanted to put across and it is this question of £1 million which is to be made as a contribution by Kenya. I do not understand why we do not make one contribution as an East African country because we have one currency board, the East African Currency Board.

[Mr. Ngala]

I would like an explanation as to why the different countries should pay separately, and if they do not pay separately I would like to know why, and how they are paying together.

Now, with this one point, which I consider to be very important, I would not like to accept the Bill as it is unless I get an assurance on that point which will enable development in all the regions, and in all areas. The idea behind the Bill is good and it would be very helpful to the country if it could follow on the pattern of a Trust agreement. So we would like to reserve our position very strongly until we get an explanation from the Minister as to what he is going to do to solve this point.

With these few words, Sir, I would like to reserve my position.

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, I should have thought that all Members of this House would have supported this Bill without any question, firstly because the International Monetary Fund and the World Bank are two specialized agencies of the United Nations, and, as we all believe that when independence comes we will be members of the United Nations and that we will participate in all the activities of the United Nations, I should have thought that, on the basis of this alone, we would have supported the Bill. However, I would like to add that the International Monetary Fund or the Bretton Woods Agreements of 1944 was entered into as a result of the experiences after the war. Many countries, found, after the war, that their currencies were in a state of collapse and it was necessary for various nations to co-ordinate their monetary policies in order to strengthen the basis for economic development. The World Bank—which is also mentioned here—was a later creation, but the two specialized agencies of the United Nations are the only means of co-ordinating monetary and financial policies in the world today. I cannot imagine our country staying out of the two organizations. I would seriously like to suggest that as we face the challenge of economic development in Kenya we should join the International Monetary Fund immediately so that we benefit, not only from the promises of loans but also from technical knowledge on how to manage money and currency policies. We are thinking of an East African Bank, and I think we would gain a great deal by joining the International Monetary Fund and the International Bank for Development and Reconstructions. With this, Sir, I would like to support the Bill.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I rise to speak, not only on this Bill but on the next two Bills as well because as far as the agricultural aspect is concerned they are much identified. A great deal of the finance which we will obtain under this Bill will be used for agriculture and I want to put the hon. Leader of the Opposition completely in the clear as to how we, as far as agriculture is concerned, will utilize this money. We have asked the various regional authorities and agricultural committees to put up to us their ideas on development, development programmes for agriculture, and processes which follow basic agriculture in their areas. The wide-awake regions that keep ahead of the other regions will obviously get preferential treatment because we cannot wait for the lax regions, the regions which take longer to work things out, since we cannot afford to borrow money from the international concerns and have that money lying idle. Therefore, this depends entirely upon whether a region is wide-awake or sleepy.

Also, Mr. Speaker, I think that the hon. Member, the Leader of the Opposition, must realize that when you go to these international banks to borrow money you can only borrow the money against set projects. You cannot go to them and say that you want to borrow money just to develop agriculture. They are not prepared to lend you money. It does not matter what country you come from, it does not matter what guarantees you can give them, under their articles of association as international banks they cannot lend moneys unless they are against a set project, and I think that the Leader of the Opposition must appreciate this. We ourselves would agree with him completely, we would very much like in the agricultural field to be able to borrow money, give a guarantee for the money and be able to use it to do what we think is best, but these people will not lend us money to do that: It is no good saying that we must negotiate with them, they cannot do this under the articles by which they are set up. They have to lend against projects, and it is no good saying that we should not join them. The only thing that I would like the hon. Member to do, if he does not want the money for his area in this way, is to stand up in this House and say so, because there are plenty of other regions which will accept money against projects. This, Sir, is a great difficulty, and another thing is that the interests that you pay to these various international financial houses differ from day to day. One day when you borrow, the interest will be at a certain rate and then it fluctuates. This is another reason why you must

[The Minister for Agriculture and Animal Husbandry]

put forward to them a project. They have the money, but it is no good us attempting to borrow money under terms and conditions which they will not agree to. I would agree with the Leader of the Opposition one hundred per cent that if we could borrow the money that way it would be better. There are some people who could lend us money without us giving them projects, but they are very, very few and far between.

So, Mr. Speaker, this is why I would ask the Members not to kick against this, but in his area where he is President and where he can take action it is up to that region to work our plans which we, as a Government, can give priority to and put forward to these agencies. Therefore, what is needed in the first instance is for the regions, the districts and the areas, in conjunction with the Government, to get down to working out a development programme and project for themselves. However, if the region is not prepared to do that it will find that the other regions will get ahead and that region will be left behind.

Mr. ole Tipis: Mr. Speaker, Sir, I hope we shall not confuse the two issues which are entirely separate. Sir, firstly I do not think anybody in or outside this House will have any quarrel with this Government or this country borrowing money from outside for the various development projects which are vitally important to raise the standard of living of our people. I believe that the Government could be wholeheartedly congratulated on every step it takes to borrow money for the development throughout the country in order to raise the national income. Having said that, Sir, do not let us mix the two together. Our fear and our worry has been with us for a long time, especially with those African nationalist fighters who have been fighting for our freedom. We must be careful not to try and copy the mistakes of the previous Colonial Government. This is the headache, and we must not have it. We are not going to accept excuses such as that some areas are areas of low potential and as such no investment money for development will be injected into those areas. I hope that Government is not going to follow the past practices by the *kaburru* to try and give excuses and keep other areas permanently underdeveloped.

Here, Sir, the Minister for Agriculture says he wants a project and this of course is tied up with the idea of strings attached by the lending countries. Surely these strings must be cut by the Government, because they are not helping this country at all. We do not want any strings which will keep some areas backward permanently. We

are not going to accept that, and if the Minister, or the Government is interested, then the local money which is in this country can be put into these backward areas. The question of asking people to put in projects—how many projects have we—because you cannot have it both ways. The Government says on the other hand that projects must be acceptable to the lending countries and when you put forward a project from one of these low potential areas, the Minister, because that project is unacceptable to the lending country, turns it down, so what next? It is no good for the Minister to shake his head. I know it very well. I know of a plan laid two years ago and in fact it was prepared by his own experts in his Ministry, and up to now whether it has been torn up or thrown into the waste paper basket I do not know, simply because it came from one of those backward areas. If they can tell us what projects and through what means money will be borrowed to develop these areas of low potential, then we shall be one hundred per cent with them, but we are not going to sit idle like this and see other areas neglected for ever. We must march together. If the spirit of *Harambee* means some people remaining backward for ever, then it is meaningless, but if it means that the money for development is shared equally throughout the country then it has our blessing and I hope the sooner they try and cut off some of these unnecessary strings the better.

The Parliamentary Secretary for Health and Housing (Mr. Aringwis-Kodhek): Survival of the fittest.

Mr. ole Tipis: You are not the fittest one, I can assure you. With these few words I beg to reserve my position.

MOTION ON THE ADJOURNMENT

STUDENTS AIRLIFT TO BULGARIA

The Speaker (Mr. Slade): It is now time for the interruption of business. I call upon a Minister to move that the House do now adjourn.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that this House do now adjourn.

The Minister for Justice and Constitutional Affairs (Mr. Mboya) seconded.

(Question proposed)

Mr. Masinde: Mr. Speaker, I stand to move a Motion on the Adjournment, and I hope many of us here are aware of the incident which took place on 6th November, at Embakasi Airport.

[Mr. Masinde]

This confusion took place in public and showed that a lot of such incidents have been going on under cover and this House must be privileged to have this and today we must learn the position of any future charity trips that are given to this country, particularly for education.

On this date, Mr. Speaker, we understood through the local papers that the Ministry of Education sponsored organizations KOSAC had invited applications for some students to study technical subjects in Bulgaria and they made a selection and after the selection they made all possible arrangements for their flight and when it came to the date of departure another counterpart arranged by the very party which is in the Government went to the airport and decided that the real group which was selected by the Government should not go. What really happened was that these 46 students who had packed their luggage to go to Bulgaria were thrown out, and the Kanu group from the Kanu office took their place.

The idea here, Mr. Speaker, Sir, is that we would like to know from the Government whether this Government is formed by Kanu as a political party. If it is formed by Kanu as a party, is this Government, which has to carry out all the functions of the country, including such things as education, are they going to carry out these functions through the Ministries or through their own political organization. It was in their Manifesto that they would help the country if they came into power, and today they are in power and what they are doing is because they are divided in their own ranks and they have decided that if so and so does it, he is gaining fame in the country. We know very well that various leaders have organized students to study overseas and return to help this country and that is why they are qualified to be called leaders. What is important in being a leader of a country is not to look only at the place one comes from but at the country as a whole. What happened here was that some of the people who claimed to be leaders decided that the impartial body which they support had selected many students from their own homes, they threw the other students out and let the selected group of brothers and sisters take up this privilege.

To make it worse, Mr. Speaker, Sir, it was not a question of qualification. Out of the fifty-five who went, most of them have only K.A.P.E. and only eleven have school certificates. If we want to help this country, we know the areas which are backward, and if one would like K.A.P.E. it is very difficult to obtain. It is particularly difficult

to get a school certificate in Turkana. What is the use of taking a boy with K.A.P.E. from the Central Region where there are hundreds and thousands of people with school certificates to send him abroad for education? This is why I think the whole idea will not actually help the country but help those who happened to take the leadership and this is lack of leadership. That is why I say, Mr. Speaker, that the idea was to help friends, brothers and sisters.

Secondly, Mr. Speaker, I understand that most of the students who went abroad did not have passports and some of them have not reached Bulgaria. That is why I think it is important that the Government should give us an explanation on what they are going to do about these students who are waiting around, and those selected by the KOSAC have been left although they had all the necessary documents for them to travel overseas.

With these remarks, Mr. Speaker, I would like the Government to clear the situation so that we understand whether Kanu is divided with one Kanu in the House and the other Kanu outside. If so who is running the country?

Mr. Ngala: Mr. Speaker, Sir, it is very unfortunate that this Motion has just been brought up now, because it is a very important Motion to the country. With regard to this incident, the Government showed complete disunity in its work and a complete lack of collective responsibility and a reflected favouritism on party followers instead of being concerned with the nation as a whole. In this incident, the interests of the nation were subsidiary to the interest of a party, and this is very important for a Government which is talking of a Harambee spirit. I would like to tell this House that it is high time that people realize that the lip service the Government is giving us is not worthwhile. Here is a Minister for Education, and he has KOSAC which was the body that was supporting the Minister of Education in selecting the candidates, so that the country as a whole gets the material which can go overseas and study without any discrimination, favouritism or even brotherhood in the idea. The Minister is overwhelmed by a fellow Minister. The Minister for Home Affairs was at the airport, and when he was asked why he was there he said he was representing the Prime Minister. Surely the Prime Minister must have known of this treatment, and we want to know exactly how the Government is working. Here you have a Prime Minister who is alleged to have been supporting the Home Minister, and you have a Minister for Education hopelessly struggling along to arrange for others

[Mr. Ngala]

to go overseas. We want to know how the passports were issued. I understand that just bits of paper were issued by the Minister for Home Affairs at the airport. The immigration officers were watching them, so how can we have Ministers who walk to the airport and issue passports of pieces of paper? This is very serious for the working of the Government. I have never seen a Government so divided and so incompetent as this in this incident.

Mr. Speaker, Sir, look at the embarrassment which the students were put to, Mr. Obinga, who is a Government officer, escorted the students early in the morning—at about five in the morning—Mr. Matiba, the Permanent Secretary, got busy on it and the Minister himself knew that a party of students was to leave. How is it that a plane from the Bulgarian Government can be taken over by a Back Bencher, a Youth Winger, for his own students to be put on it?

Mr. Kall: On a point of order, Mr. Speaker, is the hon. Member in order to call a Parliamentary Secretary a Youth Winger?

The Speaker (Mr. Slade): It is out of order if it was intended to be offensive. Mr. Ngala, I think I would withdraw that, and I would recommend that you avoid anything at which hon. Members can take offence because at this stage we have so little time.

Mr. Ngala: I withdraw it, Sir.

I would like the House to have a clear explanation as to why the Ministry was so much ignored, was so careless and so helpless in not standing by firmly for the Government students. The Government police supported the Kanu people and prevented the students from boarding the plane. How is it that students of a Ministry were obstructed by the police and students of a party were put on the plane? We pay out our own money to maintain the Government police and yet they stood against and blocked the Ministry of Education's intention. This is very serious indeed.

Look at the qualifications. I see that most of them are K.A.P.E. boys. The lip service from Government says you must have School Certificate, grade 1 or grade 2. That is the lip service which Kanu is paying all over the country, but secretly, underneath, it is sending K.A.P.E. boys abroad and even a Standard V chap. One boy was a Standard V chap and even the teachers, the Government students who were obstructed, recognized this Standard V chap and shouted to him,

but they were ignored because he had been selected by two Ministers conspiring to sabotage the plans of their fellow Minister, the Minister for Education. They should realize the seriousness of this action. The suitcases of the Government students had already been packed away in the plane and they had to be dragged out. The students had got their passports properly; they had to be stopped. The police intervened—

Mr. Gachago: On a point of order, Mr. Speaker, could the hon. Leader of the Opposition substantiate his allegation that two Ministers actually conspired to sabotage the flight of the students?

The Speaker (Mr. Slade): I am sure the hon. Member has said enough to show why he alleges that, based on certain facts which he believes to be true, and it is better for the Minister to answer in due course.

Mr. Ngala: Mr. Speaker, it is very clear that the police should not have intervened. It is also very clear that the Immigration Office should have acted to give the people who had the appropriate passes a chance to go through, instead of just issuing little bits of paper as passports which enabled each person to go through. This is injustice. The Parliamentary Secretary for Justice and Constitutional Affairs was at the airport. He was approached by the students who were being left out, and all that he said was "I am shocked". Indeed, he was shocked, because two other Ministers were determined to let down their fellow Minister, the Minister for Education.

The students now are completely stranded. It is for the Minister for Education to explain what he is going to do next. He has already said the Government will take vigorous steps to see that these people do eventually go. Of course, this is the usual lip service, and we know what it means. Some of the teachers who were to go have complained because they had to resign from their jobs. We want to know whether the Government is going to pay them compensation, because this is a grave breach of faith of the students, and we want compensation to be paid. The Minister for Justice and Constitutional Affairs, I think, is interested in this.

If this confusion had been caused by junior members of Kanu, we would understand it, but the hon. Minister for Home Affairs, another hon. Minister, the hon. Mr. Kariuki Njiru, a very high officer of Kanu, Mr. Owahid, all these five officers ought to have understood the position better. It is not just a question of confusion, as we have put it here, it is a deliberate effort to undermine the

[Mr. Ngala]

selection, and we want to have a clear assurance that in future the Government will be as strict as the Tanganyika and Uganda Governments have been in this matter of selecting candidates for overseas.

With this, I strongly protest against this occurrence.

The Speaker (Mr. Slade): Mr. Otiende, if you intend to reply, I should do it now or you may not have more than two of three minutes.

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I see that I have the full support of the Government in what I am going to say.

The question of students going to Bulgaria is a question of mistakes and I do not think the hon. Members opposite are correct in the way they are tackling the subject at all. I will tell them a little history, so that they have the background and can thus argue properly.

The Speaker (Mr. Slade): Order, order. Hon. Members on my left have had their quarter-of-an-hour and have been heard without too much interruption. So they should now listen to the Minister without interruption.

The Minister for Education (Mr. Otiende): To make the hon. Members understand the position, Mr. Speaker, I am going to speak, and also the Minister for Home Affairs will speak to give them a balanced picture.

There were two applications. The Ministry of Education in Bulgaria sent me in the Ministry of Education here a letter offering fifty scholarships—first there were twenty scholarships and they were then increased by thirty—and we went through the normal arrangements. We arranged for a plane to come in early November. Just before, when people were still in London, I came to understand that there was another arrangement being made by the KANU so-called Education Office. You must know by now that there is an organization which has been sending people overseas; this began long before I came into the Ministry. It had been corresponding for months with Bulgaria independently. We met some time in October and asked if these scholarships were the same scholarships or different ones. We came to the conclusion that the fifty scholarships offered to the Ministry of Education were different from the fifty offered to the other Office.

So we went ahead in my Ministry with our preparations until the day of 6th November. I

happened to have been absent at conferences in Dar es Salaam and when I came back at midnight I heard of this confusion. I tried to contact the other Ministers, but it was a little late for some.

As a result my officers went ahead with these preparations, the students were provided with everything and they went to the aerodrome. I went to bed a little late thinking that the students would go very early in the morning. Now, what happened after that I do not know because I only heard that my students were left at the airport. I hope the hon. Member will tell you that I thought only a few hours earlier that there was a mistake, I remember the meeting we had, and so I tried to see if we could solve the mistake in time. However, as it happened, I was not there personally and my junior officers may not have been able to cope with matters. I know nothing beyond that and the reports that I have received. I would like the House to know these facts: that there were two types of scholarships offered and we had ordered an aeroplane to come and collect fifty students. I am now able to say that the Government is trying to find out where the mistake occurred. The Government has authorized me to say that the mistake occurred at a lower level than the level of the Ministers, and to say further that this mistake will not be repeated. I am saying this because I am not trying to hide that it was a mistake; however it was a very unfortunate mistake, and the public has been very perturbed. I would like you to see how it occurred maybe the Ministers did not mean any mischief at all as you imply.

I would like to announce the decision of the Government which was made some time ago and should be released today. In order to avoid similar incidents in the future, the Prime Minister has authorized this document which was drawn up some months ago to be released in the House instead of in the Press. I will read it for the benefit of hon. Members.

"It will be of great importance in the early years of independence to make sure that Kenya makes the best possible use of its man-power and of the facilities for education and training which are available in East Africa and elsewhere. For this purpose, new arrangements will come into operation immediately. The arrangements will be supervised by a Cabinet Committee comprised of the Minister for Education as Chairman, the Minister for Finance, the Minister for Home Affairs, the Minister for Justice and Constitutional Affairs, the Minister for Health and Housing, the Minister for Information and Broadcasting, the Minister for Labour and

[The Minister for Education]

Social Services, and the Minister responsible to the Prime Minister for Africanization and Training. Actual selection of scholars will be done by a new Central Selection Board which will include representatives of the Regions and of the Kenya Government. The Board will replace the existing Bursary selection board and the existing KOSAC both of which will no longer continue. In cases where students have private financial resources or obtain assistance from educational or charitable funds, or loans from the Higher Education Loans (Management) Board or are selected by the Director of Personnel for training courses for Government service. They will also have to obtain the covering approval of the new Board. In most cases this will only be a formality and to avoid unnecessary delay such matters will probably be dealt with by an Executive Committee of the Board. It is not intended that the new organization should place any new obstacles in the way of qualified students who are going to take useful courses of study and who are adequately financed. It is, however, necessary to ensure, as far as possible, that the places which might be usefully occupied by students are not taken up by students with inadequate qualifications and finance because this can be wasteful of human resources and can cause great misery and paying for repatriation uses up money which can be better spent on education. As far as possible students will be encouraged to study at the colleges of the University of East Africa and at other institutions in East Africa, but there will continue to be many courses of study for which they will have to go overseas.

For obvious reasons Government assistance will only be given to students who are prepared to return and place their skill at the services of Kenya, if they are required to do so. It will be necessary to review all existing Government bursaries with this in mind. It will, however, still be possible in many cases for the Government to help in other ways even when the student does not intend to return and all intending students should, in any case, get in touch with the Higher Education of the Ministry of Education. It is best for them to do this in writing to P.O. Box 30040, Nairobi, giving the name, address, age and qualifications, and indicating clearly what they want to do. They will then receive advice on what to do next. They should not call in person unless they are asked to do so as this can cause much waste of time for them and for others.

Lastly, Mr. Speaker, representatives of foreign governments are being informed with regard to

the new procedure and are being asked to deal only with the Kenya Government and not with political or other organizations in Kenya.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, this incident has been taken in the wrong light by those people who have been in a position to help the students to go away for further education, but those people have not taken any trouble to help the students. They only come and enjoy any little mistake that is made. But I am one of those people who have helped even the Members on the Opposition to get the students abroad to study. Many of the Members of the Opposition were only elected as a result of my labours. Mr. Speaker, it is very easy to say that so and so is selfish, but to actually do a real job for the country is another thing altogether. Let me say that there may have been a little misunderstanding in this particular affair, and this misunderstanding did not come from us, from this Government or from us, it came because Bulgaria is a new country which has not actually dealt with the people of this country for a long time, and they did not really know what was happening. As such they were corresponding with Kanu and at the same time corresponding with the Government. Even so, this was not very wrong. What they did was to offer us two different kinds of scholarship, fifty for technical students and fifty for academic students. We have already used the fifty academic students and we know that very soon we will be able to make arrangements for the rest who have been left behind to go to Bulgaria and they will go. If you want to get your scholarships you have to work for them. Mr. Speaker, Sir, this should not be taken lightly. The hon. Leader of the Opposition has also been a Minister and he should have helped students to go away and they would have returned. He should not glorify in something in which he should have helped. The Government is not in any way divided, the Government is doing all it can, it is doing its best and when I was in the Opposition I was doing much more than they are doing now in the Opposition.

Thank you, Mr. Speaker.

ADJOURNMENT

The Speaker (Mr. Slade): Our half hour has expired. The House is now adjourned until tomorrow, Thursday, 14th November, 1963, at 2.30 p.m.

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

WRITTEN REPLY TO QUESTION

Question No. 99

PRIME MINISTER'S DEPUTY

Mr. Kiprotich asked the Prime Minister if the Prime Minister would inform the House which Minister or Officer of the Government would be appointed as his Deputy in the event of his absence?

REPLY

(By the Prime Minister)

The procedure for appointing a Minister to exercise the functions of the Prime Minister in

the event of the latter's absence from Kenya of illness, is governed by section 69 of the Constitution.

On each such occasion the Governor may appoint some other Minister to exercise the functions of the Prime Minister. Such appointment is to be made in accordance with the advice of the Prime Minister or if it is impracticable to obtain such advice the Governor may exercise those powers in his discretion.

It is not possible nor desirable to forecast the nature of the Prime Minister's advice nor the decision of the Governor on any given occasion.

Thursday, 14th November, 1963

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

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

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—
Directorate of Civil Aviation Annual Report, July, 1961/June, 1962.

By the Parliamentary Secretary, Prime Minister's Office (Mr. Chanan Singh)

Kenya Cultural Centre Report for the Year 1962.

(By the Minister for Education (Mr. Otiende))

ORAL ANSWERS TO QUESTIONS

Question No. 128

DISTRICT HOSPITAL FOR BUSIA DISTRICT

Mr. Makokha asked the Minister for Health and Housing if, in view of the fact that a district hospital was immediately needed in Busia District, would the Minister state when he hopes to expand the Nambale Health Centre into a hospital.

The Speaker (Mr. Slade): Mr. Argwings-Kodhek, I am pleased to see that you are setting a good example by sitting that side.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply.

As a result of the acceptance of the Boundaries Commission Report three new districts have been formed in Kenya: Kirinyaga District, Busia District and Nyandarua District. Further, two years previously Kisii District was divided to give the new district of South Nyanza; in only one of these four districts, namely Kirinyaga, is there a district hospital. I consider that the first priority for a new district hospital must be given to Homa Bay. The second priority, due to its geographic position, is Nyandarua District, and the third priority Busia District. A tentative development programme for the Western Region has been prepared and this allows for a district hospital being built in Busia District in 1965-66. No decision has yet been made as to where the district hospital should be sited, nor whether if this were indeed at Nambale it would be built on the health centre site. It might be more practicable to build the hospital on an entirely new site.

Mr. Makokha: Mr. Speaker, Sir, arising from the Parliamentary Secretary's answer, could he tell us how soon these buildings will follow each other?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Busia comes third. Our programme at the moment is three-fold. First of all comes Homa Bay, then Nyandarua, then Busia, third.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, could he tell the House what merits the Government takes to place these in their positions?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): It depends on the population in any particular area. The more people there are needing bed space the higher the priority will be. Busia is in a comfortable position, it was just excised out of Nyanza with a lot of hospitals in the neighbourhood.

Mr. Khasakhala: Mr. Speaker, Sir, could the Minister tell us the populations of these areas which caused him to take those positions.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): He knows the population of Busia District, but I am not the Director of Statistics.

Mr. Khasakhala: Mr. Speaker, the Parliamentary Secretary has not answered my question. He referred to the population and since he referred to it he must have the figures to which he referred.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): What figures does the questioner want to know?

Mr. Khasakhala: The figures of the population of the three districts.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Which three districts? It is a matter of priority. Busia was only formed a few weeks ago, as you know. At the moment the centres are not there. But you cannot just bring Busia forward because of *majimbo*—it is—

The Speaker (Mr. Slade): Order, order. You must keep to the point.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Busia is number three in the new districts. We cannot forget Homa Bay and the other places which were formed before Busia. Busia is a new place, and the policy

[The Parliamentary Secretary for Health and Housing] of this Government is to have one district hospital in every district. There is no district hospital in Homa Bay at the moment and Homa Bay was made into a district two years ago.

The Speaker (Mr. Slade): Mr. Kodhek, you are not answering the question. The question was, what are the figures of the populations on which you based your priorities.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I based my priorities on the basis of when the district itself was formed.

Mr. Murgu: On a point of order, Mr. Speaker, when the Parliamentary Secretary was asked to give the figures of the population, it was he who actually brought up this question of the populations and he just said that he is not the Director of Statistics. Could he not tell us—

The Speaker (Mr. Slade): Mr. Murgu, this is not a point of order. I do not like to see you laugh when you raise a point of order, knowing fully what is a point of order.

Mr. Ngala-Abok: Mr. Speaker, to go back to the original reply from the Parliamentary Secretary, could he tell us when the Homa Bay Hospital will be started?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, if the hon. Members had been studying the Budget Debate and the documents regarding the current expenditure, they would find out that there are at least £50,000 laid on for Homa Bay, but the Homa Bay people must also shake themselves up more.

The Speaker (Mr. Slade): Order, order, the date of the starting of the Homa Bay Hospital is not relevant to this question, unless it relates to the subsequent starting of the Busia Hospital. Mr. Ngala-Abok, are you going to make a point on the starting of the Busia Hospital?

Mr. Ngala-Abok: Yes, Mr. Speaker.

The Speaker (Mr. Slade): I think not.

Mr. Khasakhala: Mr. Speaker, I am not yet satisfied with the reply given by the Parliamentary Secretary. He himself mentioned the population to confuse this question. Could he now answer my question?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I said priorities in connection with the establishment of districts.

Busia District is perhaps the new district we have at the moment.

Mr. Anyieni: Mr. Speaker, arising from the Parliamentary Secretary's reply, why is it that Nyandarua District, which was established at the same time as Busia District should have priority over Busia District?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): You should know where Nyandarua District is, and if you do know that you will realize that it needs a hospital. It is isolated in the forest, difficult communications and a long way from any hospital. It is essential it should have a hospital.

Mr. Anyieni: Mr. Speaker, arising from that reply, does that mean that if an area is situated around the forest it calls for a hospital, and that Busia District where there is a lot of malaria and mosquitoes should not, even though I think it has more problems than Nyandarua?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): It may be that the hon. Member is confusing a lot of things here. He may not know what Busia District really consists of. Busia District is one where a good part of it is from Central Nyanza. There are a lot of hospitals just on the border.

Hon. Members: Where, where?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I am giving the answer if the Members care to listen. Busia District used to be served by Nyanza General Hospital at Kisumu. There are hospitals at Ukwala, Siaya, Port Victoria, Nangina, Segu Rangala, Maseno, and there is Bungoma Hospital which serves a large total of people from Busia District.

Mr. Makokha: Mr. Speaker, Sir, does the Parliamentary Secretary know that Nangina and Port Victoria are only dispensaries?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): It is a health centre with so many beds.

Mr. amp Moi: Is the Parliamentary Secretary aware that from Nyandarua to Thomson's Falls is a distance of 25 miles or less, and that is the nearest hospital, whereas from Kisumu to Busia is 90 miles?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): When I first made my reply, I stated the position clearly (Inaudible)

[The Parliamentary Secretary for Health and Housing]

Kisumu does not serve Busia at Busia township. Busia is on the borders of Kenya and Uganda, if I must teach you geography. Busia District is only half a mile from Segu, half a mile from Ukwala and just a few miles from Bungoma. They wanted it, they got it!

Question No. 134

PURCHASE OF LAND MERU PEOPLE

Mr. Gaciatra asked the Minister for Lands and Settlement if he would tell the House how many Meru people had bought land under a Settlement Scheme.

The Minister for Lands and Settlement (Mr. Angaine): Mr. Speaker, Sir, I beg to reply.

Up till the present no Meru have bought land from a Settlement Scheme.

In accordance with the settlement programme, however, a Settlement Scheme in the Timau area covering some 6,268 acres of land is in the course of preparation. One of the farms for this scheme will be taken over by the Department of Settlement at the beginning of December this year and it is hoped that the remaining farms will be taken over by April, 1964. It is anticipated, if all goes according to plan, that the scheme will be ready for the first intake of settlers by August, 1964.

It will be for the Eastern Regional Assembly to decide whether Meru should be settled on this scheme.

Mr. Murgu: Mr. Speaker, Sir, the question here is how many Meru people have bought land under the settlement scheme? We would like to know how many Meru have so far been settled?

The Minister for Lands and Settlement (Mr. Angaine): If the hon. Member was listening very carefully to what I have said he would have heard me say "none".

Mr. Aremu: Mr. Speaker, does he mean that near the Meru area there is no place that the Government can buy on which to settle the Meru people?

The Speaker (Mr. Slade): The Minister has answered that already.

Mr. Khasakhala: As the land settlement scheme has gone on for some time, could the Minister explain to the House the reasons why it was not found fit for any Meru to buy any land in this settlement scheme?

The Minister for Lands and Settlement (Mr. Angaine): I think one can buy land anywhere if one can get it.

Mr. Murgu: Mr. Speaker, Sir, arising from his reply would the Minister assure the House that, as far as land is concerned, there is no place for the Meru people to settle.

The Minister for Lands and Settlement (Mr. Angaine): The Meru people are settled in Meru and I think the hon. Member knows that.

Mr. Khasakhala: Mr. Speaker, Sir, if I understood the Minister correctly, he said the first settlers from Meru will be settled on 1st August, 1964. Could he tell us why it should take so long?

The Minister for Lands and Settlement (Mr. Angaine): Because we have some other things to do first, mostly to settle those who are suffering. I do not think the Meru people are suffering because it is the district I come from; they are not really suffering and I must be fair, I must first attend to those who are undergoing hardship.

Mr. Gaciatra: Mr. Speaker, is the Minister aware that there are many millions who are landless and are very anxious to buy land?

The Minister for Lands and Settlement (Mr. Angaine): Yes, Sir.

Mr. Masinde: Arising from the Minister's reply, does it mean that those landless Meru then do not qualify for land and as such they are not suffering?

The Minister for Lands and Settlement (Mr. Angaine): They will not. They are only a very small number compared with the people from the Central Region or the people from Nyanza.

Mr. Masinde: Arising from that reply, does the Minister mean that since people in Meru are very few, do they have their rates paid by some other Meru or how are they living? Who is responsible for their welfare?

The Minister for Lands and Settlement (Mr. Angaine): I can assure the hon. Member that every Meru has got land. Those who are landless are going to be settled at Timau area.

Mr. Gichoya: Arising from one of the replies given by the Minister, I wonder if the Minister equates landlessness and 'people' who are detainees on the same par? He says there is landlessness in Meru and again he says there is no landlessness in Meru. The Central Region, as he has said, has many who are landless.

The Speaker (Mr. Slade): Mr. Gichoya, do not make a speech. Ask your question, please.

Mr. Gichoya: My question is this. Are the people who are given land in the settlement schemes the people who when the—

The Speaker (Mr. Slade): Please sit down. Mr. Gichoya.

Mr. Anyeni: Mr. Speaker, Sir, is the Minister aware that we feel that in his mind there is a contradiction, since he has spoken of the landless people in Meru and then has told us that every Meru has land. It is mostly a contradiction, and we would like to know which is the truth, Mr. Speaker.

The Minister for Lands and Settlement (Mr. Angane): Mr. Speaker, I want to make it clear to the hon. Member that not every Meru person has some land, only a few, no matter whether it is an acre or two acres, something like that. There are still landless men in Meru; what they require is only to be settled, and given plots in Timau area, which is in Meru District. And this Ministry has already bought more than 6,000 acres of land for that purpose.

The Speaker (Mr. Slade): Order, order. Hon. Members will stay seated until the Minister has finished speaking.

We will go on to the next question.

Question No. 135

KAKAMEGA FOREST INHABITANTS MEDICAL TREATMENT

Mr. Muruli asked the Minister for Health and Housing if the Minister was aware that people living twenty-five miles away from Kakamega Hospital in and around Kakamega Forest had no means of getting medical treatment?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to reply. The answer is "No, Sir".

Mr. Masinde: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, does the Parliamentary Secretary mean that there are no problems of hospital facilities in the entire district?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, that is different because the question merely says that they have no means, which I think means motor cycles, motor-cars, bicycles, and all sorts of things. If the questioner wants certain details, that is a different matter, but means they have; they can walk.

Mr. Masinde: Mr. Speaker, Sir, does the Parliamentary Secretary mean that, since we have no means of getting hospital facilities, sick people can afford to walk more than thirty miles to the hospital?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, there is no reason for anyone to walk that far to the hospital, particularly when we have a national Government.

The question, Mr. Speaker, Sir, which was put by the Member for Ikolomani, reads: "Is the Minister aware that people living twenty-five miles away from Kakamega Hospital in and around Kakamega Forest have no means of getting medical treatment?" They do have means.

Mr. Khasakhala: Is the Minister convinced that they have means? Can he explain to the House the means they have?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, they have legs, but if he means, are they in accordance with hospital beds, I might. Is that what you want?

Mr. Khasakhala: Yes.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): This is the position as it is at the moment. In the Kakamega District there is: (1) Kaimosi Hospital with 136 beds, (2) There is also another health centre on the Kakamega-Eldoret road, and it is near the forest, called Malaba Health Centre. (3) From time to time, a hospital assistant who speaks their own language, from Kakamega Hospital, together with a Health Visitor and midwife, visit Vihiga Rondo Saw Mills and Iheho quite regularly. (4) Further, there are plans—that may be pleasant for the hon. Member to hear—for the construction of another health centre in the forest area as soon as a site has been chosen, but that again goes right back to them.

Question No. 136

VOLUNTARY AGENCIES WORKERS: EMERGENCY

Mr. Areman asked the Minister for State, Prime Minister's Office if the Minister would state what was being done to encourage workers from voluntary agencies such as Churches and Missions to play their part in promoting educational and social services among local communities with particular reference to—

the withdrawal of regulations requiring permits by such workers in places like Turkana, Marsabit, Suk, Masai and Samburu;

[Mr. Areman]

the removal of rules compelling the erection of expensive permanent buildings for the establishment of even modest schemes by these workers.

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I beg to reply.

This question concerns three different Ministries and I will take this opportunity to reply on behalf of all the Ministries.

The Government fully recognizes the need to promote social services in the area mentioned in the question and will give all encouragement to workers from the voluntary agencies to play their part in promoting educational and social services among the local communities.

The Government has no intention of relaxing the legislation under the Special Districts Ordinance (Cap. 105 of the Laws of Kenya), as the conditions which necessitate this legislation still pertain.

Nor will the Government insist on the erection of unnecessary expensive buildings. It must, however, ensure that buildings are safe and follow the dictates of normal health rules. Where there are buildings by-laws, these must be enforced.

Question No. 137

TRANS NZOIA FARM LABOURERS SALARY

Mr. Lorema asked the Minister for Labour and Social Services whether the attention of the Minister had been drawn to the plight of farm labourers on some farms in Trans Nzoia who were receiving only Sh. 15 per month salary and who in some cases were receiving payment six to twelve months in arrears?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply.

The Government is not aware of this, but if the hon. Member knows the names of the firms who are practising this sort of thing, I would be only too willing to see him in my office. If I get the correct information, I will act accordingly.

Mr. Areman: Mr. Speaker, Sir, is the Minister aware that, in Trans Nzoia, if a manager knows that a person has a wide knowledge, he will give him a salary of about Sh. 30 or Sh. 40, but to the chaps from West Pokot or Turkana who, he knows, are ignorant he gives about Sh. 10 or Sh. 12? Is the Minister aware of that?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I am not aware of that.

Mr. Towett: Mr. Speaker, Sir, does the Minister intend to tell us that if an employee has agreed with an employer to receive Sh. 15 a month, then the Government will interfere in the matter?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, as a Government Minister I will interfere.

Mr. Anyeni: Mr. Speaker, Sir, arising from the Minister's reply, in view of the fact that the Members are making an allegation, will the Minister give us an assurance that Government will take steps to send someone there to investigate the cases and find out whether they are true or not, instead of asking the Member himself to go and do it?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, I have already taken steps. I have Labour Officers all over the place and as soon as this question was put up I instructed my Labour Officer there to act, and I have a reply; he says there is no farm whatsoever which practices these sorts of things.

The Speaker (Mr. Slade): I do not think we need to pursue this question any further, because we are just about to go on to a Motion which covers the whole field of minimum wages in rural areas.

MOTION

MINIMUM WAGES REGULATIONS FOR REGIONS

The Speaker (Mr. Slade): Before asking Mr. Ngala to move his Motion, I would point out that it is an Opposition Party Motion, so it is governed by the Resolution on time limits which appears as Note (d) on the Order Paper.

Mr. Ngala: Mr. Speaker, Sir, I beg to move:—

THAT this House urges the Government to make regulations to introduce minimum wages applicable to each region in the rural areas in order to check the exploitation of workers by employers of all races in such areas.

Mr. Speaker, Sir, this is a very straightforward Motion, but the importance and significance of the Motion are very clear since most of the workers do work in the agricultural industry outside the townships. In principle, Sir, we do accept that trade unions must negotiate salaries and terms of work through the normal collective bargaining machinery. The trade unions are doing their best in Kenya, but trade unions have not covered effectively, and therefore there is still need for protecting workers against exploitation by bad employers, and this is why this Motion is put forward this afternoon.

[Mr. Ngala]

The Government has made regulations as far as minimum wages are concerned in the townships. However only a few townships are involved—I think it is about nine or eleven—in the country. These minimum wages in the townships have helped a great deal and although they are not to be taken as maximum wages by the employers they are a safeguard for the workers. The workers are sure that, by having these minimum wages, they are not going to be hit below the belt by the employers. For this reason I would like to point out the importance of this regulation. Apart from the nine or eleven townships that enjoy a minimum wage restriction I think that the position is very bad. In some parts of the Uashin Gishu District, Sir, I know of farm workers who are being paid only Sh. 15 per month. The question prior to the Motion very clearly indicated that the Minister said that he has made sure that this is not happening, but I can show the Minister the sort of places where worse things than this are taking place.

In some places, Mr. Speaker, workers are only paid with a piece of *kikoi* a year and given *posho*. In such places as Witu, Mkunumbi and Lamu the workers are just given a *kikoi* a year and some *posho*. I have already sent a letter to the Minister about the conditions that prevail in these places: so far he has done nothing, but I hope he will do something.

In the Solai and Ol Kalou areas farm workers are being paid between Sh. 20 and Sh. 35 per month. In other districts the maximum wage, as far as I have gathered, is between Sh. 30 and Sh. 45 per month. I think, Sir, that since Kenya very much depends on the people that work in the agricultural industry—that is more than two-thirds of all the workers in Kenya—it is very important that Government does not confine its checking only to the townships; Government should introduce minimum regulations to cover areas outside the townships. In the different rural areas the people should be attended to and the minimum wage regulation should be compulsory. I cannot see, Sir, how there can be any incentive for work if a person is only paid Sh. 15 per month; that is the value of the lunch each Member has had this afternoon. I cannot see how production in the country—in the agricultural industry—can increase if the salaries stay so low and there is no regulation to raise them. I cannot see how the agricultural industry itself can make any progress in this country if we ignore the workers who are producing the goods in the agricultural industry. I cannot see how country life cannot attract workers under these conditions. We have always thought of workers coming into

the towns and swelling them and I cannot see how we can attract these workers to go to work in the country if we are not going to lay down a minimum wage for them.

Employers, Sir, in the country are not poor, although many people seem to carelessly think that they are poor. I do not believe they are poor. Some of them are very well-to-do people and very rich indeed, and they can afford a minimum wage provided it is reasonable. If we provide this minimum wage we shall encourage many people to go out into the country to work. Today in big towns, such as Mombasa, we have over 6,000 people who are jobless. We cannot push them out into the country to work because if they go out into the country all they get is Sh. 15 per month. This is a hopeless situation and the Government is doing nothing about it.

In Nairobi today we have between 12,000 and 15,000 unemployed people and again these people need to be attracted to the countryside so that they can work on the land and expect a reasonable reward for their labours.

I think the Minister for Labour is fully aware of the implications of this Motion and, therefore, I need not go into the details of the various figures. However, when I was the Minister for Labour myself I laid down the plans for old age social security for workers and I also drafted the minimum wage suggestions for rural areas. However, I was not long enough in the Ministry—I was promoted—to bring these two ideas into operation. Since I left the Ministry the present Minister has been very slow and it seems he does not care for the workers' interests.

I think it is high time that these regulations were introduced in the interests of the country's industry and also in the interests of the workers generally, particularly the agricultural industry workers. The purpose of this Motion is not to criticize the Minister or his Ministry at all, but it is to point out something to the Minister which he has neglected. This is pointed out so that he can take action on it and provide legislation. Therefore, the Government should not take this as something to criticize, they should take it in the good spirit of assisting the workers. The Government should accept the Motion as it is and assure us that they are going to introduce the regulation.

Of course, Mr. Speaker, there are certain difficulties. Perhaps the civil servants will resist it and they will advise their Ministers that it will be very difficult on the basis of supervision and so on. They will say that we do not have sufficient officers to supervise this work and see that the law is carried out. I think the Minister concerned should turn a deaf ear to such nonsense because

[Mr. Ngala]

it is important that this law should be made. We have made many laws in this country and we do not have to cover every area while dealing with them all and seeing that they are complied with. For this reason I think such probable advice should be neglected.

Trade unions may oppose this on the basis of misunderstanding. I believe that if this is explained to the trade unions properly they will understand that the minimum wage regulation will only lay down the minimum wage and will have no effect on the maximum wage or other higher wages that are normally negotiated between the unions and the employers.

The employers may oppose it on the basis of exploitation. It is well known that some employers are out to exploit the workers, not all but some of them. I know the sort of employers that I used to classify as bad employers during my time, and I think the Minister also knows this. If the employers do oppose, this it will only be on the basis of wishing to perpetuate exploitation of the workers. For this reason I think this should be opposed very strongly.

In conclusion, Sir, I hope the Government will not oppose or amend this Motion because it is a straight forward Motion. I hope that the Government will also see the need for giving or doing justice to all the workers without discrimination such as between the workers who work in the townships, big or small, and those who work in the rural areas. I hope the Government will also appreciate that the time has come for this kind of regulation to be introduced all over the country in the interests of the most important industry that we have, agriculture, and I hope the Government will see that trade unions, however noisy they might be, have not covered the whole country although they are doing a good job. They have not the machinery that can cover everywhere, or, for that matter, the membership. I have already said that they are doing a very good job and, because this is an African Government and since most of the workers that are tasting this bitter fruit are Africans, I hope there will be no lack of unity among the Ministers to make sure that these regulations are made in the interests of the workers and in the interests of the good name of the African Government. It would be very sad if we went into *Uhuru* on the 12th December before this question is clearly settled by the Minister for Labour. For these reasons, Sir, I would like to move the Motion. Thank you.

Mr. Masinde: Mr. Speaker, Sir, I do not actually have much to say but I have about two

points to put across. At present we are crying about all the problems of unemployment, particularly when we shout of Africanization and all that. We look at the European employers, but we have reached the stage where this Government should now come with force to organize a mobile unit to find out how the people are that are employed by African employers. Many of the Ministers and the other Members in this House, both this side and that side, are the people who are not paying even the minimum wage and that is why I think, Mr. Speaker, that it is very necessary for a law to be made that everybody must pay the same wage. The trade unions in this country are political organizations because they look at the European employers and not at the African employers. And another section which exploits the African is the Asian. He has an African doing about twelve jobs; he is a driver, an *ayah*, a cook, a *dobi*, and so on. These are the sort of things that we do not want to see happening after independence, because those people who have allowed it to happen and who have actually employed in this way, are not only the Europeans. That is a mistake, but we do not need any more exploitation in the future. We now have hundreds of Africans who are doing very big jobs, some are Parliamentary Secretaries, some are Under Secretaries, and some of them work in big firms, but when they take over these jobs what happens is that they employ one person, whether it is his cousin or his brother, and he becomes the cook, his *itabi*, and so on, and for all that he is paid very little. In my own district of Kakamega we did not have this problem of unemployment, but now that we no longer have European D.C.s, now that their jobs have been taken over by Africans, we do have this problem. These people who were employed by the previous D.C. now do not have a job, but if the European had stayed he would have employed them. So, Mr. Speaker, Sir, we must have a law which will make sure that whatever happens, even if a farm is taken over from a European, all those people who were on that farm will be taken over as well and paid. This is what we want, we do not want African exploitation. We have shouted about the British Imperialism, about the Colonial Imperialism, but there is also Black Imperialism, and we do not want that in this country. If we allow this to happen we will face a problem which will be very difficult to govern. The people who are the workers are the majority of the people who brought us here and now they are looking to us, and they think that now that they have an African Government it will do something good for them. Yet it is some of the Ministers who shouted about salaries who have now changed: They have

[Mr. Masinde]

left the Ministry of Labour to other Ministries because they do not want to be involved in questions of employment. These are the things that we must avoid. The workers expect the Government to help them.

Therefore, Mr. Speaker, Sir, with these few points I hope that the Minister for Labour will reply and tell us that he is going to organize mobile units to go out and find out what we want to know, that is how the Africans that are employing people are treating them, everywhere in the country. But this must happen now, we do not want this to be let-down. Mr. Speaker, Sir, I beg to second the Motion.

(Question proposed)

Mr. Kiprotich: Mr. Speaker, Sir, I do not know what the Minister is going to say, but in my own mind I think the Mover is the greatest enemy and exploiter of the workers and employers. In saying this, Sir, he himself is working for three masters, he is a Member for Parliament, he is the President of the Coast Region, and finally he is the Leader of the Opposition.

An Hon. Member: On a point of order, Sir, is it correct for an hon. Member to speak about the personality of the Mover of the Motion?

The Speaker (Mr. Slade): I am not sure that that point is very clear, but I was about to stop Mr. Kiprotich. It is quite out of order to describe the Leader of the Opposition as an exploiter because he is occupying three positions which are recognized in the Constitution. You must withdraw that, Mr. Kiprotich.

Mr. Kiprotich: On your ruling, I will withdraw that remark, Mr. Speaker.

Mr. Speaker, Sir I do not know how the Mover looked at this Motion, but he only spoke of Trans Nzoia. I do not know how much he knows about Trans Nzoia, but he only seems to want to use it as the looking glass.

An Hon. Member: Interjection.

Mr. Kiprotich: Just wait, I am speaking now. The Mover of the Motion was the former Minister for Labour, and during that time he did nothing for the labourers.

Mr. Khasakhala: What Government?

Mr. Kiprotich: He was in the Coalition Government, in the Imperial Government. He has been the Minister for Labour, and he really was the person to work for the benefit of this country. What did he do for the Africans?

Mr. Khasakhala: It was a Colonial Government.

Mr. Kiprotich: Keep quiet. You are sitting and doing nothing over there.

The Speaker (Mr. Slade): Order, order. Mr. Kiprotich, mistakes or failures of the past are not really relevant to this Motion which is urging something to be done now and in the future. I think we should keep off the past.

Mr. Kiprotich: Mr. Speaker, when the Mover of the Motion was speaking he referred to the past. He did mention that he was the former Minister for Labour. I do not know, but he had several Ministries during the past.

The Speaker (Mr. Slade): That is quite true.

Mr. Kiprotich: I do not know whether I was wrong in referring to what he has been doing. He has been everything in the past in the Colonial Government. What I was trying to say, Sir, is that I do not know whether the Government is going to support this Motion or not, but I do not know whether everything has been done for the regions. I do not know how much has been done for the district in his own Region. He should leave what needs to be done to the people of Trans Nzoia. We know what we are doing for our own people, and I wish he himself would go back to the Coast and speak to the people who is dealing with labour there, and fight the case there, but he should not always mess about Trans Nzoia with this because of facts—

Mr. Masinde: On a point of order, Mr. Speaker. I wish to seek your ruling. Is it not in order for the hon. Member to speak generally if he is addressing the House and make examples of other places in the country?

The Speaker (Mr. Slade): I do not quite follow your point of order, Mr. Masinde. Mr. Kiprotich, although you were commenting on what Mr. Ngalia said, I would like you now to speak about the Motion, speak on the merits of it, whether you want the minimum wage or not.

Mr. Khasakhala: No material.

Mr. Kiprotich: Mr. Speaker, Sir, instead of speaking at length on this, I myself am disassociating myself with the Motion.

Mr. Matano: Mr. Speaker, Sir, I think the Motion is self explanatory; we do not need to argue a great deal on it. It contains a very important point. We have workers, and workers are the backbone of the very nation. We are told here that in this century at this stage of

[Mr. Matano]

our development, there are people still earning Sh. 30/- a month. I hope the hon. Members realize what we mean when we talk of Sh. 30/-. It has no value. We have people earning this small amount, and they are the people who are going to help build our nation. Without their help, we could not have reached the stage we have, and without their help our nation will get nowhere. What the Motion is asking this House to do is to protect these people from exploitation, exploitation of the worst type, because when exploitation reaches that stage it really is slavery. If a man who works and does not get what he should earn, what he deserves to earn, that is exploitation of the worst type and is very close to slavery. In this new country, the new nation which is emerging, it is time we started to think of these people.

If we do not think of these people, nobody will. What we are doing is asking the Minister not to forget them. Some of these poor people do not know where to go to get what they really deserve, and it is only through the law that they can be protected and they can only be protected by legislation which will set a minimum wage so that anybody working anywhere in this country, in the rural areas or the townships, knows exactly how much he is going to get. We are not asking more than that. We are just asking for protection for the workers. We may be told that it is very difficult to organize this, very difficult to check, it involves a lot of work, but surely, it is part of the hon. Member's work as a Minister. The Minister is there to see to the workers, it is part of his job, and he should see that these things are done. We may also be told that it involves a lot of money, that we do not have the money. I do not think it really involves a lot of money; it only involves some re-organization of our officers in the field.

However, the law should be there so that our workers know that they have a law to turn to. At the moment, if someone works in the sisal industry or the sugar cane industry, he has no protection of any kind. In townships the workers are protected, but outside the townships I am afraid they have no protection at all.

I was surprised to hear one of the hon. Members being so upset because Trans Nzoia was mentioned. Of course we shall mention any part of Kenya in this House; Trans Nzoia is a part of Kenya, and we are not here to defend only the small regions or districts from which we can. We are here to defend Kenya as a whole, and if there is any injustice occurring in any part of Kenya, we are at liberty to point it out to the Minister and ask him to put it right.

Therefore, whether the Member who was speaking came from the Coast, from Trans Nzoia or from Turkana, it does not really matter; what matters is that justice is done, and if it is not done, we should look to the right person to do it, and he is the Minister for Labour.

I hope when the Minister replies, he will tell us definitely what plans he has to protect these workers. They must be protected; if we do not protect them, output will be low, and when that happens the income, the capital of our country, will be low and we shall not have the chance to make this country a rich one. We must satisfy the worker; he must be happy, not only as far as wages are concerned, but I would go so far as to say that the Minister should also see to his welfare. The welfare of the worker is very important. Whether or not it comes under his Ministry. It is time the Government as a whole began to think of the worker in the rural areas. I know of some areas where the worker is not provided with all the social amenities. You find his children have no school to go to, and sometimes there is not even a hospital. A first-aid box is tucked in the corner, somewhere, and that does not help anybody. There are a lot of problems facing the worker in this country, and if we are going to make a nation from this country, if we are going to have contented citizens here, the worker must be protected first. He is the key man. Without the worker, there is no country.

I beg to support the Motion.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, I have no quarrel at all with this Motion because I hope the Leader of the Opposition put it forward in a spirit of helping the Government and of trying to make the Government aware of what is happening at the Coast.

However, I have a few points to mention. The labour force in Kenya is a very well organized force and I do not see that it is right for any person in this House to ask the Government to actually organize it. The organization of the labour force is something voluntary. If the people at the various places at the Coast mentioned by the Leader of the Opposition accept Sh. 5 or Sh. 10 a month and do not organize for themselves into a union which will be registered—as other unions are registered—surely it is not the duty of this Government to go to the Coast and address the workers; even go to the extent of telling them to form a union. That is entirely wrong. It is the duty of the Leader of the Opposition as a politician—since he wears so many hats—to go down to the Coast and tell his people that it is high time they

[The Minister for Labour and Social Services] formed a union. The Government will be only too willing to register that union. It will then be the duty of the union, and the lawyer who represents it, to suggest ideas and negotiate for salaries. Certainly I do not imply that the Government should sit down and watch our people being exploited.

The union is there to clear disputes and this is normally done. If the Minister of Labour thinks there is a case we will go into it. I usually appoint a Board of Arbitration or a Board of Enquiry to go into this and if the Board finds that there is a case for higher salaries things are easily put right. I do not need to say this to the Opposition because they have recently seen this happen.

As I said earlier, Mr. Speaker, I have no quarrel with the Motion but I wanted the House to note this. It is very easy to have a minimum wage in towns. We have thirteen main towns in Kenya. However, there is a danger of having a minimum wage in the rural areas and the danger is this—mind you, I am not saying that we are not going to do anything because of the danger but I want to bring it to the attention of the people—you may find that an industry established in one of the rural areas like Malindi, Kilifi or Lamu may be in a position to pay its employees a minimum wage of Sh. 150 per month, whereas another industry established in an area like Kitui may not be able to afford to pay a minimum wage of Sh. 150 per month. It may find that if it pays that amount it will have to close down. Therefore, if there is a minimum wage throughout the Colony we are going to make it impossible for investors to invest money in the low potential areas. This does not mean that the Government does not support, or does not intend to have, a minimum wage where possible.

I am quite sure that the Leader of the Opposition will be surprised to hear that this Motion is out of date because the Government has already moved further. Last month during our meeting with the employees—the meeting was between the Government and the employers and the employees—we agreed that the Government would make a national wage policy which will include, Mr. Speaker, provision for the minimum wage for rural areas. The wheels have been set in motion and that is why I say that this Motion is out of date. This is also one reason why I say I have no quarrel with the Motion. The Government will shortly announce, and I am going to appoint a committee which will go into all the details, that it intends to look into the question of minimum wages and I am sure the Leader of the Opposition

will be pleased to hear that all the areas he has mentioned will be covered. To this end I intend to amend this Motion so that it will come in line with the Government's policy. My amendment is that all words after "That this House" be deleted and that there be inserted in place thereof the following words:—

THAT this House notes with gratitude the Government's intention to formulate and introduce a national wages policy which will include provision for a minimum wage in rural areas.

That, Mr. Speaker, is an amendment which, I am quite sure, nobody in this House will have any quarrel with. With your permission I would like to read the amendment once more: "That this House notes with gratitude the Government's intention to formulate and introduce a national wages policy which will include provision for a minimum wage in rural areas." As I said before, Mr. Speaker, I am in the process of appointing a committee which will go into all the details in connexion with this question.

Mr. Speaker, I beg to move.

The Speaker (Mr. Slade): Mr. Kibaki if you want to second this amendment and speak to it you will have to speak now.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): I would like to speak, Sir.

I have only a few words to add because this is a self-explanatory amendment which, as the Mover has said, does really strengthen the intention which the Leader of the Opposition must have had in mind when he brought forward the Motion. The Motion seeks a piece-meal solution to a national problem and I do hope that he will see that what we are trying to do is not to negate his intention but rather to explain that the problem of wages cannot be seen as an isolated problem. The problem of the level of wages is an aspect of this whole question of the income policy which is now before our Government. To that extent it is important that it is viewed as a national problem; it is important that we see the level of wages in the rural areas as being related to the level of incomes of other people employed in other types of occupations and also to the level of incomes available to people who are not employed for a wage.

It is, therefore, Mr. Speaker, that we accept the amendment. I would like to stress that even in towns like Nairobi, where the worker has a minimum wage guarantee of Sh. 115 it is still not solution at all to his troubles because that worker has to pay 20 cts. to travel from Makadara to work, and 30 cts. back. That means that in a month he will have spent more than Sh. 18 on

[The Parliamentary Secretary to the Treasury] his travelling alone. He quite often has to pay Sh. 70 for a small place in which to live, and often the price of the things he buys, milk, for instance, costs about 30 cts. If he wants to buy a pint of milk per day, which costs 90 cts. he will spend Sh. 27 of his Sh. 115 purely on milk for his child. So we in the Government see the whole problem as one. The problem of providing for the worker, wherever he is, in whatever occupation, a standard of living. It is a matter of the standard of living that is available to the worker. It is not a question of one little aspect of a minimum wage because you may give a fellow a minimum wage but if the price of all these things that he buys, including loans and rent for his house, transport, and so on, if these things continue to be as high as they are surely your minimum wage has no real meaning to the worker. Therefore, we are saying—that is the Government—that we need a national outlook an over-all national outlook on the problem of wages. Therefore, we need to establish a wages policy for this whole economy, and this, by the way, should include the hon. Members of this House, they are not exempt from this general policy. I should hope that if the problem, ever did arise, the hon. Members in this House would not let themselves down by voting increased salaries for themselves.

Now, Mr. Speaker, Sir, I want to stress this point because it is the one aspect which, if the Mover of the Motion accepts, he will also accept the amendment.

I want to move on to add one other aspect which has not been touched on at all, that is that what will really help the rural worker is for us to raise the level of productivity of the rural worker in the long run. It is quite wrong for the Leader of the Opposition to pretend there is any other way whereby you can increase the income, the wage available to the worker in the rural area. What really we ought to be aiming to do if we want to change the whole economic situation is to give the rural worker greater training, more capital which he can work with. Then that man will be more productive, and the whole economy will be in a position to pay him a greater return than is now at all possible. Of course, I entirely agree with him when he says that in this country we have some employers who believe in the old myth of a low-wage economy, who still believe that the way to make quick money is to pay the workers a very low wage. This is absolutely mistaken, and I am happy to say that some of the better employers have already begun to see this point of view. In fact, they have begun to raise, not only the wages they are paying their

employees but also the other terms, the conditions, of employment. They are providing houses, gardens for the children, and other such facilities. This will be the direction in which we can make the workers better off, so that if a worker is getting a certain level of income from his wage, we provide with a free education for his child and he has medical services available to him, then the income will be more meaningful; it will carry him further. However, if from the minimum wage, which we are being asked to raise, the worker is expected to pay for all his social services, for the medical of his wife and children, or housing, and all these other things, then even if you pay that worker in the present economy of Kenya Sh. 200 a month, it will still not be enough. I do not believe that the hon. Member is suggesting that the wage be raised to that level, and still hope to deal with the problem of unemployment.

Mr. Speaker, Sir, I want to stress that particular aspect of it, because that is the way the Government sees it. We have started a programme of economic development planning, and we see the whole problem of income policy as a large issue. We have started with this one aspect of a national wages policy, we will move on to deal with the whole problem of profits and rents. We have started, the committee has actually been appointed.

Now, the question is that the Government has made its decision, and therefore the hon. the Leader of the Opposition should be content that in a couple of days he will have the names of the people. So I would like to appeal to the House to see the problem as one large problem facing the whole country, but particularly also, an aspect which tends to be forgotten, to realize that we have to put it to the workers in the rural areas in this country that they must work and work for at least nine hours a day. It is no use our pretending and deceiving ourselves that we can build a nation or that we can pay ourselves a high wage when plenty of these people go to work for one hour and then sleep under the mango tree. This will never solve the problem.

Mr. Speaker, Sir, I have just had the opportunity of spending seven weeks travelling in the socialist countries of Eastern Europe, and one of the most striking things in those countries is how everybody, every single person—child, man and woman—including politicians, works hard and, therefore, the return to the whole economy is visible. In this country, if we really want to help our people, this is the drive that we must have—hard work and greater hard work—then there will be more available.

Mr. Neale: Food first.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): The hon. Leader of the Opposition wants food first. I believe that he still has the mentality with which people used to sit under the coconut tree and expect the coconuts to fall. Mr. Speaker, times have changed, the rural workers, for whom he is pressing this matter, expect more than one coconut a day; they expect, in fact, to have good clothes, to live in a good house, to educate their children and to have two or three meals a day. You cannot obtain that by anything else. So, Mr. Speaker, Sir, the Government is prepared to push to have a minimum wage as a starting point, and the hon. Minister has already said that an aspect of the national wages policy will be to have a minimum wage. We will have a minimum wage, but this is only a starting point. If we really want to raise the standard of living of the people we must get them to work, and to work hard. Then only will there be enough for them to eat more, as the Mover wants them to do, wear better clothes, as he wants them to do, have better education, better medical services and perhaps a car.

Thank you, Mr. Speaker.

(Question of the First Part of the Amendment that the words proposed to be left out, be left out, proposed)

The Speaker (Mr. Slade): With this amendment, it seems to me that the amendment is a case of a change of wording rather than of substance. Therefore, it is better that we debate the amendment on its own merits and we do not include it in the general debate on the main question. Hon. Members will be confined in disposing of the amendment to the actual question whether or not they prefer the original wording of the question or this wording, and after we dispose of the amendment, whether or not it is carried, hon. Members are free to speak again on the main question.

Mr. Khasakhala: Mr. Speaker, Sir, I rise to oppose the amendment. When the Minister stood I thought he was going to tell us something quite different from what he did. First of all, the Minister here tells us that this House "notes with gratitude . . .". What are we noting with gratitude? Just an intention. The Minister then goes ahead and talks about the Government's intention. That is, indeed, ridiculous, Mr. Speaker. How can you note with gratitude an intention which has not been in existence? It has not been started, it is just an intention, Mr. Speaker, and then we are asked to note it with gratitude. I oppose that completely, Mr. Speaker.

I strongly feel that the Motion is straightforward as it was put first and the Government

should have just accepted it, even if it did have this intention, which we do not know exists or whether it will exist. This is a matter which requires a Government intention to go into. I know, Mr. Speaker, of some people in the rural areas who happen to have worked for more than three months without earning any pay at all, and they have nobody to complain to because the Government is centred in Nairobi, and the rural areas are quite far from Nairobi. That is the reason why the Mover of this Motion referred to the regions.

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): I have a point of information, Mr. Speaker.

The Speaker (Mr. Slade): You can only raise it if Mr. Khasakhala is willing to give way. It is a normal courtesy to give way.

Mr. Khasakhala: Very well, Mr. Speaker.

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, I am sure the hon. Member is aware of the fact that this country is serviced by a series of offices of the Labour Department, and I am surprised to hear him make the point that the whole Labour Department is centred on Nairobi. We have labour offices in Kisumu, Kisii, Kakamega and all those areas near his home.

Mr. Khasakhala: If I had known that was going to be the explanation, I would not have given way, because the hon. Member has added nothing to my point.

What I was drawing the Government's attention to was this. I know very well that we have the provincial labour officers who just sit and run around in Land-Rovers, they do not know what is happening in the rural areas. You may ask questions and I know very well, Mr. Speaker—

The Minister for Labour and Social Services (Mr. Mwendwa): On a point of order, Mr. Speaker, this is a serious allegation. Could the hon. Member substantiate that my officers just drive Land-Rovers and do nothing else?

The Speaker (Mr. Slade): I am afraid that allegations of that kind are so vague that really you cannot substantiate or disprove them. It is the sort of statement which really must be judged by hon. Members themselves who are aware of what labour officers do or do not do.

Mr. Masinde: On a point of order, Mr. Speaker, is the Minister aware that the entire Western Region has only one officer and two junior officers?

The Speaker (Mr. Slade): Mr. Masinde, you are fully aware that is not a point of order.

I am waiting for you to apologize.

Mr. Masinde: I am very sorry, Mr. Speaker.

Mr. Khasakhala: Mr. Speaker, I am very sorry to have been interrupted so much with points of order which are not really points of order.

Mr. Speaker, if the Government had moved an amendment to tell us that it had started work in the rural areas and had given us an example, even by mentioning the names of the people on the boards which they have mentioned. It would have been justified as far as the Members on this side of the House are concerned, but the amendment as it stands at the moment only shows that the Government has an intention to introduce what it calls a national wages policy. Can you tell us? The people who are the taxpayers in this country are suffering in the rural areas and we want the Government to state a minimum wage policy which will protect these people. Some of these people have many children and they, by bad luck, happen to work for some of the Ministers who do not even pay them. I know that these people have nowhere where they can go and complain. In order to enable these people to have offices and be paid fairly there must be a minimum wage set in these particular rural areas so that if the employer does not comply with the demands of the employees they can go to a Government office to complain.

I, therefore, Mr. Speaker, oppose the Government's intention. With these few remarks I beg to oppose the amendment.

Mr. Ngala: Mr. Speaker, Sir, I think that although the Minister had very good intentions—I do appreciate them—at the beginning of his speech, he was a bit unfair in asking the Opposition to consider the wording. Firstly, it must be very clear to the Minister that it is his obligation and duty to do something for the workers and there should not be any question of gratitude about it. The Minister is doing his work and he is paid for it and gratitude has nothing to do with it. Therefore, the question of asking the House to note with gratitude does not apply. This House is above the Government and so we cannot note with gratitude. I feel, therefore, that the wording is improper although the Minister's intention is good and probably sincere.

The other thing, Sir, is that the original wording is much better than the Minister's wording because in his own speech the Minister indicated that conditions do vary very much and that some employers in certain areas—in fact, he quoted

Kilifi Plantation and so on—may find that they cannot pay a wage which can easily be paid in other areas where the conditions are more favourable for the employers. This is why we make it quite clear, in the original wording, that the minimum wages should be applicable to each region in the rural areas in order to check exploitation in such areas. It is very important and in his own wording the Minister admits that areas do vary. It looks as if some people have misunderstood the original wording and so they just want the words "national policy" to please their daydreams and so on. With this in mind they just want the words mentioned even though they may not mean anything in this particular case. I think that with regard to the conditions for workers the wording as it was originally was better than the wording by the Minister.

This is not, as you indicated, Sir, a question of a difference in intention, but it is a question of wording and I hope that either the Government should produce better words than they have done; or be prepared to accept the better words in the original set-up; or fresh words from the Opposition. The Opposition is in a position to give them better words if they want them.

The Speaker (Mr. Slade): I would like to draw the attention of hon. Members to what Mr. Ngala has just said and say that he has dealt with this amendment quite rightly by discussing only the wording. There are two opportunities according to our procedure. First of all we decide whether or not to leave out certain words. If we decide to do so, we then discuss what words should be inserted, and there is then an opportunity for proposing amendments to those words.

The Parliamentary Secretary for Labour and Social Services (Mr. Odero-Jowi): Mr. Speaker, Sir, I would like to point out why, in the opinion of Members on this side, the original wording does not apply.

Sir, I am sure the Mover of this Motion knows that we already have minimum wage regulations in thirteen of the towns in Kenya as well as in the City of Nairobi. We also have wage councils in the major trades and manufacturing industries of this country. The only gap that has been mentioned is that in the farming areas. Sir, I think it would be a good thing if the House realized the intentions behind minimum wages legislation. Minimum wages are intended only as a stop-gap to protect the workers where the workers are not organized in strong unions. Because the trade union movement in Kenya is actually one of the strongest, if not the strongest, in Africa, we are

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already moving towards a position where minimum wages will not be desirable in the towns and in the major industries. We already have wages councils for the transport, tailoring, hotel, motor engineering, bakery, laundry, building and construction, shoe-making and distributive trades. We also have one of the strongest trade union movements in this country and the most responsible, if I may say so, is the plantation union. The only gap we have left and which we have already filled is in the farming industry.

The small farming areas—especially the mixed farming areas—have not been so effectively covered by the trade unions and so we have just appointed an agricultural wages council. Therefore, as far as the major industries, both in the town and the rural areas, are concerned, we know that these have been effectively covered by minimum wages legislation. In those areas where the people are mostly self-employed there is a problem. I would like to ask the Leader of the Opposition to tell the House how minimum wages legislation can be enacted to protect people who are actually self-employed. I would seriously suggest that this is impossible. People who are self-employed manage their own affairs—

The Speaker (Mr. Slade): Order, order. Mr. Odera-Jowi. I fear you are getting away from the subject of the amendment. You can only discuss whether the original wording or the proposed wording is preferable.

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): What I wanted to suggest, Mr. Speaker, is that the original wording is rather less comprehensive and it does not properly reflect the policy of this Government both in the field of economic development and also in the field of labour policy. I pointed out that all the industries are covered by minimum wages legislation and the mixed farms in the rural areas also, and as we are now moving into an era of economic planning we consider that a wages policy will be a part of the instrument of economic development and, therefore, we must move away from the narrow policy of fixed minimum wages. We must use wages for a wider purpose of consolidating the economy and consolidating the income of the country and investments in the country.

It is because of this that we, on this side, think that the original Motion is too narrow and rather obsolete and should be replaced by the wider and more up-to-date idea of a national policy.

Thank you, Mr. Speaker.

(Question of the first part of the amendment that the words proposed to be left out, be left out, put and carried)

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

Mr. Ngala: Mr. Speaker, Sir, I note that the Government is being difficult on a very unimportant issue. We actually agree to the intention and I, therefore, stand to make an amendment to the amendment.

In this amendment, Sir, I propose that all the words after "House" be deleted and the following words inserted:—

"THAT this House notes the Government's intention to formulate and introduce legislation on a national wage policy which will include provision for a minimum wage applicable to different areas."

Mr. Khasakhala seconded.

(Question of the amendment to the amendment proposed)

The Parliamentary Secretary for Labour and Social Services (Mr. Odera-Jowi): Mr. Speaker, Sir, I would like to oppose this amendment to the amendment because I feel that the Leader of the Opposition is only trying to be rather hard on the Government. I think the Government deserves gratitude because they pioneered the idea of a national wages policy about which the hon. Mover of the Motion never thought when he was Minister for Labour.

I would like to point out that in effect these amendments only remove the chance for this House to note with gratitude and thank the Government for having taken the initiative on this matter. This shows, Sir, just how regional-minded—or rather, politically-party-minded—the Opposition is.

Sir, this national wages policy we have in mind will introduce minimum wages legislation, wages councils and also boards of enquiry to look into the problems arising from disputes over wages in various industries in various areas. The idea would be to try to work out a wages policy which respects the differences between wages in various industries, wages in various areas, and so on, and naturally the Government will see to it that the workers do not exploit it in certain sectors of the industry. In order to prevent this exploitation the Government will be prepared to use the machinery of legislation on minimum wages, wages councils, and wages boards to put things right where needed. I think that the amendment

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proposed by the Opposition does not really amount to an amendment they are only trying to spite the Government by denying this side of the House the opportunity of being thanked for having taken the initiative in this matter. Because of this mischievous intention of the amendment, I would like to oppose it. Thank you.

Mr. Ngala: On a point of order, Mr. Speaker, is the Parliamentary Secretary in order in alleging that this is a mischievous intention of the Opposition?

The Speaker (Mr. Slade): No, it is not correct to impute any improper motive. Mr. Odera-Jowi, when there is no indication of it here. The Opposition are simply saying that they do not see any occasion for gratitude, and he said that the Government is merely doing its duty for which it is paid.

Mr. Masinde: Mr. Speaker, Sir, I do not know what the Government's intention is in this Motion, but I consider that the amendment we have given is quite clear, and we all understand it. Kenya has problems all over the country and that is why it is necessary that we should have a national minimum wage. However this would not be practicable because you would find that you cannot pay a person in Kiambu the same wage as a person in Lodwar, for instance. That is why it is necessary that we should have this minimum wage differing from place to place according to the cost of living in that area. Therefore, it is not a question of trying to persuade any hon. Member here. We are people, and we are supposed to know what is happening. What I think is important here, Mr. Speaker, is that Government should not try to avoid the question. What should be done here is for the Minister to tell us how he is going to pay a person in Kitui the same salary that he pays a person in Kakamega. In Kitui you find that the price of a sheep is Sh. 5 whereas in Kakamega you might find that it is Sh. 40. How can you justify that these people should get the same salary?

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

Mr. Ngala-Abok: Sir, I quite agree with the amendment given by the Government, and I would like to clarify a few things that are still misleading the Opposition. The Government has actually amended the Motion to say that the Government is going to introduce a national wages council and one aspect which this national wages council will deal with will be to work out a minimum wage for various areas, as suggested

by the Opposition's Motion. In other words it is not indicated in the amendment, but it is there and it has been explained that the job of this national council will be, among other things, to fix minimum wages. According to what the Member who has just sat down was trying to explain to us—which we understood very well—I know very well that in River Road you may find an Asian still employing somebody at Sh. 60 and you may not discover that. Yet your Motion is so narrow that it only points out rural areas and the regions which means that—

The Speaker (Mr. Slade): Mr. Ngala-Abok, I think you are not sticking to the point which we are discussing now. What we are discussing now are the alterations that the Opposition want to make in the Government's proposed wording, that was, deleting the words "with gratitude" and inserting the word "legislation" on a national basis, and inserting more words making it clear that the minimum wage will be applicable to different rural areas. That is what we are discussing now, those alterations to be made in the Government wording. We come back to the main Motion if the Government amendment is not carried.

Mr. Ngala-Abok: Thank you, Mr. Speaker. However, there are still other points that I have to put right because I can detect in some of the Members opposite that they are not sincere about what they are seeking to establish.

The Speaker (Mr. Slade): Be very careful how you say these things about sincerity.

Mr. Ngala-Abok: I will try, Mr. Speaker. Although the Government is being urged to act according to the interests of the Opposition, which, of course, claims that they are more interested in these people than we are and evidently we are more interested—

The Speaker (Mr. Slade): I am sorry to keep interrupting you, Mr. Ngala-Abok, but you must keep to the question, whether you approve of the particular words proposed to be inserted or taken out of the Government's amendment, not of the general question of minimum wages. What do you think of these particular words, are they good or are they bad?

Mr. Ngala-Abok: As far as I am concerned, Mr. Speaker, those particular words are a mere complication and therefore I stick to the Government's amendment.

The Speaker (Mr. Slade): You are not speaking to the Government amendment at the moment, you are speaking to the amendment to the amendment. That is the question before the House at

[The Speaker]

the moment. The question before the House is whether the Government amendment shall be amended. You can say no, if you like, that is about all you can say.

Mr. Ngala-Abok: Mr. Speaker, I wish to say that I am opposed to the words as put forward by the Opposition and with that I end.

Mr. Gachago: Mr. Speaker, I think that the Opposition are trying to avoid one thing and that is that the people outside are waiting to learn what the Government intends to do, and I think this is why the Opposition is bringing up a very complicated amendment which will only complicate the whole affair. The Leader of the Opposition does not realize or does not see why the Government should be thanked, or why we should all be grateful to the Government. It has already been pointed out in the Government amendment that the Government is intending to set up a national council for dealing with labour and wages problems and if the Leader of the Opposition and the Mover of the Motion was seeking to have the Government do something about those people who we think are being exploited by their employers, it has been pointed out here that the Government is already doing something. It is for this reason that we should be grateful to the Government and this is the reason why the Government amendment should be accepted without further amendments. Mr. Speaker, Sir, I do not know whether it is correct for me to indulge in arguments relating to the original Motion?

The Speaker (Mr. Slade): You can do that later, but not immediately.

Mr. Gachago: In that case, Mr. Speaker, I only wanted to make that point, that this House has cause to be grateful to the Government because they have already done something about what the Motion intended to correct.

(Question of the First Part of the Amendment to the Amendment, that the words to be left out be left out put and negatived)

(Question of the Second Part of the Amendment to the Amendment that the words to be inserted be inserted, put and negatived)

(Question of the Third Part of the Amendment to the Amendment that after the words "minimum wages" the word "in" be deleted, and there be inserted in place thereof the words "applicable to different areas" put and negatived)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, on a

point of order, we do not understand the question.

The Speaker (Mr. Slade): I am quite sure that there are a number of hon. Members who do not understand the question because they were not here to hear it. So, Mr. Mboya, that is a good point of order.

(Question of the Second Part of the Amendment was again proposed)

(Question of the Second Part of the Amendment, that the words to be inserted be inserted was put and carried)

(Question of the Motion, as amended, proposed)

The Speaker (Mr. Slade): I have denied debate on this question until the moment of the amendment itself, to see whether you prefer that wording or some other wording to be inserted where we have already decided to leave out more words of the original Motion. I think before asking you to reply, Mr. Ngala, I should say now that what I should have said earlier this afternoon. We shall adhere to our ordinary practice of a Private Members' Day, that is at five o'clock—we shall move across to free lance Motions, so that Mr. Masinde's Motion which starts after this, but is a party Motion, will have to be interrupted at five o'clock.

Mr. Ngala: Mr. Speaker Sir, I am very grateful to the Minister for Labour for accepting the idea of the Motion, and for accepting the proposal contained in the Motion, that there should be a wage policy affecting the rural areas. The only thing that we were arguing over is the question of whether "gratitude" should or should not be inserted. I am surprised that even with an intention the Government wants gratitude from the voters in the country. This is a very bad attitude on the part of the Government, but I am grateful that now workers will have a national wage policy which will introduce legislation in the different rural areas. This initiative has been taken by the Opposition, and I am glad the Minister is following it up, as it is in the spirit of helping the country as a whole. I would like to point out that the hon. Mr. Kiproch is completely unaware, at least was completely unaware, of what was going on when the Motion was being discussed, according to the points we put forward. I hope next time he will do his home work before he stands up to speak, so that he can help with ideas.

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

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

Mr. Ngala: He kept on taking on irrelevant matters which were not actually related to the Motion. I need not touch on anything which he said. In fact, it is unnecessary to refer to him in this matter.

The Minister for Labour has said that he has no quarrel, and it has ended that both sides do agree on the intention of the Motion. The intention of the Motion was to introduce a labour regulation which would give minimum wages throughout the country in rural areas, covering the whole country, and this has been achieved by the Motion, I am very glad indeed for the co-operation the Government has given in this Motion.

The Minister for Labour is a little confused in thinking that the Motion was asking the Government to organize the workers. Far from it, I do not intend to ask the Government to organize the workers. I am fully aware as a former Minister for Labour that we have trade unions here which are charged with the duty of organizing the workers. The Motion was asking for the Government to make regulations, to legislate, for a minimum wage, not to organize the workers. The various trade unions do organize the workers, and they can do that in every corner of the country. So it is a misunderstanding on the part of the Minister of Labour in making us think that the Motion has asked him to organize the workers.

Now, the Parliamentary Secretary to the Ministry of Labour is also a little confused when he talks of the country already having thirteen towns which are enjoying a minimum wage. I knew this, I made it quite clear at the beginning in moving the Motion, that I was aware of some of the towns having this minimum wage. But, Mr. Deputy Speaker, Sir, I was talking of rural areas. Some of these Ministers never visited the rural areas, so they do not know them. They are in the town all the time, and probably this is true of the Parliamentary Secretary for Labour.

An Hon. Member: What about the back-benchers?

Mr. Ngala: The back-benchers have no responsibility in this matter. Mr. Deputy Speaker, Sir, I think it must be very clear to the Government that this is the initiative. I said I laid down the drafting of this thing when I was Minister for Labour. I said I also laid down the conditions for security of old workers, but I did not have sufficient time to bring the matter into fruition, so I would like the Government to give credit where it is due. Indeed, this is why I have opposed the word "gratitude", because they do not deserve it. For this reason, the Opposition was opposing

the word "gratitude" because the initiative came from the Opposition and not from the Government side.

The other point, Sir, is that the Minister said there was danger, the employers may take the minimum as maximum. Surely this is to underrate the mentality and understanding of the employers. Surely if we have regulations on minimum wages, the employers are capable of understanding the meaning of the word minimum. Even in townships where there are minimum wages, the trade unions are perfectly free to negotiate for higher wages other than the minimum, and I made it quite clear in my Motion that the employers should not take the minimum wage as a maximum wage. It is very unfortunate that the Minister did not understand this. The Minister said poor capitalists may not be able to pay. I fail to understand the reasoning of the Minister, if I relate this to the amendment, because the amendment by the Government does rule out this statement which has been made by the Minister. But, that is his own trouble, it is his own confusion.

I am glad to hear that there is a board being formed, and I hope that the Minister will speed up these matters, and that the board will act quickly and make these regulations available to the workers as soon as possible. As I said, I would be very happy if these regulations can be ready before the 12th December, before the *Uhuru* Day, so that after the *Uhuru* Day workers can enjoy this throughout the country.

The hon. Mr. Kibaki was talking of the productivity in rural areas. It is quite true that hungry workers who are getting Sh. 15 a month cannot produce anything worth while and they cannot tolerate the eight or nine hours he was talking about. The trouble is, some of these people in the front benches have never been labourers before, and they do not exactly know how exhausting it is to work as a labourer for nine hours, you need a great deal of food. This is why I said the workers should have good food and then they can do the work. It is wrong to think that they should start with work and then come to food. Everybody who has been working as a labourer knows that at seven o'clock in the morning they have a really good lump of *kima* and then they can work for nine hours, they start with good food. So the question of production is very much related to the ability of the worker to eat and so on and I think the Minister now agrees with me, I see him smiling away.

The hon. Mr. Kibaki was under a misapprehension, I think, when he alleged that the Opposition was pressing for a higher level of pay and implied

[Mr. Ngũgĩ]

that we wanted the Government to do the work of trade unions. We are far from that. We do not want the Government to do the work of trade unions. We know that trade unions have come to Kenya to stay, they should stay and the Government should do nothing to disturb them. They should carry out the wishes of the workers and it should be their right and privilege that they should negotiate their own higher salaries at any level. All that we are asking for is a minimum wage stipulated by the Government and the higher wages to be left to the trade unions in the normal way.

As I said, Sir, I am very grateful indeed that the Government has appreciated this and accepted the intention and all that I am asking the Government to do is to set up the Board quickly, produce the fruits quickly for the workers so that after the 12th December when our country attains independence the workers thereafter can enjoy these rights which are overdue, and the rights which correctly belong to them.

With these few words I move the Motion.
(The question of the Motion, as amended, was put and carried)

(Resolved accordingly)

THAT this House notes with gratitude the Government intention to formulate and introduce a national wages policy which will include provisions for a minimum wage in rural areas.

MOTION

COMPENSATION FOR EX-SERVICEMEN

The Deputy Speaker (Dr. De Souza): Before beginning, Mr. Masinde, I would remind you that you have to begin at 5 o'clock. You have a maximum of twenty minutes.

Mr. Masinde: Mr. Deputy Speaker, Sir, I beg to move:—

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

Mr. Deputy Speaker, Sir, this is a Motion which is self-explanatory, and I do not need to spend a lot of time on it. The Motion is asking the Kenya Government to negotiate with the British Government so that the British Government can compensate these people. These people were employed by the British Government to fight other nations during the First and Second World

Wars. After the Second World War, Mr. Deputy Speaker, we had about one hundred thousand Africans in Kenya employed by the British Government, and the British Government through the Kenya Government gave them a lot of promises and none of them have been fulfilled at all. The promises with which the Kenya Government persuaded these people to get them out of their homes, made some of them lose their farms, they stayed away from their real homes and when they came back other relatives had taken them over. Since that time, since 1945, and up to this moment they had nowhere to go to and complain about these happenings. They were told to go to Court but they had very little money with which to go to Court, because they were Africans and African Courts mainly helped those who had been working in rural areas side by side with them. Therefore, due to a lot of promises some were told that their children's school fees would be paid, that they could go to school freely. Some were told they would become Chiefs in the country, they would become big men in the Administration services. Since the British Government is aware of this, and when these people asked about the promises that the British people refused them and they had no one to explain their views. Now we have an African Government and we cannot take up a problem which is not really ours. This is an alarming issue from outside. They are hopeful that our Government will do something, right now to show these people that it was not the Kenya Government which employed them to fight other nations, it was the British Government and since the British Government is going to hand everything over it must make some money available to compensate these people. If the British Government at present can see fit to buy off the settlers, who came to farm in this country, and the British Government convinced them to go to Kenya and farm, now these settlers think they cannot farm properly or have no future in Kenya, the British Government has made money available to buy off these people, so why do they not compensate these people who helped them to fight other nations and through these people the British Government have made themselves a very great name in the world. It is because they had to get these people who could not actually earn as real British subjects and during that time, Sir, some of our people who were in the war reached the rank of Sergeant, I did not happen to be one of them, but they knew better. They had ranks equivalent to Europeans. Those Europeans who had the rank of Sergeant came to the country as D.C.s, D.O.s or Agricultural Officers, although they did not have qualifications, but because he happened to serve in the war then he had

[Mr. Masinde]

But the poor man who did not know what he was fighting for, he was just ordered to go and fight and taught how to shoot and that was enough. Then he suffered. Some of them died during the war and they had nobody to care for their children or their dependants and that is why we have very many orphans in the country and we do not know what caused it. During 1945 some parents were expecting their children or sons to come back from the war, some did not come back, but they were old men and they did not know who to ask, he had always been in his home weeping he did not know where his son went to and he would go to someone else to find out and ask what had happened to his son and that person said: "I don't know, possibly your son was in Korea. I was in Cairo." Now all this mess was brought about by the British Government. That is why I think that at present these numbers are not very large. They are very few, but when we see the people suffering through this, they are many enough, and we cannot neglect it. We cannot take on a burden which was not inflicted by this country. At present possibly we do not notice it but it will happen after Uhuru. These are the outstanding problems which these people will carry around and say: "Now, it is an African Government, we want this." Let us make it clear, let this Government of ours make it clear to the people that they will get compensation from the British Government.

There are three solutions, Mr. Deputy Speaker, and I think Government can make use of them. The first is that this Government, an African Government, did not employ these people, they were employed by the British Government and they served the British Government. Some of them after the war came back to their villages fit to do any job they could. If we are going to have at all our national army in this country, there are those people who do not need any training but who can join straightaway and man our national army.

Secondly, I do not see why we should have the British Army in this country when we have our people who should enjoy this privilege and be employed by the British Government and continue to earn this money, so that when we attain independence, we can easily take over these people because we know they are our people. At present there are very many people who are earning British money, of course, and after Uhuru I understand that these people will return to Britain. These are some of the things that the British Government, although they have done a lot of things in this country, it has also done

some very bad things, like throwing out our people after the war and even if war breaks out tomorrow they are the very people to get hold of but at present the position in this country is that they have forgotten all about them. But when war breaks out, even in Kenya itself, we have a problem with Somalia, we do not know what is going to happen after Uhuru. If the Somalis decide to attack us they are the people who can be got hold of straightaway by the Kenya Government because they are trained and know how to fight.

We cannot afford to discourage such people. In future, if we discourage these people, if we do not show the young generation that to fight for their nation is the real answer for any country, there will be no chance of persuading them to join their army. These people are perhaps the poorest in the country, just because they had to spend five years away from their homes and when they came back they had no proper homes, and all people laugh at them. In my own tribe, there is a song even in which people say that those who joined the army did not do any job at all, but only went to get a pair of shoes, some long trousers and a big hat. This is the slogan, and that is why I say they are molested wherever they go. They are not happy, and they had no one to represent them. Now that we have our own Government, we must come out and ask the British Government, instead of paying out a lot of money to buy the settlers off, instead of spending a lot of money on Europeans who were imported by the British Government to work in this country—they are paying them pensions—they should look into this matter. Our own people have absolutely nothing. That is why the Minister concerned must agree with me because it is a matter of great importance. If we want to solve the problem of unemployment, we must help these people and those families which have been living under difficulties for very many years. These problems have not been brought to this House before.

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

Mr. arap Moi: Mr. Deputy Speaker, this is a very straightforward Motion, but what discourages me is the fact that the Minister for Home Affairs—who is responsible for this Ministry is not here, nor is his Parliamentary Secretary.

The Minister for Finance and Economic Planning (Mr. Gichuru): On a point of order, Mr. Deputy Speaker, we are discussing pensions, and these come under the Treasury.

Mr. arap Moi: I had that in mind. The hecklers here, Mr. Deputy Speaker, do not understand the implications. The three men concerned should be here: the Minister for Finance, the Minister for Home Affairs and his Parliamentary Secretary, ought to be here, to support the idea. It is not only that the Minister for Finance should show his support for this Motion.

Mr. Deputy Speaker, there are two aspects to this Motion. One is that there are already a few ex-servicemen who receive only a very small pension. Secondly, it deals with those ex-servicemen who were killed in the last two World Wars. The Motion urges the Government to see what the British Government can do. It is up to this Government to initiate discussions with the British Government to see that the dependants of those who lost their lives are maintained, particularly the children.

This is not a matter for emotion; it is a factual thing. Without being racial, emotional or prejudicial to the whole case, I should like to point out that when those early settlers came here in the 1920's the British Government assisted them. Today, we hear the British Government, and Members of Parliament giving whole-hearted support to those who came here at the request of the British Government. If the British Government is keen to support those who were urged to come here and farm in this country, I do not see any reason why they cannot support those who died in these two World Wars. I am affected myself, because the majority of those who died belonged to my tribe, the Kalenjin, and I am proud of that fact. I am proud of that because they chased Italians, they chased the whole lot, when some of you were hiding.

Hon. Members: Oh, no!

Mr. arap Moi: Mr. Deputy Speaker, I think emotion has already come into this. I should like to inform the House that we are affected because those who fought in these two World Wars believed genuinely that they were fighting for the right cause, and if somebody tells me today that they were fighting for the imperialists, I do not believe that is so, because after all Kenya is ours. Therefore, they were defending the right cause.

An Hon. Member: You do not understand.

Mr. arap Moi: Although the hon. Member is keen on shouting, he himself does not understand because his own people did not enter into this affair.

An Hon. Member: Were you there? Your were not born.

Mr. arap Moi: You were not born either. So, Mr. Deputy Speaker, I should like to urge the Government and the Minister for Finance, when next he goes to London, to bring this up as the next item from among the matters he has in his briefcase. I would like him to say that we in Kenya are pressing hard for the families of those who lost people in the last two World Wars. Although Mr. Oduya, the Member for Teso, is trying to minimize the intention of this Motion, the fact is that the people in the Rift Valley Region will continue to have Remembrance Day for those who lost their lives, even after independence. It is our problem and we shall still remember them, as long as we live, and as long as those who lost their people continue to live.

Therefore, Mr. Deputy Speaker, without labouring on this Motion too much, I would like to ask the Minister to do as much as he can, as vigorously as he can, to enable us to say that the British can at least do something.

I beg to second the Motion.

(Question proposed)

Mr. Oduya: Mr. Deputy Speaker, I think that although my friend there is laughing, this is not fair of the Opposition. They are only involved because during the First and Second World Wars, African people throughout the country were taken to the war without knowing what they were going to fight for. I do not agree with my hon. friend who has just spoken when he says they were defending the soil of Kenya. They were not only defending the soil of Kenya; we know that well. They were also defending British international policy because the British wanted to safeguard their position from, the economic point of view and as far as the size of the Empire was concerned. When these African people were taken to the war, they were not against anybody; they were not fighting any nation in the world. It was only the Italian people, the Germans, the Americans, the British, the French and those people in Eastern Europe who had a quarrel. They had armies, they had all the necessary machines for fighting against one another. We were only a Colony, and in Africa at that time there were no independent states. The only people who were involved in this were the poor people who were taken by the British to be murdered by the German and Italian forces. All I say is that although this Motion comes from the Opposition, it does not ask the Kenya Government to compensate these families. The Motion asks the Kenya Government to present this case to the Colonial Office, which is mainly concerned in this affair, for it to be discussed with the British Government, so that the

(Mr. Oduya)

British Government compensates the dependants of those who died during the war. Those who were murdered are just the same as those who were murdered in the white population. They are not different human beings.

In the time after the war, some of our people were thrown out, and right up till this time you find them in the country loitering about with no employment; some have been taken to the industrial area and other places around here to guard the riches of the imperialists. They are the night *askaris*.

The Deputy Speaker (Dr. De Souza): I am afraid, Mr. Oduya, I have to interrupt you. As you know, it has been decided that two hours shall be given to group Motions and the rest of the time, that is one and a half hours, shall be given to free-lance Motions. It is now five o'clock, and we must proceed to the free-lance Motions. The next order will be Order No. 7.

MOTION

NATIONAL PROGRAMME FOR KENYA YOUTH

That this House notes with gratitude and admiration the great contribution made by the youth of this country in the struggle for our *Uhuru* and urges the Government to plan and assist immediately a national programme whereby the country's youth will be suitably and profitably occupied to ensure that they will play their full part in the development of Kenya.

(Resumption of debate interrupted on 12th September, 1963)

The Deputy Speaker (Dr. De Souza): The position is that this Motion has already been started at the previous Sitting and it has in all one and a half hours of which eighty-two minutes have already been taken and eight minutes are left. The last speaker was Mr. J. M. Kariuki and he spoke for one minute. He now has seven minutes left.

Mr. J. M. Kariuki: Mr. Deputy Speaker, when I spoke on this Motion earlier I touched on various subjects which I thought our Government might consider in order to alleviate the problems of our youth in this country. In many countries of Africa on the achievement of independence, youth, both boys and girls, are brought into youth brigades, youth pioneers and other types of work to serve on the purpose of reconstruction. At the moment we have so many people among our youth who support the party which is in the Opposition, not knowing whether the party

in the Opposition is there of its own accord. It is not the fault of the youth that they support this party, it is the fault of the people who were leading them to make these decisions. Therefore, the Government which is in power should not forget the youth who are often misled by some people to think that the role they are playing is the important one.

I therefore suggest, Mr. Speaker, that our Government should consider all the youth of this country, of whatever tribe and whatever party they belong to. There are many lines on which the Government can work and one of them is to encourage the present local industries, to employ many of our youth who are able to work and who can contribute something to the new nation. There are so many big industries, Sir, which can employ them if only the Government would offer encouragement. There are also a few training schools and trade centres where these people can be trained. For example, we have the Railway Training School, the Postal Training School, the Ministry of Works Training Centre and other such institutions whereby our youth can receive adequate training. It has been suggested in the past by some people that we can only use the youths or employ them usefully by sending them for military training. There are many who can become good fighters in the army but, at the same time, there are others who as a result of bad health cannot qualify to become good soldiers. These can be considered for the training centres.

During our country's colonization, Sir, certain standards of education such as the so-called Kenya African Preliminary Examination were deliberately set in order to disqualify many of our youths who, as a result, are still illiterate and unable to obtain work in the trade centres. I suggest here, Sir, that Kenya's expanding industry, if approached by the Government, can take these people and train them in various fields. In making this suggestion I have taken into consideration the fact that tribal discipline, as we understood it in the past, has been eclipsed by commercial and other forms of civilization and influences. It has been possible for the last Colonial Government to provide the country with more prisons which cater for a big population. If we go through the present laws and by-laws of the City Council and local authorities and Municipal Councils we will see so many by-laws passed: for example, the vigilance Regulations and the by-laws which state that persons should not be found loitering about the towns or generally being lazy. These are the things that the Colonial Government is leaving behind. If we are to show the light, if we are to show that we as the Government are ready to

[J. M. Karuki]

help the people in every way, we must try to do something, establish very many projects, not merely a project which will take only two or three months to carry out. The Government may come forward and say we do not know how many youths we have in this country and how many would like to be trained or can take over some form of employment. I would like to say that if that is the only obstacle in the path of the Government I would suggest that the Government set up a committee to travel throughout the country in order to find out how many youths there are in each district of Kenya and who are able to do certain jobs. On the recommendations of this committee many youths can be absorbed in the various fields. If we do this, Sir, the present youth who fought so gallantly during the election will realize that the Government they voted into power is trying to do something constructive for them. Here, however, there is a bad

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

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

danger. If we forget these people we will find ourselves surrounded by rogues who are rogues not because they want to become rogues but because they are hungry and this leads them into temptation. If this is a Government of the people and for the people I hope the Ministry which is dealing with this—and I presume it is the Ministry of Labour and Social Services—will try to do something to alleviate the problems which are facing our youth. Every leader is faced with this problem in his own constituency and each of them is trying to do something to improve the lot of his people and get the youth into some sort of jobs. However, we as politicians do not want to handle this sort of job. It is the responsibility of the Government and it should take over the burden. The Government should take action immediately before the situation goes from bad to worse. Those who are fit for military training should be sent there and those who cannot be sent there should be absorbed into the big industries, trade centres and other training institutions in the country. In this way the youth of this country and the country in general will realize that we are in this House to serve the public.

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

Mr. Mbogoh: Mr. Speaker, I would like to say that at present Kenya is very lucky to have the youth who could be employed to serve any purpose for the betterment of this country.

There are many countries in the world who would envy the position in which Kenya finds herself today. However, unless the country endeavours to improve the standards of living of the youth of this country it may possibly turn this asset into a liability later on.

I should like to put forward a few concrete proposals as to how the youth of Kenya could be employed. I would ask the Government to take into consideration the fact that Kenya is a farming country and to start some farming industries. Some parts of Kenya are arid and settlement could be started here without always having to resort to the settlement schemes on the European farms. We know that the land in Kenya is not sufficient for our purposes and it will not be sufficient even in ten years' time. However, if the Government could vote some of the money that at present is spent on unnecessary things towards settlement schemes in those arid areas by irrigating them, people could be usefully employed there.

In Ghana and Tanganyika they have learnt and accepted from Israel what are called Youth Farming Brigades. If these could be employed in Kenya it is possible that these Brigades could work here. If Ghana and Tanganyika have done it, and other countries have done it, we can do it as well. If such groups are formed on a co-operative basis it would help the country economically. We have cases of farms being bought over from the Europeans and fragmented into very small units. If a farm of this sort was bought and a number of youths employed on it, then it could later be turned into a co-operative farm. If we had various small co-operatives we could start several minor industries like the making of shoes. Although in the main the settlement would be a farming settlement the youth could still turn out things like blankets, socks and implements and thus the youths would be properly employed.

Industrial development is also needed in Kenya. At present we have such things as prison industries. A youth must not think that he has to do something wrong to be sent to prison where he can learn a trade. We could start trade schools, and we would find that students being taught a trade there would learn it better knowing it that they are free.

Youth clubs also serve a good purpose. It has always been said that the devil finds work for idle hands. If the youth have some place to go to daily we would not find them roaming about the streets in fattened clothing, stealing and eating food they find in the rubbish bins. Unless this Government can do something to alleviate the

[Mr. Mbogoh]

lot of such people we shall find it difficult to ignore the fact that there are so many people begging and stealing in the streets of Nairobi.

We could also in Kenya have something very interesting. At present the youth of this country, I believe, is under the Ministry of Labour and Social Services, but what is needed in Kenya at the moment is a Ministry specially for youth which will deal with the youth problems, instead of having them under another Ministry which is busy with the day-to-day problems such as *Maendeleo ya Wanawake*, and forget that the youth of this country needs attention. If such a Ministry were established, I believe that most of the problems facing the youth of this country would be alleviated and everything that is needed would be done easily by the Ministry without first going round looking for funds to finance the Youth Wing and such like.

Mr. Speaker, I believe that the youth of this country, if not properly employed, will be a liability which will cause the Government to spend more money than it could spend on improving the present facilities which are provided for youth.

An Hon. Member: Including Masai Moran?

Mr. Mbogoh: Masai Moran are the best Youth Wingers, as has been proved. We will take it that they are no exception. If we get out of the party system now, the youth I am speaking of is not simply the Nairobi Youth Wing, which is mostly Kanu, I am also taking into consideration the Kadu Youth Wing which can also be a menace to this country if allowed to run as freely as possible. Most of us during the election were standing and telling the people that this Government will consider doing everything for you, but now it is coming to the point where unless our words are translated into action, the youth will turn against us and try to overthrow the Government which promised them these things.

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

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, before going any further, I feel I must congratulate the Mover of this Motion because I think he has done something which I consider to be a very useful thing for this country.

Perhaps every Member here will be pleased to hear that I intend not to amend this Motion but to accept it. I would be faced with difficulties if I accepted this Motion without knowing what I am doing, but I am fully aware of the troubles of

the Youth Wing and I know the plans which are in my hands at the moment.

Mr. Speaker, there are only one or two things I want to correct. First of all, an hon. Member said that we should have a Ministry of Youth. That is all right if I am defeated by my work, but I want to assure the hon. Members that I feel quite able to handle the youth. If there is anybody who is worried about the youth movement, it is myself, because I am the Minister for Labour and they line up every morning and ask me for employment. I have actually thought more seriously about this issue than most of the hon. Members think. I have already in my hands a plan for youth organization. It is under consideration by the Kenya Government and it is going to be announced soon. I am quite sure. In fact, this Motion gives me new strength to move forward and I would say the National Assembly has given me the power to move on with the organization of youth.

However, Mr. Speaker, there are one or two things which my comrades and myself have to bear in mind. Somehow or other our young men in Kenya take the word employment wrongly, they think what we mean by employment is only when somebody is employed and paid a salary, which is not so. If somebody has a shop somewhere or if he runs a poultry scheme with a few birds in it and he can feed himself, that is employment; he employs himself and he should be taken as employed. What I should like to see the hon. Members actually do in this country, including myself, is to encourage our young men to employ themselves, where possible. I know some of them are handicapped by the hardship of having no money, and some have no training, and as such they really do not know what to do. The Government of Kenya is quite aware of this and we are already thinking about this, and many things of different kinds are going to be established which will actually cater for this.

I would point out, however, that we have to divide the youth into two groups first. There is the group of unfortunate young men who are not in school. These are the youth who are under the age of eighteen. There is a different class altogether from the group who have passed the school age—that is, from eighteen years to twenty-five—who are wandering all over the place without employment. That is another group which causes great concern to the Government, and we have to consider what to do for these two groups separately.

Mr. Speaker, with regard to the first group, it is the policy of the Government to encourage the work of voluntary youth organizations, such as

[The Minister for Labour and Social Services] the Boy Scouts, Girl Guides, Young Farmers' Clubs, and groups supported by Churches. These organizations provide useful character training and allow the young people an opportunity to occupy usefully their leisure time. Such organizations are being encouraged to extend their work. Furthermore, my Ministry, the Ministry of Labour and Social Services, has given a considerable support to the youth centres movement. I am quite sure the hon. Members will be pleased to know that we have at the moment 152 youth centres spread throughout Kenya, providing upwards of 9,000 young people with facilities for becoming literate and for learning a very wide variety of useful trades. Current Government support of this scheme includes provision of a central secretariat under the Kenya Youth Advisor, and staff together with grant aid for the salaries of instructors, and the remainder of the recurrent expenditure of some £35,000 per annum towards the cost of youth leaders and instructors.

I must say, Mr. Speaker, that we are really grateful to the local authorities who are at the moment assisting Government with finance to run these youth centres.

Now, Mr. Speaker, turning to the other group, the question of youth over the age of eighteen needs special attention. This is the group at the moment which needs employment of some kind. I have proposed another plan which is being considered by the Government for employing these people in different projects. I am quite sure the Backbenchers and hon. Members will be pleased to hear that the Government is already doing something about this, but let me say this. I want to get the record straight here, I do not want this to be misinterpreted. The Kenya Government is not going to look at the youth movement in the context of the fact that they voted this Government in. If we did that, Mr. Speaker, then the question would come, what are we going to do for the youth who are in the places where the Government was opposed? What is the Government going to do for the youth who did not vote or even register? We are going to be a very limited Government. Therefore, what the Government is doing today is looking at the issue widely, even to cover places where the Government was completely opposed, so that in the coming elections we will be able to go even to Kilifi and tell the people what the Kenya Government has done for the youth of the country. I am quite sure even the Masai people will be pleased to see their youth being put into projects, and so on, even without supporting our Government, because the Kenya Government is not a Kaniu Government, it is the Government

for the whole of Kenya, for everybody who voted this Government in, for everybody who did not vote for us, for those people who did not even register.

Why, Mr. Speaker, do I say this? The population of Kenya at the moment is nearly nine million people. The people who registered as voters came to under two million. If we help people because they voted us in, then all I need to do in my constituency is to go out and say: "Did you vote?" We are going to be a very careless Government. Therefore, the Government is looking after every individual, whether he is living in the areas where we cannot even share a platform with the people or not. That is not the issue.

Therefore, Mr. Speaker, without going further I am very pleased to accept this Motion un-amended, and I hope the hon. Members will give me a push to urge my comrade Members who are in the Cabinet with me to see that the youth organization is carried on. However, there is only one thing, gentlemen, which I want to be understood here. We may have wonderful schemes, we may have wonderful plans, but we have to know that there is one thing without which, no matter how much we shout, no matter how we work day and night, we will find ourselves unable to move, and that is money. I am not saying that we are not going to organize this because there is no money. I will be prepared to move all over the world and say: "Please give us some money for Kenya, so that we come back here and organize our youth." Without helping these people we will be failing in our duty.

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

Mr. Oloitipitip: Mr. Speaker, Sir, I have heard my friends on the Government side mentioning and shouting Masai. I believe mentioning Masai because they know Masai very well; they know that the Masai are very interesting people; they produce the best youth in Kenya; the Masai ruled them before the British Government took over, and they would like to see Masai employed in the Kenya Government so that whenever there are troubles in places like the Northern Frontier District there is a proper force to defend the Government.

Mr. Speaker, Sir, this Motion is a very, very important Motion and I think the Mover should be congratulated. If you walk outside Parliament Buildings, Sir, you will find a lot of youths waiting for the hon. Members to come out so that they

(The Debate continues)

[Mr. Oloitipitip] can ask the Members to give them a penny. I believe that most of the Members have made a habit of doing this. Therefore, the sooner the Government finds something for the youth of the country to do, the better.

Mr. Speaker, Sir, I am also very glad to congratulate the Minister for Social Services and Labour because he has accepted the Motion. Everyone knows that here we are faced with a great demand for employment and I would ask the Minister to give first priority to the neglected tribes of Kenya, for example, the one I come from, the Masai.

Sir, in my district there are a lot of moran. I can say, Sir, that they were employed before the drought because they had enough cattle and therefore were very busy during the day looking after them. However, immediately after the famine these people became very poor and are now loitering about the countryside. Some of them go, at night, and steal cattle from the farms. Therefore, if Government is keen enough to get these people employment I think crime will be reduced. If you ask these people why they go and raid other tribes and rob them of their cattle they will tell you it is because they are not employed. On quite a few occasions, my friend, Mr. Anyieni, has complained that the Masai have stolen cattle and again today I heard from Dr. Waiyaki that a lot of Kikuyu have been killed by Masai who came to steal their cattle. All these things happen because these people are not employed. If you ask these people why they do this the reply is: "What should we do? We know that the cattle are their property but we cannot live without anything."

Therefore, Mr. Speaker, I ask the Minister, when he considers these programmes for unemployment, to give first priority to the neglected tribes of Kenya, like the Masai.

AN HON. MEMBER: Ignorant?

Mr. Oloitipitip: I do not say ignorant because they are not ignorant.

Mr. Speaker, Sir, at the same time I should like to take this opportunity to tell the Minister that it is high time—as the Prime Minister promised that he was going to give priority to such tribes—that community development officers should be sent to such places to work. If the Minister thinks that I will be satisfied by him telling me that he has recently sent an officer I would like to tell the Minister that he should have done this at the beginning, when the Government was formed. I believe that there have been a lot of community development officers sent to other places; not only the ones just recently sent. I would like to tell the

Minister for Labour and Social Services that our people are waiting to see community development officers sent to their districts; both for men and women. We, the Masai, would like to catch up with the other tribes in Kenya.

The Minister for Labour and Social Services (Mr. Mwendwa): On a point of information, Mr. Speaker—

Mr. Oloitipitip: I do not give way, Mr. Speaker. I believe that as soon as the African Government is ready to establish ways and means of absorbing these people into employment our people will come forward for work and we shall regard this Government as a true Government of Africans.

I believe that the Minister is going to do all he can. However, we have been promised in this House very many times that the Government is going to do this and the Government is going to do that. I think this is a very urgent matter and I hope the Minister is going to do something straight away. The Minister has just asked us to give him a push but I do not know what kind of a push he wants: maybe he wants us to push him out of office. However, that is not our intention. Mr. Speaker, we would like him to realize that we all support this Motion because it is a very important Motion. We would like to see that something is done today and not tomorrow.

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

Mr. Ngel: Mr. Speaker, Sir, first of all I would like to say that I feel this House is indebted to the Mover of this Motion because, as we see, it plays a very vital part. It calls for the Government to set up, I think—if I understand the lights and shades of the English language—a national programme. I think that is where the crux of the whole matter lies and that is why I think the hon. Mover has been very wise to table this Motion before the House. I must not move on without congratulating the Minister for Labour and Social Services for his willingness to adopt this most important Motion.

I would like to point out, Mr. Speaker, Sir, that what we need is in the Motion: national programmes. This is against what I might call voluntary work, even though we do not want to minimize the work that they do. What I think the Mover had in mind is national programmes for the youth of Kenya. I must make a comment here because we have heard this several times, especially because we have heard this on the opposite side ally from the hon. Member on the opposite side who has just run away because he knows that I am going to thrash one or two things he said. These things have been spoken many times by

[The Minister for Labour and Social Services] the Boy Scouts, Girl Guides, Young Farmers Clubs, and groups supported by Churches. These organizations provide useful character training and allow the young people an opportunity to occupy usefully their leisure time. Such organizations are being encouraged to extend their work. Furthermore, my Ministry, the Ministry of Labour and Social Services, has given a considerable support to the youth centres movement. I am quite sure the hon. Members will be pleased to know that we have at the moment 152 youth centres spread throughout Kenya, providing upwards of 9,000 young people with facilities for becoming literate and for learning a very wide variety of useful trades. Current Government support of this scheme includes provision of a central secretariat under the Kenya Youth Advisor, and staff together with grant aid for the salaries of instructors, and the remainder of the recurrent expenditure of some £35,000 per annum towards the cost of youth leaders and instructors.

I must say, Mr. Speaker, that we are really grateful to the local authorities who are at the moment assisting Government with finance to run these youth centres.

Now, Mr. Speaker, turning to the other group, the question of youth over the age of eighteen needs special attention. This is the group at the moment which needs employment of some kind. I have proposed another plan which is being considered by the Government for employing these people in different projects. I am quite sure the Backbenchers and hon. Members will be pleased to hear that the Government is already doing something about this, but let me say this. I want to get the record straight here, I do not want this to be misinterpreted. The Kenya Government is not going to look at the youth movement in the context of the fact that they voted this Government in. If we did that, Mr. Speaker, then the question would come, what are we going to do for the youth who are in the places where the Government was opposed? What is the Government going to do for the youth who did not vote or even register? We are going to be a very limited Government. Therefore, what the Government is doing today is looking at the issue widely, even to cover places where the Government was completely opposed; so that in the coming elections we will be able to go even to Kilifi and tell the people what the Kenya Government has done for the youth of the country. I am quite sure even the Masai people will be pleased to see their youth being put into projects, and so on, even without supporting our Government, because the Kenya Government is not a Kani Government, it is the Government

for the whole of Kenya, for everybody who voted this Government in, for everybody who did not vote for us, for those people who did not even register.

Why, Mr. Speaker, do I say this? The population of Kenya at the moment is nearly nine million people. The people who registered as voters came to under two million. If we help people because they voted us in, then all I need to do in my constituency is to go out and say: "Did you vote?" We are going to be a very careless Government. Therefore, the Government is looking after every individual, whether he is living in the areas where we cannot even share a platform with the people or not. That is not the issue.

Therefore, Mr. Speaker, without going further I am very pleased to accept this Motion un-amended, and I hope the hon. Members will give me a push to urge my comrade Members who are in the Cabinet with me to see that the youth organization is carried on. However, there is only one thing, gentlemen, which I want to be understood here. We may have wonderful schemes, we may have wonderful plans, but we have to know that there is one thing without which, no matter how much we shout, no matter how we work day and night, we will find ourselves unable to move, and that is money. I am not saying that we are not going to organize this because there is no money. I will be prepared to move all over the world and say: "Please give us some money for Kenya, so that we come back here and organize our youth." Without helping these people we will be failing in our duty.

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

Mr. Oloitipitip: Mr. Speaker, Sir, I have heard my friends on the Government side mentioning and shouting Masai. I believe mentioning Masai because they know Masai very well; they know that the Masai are very interesting people; they produce the best youth in Kenya; the Masai ruled them before the British Government took over, and they would like to see Masai employed in the Kenya Government so that whenever there are troubles in places like the Northern Frontier District there is a proper force to defend the Government.

Mr. Speaker, Sir, this Motion is a very, very important Motion and I think the Mover should be congratulated. If you walk outside Parliament Buildings, Sir, you will find a lot of youths waiting for the hon. Members to come out so that they

(The Debate continues)

[Mr. Oloitipitip] can ask the Members to give them a penny. I believe that most of the Members have made a habit of doing this. Therefore, the sooner the Government finds something for the youth of the country to do, the better.

Mr. Speaker, Sir, I am also very glad to congratulate the Minister for Social Services and Labour because he has accepted the Motion. Everyone knows that here we are faced with a great demand for employment and I would ask the Minister to give first priority to the neglected tribes of Kenya; for example, the one I come from, the Masai.

Sir, in my district there are a lot of *moran*. I can say, Sir, that they were employed before the drought because they had enough cattle and therefore were very busy during the day looking after them. However, immediately after the famine these people became very poor and are now loitering about the countryside. Some of them go, at night, and steal cattle from the farms. Therefore, if Government is keen enough to get these people employment I think crime will be reduced. If you ask these people why they go and raid other tribes and rob them of their cattle they will tell you it is because they are not employed. On quite a few occasions, my friend, Mr. Anyieni, has complained that the Masai have stolen cattle and again today I heard from Dr. Waiyaki that a lot of Kikuyu have been killed by Masai who came to steal their cattle. All these things happen because these people are not employed. If you ask these people why they do this the reply is: "What should we do? We know that the cattle are their property but we cannot live without anything."

Therefore, Mr. Speaker, I ask the Minister, when he considers these programmes for unemployment, to give first priority to the neglected tribes of Kenya, like the Masai.

An Hon. Member: Ignorant?

Mr. Oloitipitip: I do not say ignorant because they are not ignorant.

Mr. Speaker, Sir, at the same time I should like to take this opportunity to tell the Minister that it is high time—as the Prime Minister promised that he was going to give priority to such tribes—that community development officers should be sent to such places to work. If the Minister thinks that I will be satisfied by him telling me that he has recently sent an officer I would like to tell the Minister that he should have done this at the beginning, when the Government was formed. I believe that there have been a lot of community development officers sent to other places, not only the ones just recently sent. I would like to tell the

Minister for Labour and Social Services that our people are waiting to see community development officers sent to their districts; both for men and women. We, the Masai, would like to catch up with the other tribes in Kenya.

The Minister for Labour and Social Services (Mr. Mwendwa): On a point of information, Mr. Speaker—

Mr. Oloitipitip: I do not give way, Mr. Speaker. I believe that as soon as the African Government is ready to establish ways and means of absorbing these people into employment our people will come forward for work and we shall regard this Government as a true Government of Africans.

I believe that the Minister is going to do all he can. However, we have been promised in this House very many times that the Government is going to do this and the Government is going to do that. I think this is a very urgent matter and I hope the Minister is going to do something straight away. The Minister has just asked us to give him a push but I do not know what kind of a push he wants: maybe he wants us to push him out of office. However, that is not our intention, Mr. Speaker. We would like him to realize that we all support this Motion because it is a very important Motion. We would like to see that something is done today and not tomorrow.

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

Mr. Ngeti: Mr. Speaker, Sir, first of all I would like to say that I feel this House is indebted to the Mover of this Motion because, as we see, it plays a very vital part. It calls for the Government to set up, I think—if I understand the lights and shades of the English language—a national programme. I think that is where the crux of the whole matter lies and that is why I think the hon. Mover has been very wise to table this Motion before the House. I must not move on without congratulating the Minister for Labour and Social Services for his willingness to adopt this most important Motion.

I would like to point out, Mr. Speaker, Sir, that what we need is in the Motion: national programmes. This is against what I might call voluntary work, even though we do not want to minimize the work that they do. What I think the Mover had in mind is national programmes for the youth of Kenya. I must make a comment here because we have heard this several times, especially from the hon. Member on the opposite side who has just run away because he knows that I am going to thrash one or two things he said. These things have been spoken many times by

[Mr. Ngei]

those who fear or have no ability to challenge what they call the big tribes. We do not have big tribes in Kenya and there are no grounds to their propositions that a man from the big tribes must always lead the country or be the boss.

I would like just to take Mr. Julius Nyerere as an example. President Julius Nyerere comes from a very small tribe—this tribe is not even known to the rest of East Africa—but today he is leading Tanganyika. Therefore, the accusation that the small tribes are not important is wrong. We cannot go to Masai and pull by force the people from Masai to the towns. It is the duty of the Masai Elected Member to bring the youth from Masai into the towns. Therefore, Mr. Speaker, I think this very untruthful propaganda about the small tribes being dominated by the bigger ones is very unreasonable. This propaganda should not be used in this House.

The Speaker (Mr. Slade): Mr. Ngei I did not hear Mr. Oloitipitip say anything of the sort that you suggest. He only said that the Masai and certain other tribes were the neglected tribes up to this time. He was referring to the past there. You must not misrepresent him.

Mr. Ngei: Mr. Speaker, Sir, with due respect to you, this is the same person in a different suit.

The Speaker (Mr. Slade): You are out of order. Mr. Ngei, I will not have this, because you have misrepresented what Mr. Oloitipitip has said this afternoon and you cannot do it. You will only refer to what he truly said.

Mr. Ngei: I am sorry, Mr. Speaker, he said neglected tribes. However, this is a very difficult thing, and, although with due respect to your ruling, it is impossible to say that these tribes have been neglected, I say, Mr. Speaker, it is the duty of the elected Members to try to bring these people to the light and to educate them. If I may say so I feel that they are not neglected, they have merely missed a chance because they have not come forward. Now, let me go further. On a national programme which, of course, has been moved by the Mover here, I would like to tell the Minister for Labour and Social Services that we would like to see a real national programme. We know that the voluntary agencies can do something, but what we are all interested in, irrespective of our political thinking, is educating the young men and women. I was waiting to hear from the Minister because these people are very willing; if I may quote my constituency as an example, I have organized the youth there, they

have co-operative trading shops, they are helping themselves and each other, and they are really prepared to go on into an educational programme whereby, if there is a youth better educated than the others that youth will educate the others that are less educated. Therefore, if this youth could be encouraged by national programmes—which does not necessarily mean that we must get money—they want to get education, they want something to do, and all they need is guidance. That guidance can be given through the national programmes by this very good Government that is leading Kenya today. Therefore, I am asking the Minister for Labour and Social Services to incorporate in his programmes not only the plans that need money but also the plans that do not need money. We are here and this House must realize its duties, Mr. Speaker. I have seen in other places the leaders going out to teach, but the leaders in this House—

Mr. Masinde: On a point of order, Mr. Speaker, is the hon. Member trying to oppose the Motion or support it?

The Speaker (Mr. Slade): That is not really a point of order. You can make what you like of what he says.

Mr. Ngei: My friend, if you just keep quiet you will hear what I am heading at.

Mr. Speaker, Sir, here in the House we ought to set an example ourselves by going to the Youth Clubs which are well established at the moment—and which can be better established if more encouragement were given to teaching the members. We want to take a piece of chalk, or a *jembe*, and go and show this youth. We are capable of building for them, we do not need money. If I may say this, very shortly the hon. Members will see the opening of a health centre, well built out of nothing, with nothing but our mere hands, with no money being collected in Nairobi and with no money being collected from the hon. Members. It is a good health centre, and a modern one, it was built from nothing. The hon. Members in this House should face the challenge. It will not suffice just to table a Motion, and sit back and wait for the Government. We must set an example and show these determined youth that we are really prepared to do anything for the interests of the country. Therefore, I am really supporting the Motion and before I sit down I would like to thank the Mover very sincerely for this Motion and I hope the Minister for Labour and Social Services will waste no time in trying to implement the very much needed national programmes for the youth.

Thank you Mr. Speaker.

The Speaker (Mr. Slade): Mr. Matano, there are only five minutes left before I call upon the Mover to reply.

Mr. Matano: Thank you, Mr. Speaker.

Mr. Speaker, Sir, the wording of this Motion is rather confusing because as it reads here it says, "that this House notes with gratitude and admiration the great contribution made by the Youth of this country in the struggle for our *Uhuru* . . ." Now, that is rather a misleading statement because if you do that you confine the orbit to a very small number of people of this country. I thought that the idea behind this Motion was to think of the youth as a whole and not just of the youth that have struggled for *Uhuru* because if you consider the youth that have struggled for *Uhuru* there are only about 2,000, and we have more than a million other youths who want to be led. Here in this Assembly, Sir, we should be thinking of the youth of this country as a whole and not confine ourselves to just a few people who struggled. I believe that anybody who struggled for *Uhuru* did so without any expectation of payment. If we struggled to get *Uhuru* only because we expected something at the end, then I am afraid that our freedom is worth nothing. A lot of people have suffered for this cause and they are not going to get anything at all. The youth of this country when they struggled for *Uhuru* did so expecting to get nothing. The few people who were lucky enough to get something, were just lucky. But this does not mean that, because they fought for it they must get something. They did this for their own sakes, they felt in their hearts that they should do so. However, we should not forget them.

If we are going to teach our youth that they must expect something when they struggle for the national cause I am afraid we are planting a very bad seed. If we are going to sacrifice for our country we must sacrifice without expecting to get anything at all, but the satisfaction of having fought for our country, the satisfaction of having struggled for the happiness of our children. That is the only reward that every nationalist should expect. To expect something is the wrong attitude and it is the attitude which I am afraid some of our Members are trying to implant on our youth. The youth of this country who struggled, struggled not only for themselves but for the generations which are coming after them. Even here we are struggling, not because we want to benefit, but for the good of our children and the children of our children, and not because we want to be great men ourselves. That is the wrong attitude, Mr. Speaker.

The other thing, Mr. Speaker, that I want to mention here is that we should consider the youth as a whole. There are two aspects to this: the first thing is the question of employment. I have listened very carefully to what some hon. Members have been saying, and they tended to emphasize the question of employment. But it is wrong to try to give the wrong impression to our people, to try to give them the impression that we are able to give employment to everyone of them. I know that we cannot do this, this is a fact. We cannot give employment to all our youth, but one thing that can be done is this. There is a lot of work and a lot of our youth are struggling because they do not know what to do with their spare time, they do not know how to make use of the knowledge that they have gained at school. These are the ones that should be helped so that they will be able to earn a living for themselves, and this is a different problem altogether. Let us not tell our youth that we can supply employment for everyone of them because we cannot. We shall simply bring about frustration because we shall have promised things which we cannot do. But let us with sincerity think of employment and rehabilitation. I listened very carefully and the emphasis all the time has been on the men, on the boys. We must not forget the other side, our womenfolk. They also need an occupation, we must do something for the girls of this country.

The Speaker (Mr. Slade): I am afraid the time has now come when I must call on the Mover to reply.

Mr. Gachago: Mr. Speaker, Sir, I am greatly honoured to have to reply to this Motion, since it has not only been accepted by the Ministry concerned, but also, by my colleagues in this House, all hon. Members.

In the beginning, Mr. Speaker, Sir, I was a little worried about the delay after my Motion was moved, and also the previous delay when the Notice of this Motion was given. However, now, Sir, I have realized that I have no cause to worry because it appears that the time between giving Notice of this Motion and finally disposing of it has probably given the Minister enough time to consider it very sympathetically, as he has indicated today. Therefore, Mr. Speaker, I also wish to thank the Minister for the very sympathetic consideration he has given to this Motion which is not one which deals only with a simple matter, but is one which deals with a matter which could be termed as one of national importance.

I would like to say that the acceptance of this Motion and the execution of the actual work required by it are two different matters. In the

[Mr. Gachago]

past we have seen things being put to the past Imperialist Government, and even if the Motions were accepted in the House there was a long time before the execution of the work required. I hope our Government is going to move away from that, and I would invite the Minister to take special notice of the words "immediate programme" which is included in my Motion. What is required in this country is an immediate programme, not just a programme, because to say that might mean that it is one which is executed this year, next year, or even in ten years to come. This Motion, which the Minister has accepted, calls upon the Government to support and assist a national programme, immediately. Therefore, I would hope that the Minister will take special note of this.

The other point I would like to make is that it has been stated that there are quite a number of categories of youth. This is generally accepted by everybody, but if we examine the situation as it is there are small boys who are at school, other boys who have left school, and people who are more adult than schoolboys who work with political parties and with other organizations which promote the welfare of this country. I would suggest to the Minister that the immediate problem is to see that those people first of all are actually settled and have something to do. As I said when I moved this Motion, these are the people with the energy which is going to waste, which is not being properly used; we want to absorb it to the best advantage of this country. In his programme, Mr. Speaker, Sir, I would call on the hon. Minister to give immediate consideration to the political youth who—by the very acceptance of this Motion—have been congratulated for the work they did during the struggle for our *Uhuru*.

Mr. Speaker, Sir, in replying to a point which was raised by the hon. Mr. Matano, it seems he was a little worried about the implication, but if we accept the importance of this Motion it seems that every hon. Member has a responsibility to fulfil in his own area and in his own constituency. It is not adequate to start right from the beginning, adopting a rather negative attitude towards the Motion and the subject matter. Therefore, I would like to call on Mr. Matano to be positive, instead of viewing the subject negatively, and to see how he can assist the youth in his own constituency and in his own part of the country to fit into whatever programmes the Government is going to organize.

An Hon. Member: Is that what the Minister said?

Mr. Gachago: Mr. Speaker, everyone has heard what the Minister has to say so there is no use arguing.

We have a situation here which I am very reluctant to quote but I must quote because it is one of the things which signified that there might be confusion, even if we sit in this House and pass legislation. Recently, the KANU Headquarters wanted youths to assist in the organization of *Uhuru* celebrations. Although the names of about 200 youth-wingers were given to the Directorate, there has been a leakage of news, which is very disappointing, that instead of taking these youth-wingers they have decided to ignore them although they have the basic qualifications required, and instead they are going to pick students from the Royal College, from Makerere and from other institutions. Mr. Speaker, Sir, I would like this situation to be observed, because this is the kind of thing which the country cannot afford. When our youth, who have assisted us to attain our present political success, have no work to do we cannot go and look for students who are already fully occupied and give them jobs instead of giving them to our youth-wingers. I would invite very serious consideration on this issue. It appears that those people who are deciding what is to be done in this matter are the very people who are working hard to oppress our political youth because of the Imperialistic grudge against the youth through what they have done to eliminate Colonialism in this country.

I have heard with gratitude the mention by the hon. Minister to the effect that education is necessary. Although education is necessary, and he will probably include it in his programme, we have an unfortunate state of affairs in this country, whereby not everybody had the opportunity to be educated. Most of the people in the youth groups are those who did not have such opportunities to obtain education, and if and when the youth programme is organized, I think the Minister should not only consider those people who can speak English, those who can speak Swahili and those who can read and write, but also the less fortunate people who did not have education. In this respect, I think adult education should be utilized to help those who did not receive any education to prepare them for active service in the youth movement.

Mr. Speaker, Sir, once again—

The Speaker (Mr. Slade): It is now time, Mr. Gachago, I am afraid, for me to put the question.

(The question was put and carried)

MOTION

OFFICIAL DRESS FOR MEMBERS

THAT this House, being aware of the innumerable tribal dresses and oddities and being concerned about the lack of a uniform official dress that could be adopted by the Members of this House, urges the Government to set up a Dress Committee to recommend the design and form of an official dress to be worn by the Members of this House.

(Debate interrupted on 18th July, 1963, resumed)

The Speaker (Mr. Slade): If no hon. Member wishes to speak, I will call on the Mover to reply.

Mr. Towett: Mr. Speaker, Sir, I note this is a Motion which has been allocated Government time, but I do not know if I am speaking on a Government time Motion at present. I should like some clarification on this. On this Paper it says: "Resumption of debate interrupted on 20th July, 1963." I am afraid that is not the correct date. It was 18th July, 1963.

I am awfully shocked that the Members have not taken an interest in this Motion. I think about four people have spoken on it, and I am very disappointed about this. In view of the fact that the Members want to dress in any way they like they want freedom of dress and freedom of nakedness—I beg to move the Motion.

(The question was put and negatived)

The Speaker (Mr. Slade): I do not think that we can go back at this stage to the Motion of Mr. Masinde's, which was interrupted, unless it is the will of the House that we do so. We have twenty-five minutes. I think it is contrary to the expectation of some Members who have left the House but I would like, before adjourning the House, to hear the views of Mr. Masinde first. Would you like the debate on the Motion to continue now?

Mr. Masinde: I think some of the Members expected me to speak on this Motion tomorrow and I would rather not speak just now.

The Speaker (Mr. Slade): You would rather not go on?

Mr. Masinde: No, Sir.

ADJOURNMENT

The Speaker (Mr. Slade): I think you are right about that. If that is so the House is now adjourned until tomorrow, Friday, 15th November, at 9 a.m.

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

Friday, 15th November, 1963

The House met at Nine o'clock.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

ASSENT TO BILLS

The Speaker (Mr. Slade): I have to warn hon. Members that I have rather a long Communication from the Chair today!

I have the honour to inform you that His Excellency the Governor has assented to the following Bills which were passed by the National Assembly during the months of July, August and September, 1963.

No.	Title	Passed Third Reading House of Representatives	Senate	Date of Assent
10	The Finance Ordinance, 1963	5-7-63	12-7-63	7-8-63
11	The Betting Tax Ordinance, 1963	5-7-63	12-7-63	7-8-63
12	The Isaac Okwirri Pension Ordinance, 1963	5-7-63	12-7-63	7-8-63
13	The Pensions (Amendment) Ordinance, 1963	5-7-63	12-7-63	7-8-63
14	The Customs Tariff (Amendment) (No. 2) Ordinance, 1963	5-7-63	12-7-63	7-8-63
15	The Estate Duty Ordinance, 1963	10-7-63	19-7-63	7-8-63
16	The Kenya Cultural Centre (Amendment) Ordinance, 1963	5-7-63	19-7-63	7-8-63
17	The Workmen's Compensation (Amendment) Ordinance, 1963	12-7-63	19-7-63	7-8-63
18	The Exchange Control (Amendment) Ordinance, 1963	12-7-63	19-7-63	7-8-63
19	The Insurance Companies (Amendment) Ordinance, 1963	12-7-63	19-7-63	7-8-63
20	The Second-hand Motor Vehicles Purchase Tax Ordinance, 1963	3-7-63	19-7-63	7-8-63
21	The Medical Practitioners and Dentists (Amendment) Ordinance, 1963	16-7-63	24-7-63	22-8-63
22	The Essential Services Ordinance, 1963	19-7-63	26-7-63	22-8-63
23	The Borsial Institutions Ordinance, 1963	19-7-63	26-7-63	22-8-63
24	The National Loans (Amendment) Ordinance, 1963	19-7-63	26-7-63	22-8-63
25	The Registered Land Ordinance, 1963	19-7-63	26-7-63	22-8-63
26	The Dairy Industry (Amendment) Ordinance, 1963	30-7-63	7-8-63	22-8-63
27	The Land and Agricultural Bank (Amendment) Ordinance, 1963	31-7-63	7-8-63	22-8-63

Passed Third Reading House of Representatives

No.	Title	Senate	Date of Assent	
28	The Asian Officers' Family Pensions (Amendment) Ordinance, 1963	2-8-63	7-8-63	23-8-63
29	The Widows' and Orphans' Pensions (Amendment) Ordinance, 1963	2-8-63	7-8-63	22-8-63
30	The Pensions (Increase) (Amendment) Ordinance, 1963	2-8-63	Not passed	28-10-63
31	The Agriculture (Amendment) Ordinance, 1963	13-9-63	24-9-63	28-10-63
32	The Kenya Meat Commission (Amendment) Ordinance, 1963	13-9-63	24-9-63	28-10-63
33	The Criminal Procedure Code (Amendment) Ordinance, 1963	13-9-63	24-9-63	28-10-63
34	The Appropriation Ordinance, 1963	13-9-63	24-9-63	28-10-63
35	The Supplementary Appropriation (No. 3) Ordinance, 1963	13-9-63	24-9-63	28-10-63

ORAL ANSWERS TO QUESTIONS

Question No. 78

MASENO SECONDARY SCHOOL HIGHER SCHOOL CERTIFICATE

Mr. Jamal asked the Minister for Education to state why Maseno Secondary School had not been developed to cater for Higher School Certificate students and would the Minister take immediate steps to rectify this.

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I beg to reply.

Steps are being taken to open Higher School Certificate classes in science at Maseno in 1964. Limitation of funds prevents the opening of Arts classes until a later date and this date will depend on the financial position of the country in the future years. I trust, however, that it will not be long before Arts classes are also established.

I am able to give further information. Reallocations have been made, and we laid aside £3,000 for capital and £2,000 for initial equipment to start work at Maseno in January, 1964. The inauguration of Arts classes will be reviewed in the light of recruitment in 1964 in Western and Nyanza Regions. The scheme of £2,000 capital is included in the 1964/65 development programme.

Mr. Jamal: Mr. Speaker, could the Minister say whether it will be in January, 1964 or June, 1964?

The Minister for Education (Mr. Otiende): I have said it will be in January, 1964.

Mr. Lorema: Would the Minister say what factors are borne in mind before a Secondary School is allowed to cater for Higher School Certificate students?

The Minister for Education (Mr. Otiende): First, the school must have a good record for passes in secondary Cambridge School Certificate. It should have the necessary staff and equipment, and be geographically situated to cater for students from various other schools around. It so happens the case of Maseno is exceptional, because at Lancaster House it was designated a national school. That put Maseno in a position which nobody could understand, so it missed the bus when other schools were being considered. However, since we have come to amicable conclusions at Lancaster House, Maseno school should benefit just like other senior secondary schools.

Question No. 138

ALTERATION OF GOVERNMENT VEHICLES REGISTRATION

Mr. Lorema asked the Minister for Works, Communications and Power to state whether the Minister would take steps to see that the registration of all Government vehicles was altered from O.H.M.S. to G.K. before Independence Day.

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

Instructions have been issued that the registration of Government vehicles is altered from O.H.M.S. to G.K. The actual physical change is not necessarily the responsibility of this Ministry. The Registrar of Vehicles has issued block numbers to Ministries responsible for vehicles and the work of repainting is going ahead as fast as possible. It is anticipated that all but a few will be changed by Independence Day.

Mr. Lorema: Mr. Speaker, Sir, will the Minister assure the House that any Government vehicle bearing the letters O.H.M.S. will not be used on Independence Day?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, in the last part of my reply I said that all but a few Government vehicles will be changed by Independence Day, and that is how it stands. However, within the last two or three days, instructions have been issued that all O.H.M.S. letters should be replaced by G.K. and I hope that will be carried out.

Mr. Gachago: Mr. Speaker, Sir, I do not think the question was fully answered because it was not understood. The question was: would the Minister give an assurance to this House that no vehicle bearing the letters O.H.M.S. will be used on Independence Day?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, the question was fully answered as it was asked originally. The Government is taking steps to see to this, and the answer to the question arising from my reply was given, that it is anticipated that all but a few vehicles will be changed by Independence Day.

The Speaker (Mr. Slade): Mr. Lorema's question was related to the few.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): I said, Mr. Speaker, that instructions have been given in the last two or three days to make sure that we will be able to (Inaudible) and the few will not be there.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Parliamentary Secretary answer the question, yes or no. The question is: will those vehicles which still bear the letters O.H.M.S. be used on Independence Day? The answer should be yes or no.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, if hon. Members had been listening carefully, they would have heard that the instructions have been issued. The change from O.H.M.S. to G.K. is the responsibility of the various Ministries. We have to consult with other Ministries before they can all be changed at this stage.

Mr. Gachago: Will the Parliamentary Secretary give a concrete assurance that before the Independence Celebrations, his Ministry will have consulted with other Ministries to ensure that those vehicles without the letters G.K. will not be used on the roads by the Government?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, the request of the Members has been noted.

Mr. Ngala: Arising from the reply, is the Parliamentary Secretary aware that he is avoiding the question, because the question is asking him to say yes or no categorically that the O.H.M.S. letters are not going to be used? We—

Hon. Members: Speech, Speech!

Mr. Ngala: We do not just want the question to be noted by the Ministers, Mr. Speaker, we want the question to be answered.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I know the language of the previous Government. The answer is: "We have noted this."

The Speaker (Mr. Slade): I do not think hon. Members will get any further on this point.

Question No. 143

MATCH BOX INDUSTRY AT KIMILILI

Mr. Barasa asked the Minister for Commerce and Industry to state, whether in view of the large areas of bamboo locally suitable for the purpose, if the Minister had considered the advantage of developing a Match Box Industry at Kimilili in the Bungoma District for the benefit of the unemployed people there.

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, Sir, I beg to reply. I and my Ministry have considered very many projects for industrial development and the use of bamboo in match-making is one we have looked into. Outline details have been obtained for a scheme which seems to have possibilities as a rural industry. It seems probable that if we were able to go ahead some of the work could be done in the workers' own homes. Bamboo can, of course, be used in a variety of manufactures and these too are being investigated. The quantity and quality of bamboo available would be very important and several districts would have to be examined for this. Bungoma will certainly be one of these areas.

Question No. 144

MANUFACTURE OF STARCH FROM MAIZE: BUNGOMA TOWN

Mr. Barasa asked the Minister for Commerce and Industry if the Minister had considered the suitability of developing as an industrial product the manufacture of starch from maize and cassava in Bungoma Township.

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, Sir, I beg to reply. I have considered the suitability of developing the manufacture of starch from cassava and maize. We are now considering what would be the best location for a factory and are at the same time investigating the problem of supplies. Cassava is, however, a more likely proposition than maize, where the costs of production would be high. The Industrial Development Corporation is working with a local

research firm to develop a method of low-cost production of starch from cassava. If the research is successful it would enable the Industrial Development Corporation to consider applications for financing a factory in the Western Region.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, will the hon. Minister assure this House that his Ministry is going to investigate exactly where cassava grows, so that this industry is strengthened?

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, I have said generally in the Western Region, and as the hon. Member knows, I shall be touring the Western Region over the weekend.

Mr. Ngala-Abok: Mr. Speaker, Sir, in view of the fact that it appears that the Minister is not satisfied there is enough cassava in that area, could he think of a central place in Kenya where it could be processed for the whole of Western Region?

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, Sir, I have not said that I am not satisfied; I said I was investigating the quantity of supplies in Western Region. If the question does arise later on Nyanza Region, I shall do the same.

Question No. 140

NUMBER OF TOP POSTS HELD BY AFRICANS: NAIROBI POLICE

The Speaker (Mr. Slade): Mr. Anyieni, I believe you have authority from Mr. Ombese to ask questions 140 and 141 for him.

Mr. Anyieni: On a point of order first, Mr. Speaker, Mr. Ombese is not the Member for Kitui; he is the Member for Kitutu East.

Mr. Anyieni on behalf of Mr. Ombese asked the Prime Minister to tell the House how many top posts were held by Africans in each Section of the Nairobi Police Service.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): On behalf of the Prime Minister, Sir, I beg to reply. Assuming top posts to refer to the Inspectorate and Gazetted ranks, Africans hold the following posts in the various sections of Nairobi Area Police Service—

Mr. arap Moi: Mr. Speaker, on a point of order, is the Parliamentary Secretary in order in answering this question? He is answering a different question.

The Speaker (Mr. Slade): He is answering Question 140.

Mr. arap Moi: Then I withdraw.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): General Duties Branch, 50; Transport, 1; Traffic, 9; Special Branch, 6; C.I.D., 5; Prosecution, 3; total, 74.

Mr. Khasakhala: Could the Parliamentary Secretary tell the House what high posts are included in the figures he has given us?

The Parliamentary Secretary, The Prime Minister's Office (Mr. Chanan Singh): Sir, the term used in the question was "top posts". It was not defined. We think the questioner probably referred to Inspectorate and Gazetted ranks, and I have given the figures for these.

Mr. Muliro: Arising from the Parliamentary Secretary's reply could he give the House the breakdown according to tribal composition?

The Speaker (Mr. Slade): That is really not part of this question. That question can be put up another day.

Mr. ole Tipis: Could the Parliamentary Secretary please give us the breakdown between the Inspectorate and Gazetted ranks?

The Parliamentary Secretary, The Prime Minister's Office (Mr. Chanan Singh): Superintendent of Police 1, Assistant Superintendents of Police 3, Chief Inspectors 3, Inspectors of Police 18, Sub-Inspectors 49. Total 74.

Mr. Khasakhala: Mr. Speaker, Sir, could the Parliamentary Secretary tell the House whether some of these high posts are still being held by expatriate officers? I want to know if there are many expatriate officers holding higher posts in comparison to African officers.

The Parliamentary Secretary, The Prime Minister's Office (Mr. Chanan Singh): Sir it is common knowledge that there are expatriate officers in the police force as well as in other branches of service. However, the question asked for figures with regard to African officers and I have given him.

Mr. Gachago: Could the Parliamentary Secretary tell the House whether those Africans who have been recently promoted to the ranks of Assistant Superintendent of Police enjoy the same privileges in terms of salaries and other emoluments as their European predecessors?

The Parliamentary Secretary, The Prime Minister's Office (Mr. Chanan Singh): The hon. gentleman should know that the substantive

salaries for all races are the same. Expatriate officers are under their terms of service entitled to certain additional emoluments, overseas addition, et cetera, and those emoluments have been agreed to by Parliament.

Mr. ole Tipis: Mr. Speaker, Sir, is the Parliamentary Secretary satisfied that the number of four Gazetted officers is in keeping with the pace of Africanization?

The Parliamentary Secretary, The Prime Minister's Office (Mr. Chanan Singh): If the hon. gentleman wants me to say that there are Africans who are suitable for promotion but are not promoted, then he cannot get that answer. The position is that the need for having more African officers in high ranks is known and is felt. As African officers are becoming available for promotion they are promoted.

Mr. Ngala-Abok: Mr. Speaker, Sir, could the Parliamentary Secretary tell us how many top posts that are waiting to be taken up by Africans are still held by expatriate officers?

The Parliamentary Secretary, The Prime Minister's Office (Mr. Chanan Singh): I can give the House the total number of posts in these ranks held by non-Africans. I am not in a position to say how many of these are actually held by expatriates, that is officers who can be called upon and expected to retire. The total number, Sir, held by non-Africans in the ranks which I have mentioned is 225.

Mr. Khasakhala: Could the Parliamentary Secretary tell the House when the post of Inspector-General is going to be Africanized?

The Speaker (Mr. Slade): That does not relate exclusively to the Nairobi Police Service, which the question does.

Mr. ole Tipis: Mr. Speaker, Sir, will the Parliamentary Secretary agree that the comparison between these ranks of 74 Africans and 205 non-Africans is not in keeping at all?

The Parliamentary Secretary, The Prime Minister's Office (Mr. Chanan Singh): Sir, here the House should remember that these are figures for Nairobi and Nairobi is the nerve centre of the Colony and requires more senior officers in the Police Service. We know from history that these senior officers' posts have been in the past held exclusively by Europeans. For that reason there is a larger proportion of senior officers in Nairobi, but, as we all know, the pace of recruiting local people into the services is being quickened.

Question No. 141

MEDICAL FACILITIES FOR KISII DISTRICT

Mr. Anyieni, on behalf of Mr. Makone Ombese asked the Minister for Health and Housing if the Minister was aware that there was only one hospital in the Kisii District to serve a population of over half a million? And would he tell the House what was being done to increase the medical facilities there?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, I beg to reply.

It is not correct to say that there is only one hospital in the Kisii District. It is true there is only one Government hospital, but besides this there are three other hospitals, i.e. two hospitals run by Catholic Missions and one by a Protestant Mission. In addition, there are two Health Centres, four Health Sub-Centres and three dispensaries.

The Government's plans for the next development period are at present in a tentative stage and I am not, therefore, in a position to give detailed information about development plans for the health services in Kisii District. I can, however, say that extensions to Kisii Hospital are envisaged, in addition to improvements such as the provision of electricity, new kitchen and laundry blocks, and so on. It is also proposed to proceed as rapidly as possible with the health centre programme and to upgrade a number of existing dispensaries to the status of health sub-centres. Although Homa Bay is now the headquarters of a new administrative district it may be of interest to the hon. Member to know that the Government's first priority is the construction of a new hospital at that place.

Mr. Anyieni: Arising from the Parliamentary Secretary's reply, Mr. Speaker, will the Parliamentary Secretary define for us what a hospital is and what a dispensary is.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): As a matter of fact, Mr. Speaker, I am not here to teach the Kisii people about the service or the facts of life.

Mr. Anyieni: Arising from the Parliamentary Secretary's reply, Mr. Speaker, would the Parliamentary Secretary tell us which are the mission dispensaries or mission hospitals he is referring to, because I believe they are all dispensaries and not hospitals?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I am quite sure there is a hospital run by the Nyambururu

Mission. There is also one run by the mission at Asumbi. There is also one at Kamagambo.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): On a point of order, Mr. Speaker, there is no hospital at Nyambururu.

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

Mr. Anyieni: Mr. Speaker, Sir, would the Parliamentary Secretary agree that he is telling us lies, there is not a hospital at Nyambururu, that there is—

The Speaker (Mr. Slade): You cannot put a question like that, you know: asking the Parliamentary Secretary to agree that he is lying, and then stating facts of your own.

You can follow it up, but not quite that way. Take a moment to think of another way of putting it.

Mr. Ngala: Mr. Speaker, Sir, I am just standing to seek your guidance on this matter. The Parliamentary Secretary has given a reply which appears to have facts which are not substantiated by the Members from the area. In this case, is the Government not responsible for saying whether the statement made gives the true situation, because we are not here to be given answers according to the wishes of Ministers without being relevant to the situation on the ground?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): May I answer that, Mr. Speaker?

The Speaker (Mr. Slade): Yes, perhaps you had better.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): The Nyambururu mission runs a hospital of their own. The other Catholic missions run two hospitals and the Protestant missions run one hospital.

Mr. Ngala-Abok: Mr. Speaker, Sir, arising from the Parliamentary Secretary's original reply, which indicated that this district is overserved by hospitals and health centres, I think it is appalling that the Government is dragging its feet while building the Homa Bay Hospital.

The Speaker (Mr. Slade): I do not think Homa Bay Hospital is relevant to the question.

Mr. Anyieni: Mr. Speaker, Sir, would the Parliamentary Secretary now reply to the second part of the question?

The Speaker (Mr. Slade): He did reply fully to the second part of the question.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I am quite prepared to repeat it if he wants me to.

The Speaker (Mr. Slade): I do not think that is necessary.

Mr. Towett: Mr. Speaker, Sir, could the Parliamentary Secretary tell us the difference between a hospital and a dispensary because we have been told there is no hospital at Nyambururu. The Parliamentary Secretary says, on the other hand, that there is something at Nyambururu and it could be either a hospital or a dispensary. Could he tell us the difference because we are confused as far as Nyambururu is concerned?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Hospitals, Sir, have larger facilities and more beds. In Kisii the population is over half a million—about 519,000—and in the Government hospitals alone there are 236 beds; non-Government hospitals have 42 beds which makes a total of 248 beds, that means roughly 50 of a bed per thousand. Health centres are places which are a little larger than ordinary dispensaries, they have a bed or two which are used for maternity work or general work prior to someone being sent to hospital. There are two health centres and four sub-health centres in this district and the population in Kisii is about 86,000 per health centre.

Mr. Towett: Mr. Speaker, Sir, I am sorry to have to keep on asking the Parliamentary Secretary to explain this question properly. I did not ask about the health centres or the hospitals I asked about this particular place called Nyambururu. Is there a hospital there or a dispensary? If it is a dispensary, what qualifies it as a dispensary, 20 beds or 40 beds? This is what I want to get out of the Parliamentary Secretary.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): The Nyambururu Mission has a hospital of its own and I will not tell you where it is situated.

Mr. Khasakhala: Mr. Speaker, Sir, could the Parliamentary Secretary tell the House how many doctors there are in Kisii? This is what the questioner wants to know: how many doctors are there in the Kisii hospitals serving the Kisii people?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, that is a different question.

The Speaker (Mr. Slade): Yes, I think it is.

NOTICE OF MOTION ON THE ADJOURNMENT

QUESTION 141—MEDICAL FACILITIES FOR KISII DISTRICT

Mr. Anyieni: On a point of order, Mr. Speaker, in view of the fact that the reply from the Parliamentary Secretary is completely unsatisfactory may I be permitted to raise the matter on an adjournment motion?

The Speaker (Mr. Slade): Yes, though we may have to delay fixing the date for it because of the adjournment of the House for another week. However, I will notify you of a suitable date.

Mr. Anyieni: Thank you, Sir.

MOTIONS

EXTENSION OF LIFE OF THE RENT RESTRICTION ORDINANCE

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to move the following Motion:

THAT this House resolves that the Rent Restriction Ordinance (Cap. 296) shall remain in force until 31st December, 1966.

This Ordinance, Sir, will expire as it exists at the moment on 31st December next unless the House extends its life by passing this Motion. The Ordinance applies throughout Kenya but relates only to certain dwelling houses: it does not apply to houses, for instance, for which the standard rent is £30 or more or to houses on which construction was begun after 28th December, 1954. The Ordinance empowers the courts, among other things, to investigate complaints from tenants or landlords, to fix rents and control the eviction of tenants. The Ordinance replaced previous rent control legislation and was the result of recommendations made by a committee appointed in 1959 by the then Minister for Commerce and Industry. When the Ordinance was passed through the Legislative Council, the Government said that its policy was the progressive decontrol of rent and the Ordinance was accordingly given a life of only two years subject to renewal by resolution of this House. Unfortunately, the housing situation has never since been improved to the extent that rent restriction can be lifted. The life of the Ordinance has been extended each year since 1961. A year ago, when considering whether to extend the life of this Ordinance, the Government appointed a committee of enquiry to look into the whole question of rent restriction. The report of the committee is now being printed and will be published in due course.

[The Parliamentary Secretary for Health and Housing]

I would like to take this opportunity, Mr. Speaker, Sir, of thanking the Chairman, who is now Parliamentary Secretary to the Ministry of Local Government, and the members of the committee for their very useful report, and the time they have spared from their duties to go into this very complex problem. I do not propose, at this juncture, to go into the details of the recommendations of the committee of inquiry as Members will have an opportunity of discussing the report when it is published if they so wish.

However, Sir, it is necessary to refer to one of its main recommendations which is that rent restriction of dwelling houses will continue to be necessary for some time to come. The report recommends that the life of the Rent Restriction Ordinance should therefore be extended for another three years at least and that the question should then be reviewed again. Mr. Speaker, Sir, the Commission in their Report accept the general principle that the object of rent control should be on the one hand to safeguard tenants from the fear of eviction and from abnormally high rents exacted by reason of a housing shortage, and on the other hand to permit landlords to receive a reasonable rent return on their investments. The Report goes on to say, Sir, that the general housing shortage in the main urban centres is, if anything, getting worse. At the moment the number of new houses being built is not keeping pace with the population increase. The Report also expresses the view that landlords are getting a fair return. The Report concludes that rent control should therefore continue.

Mr. Speaker, Sir, the Government agrees with this view and that the life of the Rent Restriction Ordinance should be continued for three years. We are examining the other recommendations of the Committee to see whether the Ordinance should be amended in the light of the Committee's views to make it more effective. In the meantime, Sir, it is essential that the Ordinance should continue in being and accordingly I beg to move. Thank you.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

Mr. Pandya: Mr. Speaker, Sir, I am in support of the Motion which has been moved by the Parliamentary Secretary, but I was just wondering whether, in view of the fact that the Report of the Committee of Inquiry is likely to come, it will be better to extend this Rent Restriction

Ordinance for another year and take the opportunity of reviewing the whole province of rent restriction. Then, in the light of either accepting or rejecting the recommendations of this Commission, we could have a new Ordinance which would take into account those recommendations and extend it for a longer period because until those recommendations have been made known to this House it is difficult to know how they stand in relation to the main one of controlling the residential rents. I should have thought that the Parliamentary Secretary would be satisfied by extending it for another year.

The Speaker (Mr. Slade): You do not wish to move an amendment?

Mr. Pandya: No, Sir, I just mentioned it.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Speaker, Sir, there are two points I want to make in connexion with this particular Ordinance. I am in full sympathy with the Motion which has been moved by the learned-hon. Member for Gem but, Mr. Speaker, it presents a difficulty, I have had the occasion to read quite a number of memoranda from the public in respect of this particular Ordinance. There are quite a lot of genuine complaints from the public who wish to secure premises, business, residential or otherwise, in Nairobi and in many other parts of the country, but they cannot do so because the rents are unnecessarily high. Now, while the legislator may intend well, it sometimes becomes extremely difficult to have certain legislation in the Statute Book which the Government and the machinery of justice are not in a position to enforce. What I would like the hon. and learned Member for Gem to do when he is replying to this Motion is to let the House know how he is going to ensure that the provisions of this particular Ordinance—to which it is intended to give an extra period of life—are going to be enforced. Even at the time when this Ordinance was supposed to be in existence—as a matter of fact it still is—the requirements and the provisions of this Ordinance were not complied with. Yet nothing has been done to ensure that the business premises and residential houses have been fairly rented. It is proper that, now that there are a lot of anxious small African traders wishing to come to the city and take part or play their role in the commercial life of our country, the landlords, who are in most cases not Africans, should be very considerate. But the traders are unduly kept out because of the high rents. These are the complaints which we have come across in one of our working committees dealing with some of these unfair legislations. Mr. Speaker, I do not want

[The Parliamentary Secretary for Justice and Constitutional Affairs]

to take up too much time, but I would like to have one assurance from my friend, Mr. Kodhek, and that is how he is going to enforce the provisions of this Ordinance. With these few remarks, Mr. Speaker, I endorse the spirit of the Motion and I think the Ministry will give us this assurance. Thank you.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Speaker, I do not intend to say much on this but as a member of one of the Parties in Nairobi, we are very conscious of what my hon. friend here has said.

It is well known in Nairobi at the moment that the Africans who are coming to the centre of the town for business are being charged Sh. 350, Sh. 500, for one small room, about eight feet by ten feet. The old dukas which used to be on River Road have been chopped up into little rooms. The previous owners who traded there now live upstairs, and the ground floor is divided into tiny rooms for each of which from Sh. 350 to Sh. 500 is collected—from the Africans who are struggling themselves in the business world of Nairobi. Mr. Speaker, Sir, this is an important point, not merely because it is flagrant exploitation of these particular individuals but also because it impedes the building of that spirit which the Prime Minister has talked about so much. We want to create in this town, particularly, as the capital of our nation, the spirit where there is not that racial antagonism, there is not that feeling that one class of people, merely because they happen to be better off economically than others, are exploiting those who are less well off.

However much we politicians in this House and outside this House may speak, it is these concrete things which happen to the ordinary person which really matter. There is no point in my speaking every day at Shauri Moyo at public meetings that we want to have friendship, racial harmony, and all the other wonderful ideas to which I subscribe and to which I know every other Member in this House subscribes. Therefore, Sir, I hope my friend, the Parliamentary Secretary for Health and Housing, will also issue a similar warning. We should warn these so-called landlords that this form of exploitation should stop. If it does not stop, we are going to have the same antagonism as before. Mr. Speaker, let me add that it is not a question of race; it is not a question of race. If the landlords in this case were African, the antagonism would be exactly the same. It is not a question of race; it is a question of a group which is economically better off exploiting those who are not so well off.

Mr. Speaker, Sir, what I would like the Ministry of Health and Housing to evolve, and I know they should be thinking about this, is a policy for rents which keeps them at a level which has general relevance to the other prices in our economy. As it is now, we have this free capitalist system where the ordinary person is charged anything. It is disgraceful that, for instance, in one estate in Nairobi, Nairobi West, where I had the misfortune to live for a year and a half, the few Africans who are now, we pretend, being paid more because they are working in clerical jobs—they receive between Sh. 500 and Sh. 600 a month—are charged Sh. 300, Sh. 350 or Sh. 400 rent for a flat which has one bedroom and one sitting-room. They have to pay this because everyone knows of the acute shortage of housing in Nairobi. A man is struggling to achieve a decent standard of living; he cannot find accommodation in other places where there is City Council housing, so he has to go to Nairobi West, or a similar estate to that, where the houses are owned by private capitalists. These people will charge any rent they like, and the man has no remedy. This, I think, is the true significance of what my learned friend here, who is himself a lawyer, has expressed, that a man has absolutely no remedy; he is at the mercy of the landlord, and because of the acute housing shortage he has to pay. It is disgraceful that more than seventy-five per cent of a man's earnings should go to pay rent. How, then, can he meet all his other expenses?

Therefore, I would like to suggest to my friend here that he issues a stern warning to the people who own these houses. That is not enough; I think he should explore the possibility of having an inspectorate. I remember, Mr. Speaker, many years ago, when I was a little boy, we used to be cheated by people in the dukas because they used defective weighing machines, and you would get half a pound when you were expecting to get a pound. I remember that even the Imperialist Government in those days instituted an inspectorate of weights and measures. Here is a case, not only for a warning but for my friend to inaugurate an inspectorate, and I am sure my friend, knowing Nairobi as well as he does, would make a very good general director of the department or inspectorate.

With those few words, Mr. Speaker, I very strongly support this Motion.

Mr. Ngala: Mr. Speaker, Sir, I think this Motion is very straightforward, and therefore I stand to support it. I support it because the Rent Restriction Ordinance is helpful to the poor people, particularly in the township the Minister

[Mr. Ngala] has mentioned, Mombasa. It is essential that there should be this restriction because the Government has a responsibility to protect the poor so that they can get reasonable places in which to live, and to prevent them being exploited by the property owners. This is a very important duty of the Government, as I indicated yesterday with regard to the matter of minimum wages.

Secondly, I feel the time has come—and I agree with the hon. Mr. Kibaki—that the property owners, house owners and so on, should review completely the policy under which they are letting their premises, particularly houses. The rents should be properly related to the incomes of the people who live there, because it is completely intolerable that people pay well over one-third, one-half, or even three-quarters of their salaries to the property owners. This is another form of exploitation which is very bad indeed. These houses have been built with the help of cheap labour, and therefore they should have low rents. I very strongly support the hon. Mr. Kibaki, and I hope the Parliamentary Secretary will go into it very seriously; instead of making trips to Kişumu he should look into this.

Mr. Masinde: Mr. Speaker, Sir, I stand to support the Motion. While supporting it, I want to stress very strongly that this is the time for action. I am glad that the hon. Parliamentary Secretary has realized the problems of Africans, in particular. They are the people who are very badly placed in Nairobi, and they have a lot of problems. I just want to bring an example to show what happens, and this is one of the main problems: in some of the houses there is no fixed rent. In one house you are told to pay so much, when you find that your neighbour who has the same landlord and lives in a similar house pays a different rent just because he is a relative or because he belongs to a certain race, or something like that. This is one of the things the Ministry must look into today or tomorrow, and check it. They must not only check it, but they must establish fixed rents so that the ordinary man will benefit. If you want to raise the standard of living of the people of this country, there are certain matters which have to be put right, and one of the most important is housing facilities. Nairobi is the worst; in some areas like Kakamega you can get a house, not a flat, with perhaps nine rooms, for Sh. 150, but in Nairobi you pay about Sh. 400 for one bedroom. This is just terrible.

People like us are supposed to keep two houses and thus set an example. We are supposed to have two houses in Nairobi, but I am afraid I do not

think an ordinary Member can afford to pay for the upkeep of two houses in Nairobi unless he goes to Kariokor or Majengo where he can get a room for Sh. 40 or so. However, if we are expected to maintain suitable houses we cannot afford to pay very much, certainly not Sh. 400 by way of rent. This is what is happening, and particularly to Africans.

In some parts of the country I know there are organizations which allow certain members of their families to pay a rent of only Sh. 150 and yet if they know that another person wants the house they exploit him and do not let him have the house unless he pays the rent demanded. These things must be put right immediately. I hope the Ministry concerned will take up this matter seriously. It is not only a question of the Government bringing this Bill to this House in order to keep us informed of what it is doing; we want to see action today or tomorrow.

With these few words I support the Motion.

Mr. Jahazi: Mr. Speaker, Sir, our Government is a poor Government. We want a lot of development but the Government cannot afford this because of lack of money. We want free education, free housing, but we cannot afford to have these things at the moment because we do not have the money to permit us to have them. We must be tolerant with the Government which says that there are many things it wants to do but cannot do just now because of the lack of money. However, the Government must take steps to see that where it does not require money to help the citizens it must do something to ease the suffering of the people.

One way in which the Government can help to alleviate the suffering of the people is to control the house rents, because the citizens of this country are being exploited by the landlords. They have been left at the mercy of the landlords who increase the rents as and when they please. A certain person may occupy a house at a rent of Sh. 300 and when he leaves, the new occupant may probably be charged Sh. 500. The rent can rise and fall at the wish of the landlord. This Government being a Socialist Government must see to it that this exploitation ceases. The only way it can prove that it knows and appreciates the difficulty of the citizens is to help them meet their rents. In Mombasa today you find that most of the landlords expected that the Government would do away with rent control and in view of this they had already given notices to their tenants that the rents would shortly be increased. The present rent control is not enough; what we need is not to keep the rent control only until next year but to strengthen it, to control every

[Mr. Jahazi] hut, house and mansion. The Government must see to it that the rent paid conforms with the salaries which are being paid to people. A man who receives a salary of Sh. 120 gets a house allowance of Sh. 20 or Sh. 30. Where can anyone find a room for Sh. 30 in Nairobi? If a man has to pay at least 50 per cent of his salary by way of rent how is he expected to live? Where is progress? This Government must face the truth. We can wait for free education even if it takes five or ten years, but we are not going to continue to see our people exploited while we have laws to deal with these exploiters. Most of the landlords charge heavy rents and do not keep or spend the money here. They export the money to London or Switzerland. They do not invest the money in buying more houses here, and consequently the country gets nothing in return. Why should we keep quiet? If we allow these landlords to exploit us we will show that we share in their sins.

Some people are rich and can afford big things. I am a poor man and cannot afford such pleasures, I want to live in a big house with two or three rooms and separate bathrooms; but how many of us can afford that? Look at the difference. Some of the Members of Parliament move around in a big way and think they are important, yet where do they live?

The Speaker (Mr. Slade): The hon. Member must address the Chair.

Mr. Jahazi: Mr. Speaker, Sir, I only want them to compare the places where they live and sleep with what they really ought to have if they consider they are important.

Therefore, I say this rent control should be further strengthened. The present control is really not enough; I would like a new law altogether to control the rent of every hut, house, and mansion, to see that people only pay the rent they can afford. If a clerk's salary is Sh. 400 he should only pay a rent of Sh. 30. A clerk who receives a salary of Sh. 400 and stays in Nairobi West where he has to pay a rent of Sh. 300 will find himself left with very little money to meet his other needs. How can we expect a man who is in financial difficulties to work faithfully and well? If he helps himself to money from the office we send him to jail because he has broken the trust that was placed in him. He only has to take this money because of the difficulties he finds himself in and the Government must face up to things and help such people.

With these few words, Mr. Speaker, I hope the Minister concerned will take these views very seriously, because they concern the masses. This is the change we want to come about so that we

can show the people that Government is a national Government, a Government that will start at the roots of the suffering of the people, not at the top.

Thank you, Mr. Speaker.

(*Interruption of Debate on a Point of Order*)

NOTICE OF MOTION ON THE ADJOURNMENT UNDER STANDING ORDER 14

PROHIBITION OF MR. F. BENNETT FROM ENTRY INTO KENYA

Mr. Ngala: On a point of Order, Sir, under Standing Order 14, I would like to raise an Adjournment Motion on a matter of urgent public importance relating to the declaration by Government on prohibition of certain individuals in order to stop them from coming to witness the Kenya Independence Celebrations.

The Speaker (Mr. Slade): Mr. Ngala, you have definite information that certain individuals have been declared prohibited immigrants for this purpose?

Mr. Ngala: Yes, Sir.

The Speaker (Mr. Slade): The Standing Order to which Mr. Ngala referred says, "If any Member rising in his place at any time shall propose to move the Adjournment of the House for the purpose of discussing a definite matter of urgent public importance, and if—(a) Mr. Speaker rules that the matter is a definite matter of urgent public importance; and (b) not less than 10 other Members rise in their places in support, Mr. Speaker shall nominate a time on the same day at which such Motion may be moved."

I have to decide whether this is a definite matter of urgent public importance. It is a definite matter, certainly. If it is of public importance, if it is urgent because we are approaching Independence Day. In the ordinary way, I would not have said that the prohibition of one or two immigrants was of sufficient public importance for use of this Standing Order, but if there are several people involved, which raises the whole principle of what type of person is to be prohibited, then I think it is of sufficient public importance. So I rule that this matter is a definite matter of urgent public importance. Are there then other Members who support this?

(*Ten hon. Members rose in their places*)

The Speaker (Mr. Slade): In that case, I will fix 12 noon today for Mr. Ngala to move the Adjournment of the House.

We will now continue with the present Motion.

MOTION

EXTENSION OF LIFE OF THE RENT RESTRICTION ORDINANCE

(Resumption of Debate)

Mr. Kamau: Mr. Speaker, Sir, I rise to speak on this Motion, which has drawn the greatest interest of the public, concerning rents in this country. I would say to the House that this time has come when this Government should not, under any circumstances, inherit the old colonial mentality of exploitation of our people.

Members will have seen our people walking from areas like Bahati, Karioko and Makadara coming to town to work, because they cannot even afford to pay to come on a bus. They are walking because for most of the houses in which they are living they are paying very high rents; they have to walk to save a few pennies, so as to pay the rent and meet their monthly expenditure.

I would ask the hon. Parliamentary Secretary to the Ministry of Health and Housing to urge the Government to tighten this control and, further, to amend the Ordinance, so as to come down to the level of the minimum wage of the ordinary labourer in this town. Only a basic rent should be paid by everybody in this country.

To quote a very simple instance, I was going round the River Road area where I found a certain person who rented an Indian shop, which was subdivided. I understand that the former occupier of that place was an Indian who was paying Sh. 40 per month, but now that an African is there he is being charged Sh. 150. Is that fairness, Mr. Speaker? That is the worst form of exploitation which we should not see existing in this country.

Mr. Speaker, Sir, people voted for this Government because it was their own Government which they expected to do justice to them, as they have been subjected—

QUORUM

Mr. Gachago: On a point of order, Mr. Speaker, do we have a quorum in the House?

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

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now, you may proceed, Mr. Kamau.

Mr. Kamau: Mr. Speaker, I was saying that this Government was voted for by the public

because the people knew they were voting for their own Government which would realize the difficulties facing the people.

The Speaker (Mr. Slade): Mr. Kamau, I think you are getting rather far away from the question, which is simply whether or not you want a particular Ordinance to continue in force. I do not think your remarks are really relevant.

Mr. Kamau: Mr. Speaker, Sir, I was saying that I fully support the Motion. I think the Minister concerned should invite the Government to appoint a commission to investigate the present exploitation that is taking place with regard to rent control, so as to set up reasonable rents. These rents should take into consideration the needs of our people because if we allow this to continue the people will suffer a great deal.

Mr. Speaker: I therefore support the Motion.

Mr. Gachago: Mr. Speaker, while supporting the Motion I would like to say that rent restriction is an absolute necessity. However, Sir, it is only going to help if measures are taken to make sure that those restrictions are observed by the landlords. Without saying much and without repeating what has already been said, I would like to say that the basic idea behind this Motion I believe is to protect the weaker from being exploited by the stronger; that is the tenants being exploited by the landlords. Although these restrictions have been in operation for quite some time these exploitations have gone on every day of our lives and it would not be wrong to say—even as we debate this matter—that exploitation is being carried out at River Road, in Nairobi South and all over the country.

What is the remedy, Mr. Speaker? It has been suggested that an inspectorate be established by the Minister concerned. I do not know if the law provides for such an inspectorate to be established, but it should be the function of such an inspectorate to stop the exploitation of tenants by landlords. This question of exploitation of tenants ties up with many other things and goes deep enough to tie up with unemployment and the security of the country.

I can go back to a typical example of what happens in River Road and other places where Africans hire *dukas*. I say Africans because, fortunately or unfortunately, the Africans happen to be by and large, the greatest victims of this rent business. An African goes to River Road and hires a small shop from an Indian and the landlord says that the rent for the shop is Sh. 500 per month. The African has only a little capital, but he takes the shop because he has no alternative

[Mr. Gachago]

as he has no other employment. This African tries as hard as he can—he works without even eating—and by the end of the month he finds that all he has is either the rent or nothing at all. What happens eventually is that after six months or one year the African finds himself out of business and then he is unemployed. This happens pens to very many people in this city all over the country. A person who is unemployed, and has nothing to do, and has to look after and feed himself and sometimes a family as well, can be expected to do anything to obtain food for himself and his family. This is where the question of security comes in, Mr. Speaker. This is why I say that it is most important that the Minister must not merely bring legislation to this House, he should go deeper into the subject, to ensure that this type of exploitation will be stopped in the quickest possible time.

Mr. Speaker, Sir, without going further into the matter I support the Motion.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, first of all I wish to thank the hon. Members, who have given us such useful advice and contributed to the debate.

There are, however, one or two points which I wish to make. The first one is that the Member for Liwatoni—unfortunately he is not here now—asked that we should renew the Ordinance again for a period of only one year. That is exactly what has been done since 1961, but I think this renewing of legislation every year is very monotonous. However, other contributions were made to this debate particularly by those who asked that we should not use control alone, but that we should use stricter control than that used at present. A three-year period will make it possible for us to go into the things hon. Members have suggested and do so very well.

An hon. Gentleman, I think the Parliamentary Secretary to the Treasury, Mr. Mwai Kibaki, also referred to certain premises in Nairobi South and those we will deal with. The Parliamentary Secretary for Legal Affairs referred to business premises and he wants an assurance as to what we can do towards stricter control. Unfortunately, the Ministry of Health and Housing deals purely with dwelling houses. The premises in River Road, Government Road and elsewhere do come under the Ministry of Commerce and Industry and there our hands are very firmly tied and we cannot do very much about assuring this House that we will control rent there. This depends on the powers the House gives us. The enforcement,

as far as dwelling houses are concerned, of standard rent should not be more than £30. These are the sorts of premises in which we are all interested.

That, I think, is the sort of term in which you people who rent houses in towns and here in Nairobi are interested. I heard an hon. Member say very rightly that it is very difficult to get terms at a rent which is reasonable to one's pocket. Now, unfortunately, it appears to me that people do not know what powers they have. They have not evoked the law properly, and I might just as well give you just two of the functions of this Ordinance. It has a lot of provisions; and although people do not like to read these volumes I will just read three of the provisions: The Powers of the Court under the Rent Restriction Ordinance, Chapter 296, section 5. If you know these you can always appeal to the Court. Now listen to this:—

"The Court shall have powers to do all things which it is required or empowered to do by or under the provisions of this Ordinance, and in particular shall have power:

(a) to assess the standard rent of any premises either on the application of any person interested or of its own motion."

The Court can do that but it is better, that you should do it yourself and make an application.

"(b) to fix, in the case of any premises, at its discretion and in accordance with the requirements of justice, the base from which the standard rent is payable.

(c) To apportion payment of rent of premises among tenants sharing the occupation thereof."

So, there are a lot of things which the Court can do for you, and I would ask hon. Members to educate their friends on the ways the Rent Restriction Ordinance can help them. They must make use of it more and more. The houses, for instance, in Nairobi South, come within the ambit of this because we cannot control any rent of houses whose construction was begun before 28th December, 1954. In fact, I think, if a house was constructed before that date, for example in 1952, we have no power at all over it. That is the law, but as this is a national Government I would ask you, hon. Members, to evoked the powers of this Ordinance more and more, even the power to have this control for the next three years, and I can promise you we will do everything that you want us to do. I beg to move.

(The question was put and carried)

MOTION

EVICTION OF TENANTS (CONTROL) (MOMBASA)
ORDINANCE

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I beg to move—

THAT this House approves that an order be made to keep the Eviction of Tenants (Control) (Mombasa) Ordinance (Cap. 298) in force until the 31st December, 1966.

This Ordinance, Sir, also expires on 31st December next unless an order is made, with the approval of this House, to extend its life. It applies only to certain areas of Mombasa. The object of this Ordinance is to protect the tenant or occupiers of temporary houses which have been built on other peoples' land in certain areas of Mombasa which are listed in the Schedule to the Ordinance. No Court action to evict a tenant or to raise rent can be initiated by a landlord without the consent of the Board. The Committee of Inquiry, to which I referred, Sir, in moving the last Motion also examined the working of this particular Ordinance. I have recommended that its life be extended for at least another three years for the same reason as in the case of the Rent Restriction Ordinance. The Government is considering whether amendments to this Ordinance are needed in the light of the other recommendations of the Committee on this Ordinance. In the meantime, however, the Government considers that it is essential to keep it in force until the end of this year and accordingly, Sir, I beg to move.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.

(Question proposed)

(The question was put and carried)

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

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

BILLS

Second Readings

THE BRETTON WOODS AGREEMENTS BILL

(Resumption of Debate interrupted on 13th November, 1963)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Deputy Speaker, Sir, on the basis of the debate on Wednesday, the main point that was raised by the Leader of the Opposition was that when we borrow money from

the World Bank there should be assurances that some of the money will be spent in the lower potential areas of Kenya. He even went on to suggest that we should get the World Bank to alter its rules so that if any part of the country had a project all that would be necessary would be for the Bank simply to say that it can provide the money without looking at the project at all. The Minister for Agriculture did cover this part of the question very well. However, I feel that I could make a few points clearer about the World Bank. Under its Articles of Agreement and as a matter of operating policy, the World Bank makes loans only against specific projects which are economically sound. The Articles have been signed by a growing number of nations, the latest Annual Report—

QUORUM

An Hon. Member: Mr. Deputy Speaker, Sir, do we have a quorum.

The Deputy Speaker (Dr. De Souza): No, we do not, ring the Division Bell.

(The Division Bell was rung)

The Deputy Speaker (Dr. De Souza): We have a quorum now, you may continue, Mr. Gichuru.

The Minister for Finance and Economic Planning (Mr. Gichuru): I was saying, Mr. Deputy Speaker, that I would like to put forward the following points. First of all, under the Articles of Agreement of the World Bank and as a matter of operating policy, the World Bank makes loans only against specific projects which are economically sound.

The Articles have been signed by a growing number of nations. The latest list in the annual report shows ninety members, which is an increase of fifteen in the last sixteen months. The operating policies are determined by the executive directors, appointed by all members. Quite aside from the merits of the suggestion that the bank policies should be altered, Kenya alone would not be able to change them as only one of over ninety members.

The second point is that Kenya has sources of external aid other than the World Bank and I.D.A., and some of these are specifically interested in aiding the less developed areas of Kenya. It is unfortunate that the Leader of the Opposition is not here to hear this. The Government has continually been seeking aid for these areas with growing success, and will continue to do so.

The question of joining the I.M.F., I.B.I.B., I.F.S., I.D.A.—they are all listed in the paper—is as much a matter of Kenya's international policy

[The Minister for Finance and Economic Planning] as of its economic advantage. Surely the hon. Leader of the Opposition did not mean to reserve his position on Kenya's joining the world financial community of ninety nations as represented in the International Monetary Fund, the World Fund and its affiliates. That is, after all, the only point at issue in the Bill before the House. The question of the World Bank lending policy is not mentioned in the Bill

In addition, the following points answer other technical questions raised by the hon. Leader of the Opposition. Soft loans are loans with low interest rates and long repayment periods. Although I.D.A. gives such loans, they are only given for projects with good economic returns. The soft terms are for the benefit of the country with a heavy debt servicing burden, as the Government will have the use of the financial returns from a project without having to repay the loans immediately. The three East African countries cannot, under I.M.F. regulations, join as one country unless they are, in fact, one country. There was a question as to whether we should not all join together. We are not federated yet. If we do so, it will make it easy for us, we could join in as one, but, as the other two are already members, it would make things easier, even after federation, if we, at this time, became members also. Arrangements have been made accordingly with the World Bank.

Mr. Deputy Speaker, Sir, I do not think I have very much more to add on this, and I beg to move.

(The question was put and carried)

(The Bill was read a Second Time)

MOTION

MORE THAN ONE STAGE OF BILLS AT
ONE SITTING

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Deputy Speaker, Sir, under Standing Order 35 (h) I beg to move, without prior notice, a Motion under Standing Order 89 as follows:—

THAT all the remaining stages of the following Bills be taken at today's sitting:—

The Evidence Bill.

The Statute Law (Repeal) Bill.

The Government Accommodation Bill.

The Bretton Woods Agreements Bill.

The International Development Association Bill.

The International Finance Corporation Bill.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek) seconded.

(Question proposed)

(The question was put and carried)

(By order of the House the Bretton Woods Agreements Bill was committed to a Committee of the whole House today)

BILLS

Second Reading

THE INTERNATIONAL DEVELOPMENT
ASSOCIATION BILL

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Deputy Speaker, Sir, I do not think I have anything to add to what I said on Wednesday in introducing the Bretton Woods Agreements Bill. I therefore beg to move that the International Development Association Bill be read a Second Time.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek) seconded.

(Question proposed)

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Deputy Speaker, Sir, I have really nothing to add because this is consequential on the Bills we have already passed, which we have covered, but I think I should take the opportunity—it is a great pity the Leader of the Opposition is not here—to clear a confusion in his own mind which he is trying to get through to the country. The confusion is that there is in any way neglect for certain areas in the development plans of the Government. That is absolutely false, Mr. Deputy Speaker. The Government views the whole country as one, and we in our planning have no intention whatever—indeed we would be failing in our duty if we had any such intention—to neglect any part of this country. His confusion over the so-called high-potential and low-potential areas should be cleared in this manner: if the high-potential area was devised in relation to certain development factors, such as having good rainfall, having land which could grow the then outstanding cash crops, coffee, tea, pyrethrum, et cetera. We know in our planning that even the areas which are dry as of now can be rendered areas of high potential by irrigation, by providing water and by all the other known means of making these areas productive. Therefore, the definition of high-potential areas is not as a static one. It depends on what investment you have to put into

[The Parliamentary Secretary to the Treasury] that particular part of the soil. Indeed, Mr. Deputy Speaker, only the other day I was surprised to see that in Egypt, for instance, they have reclaimed square miles of desert by irrigation, and land which only five years ago would have been classified as the lowest potential, being a desert, is now of very high potential because they have very good irrigation, they have good soil, they are planting the best crops you can think of, and they are getting money out of it.

So in our planning we have ideas to develop all parts of this country. Indeed, the hon. Leader of the Opposition should know that as of now we have missions surveying the potential for irrigation in the Tana River basin. We have another mission surveying the irrigation potential of the dry Turkana and Samburu areas, so we have plans going ahead for the development of these areas. Right now, Mr. Deputy Speaker, one of the best products you could put on the market is meat, it is in great demand. Another product is sisal; right now it has a very great value. These drier parts of the country could, if properly organized, produce such products.

What we require in this House and from everybody in the country is to encourage those people in the dry parts of this country to work hard, to co-operate with the Government in the schemes, for instance, in producing a better stock of cattle, to co-operate with the Government in programmes of land consolidation and to co-operate above all with the Government in working harder whenever we have these programmes, as I said yesterday. I wanted to stress that point for the benefit of the Leader of the Opposition and the country at large.

Equally important, Mr. Deputy Speaker, is the question of the borrowing terms, and this has relation to the Bill we are now debating. I do not think we want to deceive ourselves that we are in a position to dictate even to a local bank as to the terms on which they will lend us money. They know on what terms they are willing to lend and as a borrower we are in the worst position to tell them the terms. International agencies have been operating for a long time, and it is wrong for anybody here to try and believe that Kenya is going to be in a position to dictate the terms of borrowing. The best we can expect to do is to co-operate with the rest of the nations in the world in trying to liberalize the terms on which credit is available to all the under-developed countries, not merely Kenya alone, and of course, you will realize, Mr. Deputy Speaker, we will not be in a position to exert that pressure unless we are members. Mr. Deputy Speaker, I think

everybody agrees that we should become Members.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Deputy Speaker, with these very important remarks made on the whole issue, I beg to move.

(The question was put and carried)

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

SECOND READING

THE INTERNATIONAL FINANCE CORPORATION BILL

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Deputy Speaker, Sir, with the remarks which I made in my opening speech on the Bretton Woods Agreements Bill, I beg to move.

The Parliamentary Secretary to the Treasury (Mr. Kibaki) seconded.

(Question proposed)

(The question was put and carried)

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

(The Deputy Speaker (Mr. de Souza) left the Chair)

IN THE COMMITTEE

(The Chairman (Mr. de Souza) took the Chair)

THE EVIDENCE BILL

(Clauses 2, 3 and 4 agreed to)

(Clauses 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 agreed to)

(Clauses 17, 18, 19, 20, 21, 22, 23 and 24 agreed to)

Clause 25

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Chairman, I would like to move an amendment to clause 25:—

THAT Clause 25 be left out of the Bill and the following clause be inserted in place thereof:—

(1) Confession defined.

25. A confession comprises words or conduct, or a combination of words and conduct, from which, whether taken alone or in conjunction with other facts proved, an inference may reasonably be drawn that the person making it has committed an offence.

[The Parliamentary Secretary for Justice and Constitutional Affairs]

Mr. Chairman, the amendment has been made on the grounds that although the original definition printed in the Bill sets out the present Law of Kenya as stated in one of the leading cases in criminal law—that is, Swami's case which was before the Privy Council in 1939 and other cases—it has been recognized for some time that the definition is too narrow, and excludes an incriminating admission which falls short of the actual admission of an offence. There is, in fact, a strong tendency for the judges to lean towards a wider interpretation. Since the Bill was published, the matter has been carefully examined by the Law Reform Committee which consists of a judge of the Court of Appeal, the Chief Justice and another judge, two senior members of the Law Society of Kenya and the Law Officers. The question has also been referred to the British Institute of International and Comparative Law, which has favoured us with the opinions of very leading jurists, that is Lord Justice Diplock, Mr. Justice Lawson and Mr. Carter, who is an expert on the Law of Evidence and a fellow of Wadham College, Oxford. The consensus of opinion is that the definition should be wider as shown above.

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

(Question of the amendment proposed)

(The question that the words proposed to be left out be left out was put and carried)

(The question that the words proposed to be inserted in place thereof be inserted was put and carried)

(Clause 25 as amended agreed to)

Clause 26

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Chairman, I beg to move that clause 26 be amended as follows:—

(a) by adding, next after the word "Confessions" in the marginal note thereto, the words "and admissions";

(b) by inserting next after the word "confession" where that word first appears the words "or any admission of a fact tending to the proof of guilt"; and

(c) by inserting, next after the word "confession" where that word appears for the second time, the words "or admission".

This, Mr. Chairman, has become necessary arising out of the consideration of a wider definition of confession, as I have already indicated.

It was considered by the Law Reform Committee that clause 26, which excludes from evidence confessions caused by any inducement, threat or promise, should also exclude damaging admissions caused by inducement, threat, et cetera, even those admissions merely tend towards the proof of guilt, and are not such as to give rise to any necessary inference of guilt.

(Question of the amendment proposed)

(The question that the words proposed to be inserted be inserted was put and carried)

(Clause 26 as amended agreed to)

(Clause 27 agreed to)

Clause 28

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Chairman, I beg to move:—

THAT paragraph (b) of clause 28 be amended by deleting the expression "assistant inspector" and inserting the expression "sub-inspector".

The reason for this amendment, Mr. Chairman, is that the nomenclature used in the printed Bill is out of date. We do not have assistant inspectors in Kenya today; we have sub-inspectors.

(Question of the amendment proposed)

(The question that the words proposed to be left out be left out was put and carried)

(The question that the words proposed to be inserted be inserted in place thereof was put and carried)

(Clause 28 as amended agreed to)

Clause 29

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Chairman, I beg to move:—

THAT paragraph (a) of clause 29 be amended by deleting the expression "assistant inspector" and inserting the expression "sub-inspector". This is for the reasons I have already given.

(Question of the amendment proposed)

(The question that the words proposed to be left out be left out was put and carried)

(The question that the words proposed to be inserted be inserted in place thereof was put and carried)

(Clause 29 as amended agreed to)

(Clauses 30 and 31 agreed to)

Clause 32

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Chairman, I beg to move the following amendment—

THAT clause 32 be amended by deleting subsection (2) thereof and inserting the following subsection:

(2) In this section "confession" means any words or conduct, or combination of words and conduct, which has the effect of admitting in terms either an offence or substantially all the facts which constitute an offence;

"offence" includes the abetment of, or an attempt to commit, the offence.

The reason for this amendment is because it introduces a narrower definition of confession for the purposes of this section only, that is, the preceding section. The Law Reform Committee consider that the word "confession" should be more strongly defined than the type of confession dealt with earlier in this part of the Bill.

(Question of the amendment proposed)

(The question that the words proposed to be left out be left out was put and carried)

(The question that the words proposed to be inserted be inserted in place thereof was put and carried)

(Clause 32 as amended agreed to)

(Clauses 33, 34, 35 and 36 agreed to)

(Clauses 37, 38, 39, 40, 41 and 42 agreed to)

(Clauses 43, 44, 45, 46 and 47 agreed to)

(Clauses 48, 49, 50, 51, 52, 53 and 54 agreed to)

(Clauses 55, 56, 57, 58, 59, 60, 61, 62 and 63 agreed to)

(Clauses 64, 65, 66, 67, 68, 69 and 70 agreed to)

(Clauses 71, 72, 73, 74, 75, 76, 77 and 78 agreed to)

(Clauses 79, 80, 81 and 82 agreed to)

(Clauses 83, 84, 85, 86, 87 and 88 agreed to)

(Clauses 89, 90, 91, 92, 93, 94, 95 and 96 agreed to)

(Clauses 97, 98, 99, 100, 101, 102, 103, 104, 105 and 106 agreed to)

(Clauses 107, 108, 109, 110, 111 and 112 agreed to)

(Clauses 113, 114, 115, 116, 117, 118 and 119 agreed to)

(Clauses 120, 121, 122, 123, 124, 125 and 126 agreed to)

Clause 127

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Chairman, I beg to move that subsection (4) of clause 127 be amended by adding at the end the words, "and includes a marriage under native or tribal custom".

The reason for this, Mr. Chairman, is that this and the following amendment relate to clauses dealing with the competence and compatibility of persons as witnesses for and against their spouses. As the courts at present interpret the application of the Indian Evidence Act marriages under native law and customs are excluded, and one of the effects of this is that a wife can be made to testify against her husband in criminal cases generally. It is not considered that this state of affairs should be perpetuated, notwithstanding certain evidential difficulties which a change will involve. A wife well disposed towards her husband is inclined to turn hostile in nine cases out of ten, that is to say she might not be a very favourable witness for the party which calls her against her husband. One who is not well disposed towards her husband is a suspect witness in any case.

There may be difficulty in proving a marriage under native law and customs in some cases. However, it is not considered that this should deter us from making the change.

Paragraph 12 of the Memorandum of Objects and Reasons in making this alteration in the law states that there is no exclusion of marriages under customary law. That was considered to be the effect of the two clauses, but since the Bill was published it has been represented that this is not clear. The amendments now proposed are decided to remove this doubt and therefore the hon. Members who married their wives under tribal custom will benefit from this clause.

(Question of the amendment proposed)

(The question that the words to be added, be added, put and carried)

(Clause 127 as amended, agreed to)

(Clauses 128 and 129 agreed to)

Clause 130

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Chairman, I beg to move that subsection (2) of clause 130 be amended by adding at the end the words, "and includes a marriage under native or tribal custom".

I have already explained the reasons why we intend to make these changes.

(Question of the amendment proposed)

(The question that the words to be added, be added, put and carried)

(Clause 130, as amended, agreed to)

(Clauses 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142 and 143 agreed to)

(Clauses 144, 145 and 146 agreed to)

(Clauses 147, 148, 149, 150, 151, 152, 153 and 154 agreed to)

(Clauses 155, 156, 157, 158, 159, 160, 161 and 162 agreed to)

(Clauses 163, 164, 165 and 166 agreed to)

(Clauses 167, 168, 169, 170, 171, 172 and 173 agreed to)

(Clauses 174, 175, 176, 177, 178, 179, 180 and 181 agreed to)

(Clauses 182, 183, 184 and 185 agreed to)

(First Schedule agreed to)

(Second Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE STATUTE LAW (REPEAL) BILL

(Clauses 2, 3 and 4 agreed to)

Schedule

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, I beg to move—

THAT the Schedule to the Bill be amended by inserting therein immediately after the entry relating to the African Trust Fund Ordinance the following entries:—

Cap. 205. The Compulsory Military Training Ordinance.

Cap. 207. The Reinstatement in Civil Employment Ordinance.

(Question of the amendment proposed)

(The question that the words proposed to be inserted, be inserted, was put and carried)

(Schedule, as amended, agreed to)

(Title agreed to)

(Clause 1, agreed to)

THE GOVERNMENT ACCOMMODATION BILL, 1963

(Clauses 2, 3, 4, 5, 6, 7, 8, 9 and 10 agreed to)

(Clauses 11, 12, 13, 14, 15, 16 and 17 agreed to)

New Clause

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, I promised in the Second Reading to consider the various points which were made and accordingly I have a new clause to bring up. Under the subtitle "Limitation of Occupation" I will propose a new clause in the following terms:—

Limitation of occupation. Accommodation which consists of a dwelling-house or a flat shall not be capable of occupation under the powers conferred by this Ordinance after the 31st December, 1963.

I beg to move that this clause be read a Second Time and added to the Bill.

(Question of the new clause proposed)

(The question that the new clause be read a Second Time was put and carried)

(The question that the new clause be added to the Bill was put and carried)

(Title agreed to)

(Clause 1 agreed to)

THE BREITON WOODS AGREEMENTS BILL, 1963

(Clause 2 agreed to)

Clause 3

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move that clause 3 (b) of the Bill be amended by—

(i) deleting the word "thereunder" which appears in line 6; and

(ii) inserting in place of such word the words "under the Resolution of the Board of Governors of the Fund relating to membership of Kenya in the Fund and under the Resolution of the Board of Governors of the Bank relating to membership of Kenya in the Bank".

This is necessary to incorporate the provisions of I.M.F. and I.B.R.D. resolutions in Kenya's acceptance of membership.

(Question of the amendment proposed)

(The question that the words proposed to be left out be left out, was put and carried)

(The question that the words proposed to be inserted be inserted, was put and carried)

(Question 3 as amended, agreed to)

Clause 4

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move that clause 4 of the Bill be amended by—

- (i) deleting subsection (1); and
(ii) inserting in place of subsection (1) thereof the new subsection following—

"(1) There shall be charged on and paid out of the Consolidation Fund without further appropriation than this Ordinance

- (a) all payments required to be made from time to time to the Fund under the Fund Agreement and the Resolution of the Board of Governors of the Fund relating to membership of Kenya in the Fund; and
(b) all payments required to be made from time to time to the Bank under the Bank Agreement and the Resolution of the Board of Governors of the Bank relating to membership of Kenya in the Bank."

This amendment only substitutes shorter and more general wording for the lengthy, specific wording of the original Bill.

(Question of the amendment proposed)

(The question that the words proposed to be left out be left out was put and carried)

(The question that the words proposed to be inserted be inserted was put and carried)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move that clause 4 be further amended by—

deleting from subsection (2) the words "in such form as he thinks fit, any".

This is to recognize that the Fund and the Bank must agree on the precise form of the note referred to in the subsection.

(Question of the amendment proposed)

(The question that the words proposed to be deleted be deleted was put and carried)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move the deletion of subsection (5) of clause 4.

(Question of the amendment proposed)

(The question that the words to be left out be left out was put and carried)

(Clause 4 as amended agreed to)

Clause 5

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move that clause 5 of the Bill be amended by—

- (i) deleting subsection (2); and
(ii) inserting in place of subsection (2) the new subsection following—

"(2) This section shall come into force as soon as the Fund Agreement and the Bank Agreement have been signed."

This merely substitutes positive wording for negative wording.

(Question of the amendment proposed)

(The question that the words to be left out be left out was put and carried)

(The question that the words to be inserted in place thereof be inserted was put and carried)

(Clause 5 as amended agreed to)

(Schedule agreed to)

(Preamble agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE INTERNATIONAL DEVELOPMENT ASSOCIATION BILL

(Clause 2 agreed to)

Clause 3

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move that clause 3 (b) of the Bill be amended by inserting immediately after the word "thereunder" the words following—

"and under the Resolution of the Board of Governors of the Association relating to the membership of Kenya in the Association".

(Question of the amendment proposed)

(The question that the words proposed to be inserted be inserted was put and carried)

(Clause 3, as amended, agreed to)

Clause 4

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move that clause 4 of the Bill be amended by—

- (i) deleting subsection (1);
(ii) inserting in place of subsection (1) the new subsection following:—

"(1) There shall be charged on and paid out of the Consolidated Fund without further appropriation than this Ordinance

[The Minister for Finance and Economic Planning] all payments required to be made from time to time to the Association under the Agreement and the Resolution of the Board of Governors of the Association relating to the membership of Kenya in the Association";

This more general wording does not change the effect of the clause, but it is preferred by the I.D.A.

(Question of the amendment proposed)

(The question that the words to be left out, be left out, was put and carried)

(The question that the words to be inserted in place thereof, be inserted, was put and carried)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move the deletion of the words "in such form as he thinks fit, any" which appear in lines 2 and 3 of subsection (2); and the deletion of subsection (5).

(Question of the amendment proposed)

(The question that the words to be left out, be left out, was put and carried)

(Clause 4, as amended, agreed to)

Clause 5

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move that clause 5 of the Bill be amended by—

- (i) deleting subsection (2); and
(ii) inserting in place of subsection (2) the new subsection following:—

"(2) This section shall come into force as soon as the Agreement has been signed."

This is merely a substitution again of positive wording for negative wording.

(Question of the amendment proposed)

(The question that the words to be left out, be left out, was put and carried)

(The question that the words to be inserted in place thereof, be inserted, was put and carried)

(Clause 5, as amended, agreed to)

(Schedule agreed to)

(Preamble agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE INTERNATIONAL FINANCE CORPORATION BILL
(Clause 2 agreed to)

Clause 3

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move that clause 3 (b) of the Bill be amended by inserting immediately after the word "thereunder" the words following—

"and under the Resolution of the Board of Governors of the Corporation relating to the membership of Kenya in the Corporation".

This incorporates the provisions of the I.F.C. Resolutions on Kenya.

(Question of the amendment proposed)

(The question that the words proposed to be inserted, be inserted, was put and carried)

(Clause 3, as amended, agreed to)

Clause 4

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move that clause 4 of the Bill be amended by—

- (i) deleting subsection (1); and
(ii) inserting in place of subsection (1) the new subsection following:—

"(1) There shall be charged on and paid out of the Consolidated Fund without further appropriation than this Ordinance all payments required to be made from time to time to the Corporation under the Agreement and the Resolution of the Board of Governors of the Corporation relating to the membership of Kenya in the Corporation."

This more general wording is preferred by I.D.A. and has the same effect as the original wording.

(Question of the amendment proposed)

(The question that the words to be left out, be left out, was put and carried)

(The question that the words to be inserted in place thereof, be inserted, was put and carried)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move the deletion of subsection (4) of clause 4.

(Question of the amendment proposed)

(The question that the words to be left out, be left out, was put and carried)

(Clause 4, as amended, agreed to)

Clause 5

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move that clause 5 of the Bill be amended by—

- (i) deleting subsection (2); and
- (ii) inserting in place of subsection (2) the new subsection following:—

"This section shall come into force as soon as the Agreement has been signed."

This merely substitutes positive wording for negative wording at the request of I.D.A.

(Question of the amendment proposed)

(The question that the words to be left out, be left out, was put and carried)

(The question that the words to be inserted in place thereof, be inserted, was put and carried)

(Clause 5, as amended, agreed to)

(Schedule agreed to)

Preamble

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move the following amendment to the preamble to the Bill—

- (i) deleting the words in parenthesis which appear in lines 3 and 4; and

- (ii) inserting in place of such words the words in parenthesis as follows—

"(the said Articles of Agreement, as amended by Resolution of the Board of Governors of the International Finance Corporation dated the 1st September, 1961, being hereafter in this Ordinance referred to collectively as the Agreement)."

(Question of the amendment proposed)

(The question that the words to be left out, be left out, was put and carried)

(The question that the words to be inserted in place thereof, be inserted, was put and carried)

(Preamble, as amended, agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Chairman, I beg to move that—

The Evidence Bill;

The Statute Law (Repeal) Bill;

The Government Accommodation Bill;

The Bretton Woods Agreements Bill;

The International Development Association Bill; and

The International Finance Corporation Bill, be reported to the House with amendments.

(Question proposed)

(The question was put and carried)

(The House resumed)

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

REPORTS, CONSIDERATION OF REPORTS AND THIRD READINGS

THE EVIDENCE BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Evidence Bill, 1963, and directed me to report its approval of the same with amendments.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Dr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Evidence Bill, 1963, be now read a Third Time.

Dr. De Souza seconded.

(Question proposed)

(The question was put and carried)

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

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE STATUTE LAW (REPEAL) BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Statute Law (Repeal) Bill and directed me to report its approval of the same with amendments.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Dr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Statute Law (Repeal) Bill be now read a Third Time.

Dr. De Souza seconded.

(Question proposed)

(The question was put and carried)

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

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE GOVERNMENT ACCOMMODATION BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Government Accommodation Bill and directed me to report its approval of the same with amendments.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Dr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Government Accommodation Bill be now read a Third Time.

Dr. De Souza seconded.

(Question proposed)

(The question was put and carried)

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

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE BREITON WOODS AGREEMENTS BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Bretton Woods Agreements Bill and directed me to report its approval of the same with amendments.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Dr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the Bretton Woods Agreements Bill be now read a Third Time.

Dr. De Souza seconded.

(Question proposed)

(The question was put and carried)

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

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE INTERNATIONAL DEVELOPMENT ASSOCIATION BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the International Development Association Bill and directed me to report its approval of the same with amendments.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Dr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the International Development Association Bill be now read a Third Time.

Dr. De Souza seconded.

(Question proposed)

(The question was put and carried)

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

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE INTERNATIONAL FINANCE CORPORATION BILL

Dr. De Souza: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the International Finance Corporation Bill and directed me to report its approval of the same with amendments.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Dr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move that the International Finance Corporation Bill be now read a Third Time.

Dr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

MOTION

ASSISTANCE FOR SUFFERERS FROM THE EMERGENCY

THAT this House, being aware of the difficulties facing those who became orphans or widows or were disabled by activities arising from the eight years of the state of emergency, urges the Government to take suitable measures to assist these persons with jobs and other facilities.

(Resumption of debate interrupted on 12th November, 1963)

The Speaker (Mr. Slade): Mr. Kariuki, you were in the course of moving this Motion and I think you had ten minutes left.

Mr. J. M. Kariuki: Mr. Speaker, as there are only ten minutes left, I wonder whether you can postpone this Motion until next week.

The Speaker (Mr. Slade): I think we can finish your speech in moving the Motion. As it is in the Order Paper I think we must take it. Mr. Kariuki: I am sorry you are having so many interruptions. It will be better if you finish your speech now, anyhow, and we might get the question proposed today.

Mr. J. M. Kariuki: Mr. Speaker, in the first part of my speech I suggested many points to the Government which I thought could be taken into consideration by this Government as far as widows and orphans are concerned, and including

disabled people in this country, and how they can be helped. With regard to orphans, Sir, I would like to suggest that when they are taken to training centres they should not only be taught such things as gardening, and so on, and given a practical training from morning to evening—this is happening in some of the training centres—but they should also be given vocational training to suit them for future employment so that when they leave those centres they can stand on their

own feet. I have had experience of this from the various centres where the youth of this country is trained.

With reference to widows, Mr. Speaker, even if the Government of today wants to help they have not done so. I do not know if I am right in saying this, but I do not think they have concrete information about the number involved or the cost of schemes which I suggested when I began to move my Motion. I would suggest that Government sets up a special committee to establish the number involved and also the cost of setting up vocational training centres throughout the country.

There are places in Embu where those widows are kept, not as a Government responsibility but more or less in a concentration camp. I have seen this myself when I went to see them with the Member for the area. I was very shocked to find that those women have no means of livelihood. They rely on whatever they can get from people who give them work to do in the area. I feel the Government would do something very important if they were to establish such a committee which went throughout the country, not merely in Central Region where the people are affected but also in other areas where there are many widows whose husbands died during the eight years of the Emergency, and even those whose husbands died in the Second World War. After getting this figure, the Government can draw the line according to the findings of the committee. If this is done, the public will realize that the Government they voted for is doing something to alleviate their burning problems.

With regard to the disabled people, I would like to say that in other countries after the war special institutions were set up whereby war victims were looked after by the state. They were taught many useful occupations such as weaving, and various other jobs. I would like to give an example here. Sir: even if a person only has one leg, he can still become a first-class stenographer. If he is able to learn and can use his two hands he can do this. In fact, to do this work, a stenographer does not need to have two legs. This sort of

[Mr. J. M. Kariuki]

work is done in countries such as Yugoslavia, Egypt, Germany and even Great Britain. If these countries have done this, I fail to understand why our country, Kenya, cannot do likewise.

Another suggestion I would like to make to the Government is that those who beg in the streets and the reserves and cannot find a means of livelihood should be trained in certain institutions so that they can learn to make use of their hands. Their families, if they have families, do have a job keeping them. I would suggest that the Government does something to alleviate their problem in that direction. These people could do a great deal of work in the development of our new nation.

This is the sort of thing which was lacking in the past Colonial Government, and it is up to us to see that we provide these people with something so that they can get their lives along the proper lines rather than abandoning them even though they are among the people who voted us into power. Without labouring this point too much, I would like to suggest that when the Minister comes to reply to this Motion I hope he will sympathize with us, and I also hope that the Leader of the Opposition, who is anxious to support the Motion, will give some sympathy.

Mr. Ngala: Not to *Mau Mau*.

Mr. J. M. Kariuki: I hope he knows what he is talking about with regard to *Mau Mau*.

I would like to end by saying that this is everybody's problem. It is our problem, as the leaders of this country, to find out what would be suitable to alleviate this difficulty which exists everywhere in the country. I do not want to harp on this subject, as I have already explained in detail the problems of many of us throughout the country, but everyone in this House and outside is anxious to see what our Government is going to do about the widows, orphans, and these disabled people. They have failed to get anywhere in our Government because they cannot do work on their own unless they receive a direction from Government, and in that way they will be able to contribute something to this country.

Therefore, Mr. Speaker, I gave these suggestions knowing that our Government will sympathize very strongly with those people and do everything possible to alleviate their problems. It is only in this way that we will prove, and the Leader of the Opposition also will prove—

Mr. Ngala: *Mau Mau*.

Mr. J. M. Kariuki: —by supporting this Motion: that we are here not as masters of the public but to serve them.

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

Mr. Kiprotich: On a point of order, Mr. Speaker. Is it in order for the Leader of the Opposition to refer to *Mau Mau* in this House?

The Speaker (Mr. Slade): There is nothing wrong in that, that I can see.

I would like someone formally to second the Motion and then I will propose the question and he can speak on it after that.

Mr. Anyien seconded.

(Question proposed)

(Interruption of debate)

MOTION ON THE ADJOURNMENT UNDER S.O. 14

PROHIBITION OF MR. F. BENNETT'S ENTRY INTO KENYA

The Speaker (Mr. Slade): Mr. Ngala you can now move the adjournment.

Mr. Ngala: Mr. Speaker, I think I am moving a very important Motion on adjournment which I am sure will be supported by this Government.

The Speaker (Mr. Slade): I must interrupt you, Mr. Ngala. You must first move a Motion that the House be now adjourned and I will propose the question.

Mr. Ngala: Mr. Speaker, Sir, I beg to move that this House be now adjourned.

Mr. arap Moi seconded.

(Question proposed)

Mr. Ngala: Mr. Speaker, Sir, the Government has already declared a number of persons as prohibited immigrants into Kenya. This action of Government can be tolerated insofar as it is limited and there are good reasons given for the actions taken. However, so far no reasons and no explanations have been given to the country for these actions that Government has taken.

It seems to be the beginning of arbitrary action by Government to interfere with free movement which is allowed by the Kenya Constitution. It also seems to be an action by Government to stop this right which is a constitutional right and, I believe, in doing this the Kenya Government is acting most unconstitutionally. It has done so without giving any reasons. Last week, Sir, I was asked to submit a list of Opposition guests to the Minister of Justice and Constitutional Affairs and I did so. Among these names was the name of the Honourable Mr. Freddy Bennett, a Member of Parliament for the Conservative Party in Torquay. Only yesterday the Minister for Justice

[Mr. Ngala]

came to me and told me that he had been asked to inform me that Mr. Bennett was a prohibited immigrant in Kenya. When I asked the Minister to state the reasons for this he only replied, "We do not have to explain the reasons for our actions." This Government is old, tired and lazy. It does not even take the trouble to explain the reasons for its actions. Sir, I think I have to make it clear that I am not standing here merely to fight for the individuals who have been prohibited by the Kenya Government but am standing for the principle and the policy involved. In the Constitution, we have taken a great deal of trouble to allow freedom of movement in order to make it possible for people of this country to move freely, and even for people of other countries to come freely into Kenya. Freedom of movement is one of the provisions in the Constitution today and the Government should be governed by the Constitution. I think the principle is very important and nobody should be prevented or be disallowed by Government from enjoying this free movement without reasonable explanation. Therefore, Mr. Speaker, it is strictly on the principle of freedom of movement for human beings and our people here and citizens of other countries who wish to come into Kenya that I am moving this Motion. Of course, the Honourable Freddy Bennett is my friend and I would very much enjoy celebrating Kenya's independence in his company. I will miss him very much but this is not the cause which has prompted me to move this Motion. It is the question of principle of freedom of movement for the people—whether they are Ministers or ordinary people in the streets—which has made me speak on this subject.

Another reason is this question of choice. The Government is restricting the Opposition in its choice of people to be invited for the celebrations.

(Laughter from the Government side)

I think these people sitting as backbenchers should learn some manners.

Mr. Anyleni: On a point of order, Mr. Speaker. Is it in order for the Leader of the Opposition to refer to people on the backbenches as "these people"?

The Speaker: Mr. Ngala must refer to hon. Members as hon. Members, but hon. Members must not be surprised if sometimes that courtesy is forgotten, when they themselves forget to be courteous.

Mr. Ngala: I will call back-benchers hon. Members if they will continue being honourable themselves.

Mr. Speaker, Sir, it is the right of the Opposition to choose the people they want to invite to the Independence Celebrations, and this right should not be interfered with by the Government, by bringing in funny prohibitions for which they do not have reasons and which have no grounds at all.

I would like to know whether the Government has done this because the Hon. Freddy Bennett has been helpful to the Opposition in getting the *Majimbo* Constitution. I understand that the Government is prepared to invite Dr. Zellweger from Switzerland, who has been almost equally helpful to the Opposition in getting the *Majimbo* Constitution which is so accepted both by the Government and the Opposition today. What is wrong? They have helped us to get the thing which is acceptable to the Government and the Opposition, so why should they be restricted now?

If the Members of the Government have any other reasons for doing this—they may have a personal grudge against the Hon. Freddy Bennett—they should let us know. If the Hon. Fred Bennett is a danger to the security of this country, we should also be told exactly what the basis is for prohibiting him.

Also, I feel this involves a very important principle, in that the Hon. Freddy Bennett belongs to the Conservative Party, which is the ruling party in Great Britain, and Great Britain is a member of the Commonwealth. We were talking very seriously just two days ago about how we should become members of the Commonwealth. Is the Government going to treat members of the Commonwealth in this way without giving any explanation? If the Government is going to adopt this attitude, how can we get respect for our hon. Members in this House from the other countries which belong to the Commonwealth?

I only want the reasons for this action being taken. It is no use Government saying that it is not obliged to give the reasons; Government does not work in that way, unless there is some serious security aspect involved in it. The Government should not be run according to the day-to-day whims of the Ministers or one morning we shall wake up, when a Minister has had a serious quarrel with his wife, and find the whole country will be in disorder. The Government must be run constitutionally and by legal procedure. You cannot run a Government as if it were a piece of property belonging to you.

Mr. Speaker: I believe this is a very important matter. In future, if the Government adopts this attitude, our own citizens will be stopped from going to other countries, and this will not be

[Mr. Ngala]

explained by the Government. It is no use the Government today saying that people are free to take citizenship of Kenya, when it is only paying lip service to that. If it must show in practical terms that the citizens will be given freedom of choice and freedom of movement, I do not want my son to be told in future, if he wants to go to India for marriage, that he cannot go and marry in India. I want to feel that he will be free to go anywhere and marry, and that it will not be a question of Government determining his movements or his choice. This may be the beginning of tyranny and dictatorship from the Government and if so, let us be told in no uncertain terms today.

I would like to know whether the Government did inform the Hon. Freddy Bennett when it took this action—

An Hon. Member: He is undesirable.

Mr. Ngala: He is honourable, not undesirable, until it is proved to the contrary in a court of law. If you think that he is undesirable and that he has done anything unlawful, then wait for him and when he comes, arrest him and take him to court, then you will see. The Government is scared stiff of the Hon. Freddy Bennett, because it knows it can never challenge him in a court of law. We are not going to tolerate a Government of people who are afraid, who are not prepared to challenge people and give them their democratic rights. The Hon. Freddy Bennett has not broken any law, as far as I know, and it is up to the Minister for Justice and Constitutional Affairs to stand up and tell me what law he has broken. It is up to the Minister for Justice and Constitutional Affairs to show us whether there are any security matters involved in this. It is up to him to let us know why he has stopped the judiciary system from dealing with the Hon. Freddy Bennett when he comes here, and to prove it in a court of law.

In moving this, Mr. Speaker, I would like to make it quite clear that in matters of genuine security danger, we are prepared to come to terms with the Government and understand its point of view, but here we very much resent the attitude of Government because it is not giving any explanation. It is harassing and penalizing this person merely because he has been helpful to the Opposition. Of course, I know the Minister for Justice and Constitutional Affairs will stand up and say, "Well, but have we not allowed Dr. Zellweger to come in? Where is the discrimination?" I want to know why there is this discrimination, which is so stupid, and why there is discrimination between members of the Commonwealth.

The freedom of movement and the freedom of choice which are disallowed to the Opposition are very essential democratic rights; these are democratic rights which are denied us by the Government. I would like to have the reasons for this action having been taken. I would like an assurance from the Government that in future our own people will not be treated in this very degrading manner and refused their own rights without an explanation being given to them. The fact that there is a Government does not mean the Government can do anything it likes; it must do things according to the legal pattern and according to the Constitution. I would like to challenge the Government on this. Unless it gives a complete explanation, I would say it is acting unconstitutionally and would lose very badly if a case were brought in a court of law.

As I say, I would like an explanation from the Government, and I would support the Government if—

Hon. Members: Sit down, sit down.

The Speaker (Mr. Slade): Order, order. It is out of order for hon. Members to say "Sit down" to hon. Members on their feet; I have said so many times.

Mr. Ngala: I think this reflects very discreditably on hon. Members on the Government side.

An Hon. Member: Mr. Speaker, on a point of order, I think the hon. Member is only entitled to fifteen minutes according to Standing Orders.

The Speaker (Mr. Slade): Under this particular Standing Order there is no limit to the length of speech. You are thinking of the ordinary debate on an adjournment.

Mr. Ngala: Mr. Speaker, Sir, I can understand—

Mr. Gichigo: Mr. Speaker, Sir, on a point of order, as the Leader of the Opposition seems to have exhausted his points and as he is repeating himself, should he not sit down so that the House can have a chance to debate this Motion?

The Speaker (Mr. Slade): It is entirely up to him. If he wants to hear an answer from the Government he will undoubtedly leave time for that.

Mr. Ngala: I will give the Government time to speak.

We do understand, for example, why the Government should be concerned about guests from South Africa and see the reasons why the Government of South Africa is not allowed to enter this country. The political policies that the

[Mr. Ngala]

Government of South Africa uphold we do not uphold and we understand the Government's restrictions as far as they are concerned. However, here a group of individuals are being stopped and when we ask the Government for an explanation all they say is: "We are not obliged to give you a reason." This is what we are getting and I would, therefore, like to know the reason and I hope that the Minister who will stand up to reply will appreciate the need for free movement and free choice as our right.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker Sir, the Government takes this debate very seriously. We are aware that some people will try to use this as a propaganda debate. We are also aware that the Press, both here and overseas, will be interested in the matter that has been raised by the Opposition and we are, consequently, very concerned that the position of the Government should be cleared and understood.

The Leader of the Opposition has made points that, in the majority of cases, are entirely irrelevant to the question before the House. He has referred at length to the aspect of the Kenya Constitution. He has referred to freedom of movement and he has constantly referred to the rights of our people. I suggest that these three questions are entirely irrelevant to the question of the prohibition of Mr. F. Bennett from Kenya. Mr. Bennett is not a Kenya citizen and in no point has the Leader of the Opposition produced evidence that this Government has interfered in the freedom of movement of any person in this country. Mr. Speaker, Sir, it is for the Leader of the Opposition to decide when he speaks whether he is speaking of freedom of movement or choice of guests. I want to make the Government's position very clear. Freedom of movement of our people in this country is guaranteed by the Constitution and we have not encroached upon it at all and that must be made very clear. Every person in this country is free and if Mr. Bennett were a citizen of this country he would be free to move about in this country.

The question of entry into Kenya is a different matter, especially entry by someone who is not a citizen of this country. Sir, what the Kenya Government has done is not unique, nor is it the first time that a Government has seen fit to prohibit the entry into the country of any person; he is a Member of Parliament in another country or just an ordinary person of another country. This is not the first country that has prohibited the entry of a British Member of Parliament. The Leader of the Opposition will be able to recall

that only a short while ago Sir Roy Welensky prohibited entry into the Rhodesias to John Stonehouse, M.P.

Mr. Speaker, Sir, I am trying to demonstrate that the mere fact that a man is a Member of Parliament in Britain does not make him immune from the considerations that we must always take in relation to the entry into our country of people from outside.

Mr. Speaker, our Constitution—as I have already stated—has been respected in every way and it has been upheld always. The Leader of the Opposition must not try to confuse either people in Kenya or people outside by suggesting that the Government has acted contrary to the Constitution, because the Government has not. We have a right, which even the Constitution recognizes, to stop any person from coming into Kenya if we deem it fit to do so.

Hon. Members: Give us reasons.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I am being asked to give reasons. The Leader of the Opposition has once more tried to mislead the people here into thinking that merely because this gentleman is a friend of the Leader of the Opposition he has been stopped from coming into Kenya. I want to make the position very clear. We do not intend to stop anyone from coming into Kenya merely because he is a friend of the Leader of the Opposition. Conversely, we do not intend to allow anyone into the country merely because he is a friend of the Leader of the Opposition. The mere friendship between the Leader of the Opposition and anyone outside the country is neither going to condemn the person nor give him immunity. Therefore, I would remind the Leader of the Opposition that he has more and better friends whom he has suggested we invite and who have been invited at the expense of the Kenya Government.

Mr. Speaker, the Leader of the Opposition has talked of the Government interfering with the right of the Opposition to choose. There is no such thing as "the right of the Opposition". They cannot choose who is to be invited to the independence celebrations; they do not have the right. The only people who can decide who should be invited to the independence celebrations in Kenya is the Kenya Government.

The Speaker (Mr. Slade): Surely, it is not a question at all of invitations, it is a question of prohibiting entrance.

(The Debate continues)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, with due deference, if any question of invitations has come up it was brought up by the Leader of the Opposition. He suggests that we are interfering with their right to invite.

The Speaker (Mr. Slade): We must forget that now.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I hope that the record is kept quite clear, Sir.

The position, Mr. Speaker, Sir, is this. The Opposition was asked to recommend a certain number of names of persons whom they would wish to see invited to the Independence Celebrations. This recommendation has to be considered by myself and the Independence Directorate. Having considered it, I have informed the Leader of the Opposition that one of the persons they wanted to invite cannot be invited as he is a prohibited immigrant. The gentleman was a prohibited immigrant long before we received the list which was given only two days ago by the Leader of the Opposition, and just because we received his name on the list does not necessitate lifting the ban on him.

Now, Sir, I want to deal with this clamour for several reasons. Mr. Speaker, the Government of Kenya and the Government of Kenya alone is responsible for the security, the good government and the welfare of this country. It is not necessary for the Government to give any reasons and I do not intend to do so. For reasons that are in the interests of better harmony and good relations within Kenya, the Kenya Government has seen fit to take this action. We do not have to go to court, we do not have to charge Mr. Bennett with a crime in order to justify our position and it is an accepted principle even by the British Government today that actions such as we have taken can be taken without going to court and without giving any reasons. Mr. Speaker, the Leader of the Opposition talks so much of democracy; this is very well, and it is the universally accepted democratic right of any Government and we are exercising that right. I hope, Sir, that the record is now clear, and if I may I will emphasize my points for the record.

Firstly, there has been no constitutional right that has been encroached upon.

Secondly, freedom of movement still prevails in Kenya and it has not been interfered with or tampered with.

Thirdly, Mr. Bennett has been treated just like any other person would have been treated if these same reasons, that have now been considered by the Kenya Government, prevailed.

Lastly, the Kenya Government is not obliged to tell anybody why this action has been taken.

Mr. arap Moi; Mr. Speaker, Sir, I think the Government has taken this Motion so lightly that they have disregarded the Constitution which binds the people of Kenya to live peacefully together. The men who have tried to be friendly and tried to take an interest in the people of Kenya, tried to see that they lived peacefully, the Kenya Government have tried to prohibit from coming. I should like to warn the Government that the lives of the ordinary people are going to be affected if the Government do not try to make a peaceful approach to them and find methods which will help the people of Kenya to live together. If this is the Government's start, then it is a very bad start. If we are thinking of democracy, of freedom of movement, of the freedom of people to choose everything for themselves, the Government does not have any right to convince the Opposition that Fred Bennett has been banned for certain reasons. They should disclose to us that he has been banned from entering this country for this reason and that reason so that they can govern without fear. The very Members who used to oppose the previous Government are now using the very language that the old regime taught them.

ADJOURNMENT

The Speaker (Mr. Slade): Order, order. It is time to interrupt the business. I am advised by the Sessional Committee that it will be convenient for Members not to sit next week and therefore the House is now adjourned until Tuesday, 26th November, 1963, at 2.30 p.m., and on that day we shall take the Adjournment Debate which I promised Mr. Murgor would be taken next Tuesday.

The House is now adjourned.

The House rose at thirty minutes past Twelve o'clock

Tuesday, 26th November, 1963

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

DEATH OF PRESIDENT KENNEDY

The Speaker (Mr. Slade): Hon. Members, this being the first sitting of our House since the tragic death of President John Fitzgerald Kennedy, I speak for all of you in recording our sorrow. We join the rest of the whole world in mourning the loss of one who was still in his prime, and who, in so few years, did more than any other man of our time to lay the foundations of peace among men, foundations which we hope and pray may be developed into a worldwide house of peace enduring for all human time.

We join the rest of the world in extending our respectful sympathy to Mrs. Kennedy, who helped him so much to give what he gave—far more in his lifetime of 47 years than others can possibly give in a lifetime of fourscore years: sympathy and gratitude to Mrs. Kennedy, and to their little children who, I am sure, helped both of them.

We join the rest of the whole world in thanking the mighty nation of the United States of America for having given us such a man, if only for so short a span. We share their grief that he is with us no more. Yet we know that even the greatest men are, for the most part, great only through their true representation of multitudes of truly great people. So we know that President Johnson will, in his privileged turn, be another great representative of the same great people, and we wish him all success in his avowed aim of pursuing President Kennedy's ideals.

But I, as Speaker of this House, am qualified to speak only for its Members. On this occasion the whole of our country must be heard; and it will be heard from Mr. Kenyatta, as Prime Minister, supported by Mr. Ngala as Leader of the Opposition.

The Prime Minister (Mr. Kenyatta): Mr. Speaker, Sir, the whole world was shocked by the assassination of President Kennedy. The reaction of all countries including the humblest of our people bear full witness of the warm and popular feelings the President enjoyed throughout the world. In a matter of just over three years of his term of office, President Kennedy succeeded in impressing the world with his courage, dedication and wisdom. More than any other American

President before him, he succeeded in creating a working relationship with other leaders in the effort to secure world peace. With him in office the world began to see an increasing accommodation which everyone hoped would lead to peace. He won many friends and admirers in all corners of the earth for his dedication to world peace. While serving his own country's interests, he was courageous enough to recognize and even accept responsibilities for the interest of other countries and the world at large. For this he will be long remembered. Exactly one hundred years ago, another great American President was assassinated. It was Abraham Lincoln, who liberated the slaves and fought for their freedom even at the risk of civil war. In recent months President Kennedy became in the eyes of the negroes another Lincoln. He spoke out for civil rights and challenged the conscience of American people. He risked unpopularity and even political office to try and finalize what Lincoln had started. In fact, the world must suspect that for these rights of his fellow men he has died. This is all the more reason why the whole of Africa must mourn his death. The negro struggle is our struggle. President Kennedy's death must be the biggest challenge that American bigotry and racial hypocrisy has ever faced. Shall his death mean equal rights in America, or will another President have to be murdered in another 100 years' time? This is a said occasion; but so is this a great question that must be faced.

At the United Nations and on African/American relations, President Kennedy will be remembered for the new and more enlightened policies and interests he had on American and African nationalism in Angola and South Africa, as against previous American Governments which seemed more preoccupied with NATO allegations than with humanity.

Mr. Speaker, we, in Kenya, have yet an additional and special reason to remember President Kennedy: this is because of his generous interest in assisting our young boys and girls to go for studies in the United States, through the student airlift. The world has lost a great man whose name shall be written among the great, and whose life will be an inspiration for many generations to come.

We send our sympathies to his family. May his soul rest in peace.

Mr. Ngala: Mr. Speaker, Sir, I rise in grief to support the Prime Minister of Kenya in paying tribute to our late brother. The late President Kennedy was respected throughout the world for his bravery, sincerity and his insight and understanding of the world problems. In his short

NOTICES OF MOTIONS

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

STRONGER MEASURES AGAINST SOMALI RAIDERS

THAT this House urges the Government to ascertain that the frontier line defence between Kenya and Somalia is strengthened against the casual raiders from Somalia on Kenya Police Posts and Kenya citizens in general and that the Prime Minister of Kenya satisfies himself that a defence pact is made with Somalia covering such raids.

NATIONAL ASSEMBLY APPROVAL OF TOLL ROADS SYSTEM

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

INCREASED THEFT WITH VIOLENCE

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

THAT in view of the recent widespread theft with violence in Kenya, this House urges the Government to employ vigorous measures in all cases of theft with violence and also urges the members of the public to co-operate with the Government and Police in arresting criminals.

FUNDS TO BUILD UNIVERSITIES IN KENYA

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

THAT this House urges the Government to negotiate with those countries which have so generously assisted our educational programmes by making available scholarships for Kenya youth at their universities and have provided transport for the purpose, to devote their funds instead to the building of universities in Kenya.

CO-OPERATIVE FARMING SYSTEM

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

THAT this House strongly urges the Government to implement its professed policy of positive African socialism by stopping individuals

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administration he played a leading part in peace-making, not only for his own country but for the whole world. He never hesitated in criticising his own countrymen when they stood against human rights. He even took action against his State Governors to achieve equality among his citizens regardless of their colour or religion.

Through his educational and economic projects to assist Africa, and in particular Kenya, he did reflect beyond any doubt his desire to uplift human kind. His untimely departure is a great loss but we shall remember him all the time. I hope that his spirit and policies will live on with America and with the whole world. Therefore, I invite this House and the country as a whole to join in mourning this world tragedy and express our deep sympathy to Mrs. Kennedy, her family and the American people. May the Almighty rest the late President Kennedy in peace.

The Speaker (Mr. Slade): I now ask all hon. Members to stand for a minute in silence, each drawing upon himself all that he feels personally in gratitude, sympathy, humility and prayer.

(Hon. Members stood in silence for one minute)

SUSPENSION OF BUSINESS

The Business of the House was suspended for fifteen minutes at Forty-six minutes past Two o'clock and resumed again at one minute past three o'clock

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

PAPERS LAID

The following Papers were laid on the Table:—

The Kenya (Amendment of Laws) (Pensions) Regulations, 1963.

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

Local Government Loans Authority Annual Report, 1962.

(By the Minister for Local Government (Mr. Ayodo))

Ministry of Health and Housing Annual Report, 1962.

(By the Minister for Health and Housing (Dr. Mungai))

A review of the activities of the Land Development and Settlement Board—together with the Chairman's Report and Accounts, 1st January, 1961—31st July, 1962.

(By the Minister for Lands and Settlement (Mr. Anjane))

[Mr. G. G. Kariuki]

from buying large tracts of land and instead make country-wide the system of co-operative farming for the benefit of thousands of our people who are landless and destitute.

WITHDRAWAL OF COFFEE GROWING BAN

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

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

BOARD OF ENQUIRY INTO WITCHCRAFT PRACTICES

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

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

COMPENSATION FOR MISAPPROPRIATED PROPERTY

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

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

ORAL ANSWERS TO QUESTIONS

Question No. 90

NJEMPS AND KOROSI TRANSFERRED TO SAMBURU DISTRICT

Mr. Rurumban asked the Minister for Home Affairs if the Minister was aware that the people of the Njemps and Korossi Locations in Baringo District wished to be transferred to the Samburu district.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I beg to reply. No. Sir. Korossi Location is one of four locations of Baringo District inhabited solely by Pokot. The members of this location would not wish to be separated from their fellow tribesmen in order to join up with the Samburu, who are of Masai stock. The Government is not aware of a desire by the Pokot in Korossi Location to be transferred to the Samburu District.

The Njemps, who are of Masai stock themselves, have considerable affinity with the Samburu. The country reserved for the use of the Njemps tribe on the shores of Lake Baringo is, however, separated by many miles from the nearest point of Samburu District. It would not, therefore, be a practicable proposition to link the Njemps with the Samburu.

Mr. Mati: Arising from that reply, does the Minister agree that it is administratively desirable that those people who want to live together should be allowed to live together?

The Minister for Home Affairs (Mr. Odinga): Yes, the Government accepts that fact as long as it is practicable.

Mr. Rurumban: Mr. Speaker, arising from the Minister's reply, is he aware that probably one of the reasons why the Njemps are always at loggerheads with the Tugen is because they want to be placed with the Samburu tribe?

The Minister for Home Affairs (Mr. Odinga): The Government is not aware of any problem, but if there is any it may only be tribalist people who are trying to stir up trouble.

Mr. ole Tipis: Mr. Speaker, Sir, can the hon. Minister tell us which is the piece of land between the Njemps and the Samburu? We want to know what the mileage is?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, if the hon. gentleman looks into the position, he will find that between the Samburu people and the Njemps there are the Korossi people who are of a different type completely from the Njemps. If we were to get the Njemps to join the Samburu, it would be impossible to pass over the Korossi who are between them.

Question No. 129

MEDICAL OFFICER OF HEALTH: BUSIA DISTRICT

Mr. Makokha asked the Minister for Health and Housing if the Minister was aware that there was no Medical Officer of Health in the

[Mr. Makokha]

Busia District and if the answer was in the affirmative, what plans had the Minister for rectifying the position.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I beg to reply. I am aware that at present there is no Medical Officer of Health in Busia. Busia is a new district and before it was created—only about six months ago—it was served by a hospital in Bungoma, where there was an African doctor. Dr. Ouya now has gone to Canada to take his D.P.L. so that he can come back better qualified and take bigger and broader responsibilities in the medical services.

Mr. Rurumban: Arising from the Minister's reply, will he tell the House whether there is a hospital now in that district?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, this question has been repeatedly answered in this House. Busia is a new district which came into existence six months ago, and it is not possible to build a hospital within that time. However, the hospital at Bungoma still serves Busia, and we have plans for building a district hospital in Busia. In fact, we have given it priority together with South Nyanza, Nyandarua and the other places which have no hospital.

Mr. Muriro: Arising from the Minister's reply, would he give an answer to the second part of the question which says: what plans has the Minister in mind to rectify this.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, we have plans for building a district hospital in Busia and there will be a Medical Officer of Health. For the time being, we are going to appoint a specialist in the area, probably living in Kakamega, who will take over the responsibility of Busia's health problems.

Mr. Rurumban: Arising from one of the hon. Minister's replies, in which he said Busia was a new district and therefore has no hospital of its own, can the hon. Member then request a Medical Officer of Health in that district if there is no hospital to warrant a Medical Officer?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I have answered that question today. I said that a specialist, will be stationed in Kakamega but he will have responsibility for Busia District because houses and hospitals have to be built. We cannot tell him to live outside.

Mr. Masinde: Mr. Speaker, Sir, does the Minister concerned wish to tell us that there is no house for the medical officer in the entire Busia District?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I believe the hon. Member comes from very near there. I said the hospital was in Bungoma and this is where the facilities are. The others have to wait until we can build a hospital there. I must say that it is not only Busia; we have another new district, Nyandarua, and there is also South Nyanza, and all these places have to have priority.

Mr. Muriro: Is the Minister aware that during Colonial times, proper medical facilities were concentrated around the big towns, such as Mombasa and Nairobi, and so on, and that it is now time for them to be not only in Bungoma, but around—

The Speaker (Mr. Slade): Mr. Muriro, you must not make a speech, but ask a question.

Mr. Muriro: Sorry, Mr. Speaker. Is the Minister aware that during Colonial times proper medical facilities were concentrated around big towns, and that now it is time for him to send specialists outside into the country where ninety per cent of our people live?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, that does not have very much to do with the question. However, it is a very important point. I am very much aware of that, and this is why we have created regional hospitals, and why we are introducing medical facilities to be used in the regional hospitals. This is why we have created specialists to go to the regional hospitals, instead of concentrating them in Mombasa, Nakuru, Nairobi, and Kisumu alone. We are going to do this in Kakamega, Nyeri, Machakos and the other places. Our main programme, right now, is to take medicine to the people because ninety per cent of our people live in the country, not in the city. Therefore, we have to take good medicine, good hospitals and good doctors to those people, our people. The Government has changed and has become African.

Mr. Makokha: Arising from one of the Minister's replies, three months ago we had a medical officer of health living at Alupe and I would like to know if the Ministry has now changed its mind about having a resident medical officer of health for Busia living there?

The Minister for Health and Housing (Dr. Mungai): No, we have not changed. For the time being, Dr. Avanthi is medical officer in charge of

[The Minister for Health and Housing] Bungoma. However, he also has to take care of that area. The second medical officer is Dr. Testa. They share the responsibility.

Question No. 132

WHITE SOUTH AFRICANS LIVING IN KENYA

Mr. Kioko asked the Minister for Home Affairs if—

(a) the Minister could tell the House how many white South Africans were living in Kenya today;

(b) if there were any, was the Independent Kenya Government going to allow them to stay here while their brothers in South Africa were being denied freedom in their own country by the South African Government?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I beg to reply.

(a) There are 823 Europeans of South African nationality resident in Kenya, this figure has been provided by the Statistical Department of the Treasury.

(b) I draw the hon. Member's attention to Command Paper No. 2156, "Kenya Independence Conference, 1963", paragraph 11, pages 13-16, which clearly states the position. It is not the policy of the Government to discriminate against any individual on grounds of colour, creed, race or country of origin, provided he fulfils the Constitutional and legal requirements governing all the residents of Kenya.

Mr. Ngala: Arising from that reply, Sir, could the Minister give an assurance that the hon. questioner has a copy of the Constitution?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I expect all Members to have a copy, but if they do not have one I advise them to go to the Government Printer.

Mr. Gatuguta: Mr. Speaker, Sir, in view of South African hostility to the African people, could the Minister assure this House that the South Africans in this country are not a risk to security?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I am not actually discussing the people of South African origin; I am talking about those individuals who are here who might have come from South Africa but who agree to be citizens of this country. If they do that and agree to follow the rules of this country, we have nothing at all against them.

An hon. Member: Arising from the Minister's reply, is he telling the House that only South African citizens of Kenya will be allowed to remain in this country, and not South African nationals?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, there is no question of South African citizens. Those who live in Kenya will be Kenya citizens, provided they are prepared to register and to accept the nationality of this country. If there is anyone who is a South African citizen, that is another question, and it will be dealt with in its own way.

Mr. Masinde: Mr. Speaker, Sir, is the Minister aware that the South Africans in this country have the same attitude as those in South Africa?

The Minister for Home Affairs (Mr. Odinga): I am not aware of that, Sir, but if my attention is drawn to one particular instance, I will have to deal with it.

Mr. Ngala: Arising from one of the Minister's replies, Mr. Speaker, Sir, could the Government give an assurance that the people who do not elect to become citizens of Kenya after independence will be able to continue to live here?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, that is another question and it will be considered when it is the right time to consider it.

The Speaker (Mr. Slade): I do not think it is actually another question.

The Minister for Home Affairs (Mr. Odinga): With due respect to your ruling, Mr. Speaker, I can only say that as we are going to discuss the Citizenship Bill it would be better for the questioner to keep his question until then.

Mr. Maisori-Itumbo: Mr. Speaker, Sir, would the Minister give an assurance that every person of South African origin will be thoroughly screened before actually being given Kenya citizenship, so that these people may not be a danger to Kenya if they work to promote apartheid?

The Speaker (Mr. Slade): The Minister is quite right in what he just said, that the debate on the Citizenship Bill will give hon. Members an opportunity to raise these points.

Question No. 149

WALK-OUT AND BOYCOTT: SOUTH NYANZA COUNCILLORS

Mr. Ngala-Abok asked the Minister for Local Government if the Minister could inform the House what the Government was doing about the walk-out and boycott of the South Nyanza Council by a number of councillors.

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, the Government deplores the staging of walk-outs and boycotts by members of local authorities because these methods are not the best way of carrying on local government business, but the Government cannot prevent councillors from walking out of meetings or from boycotting meetings if they wish to do so.

However, I am pleased to report to the House that after a meeting of the various persons concerned a short time ago, the people of South Nyanza have resolved to settle their differences amicably. I wish to give credit to the councillors for their wisdom in coming to agreement, and hope that their action will serve as an example to other places where differences have arisen.

Mr. Masinde: Mr. Speaker, Sir, would the Minister tell us why the councillors boycotted the Council?

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, that is not the object of the question.

Mr. Ngala-Abok: Mr. Speaker, Sir, arising from the Minister's reply, would the Minister let the House know what steps are being taken now? Have there been any meetings between those who walked out and those who remained in the Council? If there have been meetings, what deliberations were taken?

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, this is going on within the district and between the district officials and the Regional Assembly.

Mr. Ngala-Abok: Mr. Speaker, Sir, again arising from the Minister's reply, could the Minister tell us whether there is the intention, on the part of those people who walked out, to resume their seats, and if in fact they have resumed their seats?

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, we have not received information lately to that effect. Our information is that discussions are going on and that they are determined to solve their differences amicably.

Mr. Ngala: Arising from one of the Minister's replies, Mr. Speaker, Sir, could the Minister give an assurance that there will, in future, be a freedom of movement for members so that they can walk out if they want without any interference by Government Ministers?

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, I do not know how people's minds are working, but I do not see the relevance of that question.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Minister's reply, could we know—he tells us that there are negotiations going on and that the members are determined to solve their problems—what makes the Minister feel that they are determined to solve their problems when at the same time he states that he is not aware of the latest developments?

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, there are discussions going on because, as soon as this happened naturally the officials concerned took action and there are discussions going on right now.

The Speaker (Mr. Slade): I fear that the hon. Minister will not be able to tell hon. Members any more on this question. We will proceed to the next question.

Question No. 204

LEAKAGE OF KENYA PRELIMINARY EXAMINATION PAPERS

Mr. Ngala asked the Minister for Education—

(a) how the leakage of the Kenya Preliminary Examination came about in Nairobi Area and the Central Region; and

(b) what steps was the Ministry going to take to satisfy the parents and pupils who were going to be the victims of this leakage; and

(c) as this was the second leakage of papers of the same Examination since 1961, could the Minister give assurances as to how he intended to rectify this disturbing defect in future?

With your permission, Mr. Speaker, section (c) should read 1962 instead of 1961.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, on behalf of the Minister for Education I beg to reply.

An hon. Member: Where is he?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): He is busy working for Kenya.

Mr. Speaker, Sir, I beg to reply. It is impossible to say at present how the leakage of Kenya Preliminary Examination question papers occurred. The matter is being investigated by the C.I.D. and until the investigations are complete no answer can be given to this question.

As regards (b) I have to state that the examiners have been instructed to be on the

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look out for any kind of irregularity when they mark the Kenya Preliminary Examination papers. When the report from the examiners has been received and all available evidence has been carefully studied, a decision will be taken on whether or not the pupils in a particular school should be re-examined. The re-examination—if it is decided on—will cover all subjects and will provide results which will be able to be compared effectively with those obtained by candidates in schools which have not been effected. This will ensure that children will be fairly treated when the selection for places in the secondary schools is taking place. I would like to add, Sir, in fact, it is considered that in that event perhaps the best alternative will be to judge the students' performances on the terminal results rather than to insist on re-examination. As far as this is concerned I can give a definite assurance that everything possible will be done to prevent a recurrence of a leakage of the Kenya Preliminary Examination question papers. This action will depend, to some extent, on the result of the investigation now being carried out by the C.I.D.; it will also not be in the interests of public security for me to divulge the full details of what will be done.

Mr. Ngala: Mr. Speaker, arising from the Minister's reply, could he state where the examination papers are printed and who prints them?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, if "where" means location, they are printed in Nairobi at the Government Printer's office and they are printed by the Government Printer.

Mr. Ngala: Mr. Speaker, Sir, arising from that reply, could the Minister tell us why the Government statement issued in the press this morning is different from the answer given by the Minister this afternoon?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I am not aware of the statement and could the Member, perhaps, table it?

Mr. Ngala: Mr. Speaker, Sir, with your permission I would like to show the Minister this statement.

The Speaker (Mr. Slade): I think it would be best if you refer, Mr. Ngala, to the particular passages which you say are different. It would be in order to quote the passages.

Mr. Ngala: Sir, in relation to the reply given by the Minister, I would like to refer the House to the issue of the *East African Standard* this morning, the 26th November under the heading "Examination leakage extensive". In this issue the Government has said: "The re-examination of all examination candidates was considered, but it has been decided that when marking of the papers already taken has been completed and records received from the examiners, a decision will be made on individual schools which should be retested." It continues, but that portion, at least, is very different from what the Government intends to do according to the reply given by the Minister.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, firstly I do not agree that this report is any different to what I have said. Naturally the decision whether or not to re-examine and who to re-examine must await the investigation. I have also said that another alternative is being considered. In certain cases, it may be enough to judge the performance of the student by the aggregate of the terminal examination. I see nothing different at all in what I have said and what has been reported.

May I also make the point, Sir, that the Government is not responsible for newspaper headlines.

The Speaker (Mr. Slade): There is a point of order here. One of our Standing Orders precludes hon. Members from asking questions as to whether a statement in the press is correct. I am not sure that that really precludes asking whether a reported statement by Government is a true statement of Government policy, and I allowed Mr. Ngala to pursue his question on that line; but the privilege of referring to newspapers is certainly a very limited one.

Mr. Kamau: Mr. Speaker, Sir, in view of the Minister's reply, could the Minister assure this House that if the investigations reveal that these papers were seen before the examination, the retesting of those children will apply to all schools, not just the schools in a particular area?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, in fairness to the House, I would like to make the point that although when the reply to this question was being written it was considered that re-examination may be the best way to deal with the matter, Government has subsequently been wondering whether that is the best method. As I have already

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indicated, Government's intention now is, rather than re-examine the students in one or several schools, to treat the students in the affected schools on the basis of their terminal examination results. This would be better than submitting them to another examination. This is the trend of Government's thoughts at the moment.

Mr. Masinde: Mr. Speaker, arising from the Minister's previous reply, since this is the second leakage could the Minister, therefore leave all matters dealing with education to the Regional Assemblies?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, the hon. Gentleman is apparently ignorant of the constitutional requirements. The Constitution requires that only the Kenya Government shall be responsible for all examinations.

Mr. ole Tiji: Mr. Speaker, Sir, can the hon. Minister tell us how extensive this leakage is, because the House and the country as a whole would like to know? What districts are involved?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, on present information—as I have said, the matter is still being investigated—we are informed that leakages have occurred in Nairobi and the Central Region, namely, Kiambu, Fort Hall and Nyeri. Parts of Western Region and Nyanza Region are also involved.

Mr. Anyieni: Mr. Speaker, Sir, in view of the fact that the successful students will be given certificates, is it not fair that they must undergo the same examination as other students?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, it is a very difficult decision to make and one, naturally, must wonder whether a re-examination can produce genuine results. We think that it is quite enough for those students who are to go to secondary schools to have their performances determined on the basis of an aggregate of their terminal results.

Mr. Ngala: Mr. Speaker, Sir, is the Government not aware of the fact that parents are disappointed with the attitude that the Government is taking over this very serious issue? Mr. Speaker, Sir, I want the Minister to tell us whether he thinks parents will be satisfied with children of one section being estimated on the aggregate and another section being estimated on actual examinations? This is discrimination and it is unfair. The whole examination should be set again.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, the Government takes this matter seriously, and that is why they have continued investigations. They have pursued this matter and we shall discover how the leak came about, then we can ensure that leakages will not take place in the future. As far as the question raised by the hon. Member is concerned, I have already said that, of course, it may appear unfair for some students to determine their performance on the basis that I have explained, but, in the circumstances, it is, I think, necessary for hon. Members to appreciate the difficulty in which we find ourselves. We do not believe that it would be wise to re-examine students. We do not believe that such re-examination would produce genuine results. Many students, even those who were not involved in the leakages, might easily be nervous, psychologically affected and fail their examinations, if we were to re-examine them. There is no better way in the circumstances of dealing with the matter other than looking at the overall results of the students during the terminal examinations.

PERSONAL STATEMENT

MEMBER'S POSITION AS AN INDEPENDENT

Mr. Towett: Mr. Speaker, Sir, with your leave and the permission of the House, I wish to make a short statement to the effect that I am now Independent. With your permission, Sir, I wish to sit on this side of the House as a dividing line between the Government and the Opposition. I have just seen, Sir, that there is a special chair here which has been made ready for me, and I thank the officers for that.

I will support any idea which is sensible from any Member or group of Members in this House. I intend to be a friend to all. I am half-way between Heaven and Hell if such places exist. I appeal to the House not to do anything which is detrimental to this country out of animosity. I am neither Kaniu, A.P.P. or Kadu, and I do not wish to form a group of independents. No, thank you, Sir.

The Speaker (Mr. Slade): That is all right, Mr. Towett, as long as your chair does not irritate hon. Members!

NOTICE OF MOTION ON THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 204

Mr. Ngala: Mr. Speaker, Sir, in view of the very unsatisfactory reply given by the Acting Minister for Education, I want to Move an adjournment on Question No. 204.

The Speaker (Mr. Slade): There is some difficulty in this, because by Standing Orders we are only allowed two debates on adjournment each week. I have already promised two such debates this week, one is Mr. Anyieni and the other Mr. Murgor. If a Minister is prepared to Move either today or tomorrow that this particular subject be exempt from Standing Orders, so as to allow it to be a third debate on an adjournment this week, then we would take either Thursday or Friday to discuss it. Perhaps you would consult with the Government, Mr. Ngala.

Mr. Ngala: If you consider it unsatisfactory, how can we pursue it?

The Speaker (Mr. Slade): I think you had better discuss it with the Government.

The Speaker (Mr. Slade): I have to remind hon. Members that Mr. Anyieni is to raise on the adjournment today the matter of Question No. 141, which was the matter of medical facilities in the Kisii District, and the matter which Mr. Murgor wanted to raise on Question No. 115, Kaptagat Grogan Forest, I think will be best to take on the adjournment tomorrow.

MOTION

REDUCTION IN BILLS PUBLICATION PERIOD

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

THAT the period between the publication of the following Bills in the Gazette and their introduction into this House be reduced from fourteen days to the number of days indicated against each Bill:—

The National Flag, Emblems and Names Bill, twelve days.

The External Loans (General) Bill, seven days.

The Personal Tax Bill, seven days.

The Kenya Citizenship Bill, seven days.

The Kenya Military Force (Constitution and Miscellaneous Provisions) Bill, seven days.

The Government Securities Bill, four days.

The Native Vessels (Amendment) Bill, four days.

The Minister for Justice and Constitutional Affairs (Mr. Mboya) seconded.

(Question proposed)

Mr. Ngala: Mr. Speaker, Sir, I would like to express my views on the Government's Motion. First, we can see the urgency on the part of

Government for the reduction of days on the publication of these Bills, but I think Government has gone too far in taking advantage of this very rare opportunity which is given to the Government to publish the Bills quickly. I think, Sir, that we should not have anything which is published in less than a week. I think the Government Securities Bill should be made seven days, and also the Native Vessels (Amendment) Bill should be seven days. I think it is very important that Members are given at least a week in which they can look into these Bills and be able to speak on them intelligently. Four days is a very short period, and it is not really sufficient. Some Members may be away for the weekend and by the time they rush to the House to give their views on the Bill, four days may have expired. I think the Government should appreciate this point. It is not raised with the idea of trying to oppose, the whole aim of reducing the length of time but rather of putting it to the Minister concerned that four days is too short. I would like a minimum of seven days, and I hope the Minister will agree with me.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I am sure the Leader of the Opposition will understand the reason behind this Motion. The House will rise this week, we hope, for the last time before Independence. It is necessary that this business of the Government is finalized before Independence, and it is purely for this reason that it has become necessary to ask for this reduction. It is not the policy of the Government to try and reduce the period, other than when it is absolutely necessary.

Mr. ole Tipis: Mr. Speaker, Sir, I think I must thank the Minister for Justice and Constitutional Affairs for giving the reasons for the Motion before the House because his colleague who moved it did not give any reasons for the introduction of this Motion. I hope the Minister who moved the Motion will realize that people all over the country and even in this House are not of the same intelligence or of the same intelligence quota, and a short explanation could have helped the Members whom I believe do not understand the business at all. Whether this is due to his recent extensive tour abroad, I do not know. Mr. Speaker, I am pleased to—

Mr. Kamau: On a point of order, Mr. Speaker, Sir. Is it in order for an hon. Member to suggest that some Members of this House do not understand things at all?

The Speaker (Mr. Slade): It is not in order for hon. Members to be offensive about the intelligence of their colleagues, but it is quite in

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order for hon. Members to suggest that some of them are slower in understanding than others. Even more so, to suggest that they are entitled to expect reasons.

Mr. ole Tipis: Thank you, Mr. Speaker, Sir, I think the hon. Member will agree with me without any questioning at all, that we are not even equal in weight or in educational achievements. That is what I was trying to mention, Sir. I did not intend saying anything precocious to the hon. Minister, but I had hoped that after his tour he would have been able to give us a few reasons when introducing this Motion to explain the position without wasting the time of the House. We agree that the House is going to adjourn this week, but the last two Bills mentioned are reduced to four days so there is no excuse at all as far as I can see. We can pass the Bills on Friday, but we maintain that they should not be left for less than seven days because we are with the Government on this. There is no difficulty whatsoever and it is no good the hon. Minister shaking his head.

Mr. Shikuku: Mr. Speaker, Sir, I do not wish to over-emphasize what has already been said, but I think any hon. Member in this House will agree with me that the Government Security Bill as stated shows that we only have four days. I think one of the most important things is that one should look into and study it thoroughly before he can come down here and give his views, and I think in all fairness, realizing that time is against us, that this point being so important, the Ministers concerned should reconsider it and let us have seven days for it. With these few remarks, Mr. Speaker, I look forward to the Government reconsidering its present stand and that we shall have more days to debate this.

The Minister of State (The Prime Minister's Office) (Mr. Murumbi): Mr. Speaker, Sir, on these two Bills, it is the intention of the Government to try and get over this business as soon as possible before 12th December. The reason for our asking for four days is because these Bills are so short. In the first one, the Government Security Bill, there is nothing new to be discussed. All that is necessary for us to do is to take over the powers that were held by the British Government. In the second, the Native Vessels (Amendment) Bill, there are just a few substitutions to be made to it, and those can be dealt with very quickly. I do not think a second day is necessary for these two Bills.

(The question was put and carried)

BILLS

First Readings

THE STATUTORY COMMODITY BOARDS (AMENDMENT OF LAWS) BILL

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

THE NATIONAL FLAG, EMBLEMS AND NAMES BILL

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

THE EXTERNAL LOANS (GENERAL) BILL

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

THE PERSONAL TAX BILL

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

THE KENYA CITIZENSHIP BILL

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

THE KENYA MILITARY FORCES (CONSTITUTION AND MISCELLANEOUS PROVISIONS) BILL

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

THE GOVERNMENT SECURITIES BILL

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

THE NATIVE VESSELS (AMENDMENT) BILL

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

CONSIDERED RULING

MORE THAN ONE STAGE OF BILL IN ONE DAY: OBJECTION

The Speaker (Mr. Slade): Before we proceed with any other Order, I would advise hon. Members that we cannot take any two stages of a Bill on one day without the leave of the House. As hon. Members will see from the Order Paper, it is proposed to take the Second Reading of all those Bills, of which we have just had the First Reading, today. Can I take it we have the leave of the House to proceed in that way?

Mr. Ngala: Mr. Speaker, Sir, I have an objection but I do not know whether I am in order to raise it here. My objection is on the two of the Bills which have been proposed as desirable to be read

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a Second Time today. I think there should be more days for Members to have a look at these Bills. The Bills are the Government Securities Bill and the Native Vessels (Amendment) Bill. However, apart from this one objection based on the shortage of time allowed, I feel that it would be perfectly all right for the other Bills to be taken today.

The Speaker (Mr. Slade): Does any other hon. Member want to object to us taking any other Second Reading today?

There can be no leave of the House if any one hon. Member objects and so we must not take today the Second Readings of the Government Securities Bill or the Native Vessels (Amendment) Bill. We can now proceed with the Second Readings of the other Bills.

BILLS

Second Readings

THE STATUTORY (COMMODITY BOARDS (AMENDMENT OF LAWS) BILL

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to move that the Statutory Commodity Boards (Amendment of Laws) Bill, 1963, be read a Second Time.

This Bill seeks to do only one thing, Sir, namely to enable the Government to direct the Statutory Commodity Boards to give effect to any of the Boards' powers under their respective Ordinances, should this prove to be necessary. I emphasize, Sir, that the power of direction conferred on the Government is a power to direct the Boards to do anything that they may legally do under the Ordinances which establish them. It does not authorize Government to direct them to do anything else. In certain cases the Government already has this power of giving directions to a Board and an example of this is the Maize Board. The provisions of the Bill do not, therefore, represent a new departure of policy. The Government does not intend to unduly interfere in the affairs of the Commodity Boards, but it must have the power to be able to do so.

The national crops are only concerned and I do not need to stress that, as national crops, they are of national importance.

Mr. Speaker, Sir, I beg to move,

The Minister for Justice and Constitutional Affairs (Mr. Mboya) seconded.

(Question proposed)

Mr. ole Tipis: Mr. Speaker, Sir, in this simple amendment of the Bill before us I think one thing must be made absolutely clear, and that is, I hope the Parliamentary Secretary meant what he said when he said "direction". I hope that this "direction" will not result and will not be interpreted to mean dictation. These Statutory Boards must, of necessity, have flexibility in making a general policy which will benefit the nation because, as we know, Sir, a man is not an angel and a Minister can make a mistake like anybody else. If it means that that slight mistake will have repercussions in the Commodity Boards it will upset the economy of the country. I think this ought to be looked into very carefully because if the Minister can make special or general directions then the functions of these Boards are completely minimized. If this is so then I think it is a waste of public money to establish these Statutory Boards which will only be dictated to by the Minister. If it is necessary the Minister can do away with these Statutory Boards and then direct his own policy through his officials both at the Ministry headquarters and in the field. If this happens one of these days we shall have these Boards, which are costing the country money, and the Minister will simply be directing them and bossing them about just like a pack of small children.

I hope that the direction which my hon. friend mentioned will be direction and not dictation and then everything will be left to the Boards and they will be able to do things according to their own discretion. They will be able to accept things or refer back to the Minister those directives which they feel are not in keeping with the facts on the ground. The Minister will then have to accept these things otherwise a mockery will be made of the whole establishment of the Commodity Boards.

Secondly, Sir, I would ask the hon. Parliamentary Secretary to tell the Minister that we are not quite happy with some of these Statutory Boards which are composed of people who are not really interested in this country and we would like to see most of them Africanized. There is no question of carrying on with the old Statutory Boards which were created by the imperialists. We want to Africanize them and I hope the Minister will bear this in mind.

Mr. Ngala: Mr. Speaker, Sir, this Bill is an attempt by the Minister to make these particular Boards an instrument of his own so that he can use them exactly as he wants. This is not the first example of this. We have seen before the

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general habit of Ministers wanting to take over Statutory Boards. I must say that I very strongly object to this behaviour by the Government.

Sir, on clause 2 of the Bill, section 1 (a), it says that: "In the exercise of its powers and in the performance of its functions under this Ordinance, the Board shall act in accordance with any general or special directions that may be given to it by the Minister." Now, Sir, we either have lost the meaning of such Boards and have forgotten what their status should be in a Government, or we intend to take over the functions of the Boards, or at least override whatever the Boards decide to do.

I believe, Sir, that these Boards have their own constitutions and the constitutions have been approved as these constitutions have been approved—they are the right type of constitutions under which these Boards should work—I cannot see any sensible reason for any Minister wishing to direct the Boards. Sir, it is more serious than directing in general terms, even in special, specific directives the Boards have to work according to the wishes of the Minister.

If we do not want the Boards we should pack them up and say goodbye to them, but if we want them they should be given their rightful constitutional position and their right status so that they can work as proper boards. Therefore, I oppose very strongly this Bill on the basis that it intends to take away these Boards' powers and give these powers to the Minister. This is very contrary to the purpose for which these Boards were created. The Parliamentary Secretary has failed to tell us what this Bill intends to do. I think he said that it intends to do very little. He said that it was just to give powers of direction to the Minister. That is not a very little thing. According to what the Bill says here the Minister is taking over all the Boards' powers and the Boards are going to be the Minister's babies, quite contrary to the intentions of the Boards' constitutions.

We have already seen with the Kenya Broadcasting Corporation—a Bill is coming about this and so I probably should not talk on it—that the Minister has failed to give us what sort of direction he is allowed. Is this direction on policies? Is it on specific matters or, is it just on matters of personnel? We cannot be asked in the House to give a blank cheque to the Minister on such a very important matter of the direction of whole Boards. These Boards are going to be directed on general matters as well as on specific matters of great detail. This is quite wrong and I think the Government should learn how to

govern the country better. They should not want to take over the powers and give them to one individual. The powers should be shared by the members of the Boards who, appropriately, were thought to be the people who could handle these powers. If the Government forms of habit of taking over such powers before very long all the boards in Kenya will have a Minister sitting on them and we might as well not have wasted our time creating a constitution if after all the Ministers wish to take over and sit on all the boards in the country. These Ministers want powers of direction, even when detail is concerned.

In Clause 4, section (7), it repeats the idea, with regard to the Coffee Ordinance, of the Minister taking over the powers from the Board. These Boards are going to be made empty baskets by the Ministers and we are not going to pay the Chairman and members of these Boards salaries and allowances for carrying empty baskets. We want these Boards to be left with their powers and to be interfered with as little as possible by the Ministers. The Ministers have quite a lot which they can do. If they have nothing to do in their offices they can go back to their constituencies and help their supporters there. However, they should leave well alone all these Boards; they should be allowed to act as they intend to act under the Constitution.

The same thing is repeated on the Cotton Board and if I quickly read this Bill, Sir, I see that the same thing is repeated throughout. I get a picture of a Minister who is hungry, who wants power, who is grabbing as much power as he can and who is making the Boards a lot of little chickens behind him because he will take all their power.

Sir, even the Wheat Industry is being affected, and all these Boards are being turned by this Bills into instruments and weapons for the Minister. I think this House has a very serious Bill in front of it and we should seriously consider whether the Minister should be given these powers. I very firmly object to giving these powers to the Minister and the way in which the Bill is worded is entirely inappropriate. If I may say so, it is going against the constitutions under which these Boards were intended to function. For this reason I would like to oppose the Bill very, very strongly as a measure which the Minister intends to take so that he can dictate to the Boards. Once this wedge is created I think more Ministers will follow his example. We started with the Kenya Broadcasting Corporation and we have now moved to these Boards and I do not know to which boards we will turn next. The whole country will be dictated

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to by the seven Ministers who are, some of them, sleeping in the front bench.

Mr. Speaker, Sir, I beg to oppose.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I rise to support this Bill which is self explanatory and very simple indeed. It deals with some of the loopholes which were forgotten when these statutory boards were set up.

The hon. Member, the Leader of the Opposition, has opposed this Bill, but I can assure him that this Bill has been brought with very good intentions. At the same time, it is in the light of experience gained with regard to the purely administrative side that this Bill has been brought to the House. I should like to assure him that normally we misunderstand what is called individual liberty. There are certain limits to which an individual can exercise his liberty, but there are certain aspects in his own liberty which he must surrender for the sake of the whole country and the smooth-running of the community. As such, these boards are individuals. In order to run them smoothly and organize the marketing and other things, there are certain aspects which the Ministers at the top must be able to direct them on. It is not that the Government wants to interfere with their deliberations or on any decisions taken; this is purely for the purposes of administration, for marketing organization and for the smooth running of all these boards consistent with the development of this country. The Minister is in a position where he can see to it.

We should not be deluded into thinking that there is a statutory board which can be absolutely independent. You cannot in a country which is independent have absolute independence for all the smaller bodies in the country. You will not be able to run the country properly. These bodies must exercise a certain measure of independence, but when it comes to independence of the organization and administration of all the boards in the country, we must give a part of their independence to the centre, to the Minister, who understands and who sees that they are well placed throughout the country. He can see that they are running smoothly and ensure that they are placed so that it is easy for their development for marketing, and for other administrative purposes.

I assure hon. Members that this Bill has not been brought to this House for the reasons the hon. Member has alleged; that there are

Ministers who are after power. Power is something which even he would like to have, as much as he can get. It is very wrong to impute such motives to responsible Ministers; that is not the case at all. I feel we should look at this in a co-operative manner and realise that this has been brought about because the Ministers are anxious to see that their Ministries develop along the right lines; to see that their Ministries run smoothly, they should have powers only of directing the services and the actions of these Commodity Boards, in exactly the way they have requested. They are asking for powers to direct these Boards because they are in positions to know what is the position of the world market, and other African territories, and so forth. In that way, they will be able to direct these Boards if these powers are given to them.

With these few remarks, Mr. Speaker, I hope the House will support this Bill giving very limited powers which the Ministers are asking for in order to achieve smooth running in their Ministries.

Mr. Kamunde: Mr. Speaker, Sir, I am surprised that the Leader of the Opposition seems to have had his eyes closed for the last few months. If the Leader of the Opposition goes outside now, he will see a Land-Rover with the registration letters O.H.M.S. Now, O.H.M.S. does not mean that the Imperialists are in power, because of this car, in the same way, with regard to the powers for which the Minister is asking, there will never be any Minister in this country who will be able to dictate to all these Boards in the way that has been suggested.

Something I would like to know from the Leader of the Opposition is whether it is not true that any Minister in Government is answerable for whatever these Boards do, or the Government is answerable for what they do. Surely it is right that these Ministers should have the power to ensure that these Boards are working in accordance with the rules and laws of the Government.

Secondly, Sir, I think the Minister has to have powers in order to avoid corruption, which has occurred in many other parts of the world. Boards have been left to do what they want freely, and in the end it has been found that they were corrupt Boards. The Government is quite right to ensure that it is kept informed, if nothing else, about the day to day working of these Boards. If they are not doing what the Government instructs—which is to ensure that there is proper marketing of goods—then the Minister can even go so far as to dissolve the Board and put the right people in charge.

An hon. Member: They are a Central Government responsibility.

Mr. Kamunde: Mr. Speaker, Sir, Central Government is inside this House.

I wish to support this Bill. We have to realise that these Boards have been given freedom in working as long as they are working in accordance with Government and the wishes of the people. I do not see any other way in which the Government can ensure that the Boards work in a proper way, an honest way, a right way, unless they have a certain amount of control over their every-day working. If we are to avoid corruption in them, the only thing is to introduce a Bill of this kind which has my wholehearted support.

Mr. Pandya: Mr. Speaker, Sir, I am not trying to impute improper motives to this Government, as was suggested by a Member from the other side. That is not our intention; we merely wish to criticise certain measures which have been proposed by this Government. I have listened with great interest to the speakers from the other side, and I am not convinced from the reasons given that this Bill is necessary. Here is a Government which has already created the Statutory Commodity Boards which so far have had an independent existence. Today, we are being told that every Board shall act in accordance with any general or special directions that may be given to it by the Minister. Sir, this process can be carried too far. If Government wants to have the Minister to have a say in the Statutory Board, what is the purpose in creating them? One hon. Member has suggested that this should be done to stop corruption. Does he assume that there is corruption already? Does he want Government interference? I am really surprised that the last hon. Member suggested and emphasised this point.

I must say I very strongly oppose this measure because it cuts across the very purpose, the very existence, the importance and the excellent work that some of these Boards have done. With regard to the Ministers giving these general directions, I am sure that the chairmen of these Boards are quite competent and know the position of the world market, the trends in this market, and how the commodities the various Boards deal with should be handled. The Minister and the Chairman of each Board can co-operate and discuss these matters so that the Chairman can effectively handle his Board. It is not necessary for the Minister now and again to give his own directions.

Mr. Speaker Sir, on a matter of principle, and not because the measure is proposed by a

particular person or a Government; I strongly oppose.

Mr. Ngala-Abok: Mr. Speaker, Sir, I do not have very much to say on the Motion, except that I would like to reply to a few of the confused points which have been put across by Members on the opposite side.

In fact, these Boards are registered by the Government, and in order that they may work properly the Ministers in charge of matters which the various Boards deal with have to keep certain powers in order to make it possible for Members in this House to understand what the Boards are doing. You have noticed, Mr. Speaker, and it is normal, that Members ask Ministers various things concerning different Boards and bodies in the country, and the Ministers always answer the questions when they are raised here. How a Minister can know exactly what a Board is doing if he has no power at all still remains to be explained to us by the Opposition. What is being suggested is that these Boards should be independent and the Ministers should have no link with them at all so they can do what they wish.

As the hon. Member who has just sat down said, the Chairman of these Boards are free to tour various countries and work out their own policies. I think there is a misunderstanding here. There must be someone in charge of co-ordinating the policies of all these Boards. Even if the Chairmen are free to organize and direct their Boards in different ways, at the same time the country has someone who is responsible for the over-all policy of any organized or registered body in the country, and he is the Minister. Therefore, I do not see how the Ministers cannot have certain powers to direct these Boards, which make it possible for him to answer queries which may arise in this House, and allow him to check the efficiency of the Boards, and if necessary give directions for the smooth running of those Boards. It is just as reasonable as that. I do not think this needs a great deal of debate. From time to time we have difficulties and complications caused by the Opposition because they wish us to drag on these simple matters.

Mr. Speaker, Sir, I support the Bill.

Mr. Oduya: Mr. Speaker, Sir, I do not think there is a lot to discuss on this Bill. I am surprised that the Leader of the Opposition and his company should stand up and attack the Minister for amending this Bill to bring the Boards under his control. In the past, these Boards have discriminated against the African community, but today this elected Government is trying to do everything

[Mr. Ngala]

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[Mr. Waruhi]

appoint members of the public who have the interest of the country at heart. So as to bring about the close relationship between the Ministers and the boards, it will be necessary to get people who understand and see that this country progresses in the right direction. I do not see anywhere in this Bill, Mr. Speaker, Sir, where the Minister is asking for powers to dictate to the boards. The word used is "direct" and I think if the Minister wanted powers to control these boards, he could have used the words "to order" these boards, but he is only speaking of powers to give directions.

With these few words, Mr. Speaker, Sir, I beg to support.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): I beg to move that the Mover be now called upon to reply.

(The question was put and carried)

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I am surprised by some of the speeches made by hon. Members on the opposite side in debating this Bill. First of all, it strikes me as a strange thing to find the hon. Member for Narok West saying that this Government is filling up these boards with Imperialists and so on. The hon. Member for Narok West is actually the Vice-President for the Rift Valley Regional Assembly, and it is only the Rift Valley Regional Assembly which has brought in European representatives from that region and no others, so it strikes me strange for the hon. Member to accuse this Government for something for which he is himself responsible. Another thing he mentioned was that we are not going to use the word "dictate" instead of "direct". I think this Government is in a position to know the English language, and in using the word direct, we are not blind and read it as "dictate". I think that the remarks made by the hon. Member for Narok West "I wish he was here to hear this" were made just to oppose what he thought was sincere, he has opposed for the sake of opposing. The hon. Leader of the Opposition says that these boards have constitutions that I agree with, but then let us say there is a board which is going to be a board for cashew nuts, which is a common product at the coast. Suppose this board decides to export all the cashew nuts from the coast, and my good friends in Kilifi want to eat some. Is he prepared to tell us that the Minister should not go in and at least use the power which is going to be given to him by this amendment, to tell these people to think of the brothers who are going to miss the cashew

nuts. Another thing is, for example, the prices. A board may decide to have different prices for the same commodity. They may say they are going to pay Sh. 12 for a bag of maize to one farmer and another farmer is paid Sh. 24. It is only good thinking that such things are not proper, so the Minister can be able to come in and use this power we are going to give him in this amendment to make an agreement between these people, on what would be called the price determination by the board. Another point, Mr. Speaker, Sir, concerns the research centres for example. A board may decide to do away with research work and it is vital, this being an agricultural country, that research stations should be maintained here. If the coffee board or the wheat board decides on having no research work, because it is expensive, we are not in a position, as a Government, to insist that they go on with this research, but if the Minister is given this power he can tell them to continue with the research. I wish the Leader of the Opposition was here to hear this, for I do not think he was sincere in opposing this amendment at all. Of course, the Bill reads that "it may be given to the Minister". The word "may" is there not "must". I am wondering why it is said that if we are given these powers, we must use them and so on, but where this word "must" came from, I fail to understand.

Sir, the hon. Member for Mombasa Island North made the same remarks as his friend, the Leader of the Opposition, and I need not repeat my answers to them. I think my good friends on the Opposition side, having understood this Bill "as a Government and Kenya being an agricultural country" realize we have to amend this Bill. Previously these powers were not there, but the powers that are now being given in this Bill are for the Government to direct these boards, and it is direction and not dictation.

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

(The question was put and carried)

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

THE NATIONAL FLAG, EMBLEMS AND NAMES BILL

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the National Flag, Emblems and Names Bill be read a Second Time.

The purpose of this Bill is to safeguard the dignity of the national flag and other emblems and symbols of national significance by restricting their use for commercial purposes. The Bill which is a very brief one, will make it an offence to use,

[Mr. Oduya]

I can bring these Boards under its control so that the way is opened to people who were not allowed in the past. Just recently—and I think the Leader of the Opposition will agree with me—one of the Boards appointed the hon. Mr. Ngei, a Member in this House, as Chairman of the Maize Marketing Board. He will run the Board and see that it is run efficiently and meets the requirements of all communities in the country. In the past, these Boards have been able to decide at any time, if they so wished, even to employ a man from South Africa, and these Boers are known to us as the most destructive people. They could appoint such a man as Director of the Board, and this sort of person has no interests in promoting African interests in this country. This Government, after being in power for such a short time, has decided that it is necessary to amend this Bill and bring these Boards under the control of Government so that Africans will be given a chance to control them, to be directors or managers and hold positions on these Boards.

We have what is known as a research plant at Njoro where in the past most of the people were settlers. Some of them have no proper qualifications to carry out research. At the same time there are Africans who are really qualified—they have either studied at Makerere or been abroad—and when they come here they are not considered for any of these jobs, even though they are equipped with the necessary knowledge. I hope the Government will go further, having taken control of these Boards, to ensure that the research plant at Njoro is staffed by proper people who will do thorough research which will help all the people in the country instead of confining it only to one community, the settlers, who carry out research for their own personal use. This is a bad thing.

The Leader of the Opposition is a little confused. About a year ago, he was the Leader of Government Business. Now he has been telling this House that the Government is going to use these Boards as empty vessels. I think that at that time the Leader of the Opposition was being used as an empty vessel, because he did nothing. He was given about Sh. 10,000 a month and he did nothing, not even change the policy of these Boards, which were quite discriminatory. Since the African people are in the majority in this country, they must be considered as well, and that is why the Government is going to bring these Boards under its control so that there is proper co-ordination; in that way these Boards will really meet the needs of this country. It is a foolish idea, therefore, for my hon. friend, the

Leader of the Opposition, to stand up and attack the Government on something which the Government considers to be very important for the future of this country. He himself, when he was a part of the Government, failed completely to change anything, even simple parts of the administration, which he was managing.

I very strongly support the amendment of the Bill, and the Minister will have to do all in his power to ensure that Africans in the long run take responsibility in these Boards which are, at present, being run by Europeans. When we think of some of the Boards, such as the Wheat Board, Cotton and the Lint Marketing Board, the Coffee Board, and so on, we find that very few Africans are employed by them, and they are given no responsibility. With this amendment, the Government will ensure that these Boards are run in a proper manner, one which will benefit our people throughout the country, instead of being confined to only a few farmers.

I know that most of these Boards are run by people from South Africa, and I think the Minister—since we are changing the whole thing and giving him more powers—will see to it that no South African Boer is allowed to be a director or manager of any of these Boards in the country.

With these few remarks, Mr. Speaker, I beg to support the amendment of this Bill.

The Speaker (Mr. Slade): I must point out to hon. Members that the constitution of Agricultural Boards is a matter of law, as already provided. This Bill is concerned only with the administrative direction of such boards.

Mr. Waribih: Mr. Speaker, Sir, I rise to support this Bill, because it is quite clear, that all the Minister is asking for is power to regulate the sale of various kinds of agricultural produce. This Bill deals with all types of agricultural boards concerned with agricultural produce and animal husbandry. We have to realize, Mr. Speaker, Sir, that these boards were set up many years ago, and it may be through that period it was found necessary, that the Minister should have a say in the direction of the activities of that board. It is more so in a country like Kenya which we know is an agricultural country. We have to have proper functioning of the boards which deal with the marketing of the products, and if you look in the Memorandum of Objects and reasons, it is quite clearly stated, that these directions are to assist in the regulation of the sale of agricultural produce and also in the manner in which these boards exercise their functions. It is also necessary, I think, that the Minister should consider reorganizing these boards and

[Mr. Waribih]

appoint members of the public who have the interest of the country at heart. So as to bring about the close relationship between the Ministers and the boards, it will be necessary to get people who understand and see that this country progresses in the right direction. I do not see anywhere in this Bill, Mr. Speaker, Sir, where the Minister is asking for powers to dictate to the boards. The word used is "direct" and I think if the Minister wanted powers to control these boards he could have used the words "to order" these boards, but he is only speaking of powers to give directions.

With these few words, Mr. Speaker, Sir, I beg to support.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamwaya): I beg to move that the Mover be now called upon to reply.

(The question was put and carried)

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogol): Mr. Speaker, Sir, I am surprised by some of the speeches made by hon. Members on the opposite side in debating this Bill. First of all, it strikes me as a strange thing to find the hon. Member for Narok West saying that this Government is filling up these boards with Imperialists and so on. The hon. Member for Narok West is actually the Vice-President for the Rift Valley Regional Assembly, and it is only the Rift Valley Regional Assembly which has brought in European representatives from that region and no others, so it strikes me strange for the hon. Member to accuse this Government for something for which he is himself responsible. Another thing he mentioned was that we are not going to use the word "dictate" instead of "direct". I think this Government is in a position to know the English language, and in using the word direct, we are not blind and read it as "dictate". I think that the remarks made by the hon. Member for Narok West "I wish he was here to hear this" were made just to oppose what he thought was sincere, he has opposed for the sake of opposing. The hon. Leader of the Opposition says that these boards have constitutions that I agree with, but then let us say there is a board which is going to be a board for cashew nuts, which is a common product at the coast. Suppose this board decides to export all the cashew nuts from the coast, and my good friends in Kilifi want to eat some. Is he prepared to tell us that the Minister should not go in and at least use the power which is going to be given to him by this amendment, to tell these people to think of the brothers who are going to miss the cashew

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Sir, the hon. Member for Mombasa Island North made the same remarks as his friend, the Leader of the Opposition, and I need not repeat my answers to them. I think my good friends on the Opposition side, having understood this Bill "as a Government and Kenya being an agricultural country" realize we have to amend this Bill. Previously these powers were not there, but the powers that are now being given in this Bill are for the Government to direct these boards, and it is direction and not dictation.

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

(The question was put and carried)

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

THE NATIONAL FLAG, EMBLEMS AND NAMES BILL

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the National Flag, Emblems and Names Bill be read a Second Time.

The purpose of this Bill is to safeguard the dignity of the national flag and other emblems and symbols of national significance by restricting their use for commercial purposes. The Bill which is a very brief one, will make it an offence to use,

[The Minister for Justice and Constitutional Affairs]

commercially, any of the specified emblems, likenesses, names which are defined, in fact, in section 2, and detailed in the Schedule to the Bill, without the written permission of the Minister for Commerce and Industry. Apart from the national flag and emblems, it will be noted that the Schedule includes the name and portraits of the Prime Minister and the national slogan "Harambee".

The emblem and official seal of the United Nations have been accorded similar protection in accordance with precedents set in other member countries. Section 3 (1) of the Ordinance restricts the use of the scheduled items commercial advertising in any patent trade mark or design. Most important of all, it restricts in section 3 (1) (a) the manufacture or importation of any article bearing the emblem. It has not been felt necessary to require every shop dealing in such goods to obtain permission to sell them, but section 6 of the Bill gives wide power to the police to enter and search premises and to seize any goods suspected of contravening this Ordinance. It will therefore be in the interests of every trader dealing in these goods to satisfy himself that the importer or manufacturer of such goods has obtained the necessary permission from the Minister. Then in section 3 (2) this makes an exception in the case of the publication of news or other articles in newspapers as it would clearly be impracticable for the press to submit for approval before publication proofs of all photographs taken of day-to-day events featuring the Prime Minister. The exemption will not, of course, apply to commercial advertising in newspapers which will require the Minister's approval under section 3 (1) (a) already referred to. In this connexion, it is the intention to allow the greatest possible latitude consistent with national dignity in approving such advertisements during the period of the Uhuru celebrations. This refers particularly to the use of "Harambee" as the rallying cry as it has come to be recognised. Thereafter, however, its use will only be authorized in context appropriate to its dignity as the national motto and I hope those who are prone to shouting "Harambee" will take note of this point. Section 3 (3) allows the Minister to attach any conditions he deems fit in granting his permission to use the emblem. This will, for example, allow him to specify the quality of any materials to be used to ensure that the national emblem is not used on shoddy goods. This means that a person cannot just produce any material and put it out. It may be necessary specifically to say

that in order to manufacture any dress or material for dresses with a portrait of the Prime Minister or the Coat of Arms, it will be necessary to use certain standard material. Section 3 (4) provides for a penalty not exceeding Sh. 5,000, or six months imprisonment or both if one contravenes this Ordinance.

Section 4 of the Bill is formal and prohibits the registration of companies, trade marks or patents which make use of specified names and so on, notwithstanding the fact that such registration is permissible under the other legislation governing such subjects as, for example, the Trade Marks Ordinance. Then section 6 has already been referred to, and gives to the police the powers of entry, search and seizure which will be necessary to ensure the effective enforcement of the Ordinance.

Lastly, Sir, section 7 empowers the Minister to amend the Schedule by notice in the Gazette as required. This means the Minister can add to the Schedule or remove from the Schedule any of the items already specified. This will allow for the provisions of the Ordinance to be extended as required to meet any constitutional changes in the title of the Head of the State or to include, for example, portraits of all members of the Cabinet or other dignitaries as specified likenesses if this proves necessary.

Now, Sir, I hope that those who have made enquiries to the Independence Celebrations Directorate and to the Government from time to time, about whether or not they may fly the national flag on the occasion of Independence or use it to decorate their shops and buildings will take note of what I have said. It is not the flying of the flag that this Bill seeks to prohibit as such, it is the use for commercial purposes by those who are importing and manufacturing. The police, as I have explained, will naturally ensure that such articles which have the national flag or the emblems are those which have been permitted to be imported or manufactured accordingly, but people may fly the national flag on Independence Day, as provided for with the dignity that it deserves. People may use the portraits of the Prime Minister and other portraits with the dignity that they deserve. They do not, in order to fly the national flag, have to go to the Minister for permission to do so.

Sir, it is my intention during the committee stage to move an amendment to this Bill, and that amendment will specifically be intended to ensure that we prohibit the display of certain flags. This amendment will especially seek to ensure that no person or groups of persons or

[The Minister for Justice and Constitutional Affairs]

authority, including regional authorities, will fly a flag purporting to be a flag of this country or some part of this country. There will be only one flag—the National Flag—and no other flags. Exception will be made in the amendment for local authorities who have their emblems and certain flags that have been recognized and which we permit, but restricted entirely to that local authority. But, Sir there will be no regional flag, emblem, Coat of Arms or anything of the sort.

Mr. Speaker, Sir, I beg to move.

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

(Question proposed)

Mr. Anyien: Mr. Speaker, Sir, before I say anything else I would like to congratulate the hon. Minister for Justice and Constitutional Affairs for making sure that we shall not have too many kingdoms in Kenya or display many flags which are not typical of our one Kenya for which we have been working.

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

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

Mr. Deputy Speaker, there are a few points which I would like to add in connexion with what the Minister has said. I a week or two we shall come to our Day of Independence. There are very many people who have worked very hard to achieve our independence and many of them are very poor today. There is also a class of people who have never bothered to work for independence. Uhuru has just come. We cannot exclude them from enjoying the fruits of independence, but some of these people are making fortunes out of our own struggle for independence. We have people who are selling badges. I do not know who gave them permission to make the badges. There are others who are selling ties and shirts, and we do not know where they got approval from. Yesterday, when we visited Eldoret, we heard that a certain Asian was selling ties, shirts and badges and we went around to inquire. When this Asian suspected that we might be representatives from Government, though the Bill had not been approved, he refused to give us any information. He said he had never sold anything. There were about twenty people there who told us that what they were wearing they had obtained from this shop. We suspected that this man had a

clever way of making a fortune, of commercializing the national flag and emblem.

It is very well known that there are Asians today in Nairobi and in other parts of the country, who, when you visit them will tell you that what they are selling they are selling with the permission of the Minister, and when the Minister replies, I would like this particular point to be dealt with by the Minister of Commerce and Industry, because most of the people who are selling these badges, shirts and ties, will tell you that they have permission from the Minister of Commerce and Industry. We would like to know under what conditions these people were given permission to make shirts, badges and ties. We would also like to know how much money the local shopkeepers and manufacturers overseas have made out of this. We would wish that on such occasions when something is being manufactured for the national expression that the funds will not get into private hands in order to facilitate even worse capitalism.

We would like to know this in specific terms, we have ties which are today sold at Sh. 17/50 and some up to Sh. 22. We understand that these ties were made in Austria. I think when these people of Austria, which is a Socialist country, made these ties they were probably thinking they were making them to help the people of Kenya enjoy their independence, and for that reason I think they made these ties and badges very cheaply, but the comparative price of these ties, badges and shirts is very high. We would like to know how much profit people are making out of these ties. We would also like to know if these people have not contravened this Bill, because they have used our national flag and emblem for their own purposes. I ask the Minister to amend this Bill in such a way that it will work in retrospect so that we can have the people who have been dealing in these, we know them, they are in town but I do not have to mention their names here because many hon. Members are wearing the same ties today. We are working today for a national fund and for this fund we do not have money. We have had to rely upon private enterprise to finance this project. We would like to know how much profit these people are making and who gets the great percentage of this money so that it gets to the national fund.

We know very well that the African people outside are not aware of the fact that when they are buying these ties they are trying to make someone rich. They think that when they are buying these ties they are actually realizing or are trying to express their joy at the advent of

[Mr. Anyien]

On the other hand, Mr. Deputy Speaker, the local importers, in this case, and I am sorry to say this, but it is true, in this case the importers are the people who took very little trouble during the time of our struggle for independence. They are those who sat on the fence, or if they did not sit on the fence, they facilitated the Colonial power to subjugate our people. So we would like to know and be given correct information. If this information cannot be given here today, because we do not want someone to stand up and tell us that they do not care what has happened in the past.

We would like the Minister for Justice and Constitutional Affairs to send people from his Ministry, or to contact the Minister for Commerce and Industry, because all these people say they obtained the licences from the Minister for Commerce and Industry. We would like to know how many shirts and so on, how much money has been made out of this, and we would like to amend this Bill so that we shall have this money for the national fund. If this is not going to work, it will become clear that Government is giving rights to some people to make profits out of the struggle of the African people and I think this Bill has come a little too late, if the Minister cannot make it work retrospectively. If they can do that then we have no quarrel. We would like our hon. Minister to deal with those people who are selling these things. There is a rumour going around the streets today, and in public places, that some of these people say they have licences but they don't have them, and they know that our Government will not take any steps. How did they know that our Government will not take any steps? Some people, Mr. Deputy Speaker, even say that some of our own Ministers have given these people permission privately. These are rumours which are being heard in the streets. This is what the common man is saying. If the common man says that, I am a member of the Government, I must defend Government policy. But on this issue we would like a clear statement so as to put a stop to all the many rumours that are going about. So we would like to have a clear statement to the effect that this is not going on, and we do not want to be given a statement here just because we have spoken. We would like the Ministers, the people concerned, the Authority, to look in the books and find out if it is true what the people are saying. It is not my own information, but I hear people say that a certain percentage of these funds, which are obtained from *Uhuru* badges, from *Uhuru* shirts and from *Uhuru* ties, come into the pockets of some of the Members of the Government. We would like to

know, Mr. Deputy Speaker, if it is true or not. If they say it is not true and some of us are able to find correct information in the shops we will only be too glad to give it to the Minister.

With these few words, Mr. Deputy Speaker, I wish to support the Bill, and also ask my Minister to consider this Bill working retrospectively.

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Deputy Speaker, Sir, I only want to say a few words about the Bill in support of it. First of all, I am most grateful for the Minister of Justice to have pointed out that even the United Nations do have such clauses in their Constitution to defend similar Bills. Also I want to say that the flag we seek to defend is the flag which is actually honoured by both sides, and is the national flag in this country. The emblem and other matters involved are such that must be prepared.

The real reason for bringing this Bill is to answer some of our brothers who do not understand that it is the Government's authority to check all these points and when the Bill becomes law, then and only then, it will be investigated and if there is anything bad against the proceedings published the Government will take the proper steps.

I must also ask both Members of the Government not to imply or to bring in rumours from the streets involving such matters as though such Ministers or Members of the Government have sought some profit with things that are manufactured. Now it is only fair for the people to give their Government real confidence until it is proved that some of these Bills and the things manufactured in fact have been used, as some of the people allege, to harm some of the people.

I am very happy to say that so far there have been some people who have been actually allowed to manufacture these things, and the Minister for Commerce and Industry, together with the Minister for Finance, know some of the firms that were given permission to manufacture these. The person who was responsible for the arrangements either in relation to the things that will come to the National Fund or otherwise—that will be referred to further on. All I am asking is that we should not bring any rumour or suspicion until this becomes law.

It is also true that when this becomes law, it will protect not only everything manufactured, but the businesses of the flag, emblem and name will equally be protected.

Therefore, Mr. Deputy Speaker, I want to support the Bill.

Mr. Mati: Mr. Deputy Speaker, Sir, I stand to support the Bill and to congratulate the Minister on the way in which he has presented it. But I am not satisfied that the Minister has fully appreciated the feelings of this House. One of the hon. Members, sitting opposite but who happens to belong to the same camp as myself, has put it quite clearly, that we are suspicious. It is no use Ministers telling us that we should not be suspicious. We are suspicious that something has gone wrong. We have seen the number of times, the number of badges, the number of shirts, the number of all sorts of shoddy goods which have been thrust on to the people of this country in the name of *Uhuru*. We have therefore reason to believe that exploitation is going on. I cannot go so far as to say that certain Ministers are involved. But it is unfortunate that the Government has not seen it fit to bring this Bill into this House before this time. We feel that the Bill is long overdue. It has allowed unscrupulous traders to exploit our *Uhuru*, to exploit the blood of the people who gave their lives in order to bring us where we are heading to on the 12th December. Because of this we feel that the Government owes this House an explanation why it was not possible to bring up this Bill before, in order to prevent this exploitation.

Mr. Deputy Speaker, it may be difficult to legislate retrospectively in this matter, but I would appeal to the Minister to see that he exercises absolute vigilance in this matter and give the police power to act in order to prevent any further exploitation of our people. It is surprising to see, even among my friends the hon. Members of the House, how many different types of ties they wear, different types of badges. The Chairman of the National Fund has already stated publicly that there is only one recognized badge in this country for the National Fund. In spite of all this we see all sorts of badges coming up, and yet nothing is done to prevent this. We feel that the Government must act, and act quickly, to prevent any further exploitation.

I have just noticed, Mr. Deputy Speaker, Sir, that a few minutes ago I happened to see some friends of mine wearing various types of ties, and one of them was wearing a tie which bears the proposed coat of arms of this country. Unfortunately the spears were facing downwards and it is this kind of thing which brings disgrace to the nation, to our emblems, and we feel that we must act firmly. We do not, Mr. Deputy Speaker, by this, invite the police to molest traders for no reason, but we feel because of what we have seen happening that perhaps in this matter the police must be empowered to act, and act without any fear of being accused of unnecessary molestation.

Mr. Deputy Speaker, Sir, I would also appeal to hon. Members in this House not to encourage this exploitation by buying shoddy and disgraceful articles from some of these unscrupulous traders, who are only here to make the best out of this and perhaps intend to quit at the earliest moment.

With those few words, Mr. Deputy Speaker, I beg to support.

Mr. Pandya: Mr. Deputy Speaker, I did not wish to intervene in this debate, but I have heard too often in the last few minutes the word "exploitation" by these traders. While I do not hold any brief for any particular section, I have been going through the terms of the Bill very carefully, and I think the things we are trying to legislate against are quite clear. If the Government did not intend this to fall into the hands of commercial people, the only thing they could have done was to introduce a Government shop or something where these things could be bought and ordered. Sir, I fail to see with the strength and the force of the argument that has been put forward by some hon. Members here to try to stop general commercial people from selling these things, I do not remember any country in the world where you do control such things. I mean, for instance, there may be many different types and qualities of ties, or if some of the emblems are not according to specification, as our friend here says, the spear was upside down, that was not the fault of the traders who are selling them. They may have got them from the wholesalers, or from the manufacturers. Well, Sir, to impugn motives and to bring certain arguments into discussion in the Bill, which only tries to control the proper use of a national emblem or a flag, and to prevent the abuse of particular offices, particularly that of the Prime Minister, I think is totally irrelevant. If there were specific cases which hon. Members would bring to the Government's notice of either improper exploitation or charging too much, I think the Government could deal with them. I am only saying that it is no use accusing Ministers or saying there are rumours, as one of the hon. Ministers rightly said, it is no use bringing rumours into this House, what we want to speak of here is facts, and facts must be brought into this House. It is no use of making allegations of exploitations and other things when such a thing has not been proved in this particular case or where we do not know the facts, or why a particular price was charged by a certain trader. I am not holding preference for anybody. I was quite disturbed to hear of the allegations that were made, and probably the hon. Members who made them will bring the facts later on to prove them, but I would appeal to the Government to

[Mr. Pandya] look into this thing and try to prevent it if it is possible. On such a solemn occasion as we are about to celebrate, and while, maybe, it is true that some men decide to quit—well, it is up to them—it is up to all of us who are about to play a part on this great occasion not to bring this sort of thing into the discussion but to try to impress on the people that a misuse of the national anthem will be looked on with great suspicion and the culprit will be dealt with accordingly.

Mr. Deputy Speaker. I propose to support the Bill and the terms of the Bill as laid down.

Mr. Godia: Mr. Deputy Speaker, in supporting the Bill I do state that it is true that there has been some exploitation made out of the badges and emblems as stated by our hon. Members. It is true that the Minister had no authority to regulate this. It is due to this exploitation that the Minister has proposed a Bill here in the House and, Mr. Deputy Speaker, if the Bill is approved and if this exploitation going on continues, then this House will have the right to blame the Minister for not taking action. At this moment I feel that the Minister is seeking support from the House and it is up to us to get this Bill through so that as from now onwards any trader or any other person trying to make money out of the badges and emblems of the country can be dealt with properly. I do suggest, and I agree with the Member from the opposite side, that there ought to be certain shops authorized by Government to sell such things. Certain people make a lot of money out of all this. I think that this Bill should go through and as from the time the Bill is through any people or traders trying to impale such will be dealt with very severely.

With these remarks I beg to support.

Mr. Kamau: I must congratulate the Minister who has just moved the Bill this afternoon in this House and I fully support it. I have only a few remarks to make.

Mr. Deputy Speaker. I think it is the wish of the people of this country to see that any law which is made in this House is respected and honoured by the whole country and by every citizen of the country. There is only one point to which I would draw the attention of the hon. Minister. At the moment people outside the House are muddled because they do not know whether the Government has given an authority for a certain kind of cloth or dress to be made official for the independence celebrations. I would only request the Minister to have it announced, in the Press or on the broadcasting service, to the public that there is no specific dress which

has been approved by the Government of this country as a celebration dress. In most of the areas represented by Members of this House, Kanu is the majority party and there is confusion about ties and such things. Some people wear one type of tie and they claim that these ties are the celebration ties. Some people wear gowns which are said to cost—I think I am well informed—about Sh. 60 and these gowns are also being called official celebration dress. Therefore, I would request my Government to announce that the Government in this House has not passed any resolution deciding that a certain dress shall be a national dress. This will alleviate the trouble in the minds of the ordinary people outside the House.

At this moment, there are many various kinds of dress and each of these is claimed as the official celebration dress. In some shops, there is material which is marked with the portrait of our Prime Minister and the traders who sell this material say that they have information from the Government that it is the celebration dress.

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

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

My request is only that the Government should publicize that this House has never decided upon any kind of dress as a ceremonial dress. The Government should announce that the people are free to wear anything. Of course, they must not go around naked. They can wear anything they like to celebrate our independence. This will mean that an ordinary man on the street will not have to work for a month to enable him to buy a certain dress from a certain individual thinking that it is an imposition made by the Government that he has to buy this dress.

On the business side, I do not think we can interfere to the extent of saying that any one person cannot trade with this or with that. However, I must warn this House that if some remarks which have been made by my hon. friends at any time prove to be true—that the Members of the Government have been involved in this trading—things will be very serious for this country. I think that the Government which we are now going to have is the Government of the people, for the people, by the people and a Government which will be answerable to the people. Therefore, it is a fact that it is the duty of the Government to project the right picture into the minds of the people. The Government should be frank and tell the people—this is as far as I know—that they have not decided on a ceremonial dress. The Government should let the

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public know that there is no specific dress for the celebrations. The Government wants everyone to buy and wear whatever they like on celebration day without being intimidated by anybody in the country at all. I must tell this House that outside the House—some hon. Members do not know this—some people are afraid because they are being told if they do not have a certain thing which in the mind of the trader is the only national dress, they will not be respected and they will not be accepted in the party as a witness of the celebrations.

Therefore, I request the Government to put this clearly to the public so that they know that there is no official dress passed by this House as a national dress. The national dress—if at all—shall be decided by this House after independence. There are some reasons which we can explain to our people so that they know why we are not having a national dress.

The Speaker (Mr. Slade): Mr. Kamau, I do not think you can spend too long on what the Bill does not cover, and you have already made your point.

Mr. Kamau: Thank you, Mr. Speaker. I was going to say that we, as Africans of Kenya, know that we have our group factory here and, therefore, with this in mind no one can say that we need a national dress. My request, Mr. Speaker, is only that Government should announce that there is no dress that has been decided upon by Government and the people can wear anything on the celebration day.

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

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

The Speaker (Mr. Slade): I do not think it would be unfair to hon. Members at this stage.

(Question put and carried)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I would like to deal with the remarks that have been made by those who have spoken to the Bill, but I want also to say that I am grateful to them for the support they have given the Bill. It has been made plain from the outset that the Bill is intended to secure one thing and that is the respect and dignity of the national flag, the coat of arms and the portrait of the Prime Minister where it is used commercially.

May I, in dealing with the remarks made by the last speaker, merely say that in the event of there being confusion as to whether or not there is a national dress that confusion must be removed here and now. There is no national dress approved by either the Government or Kanu as a party and we have not asked anyone to buy or make a particular design or pattern as national dress neither for men nor for women. We are not given to canvassing for people to buy a particular design of tie or ties as part of the national dress. We leave this entirely to the individuals. They must wear what is decent on the occasion of independence and to wear, of course, what they can afford and what they like to wear.

Having said that, I would like to come to the points which relate to the Bill itself. Some Members have said that they are concerned to see on the market different ties and different badges and they wonder why this has been permitted. The position of the Bill, Sir, is not to prohibit the manufacture or importation of ties or patterns for dresses, it is to approve the use of the national flag, emblem and the items in the Schedule. It is not unique to Kenya that we have many different badges, ties and even patterns for dresses. In fact, at every independence celebration in other countries there have been different ties, different badges, different cloths and so on and so forth. We do not intend to prohibit this because it adds to the gaiety of the occasion and as many colours and as many different designs that can be presented, so much the better, providing they conform with the dignity that we seek to establish for the flag and emblem.

The other point that has been made, Sir, is the general accusation that certain traders, or traders generally, are making profits out of the sale of badges, ties and so on. I think we must be fair to the traders and I would like to say, on behalf of the Government, that the purpose of this Bill is not to regulate prices, it has nothing to do with price control. The purpose of this Bill is to ensure that the national flag and emblem are used properly. As far as prices are concerned, there are two factors which will inevitably control them. One is the desire of the people to buy the articles produced, and the other is, of course, the normal profit margin which a trader must expect if he is going to import anything into this country. The Minister for Commerce and Industry could not possibly persuade traders not to make a profit, if they make exorbitant profits and if they try to exploit the occasion then, of course, they are not acting within the spirit of our independence celebrations. I would sincerely appeal to traders that if there are any who seek to exploit the

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occasion by making unreasonable and exorbitant profits they should take note of what hon. Members of this House have said. However, beyond that, Sir, the Government could not introduce a price control or restrict sale to Government shops. It is not the Government's intention here to set up its own shops to sell these articles. This would restrict the market considerably and it would also restrict the supply if we were to deal entirely with one agency. This would also restrict the scope of the articles available to the general public.

Mr. Alexander: What about protection for the badges for the National Fund?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Yes, to the extent that it is necessary to protect the badges of the National Fund we will promote such ideas. However, we do not intend to seek to legislate, at this stage, through this Bill.

Mr. Alexander: You will have to be quick because the racket is on now.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I would like to add, Mr. Speaker, Sir, that Members have to take into account the fact that there are people of different incomes in our community, and it is insisted on a certain standard of article it is quite possible that, whereas it may be within the reach of certain people, it may be outside the reach of certain others. The intention must be that everyone, whatever his income group, should be able to buy something to celebrate independence and to have a souvenir to keep after the celebrations.

I fully appreciate the Members' concern that the National Fund should be supported and even protected and also that those who make profits should contribute to the National Fund. The Government has issued a general appeal and the Chairman and trustees of the National Fund have issued a general appeal. Sir, I am sure that the trustees of the National Fund will not mind me saying that we are very deeply appreciative of the contributions—some of them very large—that have already been made by certain commercial firms and groups in the country in support of the National Fund. Our task should be to pursue this; we should encourage more people to make similar contributions. It would be very unfair to imply that there has been no response from among these same people whom we have been accusing in this House today. I think we have to be fair to all sides in this matter.

Mr. Alexander: We were talking about badges.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I am talking about the same thing.

One hon. Member made a remark that I took note of. He said that in some cases some people had appeared wearing ties—including one of my friends on this side of the House—that had the spears facing downwards. Sir, there are two aspects to this problem and one is, of course, that the anxious man who goes to buy the tie should, at least himself, recognize the national flag, and if it is being flown upside down he should insist that it flies in the right direction. If a Minister or one of my colleagues on this side fail to recognize that the flag is flying the wrong way up, I must say we should draw his attention to it. I hope, Sir, that Members of the House will, themselves, take the trouble when they go to buy ties make sure that they buy proper ones.

I would also like to take this opportunity of appealing to the business people—the traders—to ensure that the goods or the articles that they are offering for sale are in the form approved. If any tie has its spears facing downwards that is not the thing we have approved; it is not the kind of article that has been approved for sale and the trader is certainly running a risk of—I shall not go so far as to say “of being prosecuted” being dealt with for offering articles that are improperly prepared. We hope that the traders, themselves, will take the trouble to sort out the ties as they come to ensure that the national flag or the portrait is facing the right way.

Hon. Members complained that this legislation has come too late. Sir, and that we might have brought it here earlier. I agree that it would have been useful and more appropriate to bring it earlier, but I want the House to know that we have already taken appropriate steps to ensure that this system was working. In some cases we are merely confirming the system that we have already established through other measures.

The police, Mr. Speaker, do not need to be told to do their job. I know they will do their job in finding out if there is any contravention of the Ordinance that the House, I hope, will pass today.

Sir, some Members have made allegations and some have said that there are shops which are selling articles which, in their opinion, may not have been approved. May I say here and now that it is a serious allegation for a Member of this House to make and if a Member of this House is aware of any shop that is contravening any of the legislation or provisions of this Bill, or of any other Ordinances for that matter, he

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has a duty to bring such information to the right authorities. I would like to suggest to those Members who have made these allegations in the House this afternoon that they must exercise this duty in bringing to the notice of the authorities concerned any shops or persons that they suspect under the terms that some Members have stated in this House.

Lastly, some Members have alluded to rumours which they say circulate in the streets, which say that some Ministers may have been involved in arrangements with traders to benefit themselves. Members of the Government—somebody suggested Ministers—may have been involved, it has been suggested, in arrangements with traders to benefit from the sale of any articles that are intended for the independence celebrations. Sir, this is a very serious allegation and again I would like to say as seriously as I can that any Member who is prepared, under the protection of the House, to make such allegations, even to allude to them, has a very definite responsibility and duty to follow up the allegation that he makes in this House by handing over whatever information he has to the right authorities in the Government.

I sincerely hope that those Members who have alluded to these allegations will follow up what they have said today by handing over to the Government the information that may be in their possession. We are not only willing, but we are anxious to investigate very fully any allegations that are made, whether they are against a Minister or against any other Member of the Government side. The policy and the stand of this Government is that there should not be the slightest or the remotest degree of corruption among its Members, among its civil servants or among any other person of authority. I give a categorical assurance to the House that if we get the information it will be fully investigated and further, if there is any proof whatsoever of any person being involved, firm immediate action will be taken against such a person.

Sir, I can only repeat again that the purpose of this Bill is to secure the dignity and respect that the national flag and emblem of this country deserve and, as we have also said, of the flag and emblem of the United Nations. We intend that on our independence there should be as much celebration as possible, but there should be no disrespect whatsoever of the flag or emblem of the new nation. We also intend that after independence the use of the national flag or the emblem shall be on the basis of the dignity that

these articles deserve. They will be respected because they are the basis and the symbol of the new nation of our country. All our people have sacrificed so much for this independence and therefore the symbols of our independence shall always carry the same degree of affection and respect as they deserve.

Mr. Speaker, Sir, I beg to move.

(The question was put and carried.)

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

SECOND READING

THE EXTERNAL LOANS (GENERAL) BILL

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Speaker, Sir, I beg to move the Second Reading of The External Loans (General) Bill, 1963.

This Bill, Mr. Speaker, is a prerequisite to the financing of the first phase, the first part, of the Government's development plan which will begin in July, 1964. We need the financial powers which are to be granted by this Bill to enable the Government to go ahead with the negotiations which are necessary before we can raise such funds, and even more important to go ahead with the signing of the documents and any other instruments which may be necessary for the raising of those loans. We announced earlier on in the year that we intended to have a six-year development plan starting in July 1964 and ending in 1970. For the first phase of that development plan we need to start negotiating finances almost right away and it is important for us to have the authority of the House to negotiate and sign for those funds.

The Bill authorizes the Government to borrow outside Kenya a total of £40 million, or Sh. 800 million up to 30th June, 1967, for the purposes of development projects approved by the Legislature through the development estimates. I do want to stress this point, Mr. Speaker, before the hon. Members charge the Government with anything, that in approving this Bill the Parliament will not be giving away powers of annual financial control. Indeed, the Government will have to obtain Parliament's approval of annual estimates in order to spend moneys raised under the terms of this Bill, and even further, in section 5 of this Bill, Members will note, the Minister for Finance is required to report to Parliament the terms and conditions of all loans negotiated under this Ordinance. There are, therefore, ample provisions in this Bill for full parliamentary control of both.

[The Parliamentary Secretary to the Treasury] the Government borrowing and Government spending. We, Mr. Speaker, very much appreciate this parliamentary procedure and, as a Government, we are committed to supporting these democratic procedures, and we do not want in any way to tamper with them. Parliament continues to have ample time every year and each time there is a loan to discuss the terms and the conditions on which the money is approved. Above all, the moneys can only be spent on such projects which have already been approved by this Parliament.

Now, this is the first time, Mr. Speaker, that the House is being asked to approve a general as opposed to a specific Loans Ordinance for external borrowing. There already exists, as many hon. Members know, a general Ordinance which enables the Government to borrow money locally, but for external borrowing this is the first time we are introducing such provision. The reason is that with the coming of independence, the Government would like to have a much more flexible approach to external borrowing. Up to now plenty of the external borrowing has been done with the help of the United Kingdom Government. One of the beauties of independence will be that we shall be able to stand now on our own. We shall have to face the cold economic winds which every other independent nation has to face, but I know the hon. Members of this House would not want to think that that is a terrifying experience at all. In fact, many of us welcome the opportunity to stand up in the international community and to have a separate international identity for our country, our new nation, Kenya. However, this does mean that in seeking to borrow, we shall be on our own, and that therefore we need to have an attitude towards borrowing which is flexible so that we can go to the East, to the West, to the North, if there is such a new bloc, to the South, if there does come one, or even to the centre.

Mr. Speaker, this is a serious matter, because quite often when there is an offer for a loan, we want to clinch it at that moment and to sign for it. It would be unduly cumbersome if, every time there was such an offer for a loan, we had to come to this House for a specific Bill to be passed. It is for that reason, to have that flexibility, that we want to have the provisions which this Bill grants to the Government. I hope that the hon. Members will see that particular side of the question.

Mr. Speaker, I want to stress one important point. I mentioned the figure of £40 million which is Sh. 800 million, for the benefit of the people

who, earlier on, seemed to be slow in understanding. I want to stress that we have not yet raised the £40 million. What the Bill does is to give us the power to raise funds up to that sum, £40 million, for the purposes of development projects. We very much hope that we shall be able to raise that sum; indeed, we might be lucky, we might be able to raise more. However, I do want to stress that we have not been able to raise it, but we are hopeful that, with respect to the British Government, very soon we shall be able to finalise the financial settlement with them satisfactorily for both sides. We very much hope that our approaches to various international agencies will also be successful. I did want to stress that point, just in case Members get the wrong idea, that we have that money already.

I want to draw the attention of Members to section 7 of the Bill, which provides that nothing in this Ordinance shall apply to any money borrowed in a number of other loan Ordinances which are specified in that section. These are Ordinances which were passed by the House earlier on, in the last few years, providing authority to borrow in the United States, from the International Bank, in Germany, in Britain, and from other sources. These specific Ordinances—there are six of them—will continue to apply. Indeed, it should be noted that under the Loans Ordinance which authorizes us to borrow from the United States an amount of £6 million, this amount still remains to be negotiated, and therefore, we are very keen that that particular Ordinance should continue to apply. The specific Ordinances which have already been passed will continue to apply, but we want this general Ordinance which will allow us more flexibility in our negotiations.

I will anticipate one point, Mr. Speaker, which is bound to come from the Opposition—it always does come—that the money which the Government borrows should be spent fairly, on all parts of the country. We want to assure everybody in this country that the policy of this Government is to have development in every single square yard of this country. We have no intention whatsoever of concentrating development in certain regions or in certain districts. This would be entirely against the attitude, the spirit, the policy, of the present Government. Indeed, in the planning which we are doing now, we have projects which will come up in this House in due course for the development of all parts of the country, including those parts which some people call the low-potential areas. We do not believe that merely because a region is dry, development should not take place.

The Speaker (Mr. Slade): I do not think that we can discuss, in this debate, what precise development will be undertaken, in view of the provision in the Bill that the Development Estimates before expenditure, will come before this House.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Speaker, I am very grateful to you for that assurance, but I did want to mention it, because hon. Members always do. With that assurance, Mr. Speaker, I will not proceed along those lines, but I would like to recommend to the House that they pass this Bill. Give the Government freedom to negotiate the various loans, particularly Mr. Speaker, as we are very keen that we start hard work after Independence, and we want to waste no time with the procedural matters such as the passing of Bills. With these few words, Mr. Speaker, I believe that everybody in this House will see that this is a necessary foundation for any of our financial activities, and that they will not be unduly difficult in supporting this Bill.

The Minister for Works, Communications and Power (Mr. Mwangi) seconded.

(Question proposed)

Mr. Alexander: Mr. Speaker, Sir, I approach this Bill with very great apprehension. We are told that £40 million is to be borrowed against a development plan. We have not yet had presented to us that development plan, although there have been many requests in this House from both sides during the last few months for it. However, I just wondered which Government they are going to deal with in borrowing this money, when they have not yet produced a plan. Let us bring it down to a simple fact. All of us who go to borrow money from our bank, and most of us in this House find ourselves in this position, I have been permanently in it now for twenty years, find that when we go to our bank manager, he does not say "Yes, here you are, come back tomorrow, and tell me what you are going to spend it on". It is the other way round. We have to go to him with a very clear-cut idea, not only of what we are going to spend it on but how we are going to repay it, and whether we are competent to bear the interest on it. I would have thought that a wise Government, and I believe for a long time that we have had a wise Government, would see this very simple fact. It is not only a contradiction of elementary fundamentals that they should put us in this position, but it is almost an insult to hon. Members to be asked to approve something

against a plan which has not yet been tabled, asking for a blank cheque to spend £40 million on something we have not yet been told about.

Mr. Speaker, it is no use the Parliamentary Secretary to the Treasury trying to assure us here that in this Bill, in clause 5 of this Bill, we are not being deprived of our right, our duty, our responsibility in this House, to look at all borrowing individually, because he himself said, and this is the danger light, that Government want this blank covering, this blank cheque, so that they can clinch, sign up a loan whenever the opportunity affords itself. Exactly what is going to happen is that we are going to be told that, when we raise this clause in the future, we are wasting time because in a debate in this House we passed this Bill, we were told that the Government intended to go out and clinch any loan and sign for it at any time without referring it to this House before it is clinched and that we signed ourselves away, our right or approval in this House has already been signed away. This is what we will be told.

Mr. Speaker, in the Memorandum and Objects Clause, we are told that these loans are for a period of four years. What it says is that the object of this Bill is to authorize the Government to borrow outside Kenya for a period of four years. I must say, our Government certainly intends to spend fast and repay fast if they are going to do all of this in four years. Or should the Memorandum and Objects Clause say that the Government will borrow during a period of four years.

An hon. Member: Yes.

Mr. Alexander: If that is what is meant, Mr. Speaker, I think it is just as well that this be put right, because at the moment it means that the Government will borrow all of this £40 million for a period of four years which means that they will repay in four years.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Read the main Bill.

Mr. Alexander: Mr. Speaker, it is no use the Parliamentary Secretary shouting across to me to read the main Bill. This is what the Memorandum and Objects Clause is meant to tell us, so that folk like myself who are unintelligent and cannot understand legal language should have it explained to them in good English and that is what the Memorandum and Objects Clause does, and I am suggesting that the English is either wrong, and if it is wrong it should be put right, or if it is right the Government are certainly plunging into an impossible situation of having to repay loans of £40 million in four years. Perhaps we can get it right when the Parliamentary Secretary replies.

[Mr. Alexander]

Mr. Speaker, what would have been interesting in relation to the presentation of this Bill would have been a very comprehensive statement from the Government side as to how we can, at the moment with our present total borrowings, stand in the next few years, year by year in relation to this £40 million, and how we stand in relation to the total public debt, in proportion to the national income, and leading on from there a very clear statement as to how we expect, or how much of the growth in national income we expect to be able to take in taxation in order to repay this £40 million. It is now quite clear that we are going to borrow £40 million in the next four years. What we are not told is whether the Government will impose another limit of interest, or whether the Government will impose a minimum period during which these moneys will be repaid. I would say today, Mr. Speaker, this country is not in a position to pledge itself to interest rates much above five and a half per cent per annum, that it is not in a position to pledge itself to the repayment of principals much under twenty-five years, unless, of course, there is the exception of conversion loans, that is another matter and another technique. I am talking about the straight elementary principles of interest rates and of the repayment obligations on capital.

This Bill would have been far more satisfactory if it had contained provisions of that nature instead of the Parliamentary Secretary coming here to tell us that in fact what he does want is a blank cheque and the Government will go out and sign up loans at any time they are available and commit us to these before bringing them to this House. I consider, Mr. Speaker, Sir, that we have gone entirely the wrong way round to this problem. I have the very gravest doubts as to the wisdom of this procedure, and I beg to reserve my position.

Mr. Ngala: Mr. Speaker, Sir, I think I very much agree with the speaker who has just sat down. Forty million pounds is a very big sum of money for this country, and I think the Government should explain to this House in a more intelligent manner, the introduction of this Bill, than they have done so far.

Sir, the Minister is asking for a mandate from this House to borrow this very big amount of money over a period of four years, and it is clear that he does not intend to seek this mandate annually, and on one occasion he wants to get this authorization from this House. I would like to oppose very strongly that attitude, because it is in my view a very wrong attitude, particularly in view of the absence or lack of a definite plan

or projects for which the Government may want this money. In the absence of such a plan, I do not think the Government is thinking properly on this serious matter.

There is no explanation given as to why the Government wants the money and for what projects it wants it. This Government, surely, particularly the Mover of the Motion, whom I regard as quite a capable person in economic matters, should face this House with certain projects over a period of four, eight or ten years, and say these are the projects, we want to develop the country along these lines. If we were to do it in that way, show us where the *Harambee* is pulling economically, then we would be in a position to use our discretion on such a very important proposal. As it is now, it looks as if it is just a child's game, and he is coming to this House saying give us so much money and we have no plan to show you. Does the Parliamentary Secretary in all seriousness think that we are as immature as to give the Government this mandate, this blank cheque over four years for forty million pounds?

Sir, I think this Government is determined to ditch this country economically. I have watched over a few weeks, and I see the Government is out to borrow, borrow and borrow every morning, every evening, every night. They do not show us to what extent they have borrowed so far and the capability of the country for settling these loans and over what period. Just this morning reading the papers, I see that talks may be going on in London concerning long-term lending to Kenya, which may be engaged in. Also some of the Ministers are flying to Moscow and other places, borrowing and borrowing, trying to borrow everywhere. They say that they need the money, they do not show us the projects for which they need the money. Are they just buying cars or doing what, Mercedes, Lincolns, we do not know? Therefore, we want the projects, we want this country to be developed economically, but without that clear, we need an explanation, that the country is not being ditched by the Minister economically.

We want the overall planning. Some Members of the Government when they were in the Opposition, used to make a lot of noise about an overall economic planning, particularly the Mover of this Motion when he was on the Opposition. Now he is in Government we want the overall planning over a certain period. The sort of projects he is going to put forward, how much they are going to cost, and a breakdown clearly. Based with this sensible approach, we are prepared to consider to what extent we can give him a mandate, but we cannot give him an overall blank cheque of this type.

[Mr. Ngala]

The other point, Sir, is that when we were discussing the question of international finance corporation and other bills related to that, the other week, I made it quite clear that on some of the policies, some of the schemes, for which Government is borrowing money we need to change the policies, such as the Land Settlement Scheme, the dividing up of good economic units into small units of land five or seven acres, just to satisfy political needs. It is completely useless economically.

The Speaker (Mr. Slade): Mr. Ngala, I would not allow the hon. Mover discussion of how the money is to be spent. It is quite all right for hon. Members to say they want to see a plan for which they authorize this borrowing, but I am afraid we cannot discuss what this plan should be.

Mr. Ngala: Thank you, Mr. Speaker, Sir, we would like to see the plan, because we have some savings on some of the policies which are being pursued by the Government on economic development. When we are faced with a plan like that we shall be in a position to give our views, and therefore we can see to what extent we can give the Minister a chance to borrow money from overseas.

I have never known an African country which has become independent and has come forward with a bill of this kind without any proper planning scheme economically, and probably Kenya is trying to be the first among the African countries, but I think there is always wisdom in our countries trying to plan and see. We must cut our coat according to our cloth. We are not going to be committed for the next 40 years. This Government may be in power for a few weeks or months only. They cannot commit the country for a very long period and for a loan of this size. Surely the Government must be making a mistake. I am not an economist myself, but I believe that the Parliamentary Secretary is aware of the seriousness and implications of this matter.

Therefore, I hope that he will come out with a clear plan and figures for the projects. But before he does that, I would like to reserve my position and if possible speak again or our position will be shown by another member of the Opposition.

Mr. Omar: Mr. Speaker, I have a few points to make about this Bill. I do not want to repeat what the other two speakers on the Opposition have said, but one point I want to make clear to the Mover of the Motion is, that he says he wants these legislations to be passed so that the Government can go to the West or East and get loans. My fear is that some of these countries

which would give the loans to us might have strings. Some strings are visible and some are invisible. There is a danger that if we get this money or a loan from these countries we might become slaves in one way or the other of those countries which give loans to this country. We will perhaps be forced to sell all our agricultural produce to those countries, or perhaps we will be forced to buy or import goods from those countries and perhaps profit from the goods we export to those countries will be less, compared with the other countries who may not loan us any money.

Therefore, I would like the Minister for Finance to take this matter into consideration, because it is serious. We are going to achieve our political independence, but we may also become the stooges of other countries in our social life.

With these few words, Mr. Speaker, Sir, I oppose the Bill.

Mr. Ngala-Ahok: Mr. Speaker, Sir, I support the Bill, but I cannot help feeling that something is lacking in it. I would like some clarification from the Parliamentary Secretary on a few points I am going to raise. This Bill in actual fact, as a few Members on the opposite side have queried, does not show what this money is going to be used for or what plan is going to be used or put forward when the money has been borrowed. I am sure that the Parliamentary Secretary is bound to explain quite well how this money will be used when this Parliament gives the Minister the necessary powers to borrow it. Already we have borrowed a lot of money from overseas countries, and sometimes, although I understand that we are not to discuss how this money is to be used, in the past it has not been economically used, because some of the projects to which this money has been put have not been economical.

The Speaker (Mr. Slade): I do not think we can go into past misspendings.

Mr. Ngala-Ahok: I won't go into that very much, but I would like to know why the period for which we are going to give the Government powers to borrow the money is so short, because if it is up to a period of four years then the plan for paying back the money or paying the loan will mean that within four years' time the Government will have made use of this money and it will have been paid back. If that is not the case, then we could probably be told that during these four years we shall continue borrowing, borrowing without knowing what to do with all this money, and then after the four years we stop borrowing and start spending. This has to be explained, but if we give to this House an introduction of a plan which is going to be brought

[Mr. Ngala-Abok]

within the four years for use of any money which may be borrowed from overseas, then this also should be explained to us. As I have said, I am going to support the Bill, but I am bound to query certain points which I think ought to be made clear to me.

While I accept the fact that we should borrow money and make use of it from any country that may like to help us, we have also to think of something else and that is that the experts should put this money into economical use, because we have accepted the fact that we should develop our economy on socialist lines. With regard to the present plan in this country I do not think that the Government has invited any of these experts from the socialist countries, we still have planners who are capitalists. Therefore we must plan how we are going to make use of this loan, we must either say that we are going to plan the country's economy on socialist lines or we are going to confuse ourselves and remain neutral with our economy. Because this is the case in this country we have many experts, I understand, who are working with the Government planning the economy, but they are all capitalists. If they are all capitalists I cannot help feeling they are planning our economy on capitalist lines and from where shall we get our system of socialism? Now if, as I accept the fact that we are following a policy of non-alignment, economically and politically, if it is not so I will be told, we should get both capitalist and socialist planners so that we can get something from the two ideas which we shall use and which every member in this House will know, but to say all the time that we have a socialist system and there is not a single socialist planner in this country, it is not good enough. Therefore the Minister will have to explain exactly whether this money will be used for the socialist organization of our economy or for capitalist economy or for

(Inaudible). This should be clarified to me. Mr. Speaker, I quite agree the House may give powers, but we are fed up with loans coming to this country then they go in paying capitalists.

The Speaker (Mr. Slade): Mr. Ngala-Abok, I said twice that we cannot discuss how this money should be spent. We can discuss the question whether there should be a plan before the borrowing to pay for it is authorized to borrow it; but what should be in that plan, no.

Mr. Ngala-Abok: Thank you, Mr. Speaker. There are a number of Ministries which will be concerned with borrowing this money. I think

that Land Settlement will have a say in borrowing the money, Commerce and Industry, Agriculture, Finance and probably some other Ministries. These Ministries are very important, and should this House give the powers, as it is going to give, because what comes from the Opposition does not matter very much in this House, but we have to shed what they say. These Ministries have to be very careful, have to have socialist planning and have to make socialist use of this money and have to prove that they will follow the policy which this Government will accept.

Another important thing is the concentration of responsibilities. You will find that a Minister is in charge of five economic bodies which are supposed to be planning our economy, and he is one person. This is another aspect of saying that when money is borrowed it must be made use of, and when there is a concentration of responsibility on this use of the money, it won't be used well. There must be a balanced leadership particularly discussing the use of the money of the borrowing of the loan, so that you have a good number of people discussing the whole project. But you find that there is a tendency here that one person is running two, five or six economic institutions which have already been created by our Government to go into the economic planning of the country. That is the concentration of responsibility which is impossible to function well, which is why we should not have a Bill which is so open and undefined that I wish the Minister would explain how the loan will be borrowed and what the plans will be during the four years when we go on borrowing money.

Mr. Speaker, I support the Bill.

Mr. Mulliro: Mr. Speaker, Sir, I want to oppose what my hon. friend has spoken about, that one Minister should not have more than two or three bodies under his direction. I think splitting ministerial posts for the sake of creating jobs is not what Kenya wants. If one Minister can handle more than one or two functions or even five functions, dealing with the same subject is much more economic for the country than trying to create ministries to handle various topics even under the same Ministry.

If my friend is worried about jobs we are interested in the economic reconstruction of Kenya, not in creating posts for individuals who want to get jobs.

An hon. Member: What do you mean?

Mr. Mulliro: I mean what I have said. In this I agree and support wholeheartedly the hon. Members who have said that we must have a

[Mr. Mulliro]

definite economic plan for Kenya. Unless you have a plan we can go on at random borrowing money, but that money will be of no use unless we know how this money is going to be channelled, for what purpose it is coming to this country and what strings are being attached to those moneys. We have said in the past that we do not want strings attached to anything. Some (Inaudible) and I have been wise enough in the past and I have never said, I always agreed and accepted that no money from anywhere can be borrowed without strings attached, but we must know what strings are being attached. That is the question. What strings are being attached? How far are they going to stranglehold Kenya? Because if we are to have the borrowings, which are coming to this country, the borrowings that will reduce Kenya to economic bankruptcy, without any definite plan by the Government, how best can we develop the wealth of Kenya in order to pay those loans back and eventually achieve our economic independence? Sir, without economic independence this country is still in trouble. We do not eat politics. You can speak as many times as you want about political freedom, but political freedom without a full tummy for the millions of Kenya means nothing. That is why, Sir, I say our Government must give us a clearcut plan and direction of how best we can generate wealth in this country, and on that basis we can go out to borrow money, but to go out and borrow it without any given channel through which that money will be channelled will remain as poor as we are today and that is not what the millions of the people who voted this Assembly here today wish to see.

With these remarks, Sir, and on the proviso that the Government in future lays down an economic plan before they borrow this money and tell the country how they are going to spend that money and what benefits Kenya is going to get from it, and also what strings are going to be attached to it, I beg to support.

Mr. Kamunde: Mr. Speaker, Sir, I rise to support the Bill. In a very few words which I am about to say now I wish to question the Bill in the very same way as the previous speaker did. We don't just have to say "Yes" to such items as the borrowing of money, but I think the Government should take it seriously in future that before they lay down in this Assembly a Bill of this type, which involves the Government in borrowing such a large sum of money, they should lay down a concrete plan which does not leave any of us in doubt that there is something behind this

borrowing. Mr. Speaker, Sir, we know the Government is keen, and this Government has committed itself to the public and to the population of this country that it is determined to develop this country economically. We know it has concrete plans, but the only thing that this House always wants is a plan by which it could tell the population about what is happening, before we commit ourselves to such large sums of money.

Secondly, Sir, one of the previous speakers spoke of our planning. We want to know very well who are our planners. We don't want to remain with the thought that we are going to plan our economy on a socialist basis when the tools that we use to plan that socialist economy are capitalist.

Mr. Speaker, Sir, we wish to use a house and cart of similar colour and look. Mr. Speaker, Sir, I beg to support this Bill but I wish to demand from Government that in future we are not just given figures but also explanations. I beg to support, Mr. Speaker.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, perhaps it would help the House to look at the Bill again. There are many useful points that have been made regarding economic planning and generally regarding the terms of loans that the Government may from time to time have to make overseas. But what is being missed is what exactly the purpose of this Bill is and what its contents are, and I think, in this respect, many speakers have, if I may say so, gone on to discuss generalities about things that are not immediately an aspect of the Bill itself. As far as development plans are concerned, either the development plan as a whole or individual development projects will have to be approved by the Legislature. That is clearly laid down and there is no question of borrowing money to go ahead with plans that have not been approved. In fact, Sir, section 3 of this Bill says: "Any moneys borrowed under this Ordinance shall be paid into and shall form part of the Consolidated Fund and shall be appropriated to and expended only upon the services and purposes for which provision is made in the Development Estimates approved by the Legislature." This, Sir, means that before any money is spent or before these loans are spent, in fact, before they are considered, Parliament itself will approve the different projects and it is then that Members can dwell on the question of the content and extent of any project that may be contemplated by the Government. The other thing is in section 5, the National Assembly is to be informed, the Member for Trans Nzoia, I think it was, asked whether

[The Minister for Justice and Constitutional Affairs]

there was an undertaking that terms of loans and so on would be made available to Parliament. In fact, section 5 provides for exactly that. As soon as practicable, after negotiating any loan under this Ordinance, the Minister shall lay before the National Assembly a report on the loan, specifying the lender, the sum borrowed, the terms and conditions as to interest and repayment, the aggregate of the amounts previously borrowed under this Ordinance and any further information which he considers appropriate. In other words, that point is covered in the Memorandum of Objects and Reasons. The object of this Bill was to authorize the Government to borrow outside Kenya, during a period of four years, a sum up to a limit of Sh. 800 million for the purpose of development projects approved by the Legislature. The repayment of the sum borrowed is to be approved before it is possible to borrow it, Mr. Speaker, Sir, I do not know why the hon. Members behind me do not seem to appreciate this very simple point. In fact, the hon. Members will not improve on the situation by taking this attitude, because the fact is still that the Development Estimates or plans will be put before Parliament before it can be counted as a development plan of the Government, and you do not borrow before you know the development plan. The purpose of this Bill is to eliminate the necessity which we have had to face from time to time in the past of having to enact separate legislation, and a different piece of legislation for each set of loans to be borrowed from each different country.

This is the only thing that we are trying to avoid, that is having the legislation that will enable, within the next four years, a limit to borrow money as already stated, but before borrowing the money, or before asking for the loan, the Government would put before Parliament its development programme and each project would have been approved, then the Government has a list with which to discuss and negotiate with other countries, in order to borrow the money, and this is the way that a Government would operate. It is not intended to gallivant about borrowing money left and right without the permission of this House, Mr. Speaker, if the Leader of the Opposition does not understand this very simple Bill, I am sure the back-benchers on this side are so intelligent that the Leader of the Opposition would not exploit them. There is not a hope that the Leader of the Opposition will ever make use of the back-benchers on this side, but the Government has the responsibility of clarifying these issues, and I am sure my colleagues from this side

now appreciate the issue, and if the Opposition is still ignorant, it is not because of our back-benchers.

Mr. Shikuku: I must make this point very clear, Mr. Speaker. There is already a misunderstanding in the Government, because the back-benchers do not support the Government's stand. As so many speakers have already said, I think that if we do not take care, we will find ourselves completely bankrupt, because already there is a system from the External Loans whereby a developing country has to pay back loans with interest. But this Government does not tell us how much we have to pay. When we look into the question of our raw materials, we find that we are selling them at a very low price.

The Speaker (Mr. Slade): Order, order. Hon. Members must not interrupt the hon. Member so that he cannot be heard.

Mr. Kibaki: I understand that you are not likely to be here when the debate is resumed, in which case you may want to nominate somebody to reply in your place. You can either do it now or by writing to me before you take your leave.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): I would prefer, Mr. Speaker, to write to you. My reason for going away is Government business and I have to leave tomorrow morning and that is why I will give it to you in writing.

NOTICES OF MOTIONS ON THE ADJOURNMENT

- (1) KENYA PRELIMINARY EXAMINATION PAPERS
LAGGAGE: TIME ALLOTTED
- (2) GROGAN CONCESSION: KAPTAGAT FOREST;
MOTION CHOPPED

The Speaker (Mr. Slade): Before calling on the Minister to move the Adjournment, I have to apologize to hon. Members for a slight confusion over the matter which is to be discussed on the Adjournment. I saw from the Order Paper, after I had announced that it was Mr. Anyieni's matter that it was Mr. Murgor's matter, one which I had previously promised for today. However, I understand that the Minister for Health has got ready very quickly to answer Mr. Anyieni, and since then I have also heard that Mr. Murgor does not want to continue with the matter he was to have raised tomorrow. That leaves room for Mr. Ngala to raise his matter of Question No. 204, so we will take that on the Adjournment tomorrow.

(The Debate continues)

MOTION ON THE ADJOURNMENT

MEDICAL FACILITIES FOR KISII DISTRICT

The Speaker (Mr. Slade): I now call upon the Minister to move that the House do now adjourn.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Mr. Speaker, Sir, I beg to move that this House do now adjourn.

The Minister for Justice and Constitutional Affairs (Mr. Mboya) seconded

(Question proposed)

Mr. Anyieni: Mr. Speaker, Sir, the reason why I have to raise this matter is because at a question time recently, I asked a question on behalf of the hon. Mr. Makone, who was in Russia, and I expected, and the whole House expected, a reply from the Parliamentary Secretary or from anybody who was supposed to be answering the question. However, Mr. Speaker, the way the answer was given showed and demonstrated very clearly that the junior Minister never cared to give us an answer. He thought that the House was here trying to give joking questions and joking replies, and for that reason, Mr. Speaker, I thought I would raise this matter today.

The hon. Parliamentary Secretary, who was I am sorry to say a bit rough on that day, replied that there were five hospitals in Kisii. He mentioned Kamagamba as being one of the hospitals, and this place is one of the 7th Day Adventist School and the little dispensary, which was there is not functioning today. Nyabururu is another Catholic mission school and there is only a first-aid kit there which the Minister was calling a hospital. Itterio is another missionary dispensary without beds and without a doctor and I do not know how it can be called a hospital. The other places Mr. Speaker, are Nyamagwa and Rangeny. These are two dispensaries which are run by nursing Catholic Nuns. These are the institutions which our junior Minister was describing as being hospitals to cater for the people in Kisii and Homa Bay districts. Mr. Speaker, when asking him to explain the difference between a dispensary and a hospital he went on to reply that he was not here to teach the people the meanings of the word dispensary and hospital. The facts that I have given here demonstrate that my junior Minister himself does not understand the meaning of the words hospital and dispensary.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): To say that I, a very educated person, do not know the meaning of hospital and dispensary will mean that people will think that I am uneducated.

The Speaker (Mr. Slade): In view of what happened when you were answering this question, I think that the hon. Member is justified in questioning if you had clearly understood the meaning of the words you were using.

Mr. Anyieni: Thank you very much, Mr. Speaker, and so we are very glad today because the institutions I mentioned do not qualify to be hospitals and the Minister who is here I think is going to give and speak in such a way that even my hon. Parliamentary Secretary will understand he does not know the difference in the meaning. Now, Mr. Speaker, Sir, we have only got one hospital in Kisii.

Mr. Speaker: Sir, we have only one hospital in Kisii and this hospital has got 200 beds. This hospital caters for the two districts, Homa Bay and Kisii District. These two districts have a population above one million and there is only one doctor. He is a very friendly Asian, Dr. Aggarwal, and because he is alone he cannot tour or visit the dispensaries outside to see what is going on, and he cannot perform post-mortems on the death of a person, even if these are required by the Police, so when something arises of this nature the Government has had to hire some private doctors in the area to come and make a post-mortem when it is required. Mr. Speaker, this is not what our people expected when they heard that *Uthuru* was approaching. As I was saying, this hospital has only 200 beds to cater for two districts and one million people, which means that when you go to this hospital, and I normally visit it when I am in the district, you will find a lot of people sleeping on the floor. A person who has a terrible pain is sleeping on the floor because there are not enough beds. Even though we may have very serious cases, if we have more than one patient, the doctor has to deal with the one in hand and the rest of the patients may die and this is not the fault of the doctor. Therefore, Mr. Speaker, I thought the answer which my hon. junior Minister was giving was not in keeping with the policy of our Government. This hospital does not have electricity, so they have to use lanterns and at night when they have to operate on patients they have to use these lanterns, and however keen the eyes of a doctor are, I do not think he can perform an operation in these circumstances. The dispensary with a Maternity Ward there, is under the County Council and the Gusii County Council put side some money so that they could buy a generator to have electricity. When they put this proposal to the Central Government, the Central Government, and I do not know whether it is through a regular thing or not, said that they would not allow the Council to buy this.

[Mr. Anyieni]

but instead they had better keep the money until such time as Government also could contribute to buy a bigger generator.

How are we expected to believe that the African District Council or the County Council can afford to provide facilities which the Central Government cannot afford?

There is another thing in this hospital which is very bad. The mortuary is very close to the slaughterhouse so when you know that the meat you are going to eat is just next to a dead body, people do not want to buy meat from there, so I call on my hon. Minister to destroy one of these buildings. Either destroy the slaughterhouse or the mortuary.

Government doctors are not willing to do post-mortems, and to add to all these difficulties in the district, we had training facilities for local nurses but now the Government has stopped them, so we are going to have fewer nurses. I appeal to the Government to come forward and look into this. I am not merely speaking for him, and I do not expect a funny reply in this House. We want something to be done in the country so that we are able to depend on the policy of our Government.

Mr. Agar: Mr. Speaker, Sir, this is a very serious matter, and we too are concerned about it. The districts of Homa Bay and Kisii seem to have been deliberately neglected by the Government and up to now the Government has still not started building the hospital at Homa Bay.

The Speaker (Mr. Slade): Is it Homa Bay or Kisii?

Mr. Agar: Well, Mr. Speaker, I will tell you that because Homa Bay District is also served by Kisii hospitals.

The Kisii people do not get the service they would get from the doctor if he was only in one district. The District of Kisii extends up to near the Tanganyika border and some people have to carry sick and injured people on beds nearly eighty miles to reach the Kisii hospital. The dispensary that has been mentioned just gives First Aid. With humility I state that areas in Nyanza Province, Kisii or Homa Bay, cannot be compared in any way to places like Turkana, for the simple reason that our people are so enlightened to such an extent that many women expect to go to a maternity ward for delivery, and many people want to go and get assistance from the doctor when they feel ill. It is very alarming to see how people suffer and how they desire to have medical treatment, but are being turned away

from hospitals because there are no beds to sleep in. Imagine one doctor serving about over a million people with only a few Health Assistants and totally inadequate facilities! Mr. Speaker, Sir, the situation is such that the people in Kisii District and the neighbouring district of Homa Bay are beginning to feel that the Government does not intend to do anything for a long time to help them to get the proper medical facilities, and as the previous speaker mentioned, it has been known for many years that the hospital is using lanterns for operations at night, and some of these lanterns are broken and smoky, and you cannot see, so you find the people who go to Kisii hospital turn away with their patients because the conditions of the hospital is such that you feel that you cannot leave your patient there.

Mr. Speaker, Sir, as I have mentioned, the people in that district expect modern medical services, and they are entitled to them, because they contribute to the revenue of the country. We see that other districts have more than one hospital, some being Mission hospitals assisted by the Government. Why should these two districts be served with just one hospital and one doctor who does not have the proper facilities in the hospital for operations? It is a matter which is causing a great deal of concern to the people of the district. We urge the Government to satisfy our people with medical services that they require.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I am very happy that this Motion has been brought forward, for we have to know where we are and what we are doing. I am going to urge Members of this House on both sides to bring up questions from every part of the country and from every constituency that they represent, so that we can have an eye on the practice of medicine. If there are any ways to improve the practices there, we welcome them. I promise the Members that under this African Government, the Ministry of Health is going to do its best for the peoples of Kenya to improve the medical facilities in Kenya. Of course, I expect only intelligent and practical criticism from the Members on this side and very little from Members across there. Therefore, Sir, I would request the Members to keep quiet for a little while until they know the facts so that when they bring criticisms next time they will be constructive and then we can act on them.

Sir, the first one is that the medical practices in Kenya were started by the Colonial Government, and you can easily say that the bigger hospitals, the good doctors, the equipment and the good drugs always went where the colonizers were. They were not so much concerned with the

[The Minister for Health and Housing]

African population which the people behind me represent. The hospitals, because of the Colonial Government, were built where the colonizers were. If you want me to be a little more straightforward, they went where the Europeans were. That is why you find the big ones, where you have specialists and good equipment, in Nairobi, Mombasa and Kisumu, while our people, 96 per cent of them, who are represented by these people, in the countryside and villages were neglected. Because we realize and know the fact that they were neglected, we have come forward as an African Government to correct this.

An hon. Member: Answer the question.

The Minister for Health and Housing (Dr. Mungai): This does not apply to Nairobi and Mombasa, and this is a part of the answer.

The other thing is that the expatriate medical officers, the specialists, the doctors, the nurses, and others, many of them are leaving this country. At the same time, we have not trained enough African doctors to take over. Therefore, we are going to fall short on doctors until the time when we have trained our own doctors to work in this country. We cannot beg, and we are not going to go on our knees to any colonial country to give us doctors. If they come here, they are going to come and work under contract terms under an African Government with our own policy. Then they can do the professional work, and leave the running of the Kenya Government and the medical services to the African administrators, and the African doctors will serve as professional people.

I think here it will help if I give some statistics. It is quite true that some of the Backbenchers here are rather anxious to get the statistics—

An hon. Member: You are in trouble.

The Minister for Health and Housing (Dr. Mungai): And they will get them. I cannot be in trouble. If the medical services are in trouble, all Kenya, including you, will be in trouble.

I think if I give some statistics, the hon. Members will realize our position, and will know what we can do. Then we can put out a plan. Sir, in Kenya, we have only about 750 doctors, and the population of Kenya is very close to nine million. If we are to have enough doctors to serve all over the area, we require over 9,000 doctors. For the time being, we have only 418 doctors who are in the Government service. That gives us a ratio of one to every 20,000 people in the population. From Makerere, we are only turning out ten to fifteen doctors every year.

An hon. Member: We realize that.

The Minister for Health and Housing (Dr. Mungai): I am glad you do realize that. It will take us very many years to get the number of doctors we need in Kenya. Therefore, to do this, we have to change our system of practising medicine and the health services in Kenya from what they have been in the past to the new system, and this is what I am coming to.

An hon. Member: When?

The Minister for Health and Housing (Dr. Mungai): It has started already.

Sir, now we are stressing having the health centres scattered throughout the country. We have just about 150 health centres; we are increasing them at a very fast rate of about ten to fifteen every year. However, we need about 400 health centres in the country. In the health centres, we do curative medicine, promotive and preventive, so that we can take these units to our people in the villages and we have somebody who does curative medicine, we have somebody who visits the villages and covers ground where no doctor has been before—

Mr. Anyieni: On a point of order, I have raised the matter of Kisii and I did not want to deal with any other place. The hon. Minister is dealing with the whole country. He is not replying to my questions.

The Speaker (Mr. Slade): It is quite in order for the Minister to speak on the general picture of the whole country so long as he is going to show how Kisii fits in. But I hope he is coming to Kisii soon, because his time is running out.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, you are quite right because Kisii is part of the country, and I have to give a picture of the whole country before I come specifically to Kisii. I will give statistics—

Hon. Members: We want to hear about Kisii.

The Speaker (Mr. Slade): If hon. Members want to hear the Minister speak on Kisii, they had better give him a chance.

The Minister for Health and Housing (Dr. Mungai): We have to build these health centres so that we can take services and medicine to the people, who will be supervised by the medical officers. At the same time, we have to recruit doctors from overseas, recruit them now, so that we can replace the specialists who are leaving. Some will come from the East, from the Communist countries, some from the West, and others.

[The Minister for Health and Housing] will come from anywhere where there are doctors; so long as they are qualified to practise medicine in Kenya, we shall take them.

Sir, I am going to come to Kisii. Kisii has a population of slightly over 500,000 people. The hon. Member says that they have only one hospital. There is a slight error in this, because there are three hospitals. One of them is a Government General Hospital at Kisii which has 174 beds and takes in all kinds of patients. Then there are two missionary hospitals. One of them has forty beds, at Nyamagwe, and the other one has twenty-two beds, at Rangenyo, making a total of sixty-two beds in the mission hospitals. If the hon. Member doubts this, and comes from Kisii, I will provide him with the fare tomorrow so that he can go and check on that, then he can come and report back to me.

Then, in Kisii, there are five health centres and another one in the making.

Mr. Anyieni: On a point of order, would it not be right for the Minister to substantiate the fact that there are three hospitals in Kisii, because this is not true. It is completely false, Mr. Speaker.

The Speaker (Mr. Slade): The Minister has said why he says there are three hospitals, and cannot be asked for any further substantiation.

The Minister for Health and Housing (Dr. Mungai): Thank you, Sir. I still say I will pay the fare for the hon. Member to go to Kisii, to Nyamagwe and to Rangenyo, and then he can check on it. There are five health centres in Kisii, and one which is developing from a sub to a full health centre. They are located at Ogambo, Nyamia, Nyamate, Keroka and Manga. All those places are in Kisii.

The hon. Member mentioned that there is only one doctor in Kisii. There is an error in that, too, Sir. There are two doctors: one is Dr. Aggarwal and the other is Dr. Umari.

The Speaker (Mr. Slade): That is the end of your ten minutes, Dr. Mungai.

The Minister for Health and Housing (Dr. Mungai): Sir, I just wanted to give the comparative figures to show that Kisii—

The Speaker (Mr. Slade): I am afraid not; the time has finished.

The Minister for Health and Housing (Dr. Mungai): Thank you, Sir, just to conclude before I sit down, I would like to say that Kisii is as well provided—

The Speaker (Mr. Slade): I do not know if hon. Members want to hear the Minister finish what he has to say. If there is no objection, you may continue your answer. You object?

Mr. Ngala: The Minister has had ten minutes.

Mr. Speaker, Sir, it looks as if the Government is divided between the Parliamentary Secretary, who answered the question, and the Minister who has given the other explanation. I have gone through Kisii twice, but I do not know the actual places, the hospitals and health centres, mentioned by the Minister. I would like to say only two things. One is that we expect Parliamentary Secretaries or Ministers, when answering questions, to make sure that between them they give proper and correct answers.

I remember, Sir, when this question was asked, I asked whether the Parliamentary Secretary was correct in his figures, since they were challenged by Members from the area.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Read the HANSARD.

Mr. Ngala: I think this particular junior Minister, the junior Minister for Health, has the habit of joking unfairly when he is expected to give a responsible reply to a question asked by a Member of this House. This is a shocking habit for a man with his responsibilities. We want Members to be cheerful and entertaining but when it goes too far—as the junior Minister does—it proves to be unreasonable and completely improper. I hope in future the Government will check on this. We are serious men, we are representatives and we are responsible people, mature, and we want proper answers when we ask these questions.

Hon. Members: Resign, resign.

Mr. Ngala: The other point, Sir, on which I would like to check concerns this question of what is a hospital and what is not a hospital. That has worried us over a very long time. I do not know whether the Minister is in a position to give us at some future time a definition of what is a hospital and what is not, what is a dispensary and what is a health centre, so that Members have something to go by. The hon. Mover is confused; he does not know what is a hospital and what is not and perhaps a little definition of this sort might clear his thinking.

The purpose of questions is very clear. We want short, clear factual answers, and nothing more than that. I am very pleased to see that the Minister for Health has the whole of Kenya at heart, and he is talking of projects in different

[Mr. Ngala] areas, and so on, but I would ask the Minister, instead of suggesting that the Members visit Kisii and giving them fares, to go there himself. That is what he is paid for. You have no business, as a Minister, asking Members to do the job for you.

The Minister for Health and Housing (Dr. Mungai): On a point of order, Sir, the Minister for Health has been to Kisii.

Mr. Ngala: No, as a matter of principle, Sir—

The Speaker (Mr. Slade): No, that is not a point of order. You must be careful, Dr. Mungai.

That was a point of information, and a point of information is very different.

The Minister for Health and Housing (Dr. Mungai): On a point of order, Sir—

The Speaker (Mr. Slade): No, we have had our half hour now.

ADJOURNMENT

The Speaker (Mr. Slade): The House is adjourned until tomorrow, Wednesday, 27th November, at 2.30 p.m.

The House rose at Seven o'clock.

Wednesday, 27th November, 1963

The House met at thirty minutes past Two o'clock

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 184

CONTROL OF KENYA NEWS TO FOREIGN NEWS AGENTS

Mr. Obok asked the Minister for Information, Broadcasting and Tourism the following questions:

(a) Is it Government's intention to control the dissemination of Kenya news through foreign news bureaux, such as Reuter (London) and agents, France Press (Paris), and through leading world newspapers such as *News Week* and *Time* (New York), *The Toronto Globe and Mail* and *The Times of India* (Bombay)?

(b) Will the Minister urge the Government to set up a national news agency when Kenya becomes a sovereign nation?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Speaker, Sir, I beg to reply. It is the Government's policy to establish its own news agency to disseminate Kenya news, but this does not necessarily mean that the Government will control the circulation of news within Kenya. A number of international news agencies or organizations have already applied to me and their applications are now being considered.

As regards question (b), the Government is now setting up a news agency to meet the needs of independent Kenya.

For the information of Members of this House, I would like to add that already the Czechoslovakian Government and the U.S.S.R. have supplied, at our own request, a number of machines and equipment which will facilitate the setting up of the agency, and we are quite ready to receive help from any other Government that is willing to assist us, without strings attached.

Mr. Obok: Arising from the Minister's reply, what arrangements or agreements do Government intend to make with these news agencies and newspapers to ensure that they appoint Africans both locally and in their overseas offices to enable them to learn newspaper and radio work.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Appointments will be made according to ability and efficiency.

Mr. Obok: Arising from the Minister's reply, (b) will the Minister ensure that no agreement is reached with any one foreign news agency for the selling of Kenya news, but that the Government will exchange news with other foreign news agencies of other countries, both in the East and West?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): I did not quite follow the question but I think I can answer it even though it is rather vague. When the Government is satisfied it will make certain arrangements with either the West or the East. We are not going to tie ourselves to one particular country.

Mr. ole Tipis: Mr. Speaker, Sir, arising from one of the Minister's replies, could he tell the House on whose initiative the equipment required was offered? Was this at the Government's initiative or was it a free offer from these two countries mentioned earlier? Under what conditions are these offers maintained and what strings, if any, are tied to this offer?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Speaker, Sir, I would like to answer by saying that there were no strings and therefore there are no strings attached. The initiative came from the Government.

Mr. Mati: Mr. Speaker, Sir, arising from one of the Minister's replies, when he said there were no strings attached to these offers from the two countries, would he tell us what kind of strings he had in mind because we are not sure what strings he is talking about?

The Speaker (Mr. Slade): I do not think that is a sensible question. When the Minister says there are no strings, he has no strings in mind.

Mr. ole Tipis: Mr. Speaker, Sir, arising from the Minister's reply that the initiative was taken by the Government, could he tell us whether these two countries were the only countries approached by the Government? If not, what other countries were approached for this kind of help?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): We have been approached by Reuter—an organization which has been very useful to us and which gave us a very useful service during the London talks—and we have also been approached by United

[The Minister for Information, Broadcasting and Tourism]

Press International and the French News Agency. In my reply I said that the applications and arrangements are now being considered.

Mr. Mati: Mr. Speaker, Sir, in one of the Minister's replies he said that the Government had approached these two countries. He now tells us that certain organizations approached the Government. Could he tell us whether they, the Government, approached any other country other than these two mentioned?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): I think some approaches are subject to either news or rumours that the Government was involved in discussions with certain organizations. Some have come to us and some we have approached.

Mr. Mati: Mr. Speaker, Sir, do we then understand from the Minister's reply that the Government is satisfied that only these two countries were approachable and that there were no other countries which should have been approached?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): That is not so, Sir.

Mr. Shikuku: Arising from the Minister's reply, if the answer is no, we would like to know from the Minister why he has not approached any other country besides the two countries already mentioned?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): The country is very fully serviced by certain organizations such as by the country the hon. Member is referring to. Organizations such as Reuter and the French News Agency have establishments in Kenya, and, therefore, we need not approach them because we are with them.

Mr. Towett: Mr. Speaker, Sir, in one of his replies, he said that it was either East or West. What countries does he have in mind when he refers to East or West?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onoko): Mr. Speaker, Sir, I mean East and West.

COMPENSATION: SHOP—BUILDING PLOTS, KARATINA

Question No. 69

Mr. Wamuthenya asked the Minister for Local Government: if he would consider

compensating the owners of eleven shop-building plots in Karatina, whose properties were demolished by the authorities in 1961.

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, I beg to reply:—

"As Minister for Local Government I am unable to pay compensation to plott holders in any township if any compensation is payable it is payable by the local authority concerned."

Having made that point clear I want to say that I have made careful enquiries into the position of eleven plott holders in Karatina whose properties were demolished by the township authority in 1961. I have the greatest sympathy with them and have tried to see whether any way could be found to pay them compensation for the loss of their assets. Unfortunately these plott holders were paying rent to the Nyeri African District Council and had received a permit to build. These traders had no title to the land on which they had built their shops, otherwise they would have been entitled to compensation. I find that their status was only as lessees under temporary occupation leases. Such leases do not give the lessees any claim to compensation for their property if it has to be demolished later on. My personal view is that these persons have a moral right to compensation even if they have no legal right, but I cannot compel a local authority to make payments to individual persons who have moral rights. At the same time I am satisfied that the Karatina Township Authority tried to help these people in every way they could by offering considerably larger and more valuable plots to these plott holders."

Mr. Muliro: Arising from the Minister's reply, if there is any moral obligation these people should be compensated.

The Speaker (Mr. Slade): There is no question yet for the Minister to answer.

Mr. Muliro: Does the Minister therefore, knowing that there is a moral obligation, not feel that these people should be compensated?

The Minister for Local Government (Mr. Ayodo): This is not a question of morals, but a question of the law, the right.

Mr. Shikuku: Do we understand from the Minister that he is now denying what he has told the House a few seconds ago? It is moral, and I would like to know whether he is withdrawing from that?

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, perhaps I do not understand what he is saying, because what I said is exactly what I repeated.

Mr. Gachago: Mr. Speaker, arising from the Minister's reply, does it mean that the Government has no moral sympathy with such sufferers?

The Minister for Local Government (Mr. Ayodo): I think I said in the strongest possible terms that I have very strong moral sympathies, and I think that they have moral right. I support them on moral grounds, because I think they have some sympathy, but legally speaking, they are not entitled to compensation.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the answers given by the Minister, could the Minister give a breakdown of the eleven shop buildings, and their value according to the breakdown, and also tell us whether they were permanent buildings or not?

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, I must say that this is not going to help us in answering the question at all.

Mr. Ngala: On a point of order, Mr. Speaker, is the Minister in order to answer my question in that way? Can I be told that the question is out of order without your ruling?

The Speaker (Mr. Slade): If the Minister meant that Mr. Ngala's question was not relevant, I do not agree. When you are considering a question of compensation, obviously the amount involved and the permanency of buildings is relevant. But if Mr. Ayodo was saying that he was not able or willing to answer the question, he was quite in order.

Mr. Ngala: On a point of clarification, Sir, I ask for your guidance. On a big reply from the Minister of that kind, am I entitled to see clarification of what the Minister really means?

The Speaker (Mr. Slade): You can ask another question now, why the Minister thinks it will not help, if you like, but he is entitled to give unsatisfactory answers.

Mr. Ngala: Arising from the unsatisfactory answer from the Minister, Sir, can he state why the figures, which are quite appropriate and relevant, would not help in this question?

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, the value of these plots or of the buildings which were demolished is not going to help us in this question because the question is whether they are entitled to compensation, or whether the Government is prepared to consider paying them compensation. Since I have said that the Government is not going to pay compensation, although morally I can see that the claims are—

An hon. Member: Justified.

Mr. Ngala: Arising from that reply, Sir, in one statement the Minister said he is pursuing the possibility of getting compensation for these people. I am not asking for the value of the plots, but the value of the buildings for which he is considering getting compensation elsewhere, and this is quite relevant.

The Minister for Local Government (Mr. Ayodo): When did I say I was considering giving compensation?

The Speaker (Mr. Slade): Mr. Ayodo, what Mr. Ngala is getting at is the gravity of the matter. What he is trying to do is to ascertain the amount involved so that he can see how serious this thing is.

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, I think what I have said should be enough. I do not intend to give these figures.

Mr. ole Tipis: Mr. Speaker, Sir, arising from one of the Minister's replies, in which he said that these tenants are being given larger plots elsewhere, could he tell us whether in view of the circumstances—the loss of property on the part of these tenants through no fault of their own—they are being given larger plots on more favourable terms than anybody else?

The Minister for Local Government (Mr. Ayodo): No, Sir.

Mr. De Souza: Mr. Speaker, Sir, is the hon. Minister aware that the Nyeri A.D.C. has the power to make an ex gratia payment in lieu of compensation, and if so would he strongly urge them to do this?

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, I am prepared to consider any possibility provided that it is legal.

Mr. Omweri: Mr. Speaker, arising from the reply of the Minister, he told us that the plot-holders had no title to the plots. Does he not think it unfair to allow people to be put on plots in buildings for which they have no titles?

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, most of the things which have been happening in Kenya have been very unfair.

Mr. Kuli: Mr. Speaker, Sir, since the Minister has assured the House that there are two aspects to this question—a moral one and a legal one—would he say which is more important.

The Minister for Local Government (Mr. Ayodo): The legal one, in this particular case.

Mr. Muliro: Does the Minister suggest that laws are normally immoral?

The Minister for Local Government (Mr. Ayodo): No.

MINISTERIAL STATEMENT

VACCINATION OF HON. MEMBERS

The Speaker (Mr. Slade): I think Dr. Mungai has a statement to make to hon. Members concerning their health.

The Minister for Health and Housing (Dr. Mungai): I have received a report from Eldoret that they have a limited outbreak of smallpox and normal measures are being taken there. It is not widespread and there is no alarm. However, during the last weekend, political rallies were held there at which some Members were present. So I would like to remind them that they can be vaccinated, and I have arranged for them to be vaccinated tomorrow morning at nine o'clock. Dr. Gould will be in room 150 at the City Hall for hon. Members who wish to be vaccinated.

Mr. Masinde: I would like to know from the Minister if this will be free or will we be charged?

The Minister for Health and Housing (Dr. Mungai): No, this is free.

An hon. Member: Mr. Speaker, I would like to know from the Minister whether everybody has to be vaccinated, even if they have been vaccinated in the last year?

The Minister for Health and Housing (Dr. Mungai): I would suggest that hon. Members should take their vaccination certificates with them, and then they will be advised on the spot.

NOTICE OF MOTION ON THE ADJOURNMENT

KENYA PRELIMINARY EXAMINATION PAPERS LEAKAGE

The Speaker (Mr. Slade): I have to remind hon. Members that Mr. Ngala is to raise on the Adjournment today the matter of Question 204, concerning leakage of examination papers.

BILLS

Second Readings

THE EXTERNAL LOANS (GENERAL) BILL

(Resumption of debate interrupted on 26th November, 1963)

Mr. Shikuku: Mr. Speaker, Sir, yesterday I was trying to put across my views concerning this fantastic loan, details of which were placed before the

House. I feel the time has come when we must not only look at the loans when they come in, but we must also be told by the Government and the Ministers concerned how much we have to get from other countries and how much interest is to be paid on a certain amount. We are going to be faced with the problem of having borrowed so much money from various countries, only to find at a later stage that the interest, and particularly in this case on such a fantastic sum of money £40 million, will be very great. This figure of £40 million is shocking and we should have full details with regard to how much interest we have to pay before we can think in terms of accepting this amount. Furthermore, I completely disagree with the system of borrowing money from various countries without being told how much we have to pay. Above all, before we agree with this amount we still have to be told how much interest we have to pay on the loans so far received by this country. We would like to know our position before independence. Are we going into independence with a debt, or are we going into it with something in hand? This is something we should be told.

I would be very pleased if the Minister, the Parliamentary Secretary or any other person who is going to reply to this Motion, will tell us how much we have to pay.

Furthermore, Mr. Speaker, Sir, there is a serious question here. We have got our raw material here, which we are supposed to export, but under these external loans, we are getting loans from various countries for development and so forth. I think it is time the Government reconsidered this pattern of having external loans in that we should rather have our raw material sold at a reasonable price instead of having these fantastic loans coming in with interest.

For example, Mr. Speaker, we have our sisal, pyrethrum, coffee, which we export, but unfortunately the prices of these items are very low and what is happening is that any country giving us a loan buys our coffee at a low price, and on the other hand they say "Gentlemen, your country is a developing country, here is a loan". Then you are given a loan with interest and at the same time you are selling your raw material at a low price. In other words it is the same as someone giving you a piece of paper worth four shillings, telling you that instead of giving four shillings he will give you two shillings, and at the same time tells you he is prepared to give you so many pounds of loan with so much interest per pound.

An hon. Member: Yes.

Mr. Shikuku: Those who say yes, I will show them how unreasonable it is and how stupid it looks. What happens is that you are losing two shillings and at the same time you are being charged fifteen or ten shillings per pound of that loan. In other words you are not making any profit. You remain where you are.

This is the system, Mr. Speaker, Sir. I think the Government must consider it very seriously and try and get in touch with these countries and sell them our raw material at a reasonable price, and thereby avoid this question of having so big loans and so much interest to be paid, because we are not going to improve our economic position if we pursue this sort of policy. What is going to happen is that it will enrich the rich and make the poor poorer. Those countries which are rich are going to become richer, and those other countries, like our country Kenya which is the poorest of all, it is going to get deeper into debt. I think, Mr. Speaker, if this Government is serious about the economical stability of this country they should reconsider this position before they accept any loan and must also find out how much we are supposed to pay for every pound. This House should be informed so we can approve or disapprove. We cannot approve this fantastic £40 million, before we are told how much interest is to be paid, how long it is going to take us to pay, and how are we going to do it.

Accepting a loan is easy. The important part is how are you going to repay it. That is the point, are we able to pay that? Our experts, I do not know whether they are here, should be able to advise this House how we are able to do that, how long it is going to take us to do it. Answers to these questions will actually promote or encourage us to know our own positions, rather than borrowing lumps of money with interest without knowing whether we are going to be able to repay it or not. I hope we will not in future be faced with a situation whereby we might have to sell our Parliament Buildings to pay back the loans. For Parliament to be sold is a disgrace.

Mr. Speaker, Sir, I have to make this point because the Government now is an African Government. If we get bankrupt it is a shame, to ourselves, because the Colonists have left us, and they would like to see us in a hopeless mess and point a finger at us and say "look at these poor people. These chaps have been shouting at the tops of their voices but they are unable to control or master their own economies, and this is something I cannot stomach for a single minute. Therefore, I feel, Mr. Speaker, that on this question of loans, and particularly this one here, we would like to have full details as to why it is necessary

to have this amount of money, secondly how much interest we are going to pay, thirdly, the Minister must tell us how long it is going to take us to repay and lastly, the Minister must also tell us before we get into Independence how many loans we have still to repay and how much interest. That will make me personally more happy, and I think I will enjoy my *Uhuru* celebrations without anything troubling my conscience at all. One can never enjoy life nor feel happy, so long as one is haunted by debts, and whenever one moves round one is afraid of being sued or stopped by any person for this, that and the other.

This, Mr. Speaker, Sir, is not something we are going to argue about because it concerns all of us. Someone yesterday stood up and said "well, the Opposition have nothing to offer in this matter." Are we, the Opposition, existing in the air? Are we not a part and parcel of Kenya, and if we are, are we not concerned about the economic policy of the country? I just wonder when my hon. Members on the other side of the House will ever grow up and think nationally. It is absurd that they are called hon. Members yet they do not consider the situation of Kenya as such. It is absurd also, Mr. Speaker, that this sort of Motion should have some people who are actually not arguing unreasonably, but just shouting for the sake of shouting when this is a serious thing. I do not think all of us will stay here in this House if the masses can realize that the African Government is incapable of stabilizing the economy. We are going to be faced by the masses and they are now actually fed up with their political propaganda and political slogans like *Majimbo* and *Umoja*, because no-one can eat *Umoja*. The masses want something to put in their bellies. Therefore, it is very important that the Government considers this question very seriously rather than having laugh about it and I hope with these few remarks, Mr. Speaker, the Government will not only stand-up and start talking about the Opposition, or what the Opposition has said, but tell us in the name of Kenya and the people of Kenya, the position of the economy of the country so that we go into Independence fully aware of our own financial position so that we can enjoy the freedom we have so long fought for without anything troubling our consciences.

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

Mr. Theuri: Mr. Speaker, Sir, at this time we have seriously to think about this question because this Bill has brought forward the admission that we have to borrow £40 million.

[Mr. Theuri]

However, one thing which is not clear is what we are going to do with this £40 million. It is only clear that the Government has a good plan because they have told us they have a good plan, but the hon. Parliamentary Secretary did not mention in this House how this money is going to be used. It is high time that we explained to the people in the country as a whole—we talk to them at political rallies—that we shall do this or that after *Uhuru*. We only have two weeks to go until we complete the political struggle we have been involved in for sixty years. We will then move into a new phase which will be the economic development of this country. I want this House to know that the building of a new country like Kenya is going to be more difficult than the political struggle we have just passed through. This House will require good advice from both sides: from the Opposition and from the Government. The hon. Members should not merely shout and tip the Back Benches. We want to have constructive ideas about this.

Mr. Speaker, we know of experiences in other countries which got their independence after the First World War. We know how these countries came into power and then fell down because of their economic instability. This is what we were told about yesterday when this Bill was introduced; it was clearly explained to the House. However, it was not mentioned what was going to be done with the £40 million. We want to go back to our constituencies and explain to the people what goes on here. We have been hard-pressed when they have told us that they have read that the Government is going to borrow money—£40 million—and then ask us what we are going to do with this money. They want to know if we are going to ask the Minister concerned what he is going to do with the money. However, I would not be able to explain all this because the Minister has not told me about it. This is what we want to know. I think there should be some sort of economic planning in this country. I do not believe there is any economic planning at the present moment. We want to be told what type of planning is going to be used. We want to know whether we are going to have a five-year plan or a thirty-five-year plan. This House should be supplied with a fully comprehensive report about what the plans are. We will then be able to approve it. The Government only says that it is going to approach a certain country for the loan. I do not know what the Minister was doing when he went to the various countries like Ghana, Egypt, and India, because he should have got ideas about what five-year plans do. The Ghanaians have evolved a plan and

they are going to build a factory for smelting aluminium. We are pretty sure that Dr. Nkrumah, the President of Ghana, used to struggle and therefore asked for money from various countries. If other countries know that we have a certain plan we will be wholeheartedly supported.

It was mentioned yesterday that the money can be borrowed from the East or the West. I think the House should know this: if a country is supposed to be a socialist country it will have a well-planned economy. Not one of the eastern countries, however, is prepared to offer a loan without knowing what the money is going to be spent on and what the plan is. Even the western countries want to know what sort of plans we have so that they can lend the money easily and calculate how much interest we have to pay. This is what the House wants to know. We cannot just come here and agree to borrowing £40 million when we do not know on what it is going to be spent.

Just a few months ago this House was told to vote for £100,000 for diplomatic relations. This House still does not know where we are going to establish diplomatic relations. We were not told and even now, after two weeks, we do not know where we are going to establish diplomatic relations. We do not know if we will have a representative in the United Kingdom. This is what we want to know. We also want to know on what this £40 million is going to be spent. We are here to represent the people and we are not here to vote blindly. It is good for us to be here in the Parliament, but it is bad for us to go outside because we will be questioned and harassed by the people who voted for us.

I ask the Parliamentary Secretary who brought the Motion to take into consideration what I have said and supply this House with a fully comprehensive report on these plans, we will then vote for us to borrow this money. If we are not supplied with this I reserve the right to reject this Bill.

The Speaker (Mr. Slade): Before any other hon. Member speaks I would like to say that there are one or two points which have now been mentioned several times in this debate. One is that there should be a development plan before the House is asked to approve this Bill rather than afterwards. The other is that the House would like to know whether any loans are going to involve restrictions on our markets before approving such loans. Now I am not rebutting those points at all, or the way in which they were presented, but we have a rule against repetition and I think those two particular points

[The Speaker]

have been made often enough to sink in, if they will ever sink in at all.

Mr. Gichoya: Mr. Speaker, Sir, I stand to support my Government, but with the reservation that as long as we are trying to kill two birds with one stone, one bird being the arrangements for the celebrations of *Uhuru* and the other bird being the introduction of the planned economy of this country as a free Kenya and not a sort of enslaved Kenya. After the 12th December, we will call ourselves a sovereign nation. Under the Kanu Party's Manifesto, we said we would give free education and free medical attention. Those things have to be planned and I believe my Minister and his own advisors are clever enough to get something in advance, before the date comes when the people of the country demand that these things be given them. The Minister should be ready with a plan to show how the money is going to be spent and this would make it possible for the implementation of the Manifesto. However, before we can do this, we have to get the money.

Sir, a small nation, like the one ours is going to turn into on the 12th December, needs money to start. We will have to borrow from one country or another. However, we have within us enough dormant potentiality, and this potentiality is in the form of human beings and natural resources even though it cannot be made use of until we have capital; until we have a basis on which to start. The money being borrowed by the Government of Kenya is intended—if my information is correct—for great things; for getting us a basis and somewhere to start from when *Uhuru* comes.

We have agreed that we have to plan our economy and as a first step we have a chairman of a commission called the National Planning Commission and he is working day and night to see that on the day of Independence, or soon afterwards, this National Assembly will be presented with a document showing in detail what the country is intending to pursue. This is as far as our economic and social development is concerned. Our political development is being shaped in this House and I have no doubt that we are shaping it in the right direction. Anyone who is asking for a national plan should think twice before asking about it because we already have a chairman who is fully qualified and an expert in economics who has this responsibility. The question ought to be, when is this plan going to be presented to this House? Perhaps that question can be answered by the Minister or his Parliamentary Secretary when they come to reply to our questions.

Mr. Speaker, Sir, as I have said, we are starting from zero as a nation. On the 12th December, we shall probably start with a debt committed to us before the national Government was formed. This is a problem which the Opposition Members ought to have realized before asking about this borrowing of £40 million. The Government is endeavouring to become a Member of the International Bank so that it can find an easy way of acquiring loans from different countries. I am sure that we have very capable Ministers and I know, at least, that the Prime Minister is very capable. He knows exactly what this country—for which he has laboured for forty years—wants. He cannot put us into darkness as far as the borrowing of money is concerned. He cannot make us plead to another country for money. We will borrow with the fullest confidence that we are able, after a certain period, to repay that debt. The £40 million that has been mentioned has been arrived at, I am sure, by the Minister for Finance after he has gone into the details of the problem: why we need it, and when it is going to be repaid. The only thing I want to say is this: let us not limit ourselves to one side, let us not limit ourselves to either America or Britain. We should go deeper and go to the east and the west to ask them to assist us with money. We should get our funds estimated on mutual terms, terms accepted by Kenya and terms accepted by other governments: the leading governments. When those things are settled, I believe we will have no cause for a quarrel, because I believe that our Government, guided by the help of the country, will not borrow money at a loss. The money we borrow on the terms acceptable to us will be recognized by our people after becoming a sovereign state on December 12th.

With these few words, Sir, I would suggest that the Minister be given what is due to him, as long as we are not going to be put into a ditch.

Mr. Godia: Mr. Speaker, I feel that this country needs some money. This country has been poor country. The standards of this country are very low compared with other countries and it must be raised. At the same time, Mr. Speaker, I am in agreement with the other speaker, that we want a clear account as to how much money we need and how this money is going to be spent, because we cannot—

The Speaker (Mr. Slade): I have said that there has been enough argument on that point.

Mr. Godia: What I was going to suggest is that what this country needs is means of raising the standard of living of the majority of the people. There are very many women who are not

[Mr. Godia]

employed, and this country must make use of the women. We want this money which we are going to approve, to help women to obtain jobs. The money should also help young men to get jobs. So long as that is so, this country will be satisfied, but if this money is going to go into the pockets of the people who already have money, this country is going to face a very disappointing future. We shall not allow that to happen. Therefore, Mr. Speaker, I would urge the Minister for Finance to consider very carefully how he is going to spend the money, and also make sure that the £40 million which he is suggesting is needed, is sufficient to enable people in this country to benefit.

Mr. Speaker, we have many people in this country who require education, both academically and technically, and we need this money to help raise the standard of our people in this country in that way. So long as this money goes to create employment by 1967, we shall have achieved our aims so that most of the people here, most of the women and most of the young men, have work to do. But if by that time it would mean that some of the people who already have money would be much richer, so that this country has more beggars than it has now, it would be too bad, so I would suggest that the Parliamentary Secretary for Finance should consider this very carefully, and should consider planning it and should prove to this House that £40 million which comes from other countries is enough. If it is not enough he should think again on this matter. We want our people to be happy. We want this country to be a happy country, and we want our people to feel that they are living a life which other people are living in other cities in the world. This world should be a happy place for all of us.

Mr. Speaker, with these few words, I wish to support the Bill.

Mr. Kiprotich: Thank you, Mr. Speaker. I stand to support the Motion, because the Government policy is quite clear. I am astonished by some of the speakers on the other side because they have the Government Official Gazette here, with the Bill, and they have not read it.

We have mentioned free education for eight years. We have told them about a free medical service. We have talked about poverty, and we need money to establish as many industries as we can. Where we will get money from, I do not know. They are only here to talk to the Government unreasonably. I am asking these people to reconsider this, because our Government which is

Kanu, have already made it clear that they will fulfill our promises whenever this money comes in. We are not consulted as to how this money is going to be used. We have only been given a paper to read; we have read it, it is there. What I would like to say is that the Government must be sure, they must be clear in their minds, both the Council of Ministers and those who are advising the Present Government, as to—

Mr. Pandya: Who are they?

Mr. Kiprotich: I do not know what they are. They might be of your colour, but I do not know. They must make it clear so that we know what we are going to do with this money. Are only industries going to be built? Are they to be in Nairobi or in other places, in small towns, districts or locations?

The Speaker (Mr. Slade): Mr. Kiprotich, that point has been made enough. It is a good point, but does not require any more elaboration.

Mr. Kiprotich: Mr. Speaker, you have only the fruits which are there.

The Speaker (Mr. Slade): There is a Standing Order which prohibits repetition of what hon. Members have said. Please take note: I am not going to allow any more repetition of this point.

Mr. Kiprotich: Mr. Speaker, I will not repeat it again. I just want to be told today what the Government is going to do with this money they are borrowing. I would like our Speaker to tell our Ministers to tell us before they bring such Motions in this House, they have to consult us first. Otherwise, we shall come here and say that we do not want it. We are not going to vote for something when we do not know what is going to happen to the money.

The Speaker (Mr. Slade): Quite so, but we have had that enough times.

Mr. Kiprotich: Thank you, Mr. Speaker. With those few remarks, I support the Motion.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, may I move that the Mover be now called upon to reply?

The Speaker (Mr. Slade): It is in order to entertain that question now.

(The question was put and carried.)

The Speaker (Mr. Slade): I have had notice from Mr. Kibaki that he has acceded his right of reply to Mr. Chanan Singh.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): Mr. Speaker, Sir, the hon. Parliamentary Secretary who moved the Second Reading of this Bill yesterday has had to go overseas on national business. It is necessary, therefore, for somebody else to reply to the debate.

Mr. Kiprotich: Mr. Speaker, on a point of order, this is a very important Motion of the new Government of ours. Instead of the reply being given by the Parliamentary Secretary to the Prime Minister's Office, we should like to know why it is not being given by the Minister or the Parliamentary Secretary to the Ministry of Finance and Economic Planning.

The Speaker (Mr. Slade): That is not actually a point of order. If a particular matter is moved or replied to by someone other than the person whom the House thinks should do so, it can only be a matter for comment, a matter to be noted. It is not a point of order on which I can rule. It is in order for the Mover to nominate anyone, who has not spoken, to reply.

Mr. Anyien: On a point of explanation, in view of the fact that hon. Members have put forward suggestions, and that we feel very strongly that the man who is qualified in these matters should be the one to reply. I do not know the procedure on this, but could we not wait until the Minister or the Parliamentary Secretary is here?

The Speaker (Mr. Slade): No, points of order can only be related to the procedure of the House, and I can only rule on what is correct procedure. As far as procedure goes, it is quite in order for Mr. Chanan Singh now to reply. It may not satisfy hon. Members, but then they can record dissatisfaction as opportunity arises. On this occasion, they have taken the opportunity, but they cannot say any more about it now. I am afraid.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): Mr. Speaker, Sir, I was saying that the hon. Mover who spoke yesterday is out of the country and is not able to reply to this debate. The hon. Minister for Finance is ill. It is, therefore, necessary for some other Member of the Government to reply, and it has fallen to me to reply to the debate. In any case, there is the satisfaction which all hon. Members should enjoy that not many points of substance have been raised in this debate.

The main point which has been raised today is that the Government has not told this House how the money is going to be spent. With respect, Sir, it is not necessary in this Motion to say how

the money is going to be spent. The Bill before the House clearly lays this down. I am reading clause 3: "Any moneys borrowed under this Ordinance shall be paid into and shall form part of the Consolidated Fund and shall be appropriated to and expended only upon the services and purposes for which provision is made in the Development Estimates approved by the Legislature." This makes it clear, Sir, that no part of the loans raised under the authority of this Bill will be spent except with the authority of this House, so that all projects which are going to be paid for out of the moneys raised will come up here for the approval of this House.

Mr. Alexander: After it is clinched and settled.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): Certainly not. It is necessary at this stage to have the authority of the House to negotiate loans, and naturally prospective lenders want to know whether the terms they are offering will be accepted, or how long they are expected to wait. If the authority is there, given by Parliament to the Government of the country to negotiate and to enter into loans on behalf of the country, then the lender can enter into an agreement with greater satisfaction and with more definite knowledge. In any case, Sir, the main critic of the Bill admitted this in his speech yesterday when he said—I am referring to the speech of the hon. Specially Elected Member, Mr. Alexander—"When we go to our bank manager, he does not say, 'Yes, here you are. Come back tomorrow and tell me what you are going to spend it on.' It is the other way round." That is quite true. No lender will lend us money unless we tell him how the money is going to be spent, unless the lender is satisfied that the money is going to be well spent, or that the projects which are going to be built or provided for out of that money are viable. That is the biggest safeguard which the people of this country have. Money is not available anywhere in the world just for the asking. You have to prove your need and you have to prove that the money will be well spent and that the country will be in a position to pay it back.

The lenders will satisfy themselves that the loan commitments are sound ones. There is no need for hon. Members at this stage to worry about that, because as I say it is not authority to spend the money which is being asked for. When the Government wants to spend the money, then the authority of this House will be sought. Not a cent of this £40 million, or whatever sum is raised, will be spent on anything unless this House has agreed to the project. I think that is the best guarantee of the soundness of the scheme which

[The Parliamentary Secretary to the Prime Minister's Office]

any Government can give. We are not asking this hon. House to say that we as a Government can spend £40 million as we like; that is not so. All we are asking at the moment is for authority to negotiate loans to the extent of £40 million over a period of four years. However, how the loans are to be spent will be decided with the authority, with the full knowledge, of this hon. House, and that is provided for in the Bill before the House.

Mr. Alexander: How can we do it when you have clinched it and signed it?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): We will sign the agreement, but we will not spend the money. What the hon. Members should be anxious about is the spending of money, not entering into agreements concerning loans. So long as this House is sure that no part of these loans will be spent on any unauthorized scheme, the House should be satisfied. After all, this is what happens all over the world. If we now prepare a development plan and say that we think the Government should spend this much on the plan over a period of six years, and then ask this House to approve the raising of loans, will unnecessary time not be spent in negotiating for the loans again? As I say, we are only asking that the Government should be authorized to negotiate loans, not that the Government should spend those loans. If we wait until the development plan is ready, it will be too late.

The hon. Mr. Alexander again stated "I believe for a long time that we have had a wise Government". In criticising he says just the opposite: if we are a "wise" Government, he should at least give us the credit of knowing how to negotiate loans, especially when he knows through the exact wording of this Bill that no part of those loans will be spent except with the authority of this hon. House. In the same breath, he went on to say that this was "almost an insult to hon. Members to be asked to approve something against a plan which has not yet been tabled". Sir, the plan will be tabled when it is ready, and it takes a long time to prepare plans. Most countries in the world spend two or three years in preparing their plans.

Mr. Alexander: What do you bring this Bill for, then?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): This Bill gives authority to raise loans in anticipation of the plans. As I say, the plan will not be ready

until a short time before the period for which the plan is recommended. If we wait for this authority until then, there will not be sufficient time to raise loans; we want to get along with the question of negotiating the loans, so that we are ready with the money by the time this Parliament approves the plan.

The hon. Member said that his main criticism was that later on, when he raised this matter again, he would be told that this Bill was approved by the House. I think this is a somewhat far-fetched idea. This Bill specifically says that he will be told, when authority to spend the money is requested—

Mr. Alexander: Will you give way? Mr. Speaker, on a point of explanation, does the hon. Member recollect that the Parliamentary Secretary, on whose behalf he is replying, did say that the purpose of this Bill was so that the Government could go out, deal with loans, clinch them and sign them immediately?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): That is the exact intention of this Bill. We do not want to negotiate loans and then wait for the authority of this House to raise the loans. We will come back to this House when we want to spend any part of those loans.

Mr. Alexander: What does clause 5 say?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): Clause 3 says—I am referring to clause 3, because that is the clause which refers to expenditure—clause 5 refers to something else—that the loans will be expended only on the services and the purposes for which provision is made in the development estimates approved by the Legislature. I think that is the essential provision which the hon. gentleman should have in mind.

Mr. Alexander: Will you give way, once again? Mr. Speaker, this is very fundamental. The Parliamentary Secretary has said that he recollects the Parliamentary Secretary for whom he is replying saying—do you recollect the Parliamentary Secretary for whom you are replying, specifically in relation to clause 5 when I interrupted him, saying that the intention was that the Government could go out and clinch and sign loans immediately? I asked, and this is what I am expecting in reply, that you relate that remark to clause 5 of this Bill, and give us a very full explanation, because if he is right clause 5 has no meaning whatsoever.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): I was speaking to clause 3. Clause 5 reads: "As soon as practicable after negotiating any loan under

[The Parliamentary Secretary to the Prime Minister's Office]
within the capacity of the economy of our country.

I hope, Mr. Speaker, that the explanations which I have given will re-assure those hon. Members who were unhappy about some features of this Bill earlier in the debate. May I now say a few words about the point raised by some of the other hon. Members. The hon. Leader of the Opposition started thus: "I think I very much agree with the speaker who has just sat down." That was the hon. specially Elected Member, Mr. Alexander. This is easy to understand. He went on to say that he thought that the Government did not intend to seek authorization annually but sought it only once. I have tried to explain that is not the position. Separate authorizations will be sought when the money borrowed is spent. No part of the loan can be spent without the authority of this House. This covering authority is sought to negotiate loans, not for the spending of loans. Therefore, his fear that the Government did not want to face this hon. House with the details of projects are quite unfounded because we will come back to this House with the full details of the projects when we seek authority for the spending of the loans.

The hon. Member said this, and one or two other Members also repeated this: "they do not show us to what extent they have borrowed so far, and the capability of the country for settling these loans." I should have thought that a senior Member in the position of the hon. Leader of the Opposition would have known this. He has been an important Minister in the Government and he has been through all the details; details which are set down in draft estimates every year. Funnily enough he went on to say this: "Some Members of the Government, when they were in the Opposition, used to make a lot of noise about overall economic planning, particularly the Mover of this Motion when he was on the Opposition." I do not now when the hon. Mover of this Motion was on the Opposition! He was never a Member of this House before this Government was formed.

The hon. Member, Mr. Shikuku, contented himself with calling this measure as "fantastic" and he repeated the points that had been made by other hon. Members. However, he made one point which had only a very slight, indirect relevance to the issue. He suggested that instead of raising loans we should try to sell our domestic products—the exports of this country—at higher prices. He is forgetting that these exports have to

be sold on world markets. He surely did not mean that the producers in Kenya, or the companies and marketing boards that are responsible for selling the exports of Kenya, sell such exports at lower prices than those available in the markets today. No person in his senses would do that. It would be quite another thing to say that the primary producing countries have not benefited from the prosperous conditions as much as manufacturing countries. That is a fact in which many people believe. However, that is quite another matter and the position is that exports of all countries of the world are sold at the best possible prices that are available. The position is that during the last few years we have been selling to the world products amounting to about £35 million per year and have been importing goods worth about double that figure. It is difficult to get more than £35 million in the world markets. In any case, as hon. Members know, the Government is giving more and more attention to the marketing of the products of this country and I am sure whatever increases in prices can be obtained will be obtained for the benefit of the people of this country in the future.

One hon. Member from my own side of the House put up a very sensible suggestion. He suggested that the eastern countries are socialist countries and, therefore, they have well-planned economies and if we approach them for loans they are not likely to give those loans to us unless we can prove to their satisfaction that we have a good plan for the spending of these loans. This is exactly the point I have been making: that all these lenders will be shown the fullest details of the projects for which these loans are required, and they will not, naturally, lend money unless they are satisfied. Therefore, as far as the eastern countries are concerned they will be as welcome to look at our projects as countries of the west.

The same point was made by the hon. Mr. Gichoya, but he said that we should not limit ourselves to America but we should make approaches to other countries in the world. Certainly, Kenya will explore all sources of finance and will not reject any help that comes to us without political strings attached.

One or two other Members also made, more or less, the stock point, that the Government has not told them what this £40 million is to be spent on. The Government will tell them, in the fullest detail, how this £40 million—or whatever amount is raised—is going to be spent, because under clause 3 of the Bill it says that the money will only be spent on those projects which have been approved by this hon. House.

[The Parliamentary Secretary to the Prime Minister's Office]

Mr. Speaker, Sir, I now beg to move that the External Loans (General) Bill, 1963 be read a Second Time.

(Question put and carried)

Mr. Alexander: We will rise on a Division over that.

The Speaker (Mr. Slade): I will have to look this up, because I very much doubt that you have enough support for a Division.

I am afraid there are not enough Members supporting the Division. The Standing Order is that a Division is only directed if the Speaker considers there is a reasonable doubt of the outcome. I do not in this case—or fifteen or more Members rise to support the claim for a Division. You do not have that number.

The Bill was read a Second Time and committed to a Committee of the Whole House today.

Second Reading

THE PERSONAL TAX BILL

The Minister for Local Government (Mr. Wood): Mr. Speaker, Sir, I beg to move that the Personal Tax Bill be read a Second Time.

Sir, the new fiscal structure, in order to match the new division of responsibility, gives rights with regard to certain revenues, to the Government Regions and to the local authorities. The particular Bill before the House, Mr. Speaker, gives rights in revenues to a certain local authority and that is the City Council of Nairobi. I want to make this clear because, in debating this Bill, Members must constantly bear that particular fact in mind because the Bills affecting the other local authority will be taken in the various Regional Assemblies throughout the country.

The Constitution, Sir, fixes the maximum amount that can be levied on any one person's income. This maximum sum is Sh. 600/-. This National Assembly has the power to change this maximum amount, but it can only decide to increase it, not to decrease it. In the case of Nairobi, this Assembly is given power by the Constitution to regulate the scale as it sees fit. I propose to move an amendment to section 3 in order to bring the Bill into line with the Constitution with regard to that particular point.

For the year 1964 the Cabinet advised that the scale be the same throughout the country. The various authorities, however, are allowed to regulate this as they see fit. The method of collecting the new tax is going to be a new one

to this country. We have decided to collect the tax in this way because we are convinced that it will add to the efficiency of collection and, also it will make it easy for the taxpayer to bear the burden of taxation.

Mr. Speaker, the arrangement is that the taxpayer pays his tax through monthly instalments and we have made arrangements with the employers so that this is deducted automatically at the end of every month.

Mr. Speaker, this Bill had to be drafted in a big hurry in order to enable Nairobi to go ahead with preparatory work which must be done before the Council can actually start collecting the tax in 1964. It will, therefore, be necessary for me to move several amendments at the Committee stage. I want to say now that these amendments are of a very minor nature, and they will not affect the principal of the Bill at all. They will merely deal with the wording of the Bill. Some people will be working in areas where they do not necessarily live and other people will not be living with their families where they actually work, and so it is going to be necessary for us to make an arrangement whereby taxes paid by taxpayers can be transferred to the rightful authorities. This particular Bill only refers to Nairobi and so I am going to deal later on with Bills regulating this particular aspect of this tax, that is the transfer of the tax from one area to another.

Mr. Speaker, I want to say something about the effect of this tax on the tax-payers. I have heard comments from people who think that perhaps this Government is going to tax people too heavily, especially when they see that some of us and quite a number, will be expected to pay as much as 600/- a year, 50/- a month. I want to say, Mr. Speaker, that we have been very reasonable in working this scale out. We have been guided by one important fact, and that is that this country is going to be independent on 12th December, and from then on, it will be necessary for us to be truly independent, and this will mean bearing all the burdens of our expenditures by ourselves. We are not going to be assisted, for example, by Her Majesty's Government, the way we have been in the past, and up till now. It is therefore necessary to ask some of us who are more fortunate than others to pay a little more than may have been the case in the past, but I say only some of us because in actual fact, when we consider that this tax is going to replace two former taxes, the personal tax which accrued to the Central Government and the poll rate which accrued to the local authorities, it will be seen that for quite a number this will mean less tax paid than in the past. I am

[The Minister for Local Government]

therefore, Mr. Speaker, asking the hon. Members to help me in explaining the importance of the present tax to their constituents. This tax will be paid in order to guard our independence. Our people are already expecting a lot of services from the Government and the local authorities and regional assemblies and from the Central Government and as I said, this particular tax will accrue to the local authorities and I am sure the hon. Members realise that the local authorities are going to be entrusted with very large taxes and large services to render to the people, and I am quite sure that the hon. Members also realise that without this money, without this tax, nobody is going to be able to serve anybody in the country. It is therefore up to our people, and especially the hon. Members, to see that this tax is explained and that the people accept and bear the burden willingly.

Recently, Mr. Speaker, when I introduced the tax campaign, I used for the first time a new slogan which I would ask the Members to repeat and let the whole country know and learn to appreciate its significance. That is that our people should pay the taxes in order to guard our independence. The slogan is in Swahili, which is "Lipa Ushuru Kalinda Uhuru". This expresses admirably the intentions of this Government. It expresses the aspirations of our people, because we have acquired independence, and we are determined to guard that independence once we have obtained it, and, as I have said, this is not going to be possible unless every citizen is prepared to pay his tax in order to enable the Government to carry on safely.

Mr. Speaker, I beg to move.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): I feel I should make a few comments as regards this Bill which is a very important Bill. I am surprised to see that the House is almost empty, because this Bill is so important. It is in connexion with the constituencies which we represent here. I support the Bill, Sir, but I would like the Government and the Minister to make notes of some things. I see in the proposed amendment that he has not defined how this transfer of tax of people who are working in Nairobi is going to be carried out, and I think, if I remember rightly, the Minister said that the amendment was not going to affect the Bill much, but this transfer of taxes is a very important issue. Many of the people who are going to pay taxes in Nairobi have families in their respective districts and they have got all their interests in these districts. They have children

at school in these places, and people whom they support attend for medical facilities and other amenities in their district which are paid for by other taxpayers, and I was thinking that when the tax is deducted from the salaries of these people, the whole of the deduction should be taken to their respective districts. I think the hon. Minister should put this very clearly because most of the people who work in towns are generally the people who are going to pay substantial amounts of money and if the poor people in these districts pay so little, these local authorities will not be able to run their services very well. I also think that something should be mentioned about people who are working in other territories in East Africa. These people also have interests in their respective districts and I think arrangements should be made between this Government and the Governments of other territories, that workers in those territories should also be able to pay for these facilities in their respective local authorities in this country. In saying this, Sir, I am putting in mind, for example, a person working in Kampala who has his wife and children at home who enjoy the social services paid by Baringo District or Baringo County Council. Arrangements should be made for his money to be sent to Baringo County Council and not Kampala, to pay for the services enjoyed by his family in this place. Sir, the slogan, "Lipa ushuru kalinda uhuru", is a very good one, and I hope that every hon. Member will support it, but it is essential also that we should know how other local councils are going to "Lipa ushuru kalinda their uhuru". It looks as if it is only Nairobi, which is going to "Lipa ushuru kalinda its uhuru", and I think the other local councils should also be given this chance. I agree that the tax should be deducted from the monthly salaries of the taxpayers, but for how long is this going to be deducted. Is it for the twelve months or is it for a limited period of months? The whole idea of the Government setting this new style of collecting the taxes is very promising but I think there are bound to be difficulties somewhere, and they are going to hit the people who are not employed. An assessment of how much they should pay should also be considered in the Bill, because, as I have been subject to having my tax assessed by the local people in my county, they have imposed an amount which I was unable to pay simply because they considered that I had a semi-permanent house and a car, but my actual income was not considered, so what I think the Minister should do is to make firm arrangements as to how these people, who do not have monthly incomes assessed by their salaries, are going to be taxed. As I said before, this is a very serious and important Bill, and I think hon. Members

[The Parliamentary Secretary for Agriculture and Animal Husbandry]

should have been here—I am wondering if we would have a Quorum—to suggest some points to the Minister so that when replying he would put this question to us and probably as he has the intention of amending the Bill at the Committee stage, he will consider this suggestion and include it in the amendment. I did not want to take much of this House's time in trying to put these points to my Government, but I felt that I should make a few points for the Minister to consider when he is amending this Bill. With these few remarks, Mr. Speaker, Sir, I support the Bill.

Mr. Kamau: Mr. Speaker, Sir, I fully support the view with only a few comments. I should like the Minister concerned to observe. I understood the Minister to say, when he was moving the Bill, that the Bill is only concerned with the Nairobi areas. That is most important, because he has not made the Bill to cover the whole country. He said that every County Council and every local authority will have its own Bill. To that effect, Sir, I would draw the attention of the Minister to the fact that, as the previous hon. Member commented, it has been an experience to find that those people who are working in Nairobi have their dependants in the reserves, and I think it is the observation of every Member here, that what happened last year was that the pupils in the schools were asked to produce tax receipts in order to be allowed to continue in school, and they had to produce the receipts from their parents. If some of the parents were paying their taxes in Nairobi, and their children were at school in the reserve, that point brought a very great controversy. What I would like the Minister to observe is that this Bill should only affect the people who are keeping their dependants here in Nairobi, and all the people who are living outside with their families, should be considered to pay their taxes to their County Council authority in the reserve.

An hon. Member: Hear, hear.

(Question proposed)

Mr. Kamau: If one of them is working here and his home is in Kisumu, I should draw the attention to the Minister that that person should send his due rate to the County Council of that particular area.

If we now pass in this House that kind of Bill without considering the merits of the constituencies which we represent here, you will automatically find that when we go back to our constituencies we are faced with a very heavy burden when the

county council of the area starts collecting the rates. They find that all the people concerned have paid their rates in Nairobi, while in their own constituency there is nothing from those people living in Nairobi. Automatically it will force you as a member of that constituency either to negotiate with the Government to send that rate back to your area or to transfer the families of those people concerned to Nairobi.

Therefore, I urge the Minister concerned to confine himself with the Bill for Nairobi people who are living permanently with their families in Nairobi, and advise the rest of the people whose families are in the reserves to send their rates to their respective county councils.

I want to make an observation, Sir: when the Minister was speaking he said that this tax will amount to Sh. 600, if I understood him correctly, and people will have to pay Sh. 50 a month. This makes me wonder what the position is, because the explanation given in this Bill is only with regard to people who are employed. What about the unemployed people, what will be their fate? I would like the Minister when he starts to reply to define categorically what the position will be of those who have no employment. Will they be set free of this burden of rates, what will be their position? If we do not define this in the House, it will bring confusion later. That is why I request the Minister, when he starts to reply, to give the position of the unemployed definitely.

Sir, there is the point of the amount to be paid monthly. I feel this should be very carefully considered. We have known very well, and it is our duty to see that our own Government gets a lot of money in order to meet the cost of the social services of the people. At the same time, we must consider the number of those ratepayers. Instead of taxing them very heavily, a very large amount, I think the Minister should make it a reasonable amount, so that when it is paid out the people concerned will have a sufficient amount left to meet expenses of their families.

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

Mr. Kiprotich: Mr. Deputy Speaker, Sir, I stand to support the Motion with certain reservations. My reservations on this are because I do not know how many Ministers there are in Kenya. We have a Minister for Local Government and another Minister who is referred to. Bill number eight, which is the Treasurer of the City Council of Nairobi. This is a completely confusing Bill, and I think the Government must consider this Motion again. I do not know when this Bill was considered, or whether it was only considered by

[Mr. Kiprotich]

individual Ministers, and they must tell this House how this Bill was considered. Many people are suffering in Nairobi. We are not told in this Bill what unemployed people are going to pay. Some people come to Nairobi to seek employment, and when the police or tribal police go around and look for those who have not paid their taxes they arrest them and send them to jail or to African courts which are referred to in this Bill. From where are they going to pay this money? I am urging the Government to reconsider unemployment in Nairobi, because the majority of people in Nairobi are those who are not employed. Those who are living in Nairobi—I have stayed here for eleven years—I know how many who have not paid their rents for three or four months. They are getting notices to quit their houses and then they are taken to the court. These people do not have even a single cent, and if such Bill is put to this House for us to pass it, it is really ridiculous. Mr. Deputy Speaker, Sir, I did not want to use that word. I was looking for another one to use, but I could not find it. I wish the Minister would go to the City Council to find out how many people do not pay their rents regularly. How many are unemployed in Nairobi, how many are seeking employment, how many are self-employed? Just to bring such a Bill and for us to close our eyes and make us support it merely because it is a Bill, or because we are in the Government. This Bill, Mr. Deputy Speaker, Sir, I wish the Minister would go back and bring it next year, then we will reconsider this Bill.

I ask the Minister for Local Government to talk to the Minister for Commerce and Industry to build industries in the various areas, otherwise people will not come here. They are talking about people leaving this country, others are coming and are looking for employment, because all the work is in the city. We have been told today, even boys. I have my brother I want to bring him to Nairobi. I have been asked where my house is, have you paid your taxes, your rent, and so many other questions, which I do not want to bother with here. Mr. Deputy Speaker, Sir, I think the Minister concerned with this Bill should reconsider the position of Nairobi, in which as I have said, I have lived here for eleven years, and I am not going to support it, because I know how people are suffering in Nairobi.

An hon. Member: Cross!

Mr. Kiprotich: I am not crossing, you come on this side. We get people starving, just selling their "Uji" and so on in the street. They are being arrested. The courts which are referred to in this

Bill are there to help starve the people living in Nairobi.

Mr. Deputy Speaker, Sir, I was the Chairman of Kanu in Nairobi and I have been dealing with Nairobi City Council and we are told it is not their concern but we should refer to Ministers. With your permission, Mr. Deputy Speaker, Sir, we are told here that the Minister responsible, for the time being, for local government, paragraph eight, in which reads: "The treasurer of the Council shall keep sufficient stock of personal tax book . . . for issue fee charge and personal tax stamps." And, "to the employers for the purpose of section 6 to taxpayers for the purpose of section 7 of this Ordinance".

All this Bill is confused. I know the Minister is going to say that we have said this and this. If we are going to follow the former Imperialist Government, I am not going to support this Government. Let us see to those people who are starving.

An hon. Member: Cross!

Mr. Kiprotich: I am not crossing. I am on this side. Mr. Deputy Speaker, Sir, if I am given enough time I will speak for all the people in Nairobi.

Mr. Deputy Speaker, Sir, I must warn the Minister for Local Government if this Bill applies to Nairobi alone, that if you want something in Nakuru, Eldoret, Kisumu, Mombasa and other small towns where they have other things, but I am not concerned with those towns. Nairobi alone, in which there is always employment, factories etc. when people come here they are being arrested because they have not paid their personal tax. This Bill is completely suicidal to our own people. If this Bill is going to be passed. I am going to be out when it is passed. I think the present Government must keep this Bill to next year, and when they get the £40 million—any money they are going to borrow, they can bring us another clear Bill, not such a Bill as this. What can we do with papers only? We should like those people to be reconsidered, especially Nairobi City Council.

Mr. arap Choge: On a point of order, how many times is a member allowed to use words like Nairobi City Council and unemployment?

The Deputy Speaker (Mr. De Souza): I think you are beginning to be a little repetitious now.

Mr. Kiprotich: I won't repeat any more. The trouble is Mr. Deputy Speaker, that unless the Minister finds more employment—in the City Council alone—(especially officials in the City

[Mr. Kiprotich]

in which other tribes are not to be allowed to be employed), this Bill is completely useless. I repeat it is completely useless. If it is going to be part of the City Council, let it be there, otherwise I give no support on this.

Mr. G. G. Kariuki: Mr. Speaker, Sir, there is only one point I wish to make and that is to ask the Minister to tell this House when he comes to reply. There are some areas like the Rift Valley which in the past I would like the Minister—

Mr. Omar: Speak up.

Mr. G. G. Kariuki: Keep quiet.

Mr. Omar: On a point of order, Mr. Deputy Speaker. Is the hon. Member in order to tell me to keep quiet when I was asking him to speak up?

The Deputy Speaker (Mr. De Souza): Not really.

Mr. Omar: Will he withdraw?

The Deputy Speaker (Mr. De Souza): I don't think that is necessary. Perhaps if Mr. Kariuki gets nearer to the loudspeaker.

Mr. G. G. Kariuki: The other hon. Members, Mr. Deputy Speaker, when they see me on this side think that I am joining them. I cannot join them, and I am not prepared to do so.

The Deputy Speaker (Mr. De Souza): You can leave that out. It is irrelevant.

Mr. G. G. Kariuki: Sorry, Mr. Deputy Speaker. There are some areas in the Rift Valley which I would like, when the Minister comes to reply, not to forget to say something about them. Some of the county councils in the Rift Valley are likely to become bankrupt because, and I speak particularly of my area, people are being chased away from their district. Those people who are being thrown out by their employers are not likely to pay their personal tax there, probably they will go and pay their personal tax somewhere else. In other areas like Nyandarua where there is land settlement, all the people in the Rift Valley and particularly the Kikuyu, who are now getting farms in Nyandarua, will all pay their taxes there. Districts like Laikipia, Kericho and other places where there are so many Kikuyus, are going to lose. That is why I would urge the Minister for Local Government to consider this very seriously. There should be more land settlement schemes in other areas such as Laikipia in order to keep those taxpayers in the area. Not only my area, but many other areas also, are faced with this

serious situation. Many councillors have complained about this matter. I am supporting this Bill. Mr. Deputy Speaker, Sir, because that is all I want the Minister to tell us when he comes to reply. With those few remarks I beg to support.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya): Mr. Deputy Speaker, Sir, I did not intend to speak on this straightforward Bill, but in view of certain remarks which have been expressed, particularly by the hon. Member for Kericho, I feel that reason and common sense has been greatly insulted by such a responsible man who comes into the House without reading his Bill or doing his homework before he speaks in this place.

Clause 5 of the Bill, Mr. Deputy Speaker, refers specifically to the manner by which personal tax will be paid. The Minister has based this Bill on the principle of Pay As You Earn and the hon. Member for Kericho should know if a person does not earn he does not pay. Clause 5 specifically stresses that tax will be payable in respect of income derived from employment. If a person is not employed naturally he will not be assessed to pay the tax as prescribed at the end of the Schedule. Secondly, there is another method by which a person is requested to pay and this is prescribed under Clause 7—"Method of Payment of tax on income not derived from employment". Here also the hon. Member should have noticed that a person will be requested to pay according to his income which is not derived from his employment after this has been properly assessed. So the question of imposing heavier tax liability on people who are not employed does not really arise. I thought some time in August when the Minister for Local Government was introducing this budget in this Chamber he did mention something about this particular system which is now being brought into operation. He did mention that he intended to introduce the method of Pay As You Earn in payment of personal tax and he was applauded, not only from the Government side, but also from the few people sitting opposite.

Now that this step has been taken the logical thing that the hon. Member for Kericho should have done was to have gone home and to have done one hour's good homework by studying this Bill and then come here and thank the Minister for having taken such prompt action to introduce the measures we agreed upon some time in August. I agree this Bill is for the people who are staying in Nairobi. I do say that there are quite a number of people from other districts who, if they do not pay their taxes in their home districts, that might be rather unfair on

[The Parliamentary Secretary for Justice and Constitutional Affairs] their local County Councils. But I do not want to fall into the same mistake as my friend the hon. Member for Kericho, I have read the Bill through and I have seen that there is a procedure by which later on the moneys paid by those who are in Nairobi and who should have paid their graduated personal tax to their local County Council, could be transferred, and for that reason, Mr. Deputy Speaker, I beg to support this straightforward Bill for the collection of taxes.

Mr. Gichoya: Mr. Deputy Speaker, I think the Bill is only right as far as it is meant to increase the income for the City Council of Nairobi and perhaps to make it more useful than it is today, or else to provide employment for the thousands of unemployed people. But still I think that something is missing from the Bill, namely: why should we "Pay As You Earn" only in Nairobi. Mr. Deputy Speaker, I say this because Nairobi is an industrial and commercial town, or a city for that matter, and we are creating similar institutions in every district when necessary. As it has been said, we are not going to discriminate against employees in these areas. Perhaps somebody who is resident in Nairobi, will seek employment in my area, but when a man from my area comes to seek employment in Nairobi he will have to take part in this P.A.Y.E. Scheme. When he goes to my area getting more or less a similar amount, perhaps a bigger amount than what he could get in Nairobi, he does not pay as he earns. I think that this Bill should be made a national Bill not just confined to Nairobi so that you pay as you earn, wherever you are, within the country.

My problem, Sir, was that I did not know whether the Minister would agree to amend the Bill, and let it apply to every industrial area, rather than confine it to Nairobi only. It should go to every district, perhaps even to every location when necessary, and by so doing we shall be able to enrich the area which actually forms what we call Kenya and the country which gives Nairobi a position. We should not impoverish our people and enrich Nairobi. We must aim at enriching every part of the country so that our national economy, when we examine it closely, will reflect uniform development rather than partial development.

I give this opportunity to the Minister and ask him, to assure us that it is not going to be confined only to Nairobi. I support this Bill, but hope that it will be extended to every part of the country.

Mr. Oduya: Mr. Deputy Speaker, although I am bound to support this Bill, I would like to make one or two points.

I think the Government deserves credit with regard to this Bill for the way in which they have arranged for the collection of taxes; that is quite good, especially for those who earn very little. However the application the other way round is a little confusing because the Minister has made it for Nairobi City Council alone, and has left out most of the industrial towns such as Mombasa—which is one of the largest towns, it is second to Nairobi—Nakuru, Kisumu, Kitale, Eldoret, and other places.

It has been said by other hon. Members, especially the hon. Mr. Gichoya, that this should have been based on a national scale so that it covered the whole country, especially the industrial areas, and those places where people are employed. The Minister is already aware of the wages earned in such areas. I think the Minister should reconsider this position very seriously, and change this Bill so that it is national and covers other areas as well.

While speaking on this, Mr. Deputy Speaker, I do not know what the Minister is going to tell the House in this regard, but the collection of taxes as such is good; however, there is another problem and I would like to hear the Minister's views on this when he replies. There are people in Kenya who live here but who work in other places, such as Tanganyika, Uganda, and so on. I do not know how the Government will ascertain what these people earn and how their taxes are to be collected. It often happens that most of our people working in these countries pay taxes there, and when they return here the Government asks them to pay more tax for Kenya. This is a problem for a human being. Since we are now moving towards the federation, I hope the Minister will look into this issue very, very carefully.

I say this because my own people, the Teso's, are affected. A number of them are employed in Uganda because they are regarded more favourably there than they are in Kenya. When they come for employment in Nairobi, Kisumu, Mombasa, and other places, they are overlooked just because of this tribal feeling; there is an attitude that a number of tribes, such as the Teso, should not be considered, given chances. That is why they go to Uganda for employment; their own people are there and are, I think, the second largest tribe in the country, so they enjoy having an association with them, and they have no fear at all. On many occasions when these people come back to this country—my constituents—they are faced with this problem of

[Mr. Oduya]

Government *askaris* going to arrest them and then they are taken to court because they cannot produce receipts for taxes which they have already paid to the Uganda Government. That is why I want the Minister to assure this House that this sort of thing will not happen in the future. It is a problem; I do not know Government policy on this, but I hope the Minister will make the position quite clear. The country would like to know, as well, what is to happen. I hope the Minister is convinced that this is a real problem which needs his attention immediately.

Another point, Mr. Deputy Speaker, is that the idea for collection is good, but today the people who are empowered to collect taxes have not been informed by the Minister clearly whether the people who are unemployed, landless, who have no way to get money, not even bread, are included or not. It is important to tell the nation exactly what Government policy is on this particular issue, with regard to how taxes are to be collected. In the past, Mr. Deputy Speaker, and at this particular moment, the people, especially the unemployed and the landless population, are disturbed. They are in the need of support by the Government, and when the Government introduce such a Bill and say that taxes will be collected in this moderate way, they must also consider to those who have such problems as unemployment and landlessness.

How such people are going to be asked to pay taxes, I do not know. If that is the Government's intention, then the Minister had better tell us. If it is not the intention of Government to include such people, then we should be told so that the Administration does not desert these people, so that the *askaris* will not stop them and ask for their tax receipts, and if they do not produce them arrest them, take them to court and imprison them, when in fact it is not their mistake. If a person has no job and no money, what can he do? That is the question the Government must answer for this country.

We have people, Mr. Deputy Speaker, who have no land; they are in Nairobi. The Bill the Minister is asking this House to approve is a moderate one for collecting taxes in the City; we have *askaris* employed by the Government to check on the receipts of the people. When it is found that some of these people have not paid their taxes they are arrested. I think the Government must look into this affair very seriously because in the long run, if the people are not told exactly what the Government policy is on this, it is the Government which will suffer. The unemployed population is very large, and these are the people whom we advocate should receive help

from the Government. If the Government is not careful, and does not take into consideration the problems of these people, I think the Government will suffer the consequences.

The Minister has also indicated that he is going to bring to the House another Bill concerning other towns or districts. I want to draw the attention of the Minister to the fact that at present the assessment of graduated taxes in the country is very poor. When the Minister brings such a Bill, he must also ensure that he keeps a close watch on how this works. I have experienced in my area that some of the people in the Administration, the chiefs, are against certain families, and they over-tax them. These people find it difficult. Since this is a very moderate way of collecting taxes, the Minister should make sure that it is not used to suppress poor families in the reserves. On this particular issue, the chiefs must be warned. When the committees are appointed to carry out the assessments, the Members of this House must be consulted so that they can ensure that the Member here and the Administration in the area work together and do not take account of grudges, nor do they listen to the chiefs when they speak against members of certain families. This is a very bad thing, and I want the Minister to note that point very seriously. It is something which affects us, and one of these days these chiefs will find that they are in trouble.

Finally, I want to draw the attention of the Minister to people employed on farms, particularly in the settlers' areas. We have experienced some difficulty in the past, Mr. Deputy Speaker, and I think complaints about this have been brought to this House by various Members, that some settlers do not pay their workers' wages in time. Some make their employees work for *posho*. You are also aware, Mr. Deputy Speaker, that in the past this has been the mentality of the British settlers here, and the South Africans. Maybe this is because they happened to be the army officers in the past, so they are very ruthless. They seem to think Africans should be fed like children. They are given something like two ounces of *posho* a day, and a little this and that, even if they have a large family. The man may work for six months and not be paid anything, and after that time, when perhaps he finds himself in a difficult position, he is given about a pound and is told that that is his salary. The Minister must make this position quite clear, because we are not going to allow this to continue; we want our people to realize that we are an elected Government. We do not want them to think that we are here just to approve Bills, because this is something which will endanger our own position.

The Deputy Speaker (Mr. De Souza): Mr. Oduya. I think you are rather far away from personal tax.

Mr. Oduya: Sorry, Mr. Deputy Speaker. I forgot.

I was saying that when the Minister brings this Bill he has mentioned which covers most of the districts, he should see that the farms—where our people are tortured and have to lead a very brutal life—should also be considered so that we think of how these people are going to pay their taxes to this Government so that Government has more money for the purposes of development in future.

That is another important issue, and I emphasize it very strongly because—although I may be out of order—with regard to collection of taxes, the Minister must make it clear to us what is the position of people employed on farms. Most of these farmers are now trying to leave the country, especially the former army officers, who are South African citizens. Just because they helped the British Government during the war to fight, they were compensated and given farms. Now they torture our people and treat them brutally.

I beg to support this Bill, but I hope the Minister will make some changes in it.

Mr. Omar: Mr. Deputy Speaker, I rise to support the Bill in principle, but I would like to draw the attention of the Minister for Local Government to clause 2 of the Ordinance, where it says that income means the aggregate income of any individual acquired in, derived from or received in the Nairobi area in respect of a trade, business, profession, vocation or employment. I understand that an individual has to pay his local rates according to what he earns. Take the case, for instance, of African traders along River Road. These traders do not keep records of their incomes.

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

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

In this law, a collector is authorized to assist in assessing the income of a trader, so that he can ascertain the rates the man should pay. If a trader does not keep a record of his income, how will the collector know what his income is? A collector may misuse the power of the Ordinance by over-assessing an income of an African trader. One of the speakers on the other side has already given an example of chiefs in his district who over-assessed the incomes of some of the people, and this also happened in Kilifi District.

Some chiefs over-assessed the incomes of farmers; appeals were made to the district officers and even to the District Commissioner. However, because there were no records of the incomes of these farmers, the District Commissioner relied upon the evidence given by the chiefs, and as a result some of the poor farmers had to sell their cattle and property in order to pay the taxes, which were very much over-assessed by the chiefs. Mr. Speaker, the hon. Minister for Local Government should take into account this point.

Another point I want to make to the Minister for Local Government concerns the employees in the Nairobi area. Some are transferable to other districts, and perhaps one may start to pay his taxes, but, before he finishes, he is transferred to another district. What happens according to the Ordinance is that perhaps he has a card with stamps, but there is no provision which says that if a person is transferred to another district from Nairobi he will continue to pay and finish paying, or not.

Another aspect is that some people who work here are supposed to pay their county council rates in their respective districts, so that their children may be admitted to the schools. I have found that this is a double burden on Nairobi employees, because they are bound to pay the county council rates in Nairobi and at the same time pay those rates in their respective districts.

What I would suggest, Mr. Speaker, is that the amount which is collected in Nairobi should be deducted and paid to an employee's district so as to avoid a double payment of taxes.

With these few remarks, Mr. Speaker, I support the Motion, but I would draw the attention of the Minister to the points I have made.

Mr. Seroney: Mr. Speaker, I am shocked that hon. Members have not studied this Bill properly and that they are wasting the time of this House unnecessarily.

The Speaker (Mr. Slade): No, Mr. Seroney, we do not say that other hon. Members waste the time of this House. It may well be thought by each Member that everyone else wastes the time of the House, but he must not say so.

Mr. Seroney: I accept your ruling, Mr. Speaker.

Mr. Speaker, Sir, the Bill is quite clear and it only affects Nairobi. The reason why I say this is because we have spoken on this Bill for a considerable time when it should only take a matter of five minutes to get it through. This Bill was drawn up as a result of the association of all the Regions, as a result of the undertakings at the

[Mr. Seroney]

London Conference when it was agreed to have a uniform graduated personal tax. When this matter came up in the Regional Assemblies, it had already been worked out and it was passed. I think, hon. Members should limit themselves to remarks on Nairobi. If hon. Members want to go to their respective Regional Assemblies to argue on this they are welcome to do so.

Therefore, Mr. Speaker, Sir, I beg to support this Bill and I also beg to move that the Mover be now called upon to reply.

The Speaker (Mr. Slade): I am afraid I cannot entertain the closure of a debate from a Member who has already spoken. If any other Member would like to move the closure I will consider it.

Mr. Anyieni: Mr. Speaker, Sir, I would like to say that I regret the fact that the hon. Member who has just spoken has seen fit to say that hon. Members are wasting their time. I have just learnt that this Bill only affects Nairobi and not other areas, and I have also just learnt that a similar Bill has been sent to the Regional Assemblies for approval. While we cannot go to the Regional Assemblies, we might as well air our views here. These views might help the Minister to regulate some of these Bills in the Regional Assemblies.

The Speaker (Mr. Slade): This is not relevant to this Bill, which deals only with Nairobi. On the other hand, experiences of hon. Members in their own areas may have a bearing on the desirability of this Bill as affecting Nairobi. Hon. Members can speak of their experience of that legislation in other areas, but not with a view of influencing the legislation of the Regional Assemblies. They can speak only when relevant to this legislation here.

Mr. Anyieni: Thank you very much, Mr. Speaker. You have said, Mr. Speaker, that I must speak only on Nairobi and so I must say that we thank the Minister and we hope that from now on—after we have passed this Bill—we are not going to have *askaris* arresting people on the roads. This will happen because if it is taken for granted that everybody will pay as he earns those people who are not working—who are looking for jobs in Nairobi—will not be asked to pay tax at all. If we pass the Bill people will be paying as they earn and then *askaris* will start molesting people on the roads, and if this happens this Bill will have no useful purpose at all. We will have the situation that while a man's pay is being taken at his office an *askari* will be waiting for him because he will not have a receipt. Therefore, we would like an assurance from the Minister that from now on we are not going to have such

tax collectors or *askaris* on the roads molesting those people who are looking for jobs.

The other thing I want to say, Sir, is this. It seems the Minister said that he is bringing this Bill so that they do not have to collect taxes directly. We would like the Minister to find a way whereby a person who is looking for a job can have something to show which will establish that he is looking for a job, and when he gets a job the Government can expect him to pay tax. I would also like, Sir, the Minister to recognize one fact. Not only in Nairobi are there people working who have come from outside the city while still maintaining families in their respective areas; there are other places where this happens, for example, Kericho. In Kericho there are about 60,000 people working and most of them do not come from the Kericho district. This Bill will mean that only in Nairobi is there going to be an authority to transfer money to the workers' respective districts. This indirectly means that the people working in the other areas are not going to have taxes transferred to their home areas.

Mr. Speaker, if you take, as an example, a piece of land in one of the Scheduled Areas you will find that very many people work there and the housing situation is such that a person cannot have his family living with him. Therefore, he has to maintain his family at his own home so that he can go out to work and get a few shillings to help educate his children and pay his taxes. If this Bill does not extend outside Nairobi, it is surely going to lead to trouble in many areas. We would like to have an assurance that this situation is not going to come about. I know that sometimes the Busia County Council sends a collector to Kericho and he collects about Sh. 300,000 and if this Bill does not extend to these areas it will mean that the County Councils are going to forfeit this money and this money is going to remain in the area it is collected.

Mr. Speaker, Sir, the other thing I would like to say is that in Nairobi we do not have farmers as such, but then in the method of taxation we would like the Minister to extend this to all areas. We have different ways in which we collect money, and we would like the Minister, in the near future, to find out what he can do so that the idea of direct taxation goes *kabisa*. We have some people who are being taxed too heavily and in too many ways. We have, for example, women who bring their crops to the market and they are charged by the market too much in dues. A woman may have a crop costing about Sh. 3 and out of that money the poor woman has to pay about 20 cents. Is it reasonable that a woman who wants Sh. 3 so that she can buy some sugar should be taxed 20 cents?

The Speaker (Mr. Slade): We are dealing with direct taxation, which this tax involves, and which is provided for by the Constitution. This is a matter which affects the Constitution. We can discuss the system of taxation and the method of taxation as regards administration, for which this Bill provides, but not the principle of direct taxation by personal tax.

Mr. Anyieni: Mr. Speaker, Sir, I would like your ruling because we have been having direct taxation, but this time it will become indirect because we will not see the money. That is why I am dealing with all these aspects.

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

Mr. Anyieni: Mr. Speaker, Sir, we have been having people demanding that we should pay our taxes, but now the Minister has introduced a Bill whereby we do not know we are paying the tax because we only pay a few shillings every month. Therefore, I thought I had better deal with the whole thing.

The Speaker (Mr. Slade): I understand now. That is in order.

Mr. Anyieni: I am asking the Minister to explain it. Mr. Speaker, We all have different methods of earning money, some people get their money from working, from employment, but some other people get their money by employing themselves so to speak. I am trying to urge the hon. Minister to extend this so as in the long run we will get rid of people coming and demanding tax from us. We will be earning the money and at the same time paying our taxes, and so there is no need for anyone to come and ask you for your taxes. We will not have people going to jail because they have not paid their taxes and we will not have people arrested on the roads because they have not paid their taxes.

Mr. Speaker, I am speaking about the people who are not employed, who are self-employed, probably in their own *shambas*. The Minister could do well to extend this Bill so that a person, for example, getting Sh. 3 or Sh. 4 for a bag of maize will have 50 cents taken away by the Government, thereby leaving the farmer with Sh. 3/50, and then the farmer would automatically have paid his tax. This would be very economical for the Government because the Government would not have to employ tax collectors to go round and collect the money. The Government would not have to pay the *akaris* who are doing nothing except molest the people.

Therefore, Mr. Speaker, we would like the Minister to take this very seriously, and I am

opposed very strongly to the idea of people going to the market and being taxed 20 cents. This is the point I was trying to make when you cut me short. Mr. Speaker, I am making this point because it is not fair that a woman who has crops worth Sh. 3 should be taxed 20 cents. I think it would be a good thing, as we, also, are going to pay as we earn, if we were asked to pay 20 cents for every Sh. 3 that comes into our pockets.

Mr. Speaker, with those few remarks, I hope my hon. Minister will take note of these things.

An hon. Member: On a point of order, I beg to move that the Mover be called upon to reply.

The Speaker (Mr. Slade): I think there has been a fairly long discussion, and so it is up to the House to say whether they will now close this debate.

(Question put and carried)

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, first of all, I feel that I must thank those Members of this House who have so usefully contributed to the debate. There is only one thing I would like to say, Sir, before I attempt to answer the various points raised in the debate. When I was introducing the Bill I assumed that the Members had had some time to look at the Bill and appreciate the various aspects of it. This is why I did not explain everything in detail, and the result is that some Members—they may not have had enough time to study the Bill—raised some points they would not have raised if they had studied the Bill. This has been pointed out by some speakers and for that I thank them.

Mr. Speaker, the Bill applies only to the Nairobi area. This does not mean that people in parts of the country, other than the Nairobi area, will not pay this tax or a similar tax. It does not mean this. However, it seems as if Members here are anxious to think that we are asking the people in Nairobi to pay a tax that no one else in Kenya is going to be asked to pay. This is not so. The only difference is that this Bill is being passed, in the case of Nairobi, by the National Assembly. In other Regional Assemblies throughout the country a similar Bill will be passed and I, therefore, want to put the minds of the Members of the House at rest by making it clear to them that not only the people living in the Nairobi area will pay this tax; other people will also pay this tax throughout the country.

Mr. Speaker, Sir, the second point I would like to make, by way of general reply to various points raised, is that this personal tax—or after the Bill is passed, we shall refer to it as the graduated personal tax—will be graduated and because of

[The Minister for Local Government]

this it is an income tax. I want to make this point clear because some Members expressed anxiety about the unemployed people, especially in Nairobi. I want to make it clear, before I explain this, that this Government is, perhaps, more concerned about the unemployed than any other person in the country. The Government is thinking of them all the time and doing everything possible to see those citizens of the country who are not employed get employment and a means of earning a living. This tax is an income tax and if one does not have an income one does not pay. It is just as simple as that. No income, no tax. This is what it means, and this should be made clearer because people seem to think that "income" only refers to a person who is actually employed. That is not so. You can have an income even if you are not employed. For example, if after working for, say, two years you have saved some money and put it in the bank—say Sh. 10,000—you will be getting interest on your capital deposited with the bank, and that interest will be considered as income for the purposes of this tax. Therefore, the Members should realize that employment is not the only means of income. Sir, I think that that settles the anxiety Members expressed about the unemployed in Nairobi because the unemployed are fully covered.

The third point, Mr. Speaker, Sir, which was raised by several Members—it is very important—is the one of people working in a city, say, like Nairobi, but with families living elsewhere. We have taken this into consideration in drafting the Bill and the provision is this: if a person is working in Nairobi, but has a family, a wife and children, say, in Machakos, or Mombasa, enjoying the services rendered by those particular authorities. This is what I referred to when I was introducing the Bill when I said that I will introduce later on in this House measures regulating the transfer of taxes from one part of the country to another. Arrangements will be made so that this man's tax, which will be collected in Nairobi, shall be divided in half, one-half being retained by the City Council of Nairobi, and the other half being sent to the authority of the area in which his family lives. We think this is very appropriate because when a person is employed in Nairobi and lives in Nairobi obviously he enjoys services rendered by the Nairobi City Council. We thought it fair that this person should be required by law to pay part of his taxes to the City Council of Nairobi.

There is an aspect of this division of taxes, or transfer of taxes, that was also raised by an hon. Member. He asked what happens when a person

is transferred from one local authority area to another. This is what will happen: if, for example, you are employed by the East African Railways and Harbours which has its headquarters in Nairobi, and you are posted to Nakuru, your tax will be deducted where the payroll is prepared, and that is in Nairobi. If you are transferred from Nakuru to Kisumu or to Mombasa your tax will still be deducted where the payroll is prepared, so that the question of a transfer does not introduce any difficulties at all as far as the deduction is concerned. It may only be complicated if the employer's headquarters are transferred, and this is very unlikely and does not usually happen.

Another raised by an hon. Member was the one concerning Kenyans living outside the country, say, in Uganda. I would like to remind the hon. Members that in this particular case they should consider Uganda in the same light as any other foreign country such as Russia, India or America, because a person working in Uganda is working in a foreign country. People from Uganda who will be working in Kenya after 12th December, before we federate, will be considered as foreigners, that is, if they do not take up Kenya citizenship. This, I believe, answers the questions raised by hon. Members about those of us who may be working in Uganda but have their families here. They will then be working in a foreign country, and until we federate it is going to be difficult for us to say anything with authority in this House about a man employed in a foreign country.

Another interesting and important point raised by an hon. Member concerned the difficulties envisaged of assessment with regard to African traders who may not keep accounts of their businesses. I want to say one thing here, and that is that when it comes to the question of assessing the income of those who are not employed, it is going to be very difficult to expect a high degree of accuracy, but we are going to do our best to see that the assessing committees do their work in as just a manner as is humanly possible. We have seen to this by making provisions so that if someone feels that his income has not been properly or justly assessed, he can appeal to a court. I do not think hon. Members will be making a reasonable request if they ask me to provide a more just way with regard to adjusting assessments than by making provision for a court to go into it should there be any dispute.

An hon. Member asks for how many months an employed person will be expected to pay the tax. You will pay the tax every month for as long as you are employed; every month. When

[The Minister for Local Government] you are out of employment, and this can be proved, you will not be required to pay the tax, because there will then, in that particular case, not be any income for you. That is if employment is your only source of income.

The hon. Member for Laikipia raised a rather interesting question, and as he was talking someone shouted something to the effect that he was being a tribalist. I do not think this is so, and I think his point was interesting enough to warrant a reply. The hon. Member asked whether the Government could do something about the settlement of people in the Laikipia area, because people who have been living there go to areas other than that particular one to settlement schemes; some of them go to areas such as Kericho. This is what I have to say in this regard: anybody settled in any part of Kenya will be expected to pay his full tax to the particular authority he comes under, and we are not interested in where the person comes from, because when you are settled in an area that becomes your home for the rest of your life. You are a Kenyan, and where you live does not concern us. The only thing in which we are interested is that services rendered by the local authority are paid for by those served by the authority.

Mr. Speaker, Sir, I want to make one last point about this tax. This is by way of repeating what I said when I introduced the Bill. I am quite sure that with the explanations and answers given here, the Members will wholeheartedly support the Bill, because we are going to depend very heavily on how well the people pay their taxes in order to be able to serve them.

Mr. Speaker, Sir, I beg to move.

(The question was put and carried)

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

THE KENYA CITIZENSHIP BILL

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I beg to move that the Kenya Citizenship Bill be read a Second Time.

In moving this Bill, Mr. Speaker, I have very little to say, because the Bill is self-explanatory. I think most of the important parts are included in the Constitution. It is written very clearly and in great detail. In this, our Constitution is a little different from those of Tanganyika and Uganda, because in those Constitutions they have not gone into as much detail as we have in the Kenya Constitution.

This Bill only attempts to fill in the gaps with regard to some aspects which might not have been very clear in the Constitution itself. I would like just to go over it briefly. In the first paragraph of the Constitution, citizenship by operation of law clearly states that a person born in Kenya, one whose parents were born in Kenya and who is at independence a citizen of the United Kingdom and Colonies, or is a British Protected person, automatically becomes a citizen of Kenya and need not either apply for registration or any other procedure which is required. Also, any person born outside Kenya whose father qualifies for citizenship in the above also becomes automatically a citizen of Kenya.

Mr. Speaker, when it comes to the question of registration—that is in the second category—we have it that there are in Kenya at the present moment some people who, although they have lived in Kenya for a certain period, have still taken the citizenship of other countries, or countries of the Commonwealth. Such people are given the option: if they want to register as citizens of Kenya, the first thing they have to do is to renounce the citizenship of their former countries. We do not accept dual citizenship; just as in Tanganyika and Uganda they have not accepted it. We have given those people who are in Kenya and who intend to take Kenya citizenship a period of about two years within which to make up their minds with regard to whether they are going to renounce their former citizenship and take out Kenya citizenship. During that period, we shall give them the same treatment as Kenya citizenship, but immediately after the expiry of two years, they will be regarded as aliens, and not as Kenya citizens.

Furthermore, there are certain considerations which this Bill clearly states. In order to qualify for registration as a citizen, a person must have lived in Kenya for about five years continuously. We do not count those who make safaris from time to time away from Kenya. At the same time, he must be over 21 years of age, and he must satisfy the Minister that he is a man of reasonably good conduct in order to qualify for registration.

Also included in that category for registration are citizens of other independent African states who may wish to register. On the other hand, we say we will only consider them if their country, where our citizens live, affords our citizens the same rights to register in their country. If their country will do the same, we shall allow them to register in this country.

There is also the complex question of persons of African descent. There may be some people who at the present moment do not belong to any

[The Minister for Home Affairs] one independent African state but who have lived long enough in Kenya and would like to register. Provision is also made for them, and they will be considered in exactly the same way as the other people.

Mr. Speaker, although in the end I shall be asking Members to delete the paragraph dealing with naturalization, it is stated clearly in the Constitution. We will not have it in this Bill because it will become redundant. The Constitution clearly specifies that a person who will qualify for naturalization will be an alien who, for the last twelve months, has lived in Kenya continuously, and he must have lived in Kenya for an aggregate of four years over the last seven years. When you take that four years together with twelve months, that will come to about five years, and such a person, if he qualifies and satisfies the Minister that he is a person of good conduct and is over 21 years of age, will qualify for naturalization and can become a Kenya citizen.

Now, Mr. Speaker, Sir, all other things I think are more or less routine, and need not actually worry the Members, and I do not think I need go on wasting the time of Members. The Bill itself is quite simple, and does not diverge from any other citizen bill which has been introduced in East Africa, or in many parts of the world. I know that many Members might be hesitant about talking about South Africa and so forth. Even the individuals who come from South Africa, and so on, do not like to engrave South Africa in their faces. At some time they found themselves living in South Africa, but if they renounce their citizenship of South Africa, and they say "I am now a Kenyan man and have nothing to do with South Africa, I am completely loyal to Kenya, to the Government, and be a citizen in Kenya", I do not think we should be unreasonable, Mr. Speaker, Sir. We know that we hate what we call the system which is pursued in South Africa, but I do not think we hate the individual in South Africa. We only hate the system which is adopted by the South African Government, and that system, if there is anybody who sympathizes with that system, then they should not be in Kenya.

Mr. Speaker, Sir, I will ask the hon. gentlemen that as this Bill is so short, straightforward and so on, we should not waste the time of the Council but I shall just give them time.

Mr. Speaker, Sir, I beg to move.

The Parliamentary Secretary for Justice and Constitutional Affairs (Mr. Nyamweya) seconded.

(Question proposed)

Mr. Ngala-Abok: Mr. Speaker, Sir, being a Member of the Government, I am supporting the Bill, but as usual we have freedom to express our views on points which are made to us. First of all, I would like to say—this I have said in the past—that we need full consultation on such matters of importance to the whole country. Although this Bill was discussed in London, and it has taken the Government time to sort out, it may be similar to what has taken place in other countries, the major part of it. Of course, we on the Government side, and probably all of us, feel that we ought to have been consulted very fully. We have known from past records that some people will take out citizenship, they will record themselves, but will still maintain the mentality of another country, and will act accordingly regardless of whether or not he has accepted to be loyal to the Prime Minister, the country and the laws. In some places there is a system for everybody, regardless of the fact that one has been there for ages and regardless also whether you automatically qualify for citizenship as outlined by the Minister, that you must be checked throughout before you are accepted as a citizen. Everyone has got to apply, and provided that he is proved fit, he will be accepted, because those with different schemes are loyal to this country and to the other. They have two legs, one in Kenya and one somewhere else. They cannot help it, it is troubling them very much, even those who come in the automatic category of this particular Bill. They may not agree that they want to be citizens. Therefore, what should have been done was that every person who is not black should be asked to apply, and then they should have been traced over the places they have worked. If he has been a general manager, a letter should be sent to the workers. The workers will then qualify him, say that this man has been good in the last twenty-five years, and I would say, I may be corrected, that this has worked very well in Tanganyika. You apply to the Minister to become a citizen of Kenya, but the Minister has investigating officers who are ordinary people. You cannot come to me. I may recommend a man from what I see on the surface, because he was very good when I visited his farm, or went to the Medical Department where he works or when I saw him in the Forestry Department. He may have been working very well, but that is not enough for him to qualify automatically. You do not come to me; you go to an ordinary person who is probably earning Sh. 20, a person who could complain of the past and present activities of this applicant and whose recommendation would be reliable. If he says that that particular person is good, then the Minister will be satisfied.

[Mr. Ngala-Abök]

and in fact it will be found later on that such a person is a good citizen. There will be no conspiracy. No attempt will be made to overthrow the Government by the wrong sort of citizens. Such tactics could be used by people forced to become citizens. Underground, they could be dealing with another country.

Mr. Speaker, Sir, this is a Bill which is very, very important. In every Ministry there are a number of Members who are on parliamentary Ministerial Committees and, at the moment, the Minister for Home Affairs is moving this Bill, but the Minister for Constitutional Affairs was dealing with it in the past. This could have been discussed very well by Members of the Government who belong to the committee of that particular Ministry, but in the majority of cases the Ministers have ignored the Members who belong to those Ministerial Committees, so that they just do these things in the Cabinet and this House. I must warn very strongly that this attitude must be dropped and a better system of consulting the Government Members devised.

Mr. Speaker, Sir, we would not mind being left out when considering some light subject, or matters which are not very vital, but a thing like this: citizenship, if people do not check very well, tomorrow we will find another Government, because of a person we do not want is accepted as a citizen. If you enact a law that someone can become a citizen automatically, and his skin is not black, he should be able to tell us whether or not he still has thoughts of his original country.

An hon. Member: You are becoming racial!

Mr. Ngala-Abök: It does not matter it is a racial issue, Mr. Speaker, I do not want to dwell on that particular paragraph of the Bill, but we must use certain methods to make our Government sure that nobody will organize any *coup d'état* for that matter or work against the Government. This is going to be a problem, and selecting the people who will be loyal to the Prime Minister and to the Government, and who will work sincerely for our Government is the most important thing on which Members of the Government side should have been consulted as a group and should have aired their views. Why should we copy other countries. The Minister has said nothing is very much wrong, many countries have practised different systems, but Kenya is Kenya. We are not worried what other countries did with their Citizenship Bill. We want to accept what we ourselves put forward. May I tell you that the few people who decided on the Citizenship Bill are

not the very people who formed this Government, and this must be accepted. Therefore, the views would have been registered and everyone on the Government side would have been given time to record his ideas. I do not accept the suggestion that because you have been here very many years, and yet have been visiting England and India, you will not wish to go to those places where you may have your brothers. Those who apply must be able to prove his case. You are interested in that country; all your capital you send back to your home, and then today you are surprised with the Bill, that you will automatically become a citizen. This is the point, and that is the particular paragraph I object to very much. Otherwise I support the Bill.

Mr. Gichoya: Mr. Speaker, Sir, I will speak for a very short time to get some clarification from the Minister. The Bill has been brought before this House a few days before *Uhuru*, and to me I think that is a mistake. We should consider such a Bill in a very quiet atmosphere without any prejudices, without any pressure. This Bill was drafted as a result of a tug-of-war between the immigrant races and the nationalists. Then the nationalist Government came into the picture, and were influenced by the same pressure; we were told, they were told, "You must do this, this must be done and that must be done, if we are to remain in this country," and our Ministers had to get this Bill through before independence. They had to tie up the whole Parliament and nation before we could take a decision. They could not come to us as a free people, a sovereign nation. Now we are working under pressure from Great Britain, from India and Pakistan, and we have to accept this Bill to clothe their nationals with the nationality of this country. Mr. Speaker, Sir, I feel that a measure which is brought through pressure will never last very long. That is one of my observations.

The second observation arises out of something I have seen here, "ordinarily resident in Kenya." This takes me back to the registration of voters. When we registered as voters, one was ordinarily resident and was put in the same category with others. If I am a native of this place, I am subjected to the same laws. We have lost one of the strongest members of our community, a Member of this Parliament, Mr. M. M. Mutiso, by the application of this clause, "ordinarily resident", words which are not defined clearly so that we know what is meant by "ordinarily resident". Why should we have loopholes here and there, so that if I were a judge I would say that ordinarily resident must mean this, and Mr. X as a judge would say that it must mean something else?

[Mr. Gichoya]

Mr. Speaker, Sir, the Minister for Justice and the Minister for Home Affairs are here and I would like them to operate the Bill with a clear mind, knowing exactly what they mean by ordinarily resident. They must mean within twenty days in one calendar month, or within so many days in one year. We must know what this means, whether it is the ownership of property which makes you ordinarily resident, so that our judges and our magistrates will not be confronted with the problem of what we mean by "ordinarily resident".

Mr. Speaker, one might say I must consult the Chambers Dictionary, another might say I should consult the Oxford English Dictionary. Now, which is the standard dictionary? The one says this, the other says that, this magistrate says this, the other says something else. We need a clear definition categorically of the words "ordinarily resident".

Mr. Speaker, I move ahead. I quote, Sir, a section, Part 4, Supplementary section 17: "The Minister shall not be required to assign any reason for the grant or refusal of any application under this Ordinance, and the decision of the Minister on any such application shall not be subject to appeal to or review in any court".

We are creating a nation which is going to be free, whereby I must feel very secure that the law of the land, and the court is at my disposal to get my case solved. Why on earth should we make Mr. Gichoya the man to determine and to define, while he, is not supposed to assign any reason whatsoever as to why he does not accept this, or why he has accepted that? One of the hon. Members who spoke put it perfectly clearly that the ordinary native of this country is the best judge and ought to know whether Mr. Patel really qualifies or not, because as a working group those who have worked with Mr. Patel know him, his behaviour, his treatment of his workers, his feelings towards the country, but not Mr. Gichoya, who otherwise might have seen Mr. Patel once only perhaps at a cocktail party and is prepared, for one reason or the other, to say "Well, Mr. Gichoya, I feel I must be a citizen of this country because I have my interests in this country." But in his heart of hearts that Patel is not sincere, he is not even worthy of it, and he is clothed with the uniform of the native of this country. I suggest that before this Bill is brought to this House it be kept in abeyance until we get independence.

Mr. Speaker, Sir, I find it very difficult to vote against the Bill, because it has been brought by

my Government. I find it very difficult conscientiously to support it. I request and appeal to my Minister not to rush the Bill but to keep it in abeyance perhaps for modification of the Bill or to delete certain clauses and add others which we actually feel are more vital to the national existence. Mr. Speaker, Sir, I said that I wished to put forward a few remarks and leave the Bill as it is, but I repeat, as a Member of the Government, I would find it very difficult conscientiously to support. I am conscientiously bound by the whip and find it very difficult not to support it. All the same, in my own conscience I will not support it as it stands.

The Speaker (Mr. Slade): Before continuing this debate, I should like to point out to hon. Members that in debating the second reading of a particular Bill, we are not in a position to debate the merits of the Constitution of Kenya. Now the subject of this naturalization is covered to a great extent by the Constitution as it now stands. In so far as this Bill is merely a reflection of the Constitution, it is beyond the reach of the House to debate it today. In so far as it elaborates the Constitution in further detail, then indeed, it is open to discussion like any other Bill. This does limit the range of the debate rather more than some hon. Members realize.

Mr. Gichoya: On a point of order, is it not in order for Members to be given a copy of the Constitution to which this Bill is tied up, because we have not seen the Constitution.

The Speaker (Mr. Slade): It is certainly most desirable that every Member of this House should have a copy of the Constitution, but it is not for me to rule as a point of order how they are to get it. I am sure Government will appreciate the point, and do something about seeing that hon. Members are so provided.

Mr. Mutiso: Mr. Speaker, Sir, I stand up to support the Bill because I believe it gives us that national identity for which we have struggled for over sixty years. But I shall make just a few remarks in the form of questions to the Minister and I hope when he has the time to reply he will enlighten the House on the points that I shall put to him.

First of all, Mr. Speaker, anybody who knows anything about the history of this country knows that the African in Kenya expects to feel and intends to see Kenya become an African nation. Any Government, therefore, that wishes to be practical must accept this inevitability. For this reason we would like to know what the Government's attitude is going to be on some of the

[Mr. Mati]

categories of persons to whom the Minister referred. The Minister very ably defended the South Africans who live in this country. I have a bit of sympathy with the Minister in feeling that we should not be anti-individuals, that we should oppose systems and not individuals. But, Mr. Speaker, although I am partly a product of South Africa, in that part of my education was obtained in South Africa. I still feel that in recent weeks many South Africans in this country have shown that they have no faith whatsoever in a future African Government in Kenya. There have been reports, and these have not been disproved, that South African settlers are sending their property to South Africa before the 12th December in the hope that they will come back and try their luck here. See whether they can stay. Now, Mr. Speaker, any person who does that obviously has no confidence in this country and how can we trust such people to be among us. We feel that the Government must make it perfectly clear to this House exactly what their attitude is going to be towards such individuals. Again, Mr. Speaker, in recent weeks we have seen the great scramble of Asians trying to get British passports. What were these passports for? These passports were a protection against something they fear and what is that that they fear? They fear an independent Kenya nation, which shows that they do not yet accept the idea that they could be part and parcel of this country. The Government must state clearly what their attitude is going to be towards such individuals. Until the Government has made those points clear to us we shall still feel that this Bill does not come up to expectation. But if the Government can show clearly how they intend to handle that situation, then Mr. Speaker, we will—

An hon. Member: On a point of order, shall we have a formal declaration from the Leader of the Opposition that he has crossed the floor today.

Mr. Mati: Until the Government clarifies these two points that I have made, we shall feel that this Bill has not quite satisfied our expectations, because it will leave, when it becomes law, a very dangerous loophole where people who have no confidence in this country expect to be treated equally before the law with the sons of the soil. We believe that the reactions of these two groups which I have referred to, amount to sabotage of our economic recovery and we feel that we cannot accept as our equals people of divided loyalties.

Mr. Odunya: Here is a Bill for us which is very important, and I think it is an important issue, Mr. Speaker. Our people outside are now waiting to see what this Parliament, which they elected into power, is going to do for them. Now here we have the Cabinet which we have given authority to assist and guide the Prime Minister to administer the powers of administration just like any other Government, but this Cabinet on many occasions have failed us, and I think the Cabinet Members who are here must admit that they have failed us in many ways. We have already, Mr. Speaker, for your information, selected a ministerial committee as the previous speakers have said. This ministerial committee is there to advise Ministers, or the Minister concerned, before he brings such a Bill to the House, or anything else to the House, on what to do. The Ministers have failed to recognize the importance of this committee, so now you find a Minister who is coming with a very important Bill, which is really a national Bill, and telling us to approve it. Now this is the problem. In the country, as my hon. friends have said today, we have people of different characters. Some of them in the past, and even up to the present, are not in keeping with the word *Harambe*, which the Prime Minister says. Some of them are here for business and no more. They only came here to make profits, and were not interested in anything or of promoting the Africans interest. So now after realizing that Africans are taking over responsibility for administration, they are now changing their tune and are running back to their countries again. Some say that they are not sure of what an African Government will do, they are trying to run away from the country, and most of them have taken away the money. Even though the Minister was telling us here today they are going to become automatically citizens, their money is not here. Some money is sent to Bombay, some to London, New York, France, South Africa and all these places. We do not have Russians—Mr. Speaker, Sir, I think my hon. friends should listen instead of going on talking about Russians who are not here. They have not made our country a colony, we know the people who have made our country a colony.

Now, Mr. Speaker, I come from Teso where there are some Asians running business, and these people even up to date have not changed their attitude. The mentality they had before of calling an African, regarding him as just a minor thing, going on abusing him, calling him anything, is still going on up to date. Now how will this Government, therefore, expect our people to work together with these people when they are declared automatic citizens, or if they are going to accept

[Mr. Odunya]

them as citizens of a country without thorough checking? On many occasions I have gone into a shop, where they do not know the kind of work I am doing, and find some Asian, in fact, or European, but most of the Europeans do not own shops, but let us say Asian, and they abuse us. They go on abusing our people, calling them anything and say I am also born here, what are you going to do? The Government are not expelling me. I am going to become an automatic citizen. This came immediately after the announcement of this particular Bill, by the Minister of Constitutional Affairs before his departure to London. We just went around the country, and found that some of these Asians have now grown more stubborn than they used to be in the past. They do not even regard, even some of the Members in this House have experienced it, us as leaders of the country. So how are you going to help these people, becoming automatic citizens. It is a crime and therefore I think the Minister would have been a little bit reasonable if he consulted the Members of this side, who are supporting this Government, at least to hear their views over this particular important issue.

Another thing, Mr. Speaker, Sir, what we thought would have helped this Government to become more reasonable and also to give the people what they want, and to get the support of our local people, the proper natives, the Government should have consulted the Members of this Parliament supporting the Government and they would advise the Government to form a committee which would be responsible in checking the activities of these rude people. If there are certain facts, of course as the Speaker has already said this thing is in fact in the Constitution. Mr. Speaker, I wish to mention the Constitution, although we, most of us have not been given interchanges of the Constitution book which has been written recently it was not our mistake in fact, but I think this Parliament here has to decide upon the future of the Constitution that is going to serve the interests of our people. Therefore we recommend that the Government should have a committee, which would advise the Government, checking the character of these crude fellows, those wrong ones asking them to clear out, and good ones to stay. There are eight million people in Kenya and Kenya has got room for even another 50 million people, so we are not against anybody, provided that he checks his character and agrees that we are leaders of this Parliament and the leaders out of this Parliament, regardless of colour.

Now, another thing, Mr. Speaker, is as we are well aware that in the past the first colonial Government brought a division among the people

of this country. Some people were called natives, some migrants, now when it comes to the stage where Kenya is going to be a free nation we find our Government ignoring all these facts. It happens so quickly to have them just declared automatic citizens, without even asking why this previous colonial Government was calling some people natives and some migrants. What is the difference? Also the Colonial Government gave more privileges to the foreigners and helped them to look more dignified than the natives. At least this Government should have some experience and be able to recollect some of the past activities of these people, so that something is done to give the proper natives *Uhuru*. The only person who is qualifying to become an automatic citizen is an African. The black men. People black like myself.

Mr. Speaker, all the people will need the help of their skins. I find that my Government has betrayed the nation a little, because they have brought a situation whereby our people will be very embarrassed tomorrow. They are going to question the leaders they elected to guide their interests here and they are going to ask the leaders what is happening. They will say that they are being abused by Asians. Some South African settlers, just because they happen to be settlers, are still very cruel and he thinks that he is feeding animals when he treats Africans. He treats people in a very bad way and so you cannot expect a proper native to associate with such a man under one standard and under the word "*Harambe*". If this word "*Harambe*" is going to be used by this Government to exploit the poor population of the country, I will tell my Government that tomorrow we shall all be ashamed here to find people saying that they do not recognize us. The people will tell us all to walk out because they will want to appoint a new Parliament. The public have given us a duty to perform and so we must, at least, do something in a proper manner so that our people will be convinced that we are doing a good job. I do not say that we are against all the Europeans or against all the Asians, but some of these people are very bad and this Government will not tolerate their activities.

We are going to discover, Mr. Speaker, that some of our friends in the Cabinet are being pushed by people who are working in their Ministries. Some of these people are Permanent Secretaries and some of them are officers and advisers of the Government. They say, "If you do not do this such and such will happen and if you do not do this something else will happen. You will not attract investors if you do not do this and that". This sort of thing, Mr. Speaker, should disappear and I want my Minister to guide the Prime Minister in the interests of our people.

[Mr. Oday]

the typical black people. However, if the Ministers are just going to be pushed by certain imperialists who are trying to betray this Government. They tell the Ministers to do certain things and then the next day they send to their agents. This is what is happening and here in the country today we have a Press which is being used by foreign powers to exploit the security of our Government. The people who are employed in the Press will tomorrow be becoming automatic-citizens and they are the people who are going to stir up trouble in Kenya and they will make Kenya a failure. This is why we want to correct this Government and press the Minister to suspend this particular Bill until the 12th December. After that date, when the next sitting comes around, the Minister can bring this Bill with some corrections which we will tell him to do. This particular Bill will then be able to meet the interests of the typical black people like the Members of Parliament here. We are not going to have a few individuals, to whom we have given the power to guide the Prime Minister, continuing to suggest things to us that are wrong. Do they regard the Members of this Parliament as children? Do they regard the Members of this Parliament as people with only *machungu* in their brains? The Members of this Parliament are aware of what is going on and they should be consulted on very important issues for the interests of the nation.

I have found, Mr. Speaker, that our Ministers have inherited this Colonial mentality. We find a few individuals sitting round a table and passing very, very important issues and then they dictate to us. They say that just because this Bill is presented by the Government we are bound to support it. This is the second warning we have given to this Government. I have had to say this before and now I am repeating it again. Next time this Government ignores an important issue that we request them to talk on, we are going to vote against such a Bill, and then this Government will be doomed. We speak for our people and we are aware of what the public want.

The Speaker (Mr. Slade): It is now time for interruption of business.

MOTION ON THE ADJOURNMENT

KENYA PRELIMINARY EXAMINATION PAPERS LEAKAGE

The Speaker (Mr. Slade): I will now call on a Minister to move that this House do now adjourn.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I beg to move that the House do now adjourn.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko) seconded.

(Question proposed)

Mr. Ngala: Mr. Speaker, Sir, I move this Motion arising from Question 204 related to the leakage of Kenya Preliminary Examination papers which was very unsatisfactorily replied to by the Acting Minister for Education yesterday. I had hoped that the Minister himself would be present to reply to this very serious and important matter, but Government has not deemed fit to have the Minister himself to reply to these important debates. I gather we will have to put up with the Acting Minister again in this Motion on the Adjournment. The Government gave a very vague reply yesterday and not a decision on the question of the leakage of the Kenya African and Kenya Preliminary Examination on which a serious and immediate action is needed. The Minister admitted yesterday that the leakage had taken place, but said that the C.I.D. are investigating. He also said that examiners had been instructed to look out for irregularities while correcting the papers. The Minister stated also that re-examination is the answer and the fairest thing to the other schools unaffected by the leakage. A serious thing which the Minister did not do was to make a decision having said that a re-examination was the answer. I expected the Minister to say definitely that these schools that have been found guilty of this leakage should take another examination. There are three possibilities which perhaps the Minister would reconsider. The first one was to mark the papers and pick on aggregate marks on the terminal or weekly tests to decide whether the children have passed the examination or not. This is completely unfair and abnormal and very discriminative. Some of these schools do not take calendar examinations. The Minister did not say yesterday whether all the schools affected or at least the schools they have discovered so far would allow these terminal and weekly tests to enable the headmasters to assess the children. I think this would have been very important information for the House. Some of the schools have been mentioned to the Minister by the Education Officer in Nyeri, Mr. Muteli, and also have been made public to the Press. Therefore, assisting the children on weekly tests is quite unacceptable to the parents who are affected by this leakage, and also to the pupil who has sat for the examination genuinely expecting to get a fair judgment on the results of the K.P.E. While correcting the papers, the examiners are looking out for irregularities. Why is it necessary for the examiners to correct these papers of children who have misbehaved, or whose parents or friends have probably handed these papers to them? Why is the

[Mr. Ngala]

Ministry wasting money engaging examiners or teachers to correct these papers? Is there anything sinister in the whole move of the Government? Do they want to correct these papers and then later on give a funny excuse that we have seen that there is not much defect and damage done, so the results will be taken? We feel very strongly that there was no need at all for the Minister to say that the examiner would correct the papers. Those of us who have had the work of correcting thousands of papers know exactly that you do not have time to observe irregularities. You are concentrating on the sort of reply the pupil has written. What kind of irregularity can you discover? If the pupil is asked who the Speaker of the House of Representatives is, all the pupil has got to say is: Mr. Humphrey Slade. If he is asked who the Speaker of the Senate is, he only has to say: Mr. Chokwe. How can you discover irregularities between a thousand copies? Unless the Minister has no experience of correcting thousands of papers I think that he should review this point very seriously.

My only solution is that these schools should re-set the examination. In fact, the Minister has been advised by the Education Officer in Nyeri—he said this in the *Daily Nation* on Saturday—that the only solution is that the examination should be reset. He also says that the Government should take serious and immediate steps with regard to this matter. In fact, instead of following this advice, the Minister has decided to postpone his decision. Therefore, I am moving this Motion so as to get a clear undertaking from the Minister that this examination will be reset for the schools that are discovered to be responsible for this leakage. We do not accept the idea of papers being corrected and the examiners detecting any irregularities. We do not accept that; the Minister gave us this yesterday. We do not accept the first idea either of results being given on the aggregate marks of terminal examinations or weekly tests. These two ideas are completely unfair and unacceptable to the parents. We want the Minister, after he knows the truth of the whole situation, to order the examination to be reset by the authorities concerned and for the schools concerned.

This leakage is the second one we have had in about a year and a half. I do not know whether the Department of Education is losing its efficiency because of Africanization being carried out too quickly. I would like to know whether this leakage shows a deficiency in the Department brought about by the Africanization scheme. I would like to know this definitely. I would also

like to know whether the Minister is prepared to make those people who work on these papers take an oath of secrecy.

I think it is high time the Government realized that the Minister for Education is so inefficient that they should ask him to resign and give the job to a more capable person, because these assessments of the seriousness of the matter are very different.

Mr. Speaker, Sir, I only want the Minister to tell the country that the examination is going to be reset, and from here to January next we can arrange for the examination to be reset.

Mr. Anyieni: Mr. Speaker, Sir, I do not exactly know the Government's line on this matter, and so I will say what I think is right. On many occasions we have learnt that, in certain regions, the results of examinations are very low, and in certain other areas, the results of examinations are very high. We now have a situation which proves that some people, and not only one child, as was the case last year, but several; almost one whole region, in fact obtained the papers and then managed to retain all the answers in their head. We also have a situation where some other children in the same region did not know the answer. The future of this country depends on that examination paper. This being the case, Mr. Speaker, we would like the Minister to examine the best possible way of putting this matter right. We cannot blame the people of the races or the students. We shall blame those people in the offices, to whom Government has given their trust and responsibility to see to the well-being of this country. These other people should be blamed. If we say that unless these boys have a receipt for the examination, are we sure that the standard which will be set for the re-examination will be the same as the standard of the paper which the other students underwent? Mr. Speaker, in those areas where there was a leakage we are going to find (Inaudible.) If this is going to apply there, then it must apply to the whole region, because otherwise what is going to happen is that a child will not be given a certificate for a national examination. We cannot say that there is a national examination, when only this particular region sits the examination. We cannot find out the ability of a child, Mr. Speaker, we would like the Minister to correct this matter, not only in that area, because you get some pupils in other regions qualifying very well, and then others doing not so well. For this reason we would like the Minister—it is unfortunate that the Minister himself is not here, but we trust that the Acting Minister who is a very capable man will take this matter very

[Mr. Anyieni]

seriously—to look back at the days when he himself was a schoolboy, and imagine that if we have to be given a different examination, his own examination might be easier, but if it is not, he will always blame the person who set the examination.

Therefore, Mr. Speaker, we demand very serious action from the Minister. We want a correct statement, and do not want to hear that very few students succeeded. We do not believe that it is a question of succeeding, but a question of where we are going next and for what purpose. We are going to come to a situation where we are going to have too many people in the secondary schools, and in the spirit of *harambee* this is quite wrong. If we are going to have *harambee*, we must have *harambee* whereby we all put aside one thing for the building of the next.

Mr. Speaker, we think the Minister for Education should resign. Today more than half of the schools in the area are closed down, but the Minister for Education does not seem very worried about that. We feel, Mr. Speaker, that the Ministry do not care at all, and we are going to have the country calling *harambee, harambee, harambee*. This is entirely wrong. We want the same treatment in all areas, we would like the Minister to give us a statement tomorrow on this point.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, the Government takes a very serious view of this subject, and we are quite concerned about the leakages that have taken place, as I said in answering the question yesterday. It is right that Members of this House should speak with such emphasis on the subject, and we accept the various points which have been made and also the criticisms that are being made. We do not intend to run away from our responsibilities. Having said that, I do not believe that we would meet our responsibility by resigning. The position is this, as I said yesterday. The Government has considered that there have been leakages, but I think it is necessary for Members to appreciate that rather than blame the Ministry of Education, wholesale and in general terms, leakages could have occurred on two occasions. One occasion at which a leakage could occur and which we suspect has occurred, is at the Government Printers. The other occasion at which a leakage could have occurred, and which we are also investigating, is after the papers have left the Government Printers, on their way to the various schools, and I would like to give the House a categorical assurance that in our investigation, it is our intention to seek, as far as is practicable,

all information there is on the area in which these leakages have taken place and to take action immediately when we discover who are responsible for these leakages. It would be highly improper for me, at this stage, to disclose what information we have found out regarding the leakages at the various points, and I hope hon. Members will not press us while these investigations are going on to disclose the names of persons or even in some cases the names of the schools or offices which are involved. I am sure it will only lead to one thing. It would mean that instead of getting more information on the leakages, we would fail to get more information in order to take appropriate action, and I hope that the suspect of the debate will not go very much further, but I say to the House that the Government is determined to find out who are responsible for the leakages and when they have been found, that they will be dealt with according to the law. It is also the intention of the Government not only to find out who are responsible for these leakages but also to seek to take such effective measures as will ensure that there are no leakages in the future.

This is not a very easy thing. One has to trust someone to print these papers, to produce them, and to pack them and prepare them for distribution to the various centres. Someone has to do this job, it cannot be done by angels, and to the extent that it is humanly possible, we have to entrust this job to somebody. If some people have let us down, we cannot completely be without faith in humanity from that point onwards. We must continue to have faith that someone will be able to do this job in future, because it has to be done, even in the years to come. It can only be done by human beings, and I hope we do not end up by distrusting anyone who may be entrusted to do this job in the future. What we intend to do is to ensure that the machinery is so properly organized that no leakages can take place, as far as it is humanly possible to do so.

Having said that, Sir, I would also like to say that where we make certain that a student or students are involved in the leakages or have had access to any of the papers, such students will not be re-examined; they will be disqualified without any further consideration.

Hon. Members: That is wrong.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Any student who is found to have had access and to have had in his possession the examination papers—I do not know what the shouting is about. If a student knowingly took advantage of an examination paper, used it and passed it on to another student, that student

[The Minister for Justice and Constitutional Affairs] must be disqualified because he knew what he was doing.

The second point I want to make is that any teacher or education officer, or any other person who is found to have had access to the papers, circulated them, or promoted the leakage, will also be dealt with, not only as far as disciplined within the Ministry is concerned, but also legally in the courts.

Hon. Members: That is right.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Now, Sir, we have examined very carefully the two alternatives before us: whether to have a re-examination of the various schools in which leakages have been found, discovered, or to set a new examination for all students. The Government's view is this, and it agrees to a large extent with the Member for Majoge-Bassi in his analysis of the situation: we find that it would be unfair to set up a new examination for certain schools if we are not going to do it for all schools. Consequently, we have now decided that there should be no re-examination, that individuals should be dealt with on the basis of the discoveries that we make in our investigations, entirely on their merit as individuals, but we should not set a new examination for a particular school. As the Member for Majoge-Bassi said, such an examination would mean in fact that if some students have passed their K.A.P.E. on the basis of the examination which was set for them recently, others may get a stiffer examination or even an easier one; that is, if we were to reset the examination. Therefore, we have decided not to reset any examination. We have considered whether we should have a new examination for everybody throughout the country, and again we have decided not to do so because of the expenses involved, the administrative problems, and also the time factor. In another few weeks, students must know whether they have passed their examinations and the secondary schools must know whether they are going to have students to fill the places at the schools. To try and do this would mean that we would not be able physically to meet the schedule. Consequently, Sir, we have come to the only practical decision in the matter, and that is that there will be no re-examination, will be no new K.A.P.E. examinations, but each case will be investigated and dealt with on the basis of merit: as I have explained, and what is more we are determined that this situation will not be repeated in the future. We have examined the possibility of using the formula of the aggregate of terminal

examinations, and since I made this statement yesterday we have now come to the conclusion that it is not a very easy method to use, as the hon. Leader of the Opposition has pointed out. It is very, very difficult, when dealing with thousands of examination papers, to go to each school and examine carefully and fully the aggregate of the performance of each student at the terminal examination. It would be impossible and an impractical job, and therefore we do not now intend to pass any student on the basis of the aggregate.

However, Sir, I do wish to say to the House that the Government entirely agrees that this is a very serious matter, that it is a very serious thing which has happened, and something which must be avoided in the future. I can give a categorical assurance to this House, that as far as it is humanly possible the Government intends that there will be no leakages in the future.

Mr. ole Tips: Mr. Speaker, Sir, I feel the Motion is a very serious one and I think Government regards it as such, according to what the Minister has just told us. I think we ought to be very frank in our debate in this House. First, most of us are very worried about the areas which are involved in these leakages, and if there was a miscarriage of justice in this regard these leakages would have covered the whole country. If that is the spirit of nation building and unity, then my interpretation is entirely wrong.

Mr. Speaker here we have a situation. The Minister has just said that those who are involved in the leakages will be dealt with most severely, but let me tell him this: although he might deal with the particular people who had access to these examination papers, no doubt many thousands will escape the net, and the only solution available as a deterrent to anything of this nature in future is that these pupils should be re-examined. I do not see how the Minister can tell us that he will get all the students into this net. It is quite impossible, and it is no good for the Minister to say that it is not a Ministry of Education responsibility, because the Government Printer is part of the machinery of Government. This Government must accept its responsibilities without trying to shirk them or throw them on to other branches of the Government.

Mr. Speaker, I think this situation must be remedied, and the only remedy is to have a re-examination. If, according to what the Minister said in his answer, the whole of the Central Region, parts of the Western Region and Nyanza Region are involved, then all the

[Mr. Ole Tipis]

pupils who sat for this examination in those areas must either undergo another examination or be disqualified. I do not see how a pupil who had access to the examination papers should be punished while some who have managed to escape the Government investigation should be let off scot-free. They should be punished otherwise it would not act as a deterrent at all in future. This is the second time it has happened. We do not want a repetition of this sort of thing.

I hope the Government will take this seriously, Mr. Speaker, and let us know the results of the investigation. We must know the results of the enquiries.

The Speaker (Mr. Slade): You have one minute, Mr. Shikuku.

Mr. Shikuku: Mr. Speaker, I have only one point to make here, and that is that if we have

to take into account what the Minister says, that those students should be disqualified, then we have to accept the fact, as stated. The Hon. J. K. Ole Tipis said, that some people will escape. Therefore, if the Government is serious about this issue, Mr. Speaker, and if this system of the terminal aggregate is going to be applied in the affected areas, then I suggest with all due respect it should be carried out throughout the whole of Kenya.

ADJOURNMENT

The Speaker (Mr. Slade): We have come to the end of our half hour. The House is adjourned until tomorrow, Thursday, 28th November, at 2.30 p.m.

The House rose at seven o'clock.

Thursday, 28th November, 1963

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

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—
The Mines and Geological Department Annual Report, 1962.

(The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh) on behalf of the Minister for Natural Resources (Mr. Sagind))

NOTICES OF MOTIONS

EXPULSION OF WHITE SOUTH AFRICANS FROM KENYA

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

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

SPEAKER TO BE MEMBER OF THE NATIONAL ASSEMBLY

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

THAT this House desires that any Speaker of the Senate or the House of Representatives who is not otherwise a Member of the House concerned should be recognized as having become a Member of that House by virtue of his election as Speaker, and that the Constitution of Kenya should be amended so far as necessary for that purpose.

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

INQUIRY INTO ADMINISTRATION OF YATTA DIVISION

THAT this House urges the Government to order a public inquiry to investigate the manner in which Yatta Division has been run in the last four years from today both administratively and financially.

INQUIRY INTO AFRICAN COURT, KITHIMANI (YATTA)

THAT this House urges the Government to order a public inquiry to investigate the way and manner in which the local African Court of Kithimani (Yatta) has been functioning in the last 18 months.

INQUIRY, KIKUYU/KAMBA BOUNDARIES: THIKA/MAKUYU AREAS

THAT this House urges the Government to order a public inquiry to investigate the already disputed boundary which was imposed by the Regional Boundary Commission between Kamba and Kikuyu tribes in and around Thika and Makuyu areas.

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

MONEY FOR DEVELOPMENT: SAMBURU DISTRICT

THAT in view of the fact that the Samburu District was neglected by the Colonial Government in all spheres of advancement, this House urges the Government to offer the Samburu District a sizeable amount of money, similar to that given to the North-eastern Region, to help the district to develop in the fields of agriculture, social services and education.

SAMBURU AND MASAI MORAN FOR K.A.R. AND POLICE

THAT this House, being aware of the steady increase of stock thefts by the Samburu and Masai *moron* calls upon the Government to find jobs for these *moron*, particularly in the K.A.R. and the Police Force, with a view to mitigating and reducing the present toll of stock thefts in the country.

ORAL ANSWERS TO QUESTIONS

Question No. 95

FAMINE RELIEF: TURKANA AND LAKE RUDOLF

Mr. Areman asked the Minister for Home Affairs if the Minister was aware that the condition of the Turkana in the vicinity of Ferguson's Gulf, Lake Rudolf, was desperate and would the Minister be prepared to release famine relief funds to augment those donated by OXFAM in order to help these Turkana?

The Minister for Home Affairs (Mr. Odiga): Mr. Speaker, Sir, I beg to reply. With regard to the first part of the question, the Government is aware of the condition of the Turkana in the Ferguson's Gulf area of Lake Rudolf. There are 1,350 families in famine relief camps in Turkana, all of whom require feeding. Famine relief maize has continued to be issued free to the Turkana since July and is now running at 700 bags per month.

With regard to the second part of the question, OXFAM have donated £12,000 for the calendar year 1963 for running the famine camps. This is equivalent to 50 per cent of the cost of running

[The Minister for Home Affairs] the camps, excluding the cost of famine relief maize. OXFAM have paid £6,000 up to the end of June, 1963. The balance of £6,000 will be paid in December, 1963, and it is likely that the full cost of running the camps for the calendar year 1963 will be in excess of £24,000. The Government, is therefore, augmenting the funds provided by OXFAM by an equivalent amount.

Mr. Agar: Mr. Speaker, Sir, can the Minister tell us how fair distribution of the quality of food he has mentioned is ensured?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, since we have not had any complaints about distribution, we are completely satisfied that it is correct.

Mr. Murgor: Mr. Speaker, Sir, could the Minister tell us whether he considers that the maize meal is also for young people or do they have another meal instead of that?

The Minister for Home Affairs (Mr. Odinga): Maize, as far as I know, is suitable for most people of reasonable age including children, but at the same time there are certain considerations that we must incorporate to advise on actually accepting any other diet.

Mr. ole Tips: Mr. Speaker, Sir, can the hon. Minister tell us whether there are any other nutritional food, apart from maize, which is issued to these people, and secondly, could he tell us the quantity of maize issued per week per adult?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I will not go into the fine details of putting it to what is issued to each and every individual adult, but I can put it in another way. We have 1,350 families in the area and we issue 700 bags per month. The hon. gentleman should do a bit of calculation.

Mr. ole Tips: Mr. Speaker, Sir, the Minister is trying to evade the first part of my question, which was what other nutritional foods if any are issued to these people, apart from maize.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I have said very clearly that in this particular area they live near the lake and can therefore get fish, and we augment this by what we can. That is what I have actually said.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Minister tell us what methods the Government is using to distribute these foods, because he has stated that there is no complaint, but we have

had some complaints during the past in the internal areas, so what methods do the Government use to make sure there is a fair distribution of these foods?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, although the supplementary question by the hon. gentleman is outside this particular question, I will help him by saying that this particular question concerns Turkana. We have got officers on the field who do the distribution and we have not had any complaints from them.

The Minister for Finance and Economic Planning (Mr. Gichuru): Arising from the Minister's reply, could the Minister tell us whether he himself toured the area and ascertained that he was quite satisfied with the present system?

The Minister for Home Affairs (Mr. Odinga): I have got my own officers on the fields and are quite satisfied with their work at the present moment, but immediately I hear that their work is not satisfactory I will take the first opportunity to tour the area.

Mr. Rurumban: Arising from the Minister's reply, is the Minister aware that three quarters of the Turkana population are poor and that the present amount of Famine Relief given to them is insufficient?

The Minister for Home Affairs (Mr. Odinga): The Government is quite aware of the conditions prevailing in Turkana and the Government is doing all it can to see that improvement is made.

Mr. Makone: Will the Minister tell the House what plans the Government is making to make sure that the Turkana people use their own food instead of spending Famine Relief all the time?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I think that question has been asked twice, but anybody who understands the conditions of the Turkana would really understand completely the position in which they are. We are now seriously considering the development of Turkana country, just as we are considering it in other parts of the country.

Mr. Towett: Mr. Speaker, the Minister in one of his replies said that fish was part of the diet of the people, does he mean that the Government distributes fish to the Turkana, or do they fish for it?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, if we find that they are short of the fish we could make it available elsewhere if it were possible for us to do so.

Mr. Muliro: Mr. Speaker, Sir, arising from the Minister's reply that the food which is distributed is maize, is this maize boiled or raw, since some of those people have no facilities for cooking food?

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, the hon. Member should be able to see that we supply 700 bags a month, he should have used his intelligence to understand this.

Question No. 151

SHARES FOR AFRICANS: KENYA COMPANIES

Mr. Ngala asked the Minister for Commerce and Industry:—

- How many firms or companies in Kenya have now allowed Africans to purchase shares in their businesses; and
- could the Minister give a breakdown of such companies or firms showing the total value of the African shares as compared with the non-African share value in each case; and
- what practical step was the Government considering to enable greater participation by Africans in private enterprises in general?

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Speaker, Sir, on behalf of the Minister for Commerce and Industry I beg to reply:—

- All companies in Kenya which make a public issue of their share capital are open to investment by all races, including Africans.
- The records of the shareholdings in local companies are not maintained on a racial basis and no information is available as to the total value of African participation in the share capital, but it is believed to be increasing.
- I think that Africans who have the means to invest in the equity and preference share issues of local companies are already aware of the benefits which can be derived from such investments. I think also they are aware of the risk involved. I have given detailed consideration to the possibility of the formation of a Unit Trust type of investment company which would enable participation at all income levels in the investment market. I doubt, however, whether the spread of local share issues is wide enough to support a Unit Trust based

entirely on the public issues of East African Companies, but I am keeping the matter under review.

Mr. Ngala: Mr. Speaker, arising from the Minister's reply could he give us the actual figure of the companies, instead of saying all the companies?

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Speaker, I said that the figure of all the companies is not available.

Mr. Ngala: Arising from one of the Minister's replies, Sir, on what basis does the Government put its belief that the participation of Africans in business is increasing when they do not have any figures?

The Minister of State for Pan-African Affairs (Mr. Koinange): The point is not that we do not have the figures, it is that the companies do not analyze their figures on racial grounds. There is a definite increase, however, in African participation in business.

Mr. Masinde: Mr. Speaker, Sir, could we know from the hon. Minister the names of the companies which encourage Africans to participate?

The Minister of State for Pan-African Affairs (Mr. Koinange): The East African Breweries is one company and a good many other companies—most companies dealing with plantations—are also increasing their shares held by Africans.

Mr. ole Tips: Mr. Speaker, Sir, arising from one of the Minister's replies, when he said that he does not have the records of the numbers of registered companies, does he mean to say that this Government does not know how many registered companies there are in this country?

The Minister of State for Pan-African Affairs (Mr. Koinange): It is not a question of registered companies. The question was: how many Africans participate in business.

Mr. Math: Mr. Speaker, Sir, would the Minister agree that the breakdown requested in part (b) of the question is desirable, and if so, would he promise this House that he is going to furnish it with such a breakdown at a later date?

The Minister of State for Pan-African Affairs (Mr. Koinange): I cannot agree.

Mr. Gachago: Mr. Speaker, Sir, is the Minister satisfied that the present speed of participation by Africans will put them after a time, into the economic system of these companies?

The Minister of State for Pan-African Affairs (Mr. Koinange): That is so, Mr. Speaker.

Mr. ole Tips: Mr. Speaker, Sir, the hon. Minister has not answered question (a) at all. He tried to evade it by saying it referred to the Africans.

Hon. Members: Speech, speech.

Mr. ole Tips: The question is—if he can read it carefully—"How many firms or companies". We want to know.

The Minister of State for Pan-African Affairs (Mr. Koinange): I have said, Mr. Speaker, Sir, all companies in Kenya, all companies in Kenya—

Hon. Members: How many?

The Minister of State for Pan-African Affairs (Mr. Koinange): All companies in Kenya have public issues of their share capital open for investment by all races, including Africans.

Mr. Ngala: Mr. Speaker, Sir, will the Minister, having said that the companies do not register these things in a racial manner, tell us how he came to know that the East African Breweries have African shareholders?

The Minister of State for Pan-African Affairs (Mr. Koinange): It has been open for public shareholders and shareholding is not restricted to any one racial group.

Mr. Ngala: Mr. Speaker, Sir, the Minister is not answering the question. He has just said that there are Africans with shares in the East African Breweries, but how does he know this?

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Speaker, Sir, according to the registration of companies which exist within the country, all public companies which are open to shareholders are not restricted to racial groups.

Question No. 156

HIGHER SCHOOL CERTIFICATE: KENYA AFRICAN BOYS

Mr. J. M. Kariuki asked the Minister for Education if the Minister could tell the House how many Kenya African boys passed the Higher School Certificate Examination in the year 1962?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, on behalf of the Minister for Education: 40 Kenya African boys passed higher school certificate in the year 1962.

Mr. J. M. Kariuki: Mr. Speaker, Sir, could the Minister tell us which schools sent their boys to sit for the Higher Certificate Examination and what percentage passed in each of these schools?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I cannot tell you which schools. All the schools that provide Higher School Certificate classes presented students. A total of 136 candidates sat, 40 obtain Certificates, an additional 18 obtained passes in two principal subjects which qualified them for entry into the universities, and that gives a total of 57 candidates who qualified for university out of 136.

Mr. J. M. Kariuki: Mr. Speaker, Sir, if the teachers and headmasters chose the best boys from the School Certificate classes to go on to the Higher Certificate classes, how does it happen that after two years these boys become so poor at their work that over half of them fail their exams? This is according to the Minister's figures.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, the Cambridge School Certificate and the Higher School Certificate are overseas examinations which qualify students, not only for our universities but also for overseas universities. The Government can only make arrangements for the students to do the examinations. The Government cannot do the examination for any student.

Mr. Khasakhala: Mr. Speaker, Sir, could the Minister tell the House how many of the 136 candidates were boys and how many of them were girls, and how many boys passed and how many girls passed?

The Speaker (Mr. Slade): Mr. Khasakhala, the question refers to boys only.

Mr. Agar: Mr. Speaker, the Minister, in his reply, said that the Government only arranges for the examinations and that the examinations are given by an overseas university. Can the Minister tell us why our boys do poorly in overseas examinations?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, the Government does not accept that assumption. In fact, we are convinced that our boys do very well in their examinations, both in their Cambridge School Certificates and later on our boys have given the best performances in every university they have gone to overseas. We are very proud of them.

Mr. Gichoya: Arising from the Minister's reply, Sir, is the Government guided by the figures already given: 136 candidates in the schools who sat for the examination and the 40 who passed. Would the Minister not accept that there is something wrong somewhere because less than 50 per cent of our students pass the examination?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I do not understand the problem here. There were 136 candidates, they sat for an examination and 57 qualified to go to a university. Whether or not 136 candidates were good enough for Kenya is a different question. If an answer is sought to that I would say that the Government is not satisfied that we have enough facilities for Higher School Certificate training today. The Government is endeavouring to expand the facilities and remove the bottleneck in the educational system.

Mr. J. M. Kariuki: On a point of order, Mr. Speaker, I would like to have this from the hon. Minister in writing, if he agrees.

The Speaker (Mr. Slade): You will get it in writing in HANSARD.

Question No. 169

INDUSTRIES FOR HOMA BAY: NUMBER ESTABLISHED

Mr. Ngala-Abok asked the Minister for Commerce and Industry if he would inform the House which industries, with the encouragement of his Ministry, had been or were being established in Homa Bay area for the economic utilization of the products in that district.

The Minister of State for Pan-African Affairs (Mr. Koinange) on behalf of the Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, Sir, I beg to reply. The possibilities of industrial development in South Nyanza have been under consideration since mid-1962. The investigation has covered brown sugar processing, making starch from cassava, fish processing and packing, ground-nut milling, sisal decortication and canning of fruit juice. However, the existing jaggery factories utilize most of the sugar crop and there is insufficient surplus to justify a brown sugar scheme while the level of sugar production remains as at present. Cassava is a recent crop in South Nyanza which has been planted primarily as a famine relief measure and there is insufficient surplus in South Nyanza to justify a starch factory. Over-fishing on Lake Victoria has depleted the supply of fish which might be available for developing

fish processing and packing. The ground-nuts in South Nyanza are of the highest quality and are more valuable as an unprocessed export crop and it would be most unwise to mill them. There is already a sisal baling and washing factory in South Nyanza which processes the hedgerow sisal raised in the area. Further development of sisal processing must inevitably await expanded production of the crop. The possibility of canning fruit juice concentrate is now under investigation and it is possible that there may well be future development of this industry. The major opportunity at this time would seem to be artisan activity aimed at making South Nyanza self-sufficient in its basic requirements for house building such as saw mills, furniture making, stone crushing and concrete blocks, tinsmiths, engineering workshops, etc. The Industrial Development Corporation is willing to consider applications for financing projects of this nature, if there are competent local people who could come forward with viable proposals for establishing such enterprises.

Mr. Ngala-Abok: Mr. Speaker, Sir, is the Minister aware that a member of his department went down to South Nyanza and asked the people to decide which of the first industries that the Minister has just mentioned they could recommend to the Government so that the Government could start the establishment of a factory, without stating they are inefficient in one way or the other as the Minister is now doing?

The Minister of State for Pan-African Affairs (Mr. Koinange): We are not aware of that.

Mr. Agar: Mr. Speaker, Sir, if the Minister feels that the level of production does not justify industries, can he promise the House that in co-ordination with other Ministries, Government will do something to raise the production to reach the standard which is required?

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

Mr. Gichoya: Arising from one of the Minister's replies, can he assure this House that industrial development will not be confined to only South Nyanza, but also extended to places like Kirinyaga District?

The Speaker (Mr. Slade): That is quite outside this question.

Mr. Ngala-Abok: Mr. Speaker, Sir, arising from the reply of the Minister, would he tell us what the officials of this department on the spot are now doing to see that the best of these crops like ground-nuts are grown and that the machinery is set straight away for them?

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Speaker, Sir, we said that in these cases we have a record of what is going on, and we also say in the last paragraph that the Industrial Development Corporation is willing to consider applications for financing projects of this nature, and if there is a competent local person who could come forward with actual proposals for the establishment of such enterprises, they will be helped.

Mr. Ngala-Abok: Mr. Speaker, Sir, since the local people in the majority of cases need information from the Government, and we have many business men in this area who could efficiently advise them to organize themselves into a co-operative movement, and so apply for a licence of that nature—

The Speaker (Mr. Slade): Get on with your question.

Mr. Ngala-Abok: But in fact the Minister says that if any application is sent forward for a finance project, the Government would consider it, but this needs an organization—

The Speaker (Mr. Slade): Sit down. We will pass to the next question.

Question No. 170

CO-OPERATIVE SOCIETIES, SOUTH NYANZA

Mr. Ngala-Abok asked the Minister for Commerce and Industry if he would tell the House how many co-operative societies existed in South Nyanza assisted by his Ministry and what was the form of assistance given.

The Minister of State for Pan-African Affairs (Mr. Koinange) on behalf of the Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, Sir, I beg to reply.

The number of co-operative societies in South Nyanza which are registered under the Co-operative Societies Ordinance is as follows:—

Coffee	7
(all working)	
Farmers	6
(of which 2 are moribund)	
Dairy	30
(of which 20 are under enquiry)	
and in liquidation	9
Sugar	3
(of which 1 is moribund)	
Cotton	9
(all working)	

Summary:

Registered	55
Subtract those under enquiry	20
Total	35

The assistance by Government comprises the provision of staff to assist in the formation and subsequent supervision, guidance and audit of registered societies. At the present time the staff of the Department of Co-operative Development allocated to South Nyanza consists of one Co-operative Officer, four Co-operative Inspectors. In terms of staff, therefore, the South Nyanza District is not in a less-favoured position. The general aim is to provide one Inspector to not more than six to eight societies. The position in South Nyanza is aggravated by the existence—on the register—of some twenty-nine Dairy Societies which have been defunct for a number of years.

Mr. Agar: Mr. Speaker, Sir, will the Minister tell us whether these co-operative societies are doing well and increasing their income, or are they deteriorating? If the answer is in the negative, what is the Government doing to assist them to revive?

The Minister of State for Pan-African Affairs (Mr. Koinange): You have been told that.

Mr. Ngala-Abok: Mr. Speaker, Sir, could the Minister tell us what his Ministry is doing about those societies which are not working, because he said that some were not working. Why are they not working?

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Speaker, Sir, the position is this. The Department of Co-operative Societies is anxious that South Nyanza should have a clean record as soon as possible, and to this end the department must concentrate on the liquidation of these defunct societies. This does not, however, mean that development is curtailed. In 1962/63, the cotton season for example, five new cotton societies were registered and handled, and in the aggregate, some 900 tons of seed cotton were picked. For the 1963/64 season, it is intended to introduce co-operative societies for buying in the support of the ginneries and to register all the additional four cotton Co-operative Societies at the primary level.

With reference to agricultural products, the society on the South Nyanza area, are able to supply the facilities for the Commercial Bank and the Agricultural Finance Corporation on precisely

[The Minister of State for Pan-African Affairs] the same conditions as there are applications throughout Kenya—

Mr. Oloithipiti: On a point of order. Mr. Speaker, Sir, is the Minister in order in replying to every single question addressed to him to read. He has been doing so all the time.

The Speaker (Mr. Slade): It is in order for Ministers to read their replies, as long as they are relevant to the question which has been asked; but all that the Minister is saying seems relevant. There is a long list of questions, so I think we had better go on to the next one.

Question No. 171

APPLICATION FOR LOANS BY TRADERS

Mr. Ngala-Abok asked the Minister for Commerce and Industry if we could give the House the figures of how many traders had applied for loans and how many had been refused and how many defaulters there were in the Central Division, South Nyanza?

The Minister of State for Pan-African Affairs (Mr. Koinange) on behalf of the Minister for Commerce and Industry (Dr. Kiano): I am unable to supply details of the exact number of applications received from traders in individual areas of South Nyanza District as the original South Nyanza Joint Loans Board was split into the Kisii Joint Loans Board and the South Nyanza Joint Loans Board on the 1st January, 1962, when the two new administrative districts were created. Since this date the reconstituted South Nyanza Joint Loans Board has considered forty applications of which twenty-one were approved. Since the formation of the new Loans Board nineteen applications have been rejected. Some of these applications were rejected because the applicants were already in arrears on their previous loans. As at the 30th September, 1963, the number of loans granted to traders in South Nyanza District totalled 198. Of these fifty-nine had been repaid in full and ninety-six of the remainder were in arrears owing Sh. 92,170/89 in repayments overdue. This means that 69 per cent of the outstanding loans in South Nyanza District are in default. It will be appreciated by members that unless effort is made by those who receive loans to repay them, it will be extremely difficult to make the loans scheme work.

Mr. Ngala-Abok: Mr. Speaker, Sir, is the Minister aware in question (b) I merely wanted to know the defaulters in Central Division and South Nyanza, and those applications which were refused, not in South Nyanza but Central Division.

The Minister of State for Pan-African Affairs (Mr. Koinange): Could he repeat the question?

Mr. Ngala-Abok: In section (b) I just wanted to know how many applications were refused from Central Division, which is within South Nyanza, and how many defaulters in that particular area, which is my constituency.

The Minister of State for Pan-African Affairs (Mr. Koinange): I said that since the formation of the Loans Board, 19 applications have been rejected.

The Speaker (Mr. Slade): Can you give a break-down for the Central Division?

Mr. Agar: Mr. Speaker, Sir, from on the spot experience—sometimes people fail to pay loans—

Hon. Members: Speech?

Mr. Agar: People fail to pay the loans back to the Government or become defaulters because of failure of seasonal crops. What does the Government do in such cases when the fault is caused by the failure of crops?

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Speaker, these people who are in arrears have not been prosecuted, but have been given a chance to repay. The Government has been taking into consideration those people who have been unable to pay.

Mr. Mati: Mr. Speaker, Sir, in view of the replies coming from the Minister in this and the previous question, would he agree that perhaps he is not being very carefully briefed statistically by his advisors?

The Minister of State for Pan-African Affairs (Mr. Koinange): That question does not arise.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Minister agree that he will supply me with details according to my questions in future, so that I get them in writing. None of the details are here. I expect to get what he has read out tomorrow, but I would like to get the details with this Bill to answer it.

Mr. Towett: On a point of order, Mr. Speaker, is it in order for the Minister to continue talking with the rest of us unable to hear what he has to say?

The Speaker (Mr. Slade): I do not think you are speaking quite loud enough, Mr. Koinange. All of us want to hear.

Question No. 186

NATIONAL STATUS FOR KANGARU SECONDARY SCHOOL

Mr. Gichoya asked the Minister for Justice and Constitutional Affairs if:—

(i) In view of the fact that the Higher School Certificate syllabus was included in the Kangaru Secondary School curriculum, would the Minister take steps to grant this school the same national status as that enjoyed by the Alliance High School and the Mangu School?

(ii) Since the number of Secondary Schools was totally inadequate to absorb the annual supply of K.P.E. scholars, would the Minister take steps to expand the intake at Kianyaga and Kerugoya Secondary day schools, which, at the moment, only cater for a single stream?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. (i) All schools that prepare pupils for the Higher School Certificate examination are of the same status. Some of these schools are classified as national in that they recruit pupils from all over Kenya and not from any one region. If the intake of any school is limited (or nearly so) to children from one region, then that school is regarded as a regional institution. This applies to Kangaru School. (ii) The expansion of existing Secondary Schools with the exception of the national ones (or the opening of new ones) will be the responsibility of the Regional Assembly as from 1st January, 1964. The Regional Assembly plans accordingly provide for more Secondary School places in 1964.

Mr. Gichoya: Mr. Speaker, in view of the Minister's reply, I would like to know whether he is aware that Kangaru Secondary School has students from other areas apart from the Eastern Region?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, the Minister is aware of this, but under the constitutional provisions, national schools were specifically defined in a Schedule which, I am afraid, does not include Kangaru school.

Mr. Mutisya: Mr. Speaker, Sir, will the Minister state whether it is Government policy that any institution, which is now a regional institution, may revert to the centre if the people in that area decide so?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, constitutionally, the schedule is limited, but there is provision which will enable in future for social and economic developments to be treated as national projects. Schools that may be built in future under such programmes of a national character can become national schools, but, of course, we hope that the regional Authorities will work very closely with the Kenya Government and if the regional authority desires that the Central Government should take responsibility over any school, that will be done.

Mr. Gichoya: Mr. Speaker, Sir, the Minister said that the students must come from one Region. That means the Eastern Region. Is he aware that when they were creating national schools, Kangaru was left as a regional school in spite of the fact that students in Kangaru come from different districts outside the Eastern Region?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, I have already said that Government is aware that there are students from outside the Eastern Region in Kangaru Secondary School, and in fact the Government's view is that students from all over Kenya should meet in all the educational institutions. The main point I am making is that deliberately a number of schools were created national schools. It is the other way round.

Question No. 199

STAFFING OF TWO POSTS: K.B.C.

Mr. Gatuguta asked the Minister for Information, Broadcasting and Tourism if the Minister would tell the House the number of applications received by the Kenya Broadcasting Corporation for the vacancies of two posts for news editors advertised in the English newspapers last June and the procedure adopted for selecting the successful candidates. How many of these applicants were Kenya Africans, Africans from outside Kenya and expatriates? What the reason was for the termination of the appointment of one of the two successful candidates, a Uganda African who left four months after he had accepted the post?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): Mr. Speaker, Sir, I beg to reply. There were thirty applications for the two vacancies of News Sub-Editor and News Editor, which were advertised in the East African papers last June. Selections were made

[The Minister for Information, Broadcasting and Tourism]

by a committee of three senior officers of the Corporation after interviewing nine candidates. Of the applicants about twenty-three were Kenya Africans, four Africans from outside Kenya and four expatriates. Selection was made on the basis of professional experience, ability and potential and not on racial grounds. The Uganda member of the staff resigned at his own wish as he did not want to stay and our News Editor arranged for his transfer to the Uganda Ministry of Information, Broadcasting and Tourism.

Mr. Gatuguta: Mr. Speaker, Sir, is it not a fact that one of the people employed for this job is an expatriate who has retired and who receives a pension from this Government?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): It is a fact that we have a very efficient expatriate who is doing an excellent job for the Corporation.

Mr. Gatuguta: Mr. Speaker, Sir, does the Minister mean to tell this House that the Africans who applied for this job were not suitable to take it up, and would the Government not have saved money if they had not employed an expatriate who already receives a pension?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): Mr. Speaker, Sir, the rest of the applications were below the required standard.

Mr. Masinde: Mr. Speaker, Sir, may I know whether this expatriate officer is on temporary terms, and if he is on temporary terms how long is he going to be on the staff?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): Mr. Speaker, Sir, he may be on temporary terms, but we shall make use of his services for as long as we require them.

Mr. G. M. Mutisya: Mr. Speaker, arising from one of the Minister's replies when he said that the interviews were carried out by some of the senior officers, could he tell us how many of these people were Africans?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): There was one African.

Hon. Members: Shame, shame.

Mr. Shikuku: Arising from the Minister's reply, is he satisfied that only one African was among these people?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): I am very satisfied.

Mr. Omar: Mr. Speaker, Sir, could the hon. Minister tell the House whether he has any arrangement to Africanize the post which was filled by an expatriate?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): Mr. Speaker, Sir, I am very much concerned about the services which we render to the public. I am, in fact, anxious to take on someone else to do this job which the present officer is doing, if I can only find anyone.

Mr. Khasakhala: Mr. Speaker, Sir, could the Minister tell the House the qualifications of the Africans who were not able to be employed by his Ministry? Could he give us the qualifications of the individuals?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): Mr. Speaker, Sir, it is unfortunate because in such selections it is very difficult since what we look for is professional experience. Sometimes, a person may be academically qualified, but if a doctor applies for a job doing newspaper work he may not be qualified to do it.

Mr. Gatuguta: Mr. Speaker, Sir, with regard to the reasons for the Uganda person leaving the job, is it not a fact that he left because he was paid less than the European expatriate?

Hon. Members: Answer, answer.

The Speaker (Mr. Slade): Order, order. Members ask questions and then make so much noise that the answer cannot be heard.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): Mr. Speaker, Sir, it is not so. The Uganda African wanted to leave to go to Uganda, and his request was willingly accepted.

Question No. 200

K.B.C. NEWS SERVICE FROM OWN RESOURCES

Mr. Gatuguta asked the Minister for Information, Broadcasting and Tourism if he would take steps to see that the K.B.C. news service was reported by his own staff rather than having to rely on receiving reports from the two European daily newspapers in Nairobi and the Kenya News Bureau. Also, how much it cost the K.B.C. to buy news from each of these three sources?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, I beg to reply. The cost to the Ministry would be extremely high, costs which would be passed on to the taxpayer. There is no valid reason at this time for asking the taxpayer to pay more for a service which has often merited the praise of the House. I have always been aware of the need for employing our own reporting staff, but because of the costs (minimum £50,000 per annum) haven't been able to do much about it. We have, however, started to train reporters and are expecting to engage more staff in the near future. We do not employ the services of the Kenya News Bureau. As stated before, we have only two sources, the *Nation* and *Standard*, and it costs a total of approximately £3,700 per year for the two.

Mr. G. G. Kariuki: Mr. Speaker, would the Minister agree with me that Members of this House are being misrepresented due to this unnecessary process?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, I think that may be another question, because the reporting in newspapers depends on the reporter who is on the spot and doing the work.

Mr. Kall: Mr. Speaker, Sir, is the Minister aware that the Government spends so much money on news collected around the corners by these reporters, and can the Ministry not have its own reporters?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, we have reporters. If you look at the gallery you will find there is one very efficient reporter who is reporting the functions and activities of the House. Again, Mr. Speaker, as I said yesterday, the establishment of Kenya News Agency will benefit the K.B.C., and they will get their news directly from us which will result in some savings and the K.B.C. will be independent, from that point of view. I hope this will also help in reducing the cost.

Mr. Towett: Mr. Speaker, Sir, the Minister in one of his replies said that "we are beginning to have this done in K.B.C." When he uses the word "we", does he mean the Government or the K.B.C. as a corporate organization?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): When I used the word "we" I meant the Government. K.B.C. is also part of the Government, because it is a kind of mouth to you. It is not a separate thing.

Mr. Gatuguta: Mr. Speaker, Sir, how does the Minister ensure that the K.B.C. does not take incorrect news from these two sources, and what steps does he take when incorrect news is reported by the K.B.C. from these two sources?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): They have very efficient reporters, people who have professional backgrounds. Mr. Speaker, I do not really like answering such a general question. If there is any specific complaint, it should be brought to my notice and I will take immediate steps to investigate it.

Mr. Khasakhala: Mr. Speaker, Sir, could the Minister tell the House whether he considers the figure of £3,700 economic, and if so how much does Government save by getting news through these agencies?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, as I have said, if we were to employ our own staff, we would need £50,000, but by getting news from these two sources—that is the *Nation* and *East African Standard*—we are saving quite a lot. Again, I have already said that once the news agency is established, the expenditure and the cost will be reduced, and I think it will be reduced considerably.

Question No. 201

AFRICAN DIRECTOR-GENERAL FOR K.B.C.

Mr. Gatuguta asked the Minister for Information, Broadcasting and Tourism to state in order to disseminate the African point of view adequately, what steps the Minister was taking to appoint an African Director-General for the K.B.C.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, I beg to reply. The post of Assistant Director-General was advertised in two periods, once for a month and the second time for a fortnight. An appointment board was held on 29th July, 1963. Three names were suggested to the K.B.C. Board of Directors as possibilities and were judged not suitable. We are continuing to accept further applications.

Mr. Ngala-Abok: Mr. Speaker, Sir, how many of the board which was appointed were Africans?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): The appointments board to select an Assistant Director-General consists of seven people: Mr. George Caban; Senator Machio—

Mr. Towett: On a point of order, Mr. Speaker, is it in order for the Minister to name the persons concerned?

The Speaker (Mr. Slade): Yes, it is up to hon. Members, when they have heard the names, to see how many Africans are among them.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, that is what I am trying to do. Mr. George Caban, Senator Machio, the hon. Mr. Kagga, Ald. Charles Rubia (Mayor of Nairobi), Bengamin Ngaira, Mr. Fred Mbiru, Tony Deane and Geoffrey Hardy.

Mr. Gatuguta: Mr. Speaker, Sir, does the Minister agree with me that the African personality cannot be reflected in the dissemination of news when we have a European Director-General?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, Sir, I have to use considerable caution regarding rapid Africanization due to the fact that many Africans do not qualify. Before I select an Assistant Director-General, the matter will have to be referred to the Cabinet for assistance so that we get the most suitable African who will be the Director-General designate.

Mr. Towett: On a point of order, Mr. Speaker, I find the hon. Member is so tall, you cannot see me; he overshadows me. May I ask my question, Sir?

The Speaker (Mr. Slade): No, you rose on a point of order on which I cannot rule. The Creator made you the size you are!

Question No. 205

CATTLE RAID IN KIKUYU

Mr. Gatuguta asked the Minister of State, Prime Minister's Office if the Minister was aware of the seriousness of the recent incident at Gikamura in Kikuyu Constituency where a Masai *moron* was shot dead and two Kikuyu seriously injured during a cattle raid and, if so, what steps was the Minister taking to avoid any further raids? How many cattle were stolen during this raid and how were they recovered by the Police?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Mr. Speaker, this question was only given to us this afternoon. We have asked for it to be deferred until tomorrow.

The Speaker (Mr. Slade): If Government is not ready to answer it until tomorrow, I think it will be all right.

Hon. Members: Why, why?

The Speaker (Mr. Slade): It was given in only today, and not by private notice, according to the Minister, and it is, therefore, quite fair to have it another day.

Mr. Matji: Mr. Speaker, on a point of order. Is it in order that while we have two Ministers of State here the Minister for Information, Broadcasting and Tourism should take it upon himself to defend the Government on this issue when the question is addressed to the Minister of State, Prime Minister's Office?

The Speaker (Mr. Slade): It is in order for any hon. Minister to answer for the Government; and as I think some Member said, he is the Minister for Information!

Mr. Gatuguta: I gave in this question yesterday and one of the Ministers signified his intention to answer it. Can I be assured that it will be answered tomorrow?

The Speaker (Mr. Slade): Will you assure the hon. Member that his question will be answered tomorrow?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Oneko): Yes, Mr. Speaker.

Mr. Obok: On a point of order, Mr. Speaker, what question is the hon. Member referring to? I do not have it.

The Speaker (Mr. Slade): Question No. 205 which appears on the Supplementary Order Paper. We will have it tomorrow.

MOTION

KENYA/SOMALIA FRONTIER DEFENCE

Mr. Ngala: Mr. Speaker, Sir, I beg to move—

THAT this House urges the Government to ascertain that the frontier line defence between Kenya and Somalia is strengthened against the casual raiders from Somalia on Kenya Police Posts and Kenya citizens in general and that the Prime Minister of Kenya satisfies himself that a defence pact is made with Somalia covering such raids.

Mr. Speaker, Sir, this Motion is a very straightforward one. The Motion's intention is to ascertain that the Government is aware of the serious danger there is to the possible loss of lives of

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citizens and policemen stationed in different posts along the frontier line between Kenya and Somalia. The Motion does not intend to indicate a doubt of our neighbouring countries in their friendly attitude toward us, nor a doubt of the relations between Kenya and any other East African country.

I believe, Sir, that Kenya must be a good neighbour to Somalia, Ethiopia, Uganda, Tanganyika, Zanzibar and other countries near us. However, I think no neighbouring country should bluff us, or mislead us into believing that they are friendly towards us where as, in fact, they are just hoodwinking the Government and, therefore, creating a dangerous situation. The Central Government has a responsibility to protect the lives of our citizens along the frontier line. It also has a responsibility to protect the civil servants that are posted along the frontier line.

Previous events have indicated a very sad situation. Just the other day, a District Commissioner lost his life at Isiolo and a senior chief, of the same district, also lost his life on the same day. Several huts have been burned down since then, several houses have been destroyed and also various police stations have been attacked at different points along the frontier. Many serious things have taken place: loss of life, loss of property, loss of houses and so on. It is high time that the attention of the Government is brought to bear on the seriousness of the situation. We have read about the various conferences that have been going on. When I last raised this question, the Prime Minister said that he had just sent some Ministers to discuss this affair with people in Somalia and that he was awaiting a full report from the Ministers concerned. I think he sent either both the Ministers of State or one of them to discuss the situation with the Somalis. Since then the Prime Minister, himself, has had talks with the Somali Foreign Minister and he has said that he has come to some agreement with Somalia on this matter, in addition to other matters. We would like to know exactly how the Prime Minister, himself, feels about this matter. If the Prime Minister allows himself to be hoodwinked into such a situation through ignorance, he may find that a more serious situation exists than he can assess sitting here in Nairobi in his office.

We very much doubt the sincerity of the talks between the Prime Minister of this country and the Prime Ministers of the neighbouring countries, and we would like to be assured of this sincerity. If there is no sincerity—if it is a matter of a joke—we should know in good time so that the

Government can act in good time and before it is too late. At one time, I believe that the Prime Minister, himself, demanded that the two people alleged to have killed the District Commissioner and the senior chief were returned, but the Prime Minister was told, pointblank, that he was not going to have these people. The Somalia Government said that it did not want any such arrangements with the Kenya Government and, therefore, they were not concerned with these two people. Sir, we would like to know whether the Prime Minister, in his discussions with the Foreign Minister of Somalia, came to any arrangements about the possibility of the arrest of these two people who are alleged to have murdered two civil servants. If there is no pact at all between Somalia and Kenya we should be told instead of just being left to read reports on these things, because, in practice, these things appear to be quite fruitless.

Reports have appeared in the papers about the attack that occurred the other day on the police post at Koro Hara and also the attack in Mandera District. There have been attacks in other towns as well. We would like to know how these attacks are being carried out, whose is carrying out these attacks and who is encouraging them. I know that we will be told that these attacks are being made by people who are not known to the Somalia Government. We are not suggesting that the Somalia Government is involved in this at all. However, we are demanding that the Prime Minister should come to some agreement with the Somalia Government so that these people they may be outlaws or deserters from some military force—are traced and their activities stopped. As it is now, it appears to the ordinary person that the high level talks are just conducted so that the Prime Minister will believe that a different situation from the real situation exists. In fact, the situation removes all security and it takes away the lives of our citizens.

Mr. Speaker, Sir, I would like to make the position very clear. I have not moved this Motion because I suspect that any neighbouring country is involved, or because I suspect the attitude of friendliness between our country and the neighbouring countries. Therefore, no neighbouring country should feel that there is any enmity against it just because I move this Motion. I have moved this Motion so that I can get an assurance from the Government that everything is all right. I want an assurance from the Prime Minister himself that he is satisfied that everything is all right. I think that the Prime Minister is only using policemen borrowed from different Regions and, although they are doing a very good job indeed, there will shortly be a situation in which the

[Mr. Ngala]

Prime Minister will have to use a military force to make sure that the position is checked. I would also like to know whether the Prime Minister himself is satisfied that he has sufficient military force to hold the situation in check in case things become worse on the frontier. We have heard of the preparations that the neighbouring countries are carrying out. Some countries are preparing armies to the extent of 20,000 soldiers. We have also heard that other foreign countries are pouring aid—possibly in the form of finance, or equipment or machinery—into these countries to make the position safe for those countries. What are we doing in Kenya? We have only 1,000 soldiers or a little over that many—and we do not know how well these soldiers are equipped. We would like to know how the Prime Minister is satisfying himself that he is prepared for a situation that might be very dangerous, as far as personnel, as well as equipment is concerned. I would like to know what the agreements are between him and our neighbouring countries, particularly with the Somali Republic. We want to know that everything is safe and that we have nothing to worry about before the 12th December when we get our independence. We do not want to find ourselves being bombed on the 12th December when we are busy celebrating independence and are quite unprepared. Therefore, we would like to get an assurance that everything is quite safe.

It is very difficult to know, Mr. Speaker, Sir, whether we are being led astray and bluffed by the Republic of Somalia, or whether we are being bluffed by the Russians. It is very difficult to know. However, it is up to the Prime Minister to give this House an assurance that everything is quite safe.

I would also like to know what assistance the Government is considering for the families of the citizens who are losing their lives along the frontier as compensation for loss of life while on Government duty.

The Speaker (Mr. Slade): I think that is rather outside the Motion, Mr. Ngala.

Mr. Ngala: Thank you, Sir.

Mr. Speaker, Sir, another thing I would like to mention is the means of communications in this area. This area is very badly served by communications. Our servants posted in towns along the frontier need communications between the main headquarters: Nairobi, Mombasa, Kisumu or any other headquarters. They need any kind of transport, road or air. We would like to know exactly what is going on with regard to communications. I do not believe that

everything is all right. I think there is a very serious danger hidden somewhere and it is the duty of Kenya to prepare herself and maintain a spirit of readiness for anything that might happen.

We have heard of the agreement that the Prime Minister has made with Ethiopia, but we would like to know exactly what this agreement involves, in case any dangerous situation arises in Kenya. We would like to know if the Government is quite satisfied with this agreement and if this agreement obtains security not only for the Civil Servants but also for the ordinary citizens in this difficult area.

I understand that the police posts in this area are very weakly equipped with firearms and so on. We would like to know what extra equipment could be placed in the police posts so that they do not become victims of the raiders in this area. I would also like to know whether there is any connection between the Government of Somalia and some of these raiders in the sense that they are Government servants or ex-government servants and so on. We suspect that there is very little doubt as to the purpose of these raids. These raids can be regarded as an introduction to more dangerous things and it is always a good idea to prevent the situation from deteriorating and it is high time that the Prime Minister took a firm stand so as to prevent the deterioration of the situation.

I would like to feel happy, because there is a pact between Kenya and Somalia which will cover this situation and prevent it getting worse so that the friendship of Somalia and Kenya continues as it has been in the past. If the talks are just to bluff the Prime Minister of this country, it should be quite clear that the citizens will suffer and the country will not be satisfied in the future on whatever statements come out of any talks between our Prime Minister and any other Minister of another country. The talks in the future will not get any praise from the people because the people are suffering all the time. We would like to know whether the people who are faithful to the Government and who live in these areas are safe. Already Members of this House have expressed great concern over the safety of the people living in these areas.

We would like to know therefore, what preparation the Government is making to ensure that people living in these areas are safe and will continue to be safe.

Sir, the motion is very straightforward: It is asking for three or four things from the Prime Minister in person. The first is to make sure that

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people are safe along the frontier lines, between Kenya and Somalia. Secondly to make sure that the agreements that we have seen between the Prime Minister and the Republic of Somalia are genuine agreements and that there is nothing sinister about them, or that it is not a bluff but a real genuine and friendly agreement. Thirdly, to make sure that there is sufficient preparation of a military force, in personnel and in equipment, so that in case things become worse we are not caught unprepared by any situation. Fourthly, to ensure that any people who suffer from these raids and so on are compensated, and that compensation for life is considered, particularly for the people who are left behind by the victims of these actions. Finally, to say very emphatically that this Motion is not intended, and should not be misunderstood by either the Republic of Somalia or Ethiopia, but the main intention of this Motion is to seek from our own Government a word of their preparations for the security of the country as a whole and of different individuals, particularly the civil servants posted along that line, and also the citizens living in those areas.

With these few words, Sir, I would like to move the Motion.

Mr. Shikuku: Mr. Speaker, Sir, the Motion, as stated earlier, is straightforward and simple. Like any other people in the world, we people on this side of the House are also concerned with whatever is happening in the Northern Frontier District. It has already been quoted to the House what is happening, and all the Members in this House are aware of what has so far happened in the Northern Frontier District. It is also important Mr. Speaker, Sir, that we have to maintain good relationship between Kenya and the neighbouring countries, but then we have to ask ourselves this question: are we going to maintain the good relationship between this country and the neighbouring countries, at the expense of the lives of people on the Frontier.

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

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

Mr. Shikuku: This is the question, Mr. Deputy Speaker. If there is going to be the answer that in order to maintain good relationship between this country and its neighbours, we have to lose some people, then I am sorry to say that that is the wrong kind of relationship and I cannot support or be a party to it. I agree, and I support

the idea of having good relationships with the neighbouring countries but they should also make sure that we live together happily, and above all as we are thinking in terms of an East African Federation. We also look forward to Somalia or Ethiopia, or any other country coming into a federation; and above all the Pan-African spirit cannot be maintained or be upheld if the neighbours continue not to show good relationship. It is very difficult, Mr. Deputy Speaker, at this stage, to believe that the trouble at the Northern Frontier District has nothing to do with our friends in Somalia. I do not mean to accuse the Somalia Government of aiding and abetting in the present situation in the Northern Frontier District, but if one looks at the record so far they will find that Greater Somalia has something in sympathy, though they will not definitely say that they are concerned directly with this issue, because the N.F.D. issue was discussed in the Parliament of Somalia, namely, the desire of the Somali people in the Northern Frontier District to join up with their brothers in the Greater Somalia. We have also been told in this House of a District Commissioner and a chief being shot and that the people who shot them have gone to Somalia. The Somalis later on made it very clear that they would not hand those people back. I feel, Mr. Deputy Speaker, that the talks between the Prime Minister of Kenya and the Somalia representative should definitely go beyond what it seems to be at the moment. All we read in the Press is that the Prime Minister met the Minister for Foreign Affairs from some place, with a picture of him smiling, and then the next thing I know when I go back to my house and switch on my radio is that something has happened, just over the border. What is happening, Mr. Deputy Speaker, is that we go on counting the assassinations and raids on the border. I think so far there have been eight. This cannot go on. I think the Government must do all it can to find out how and why these raids are happening over the border, and I would like to know definitely which people are carrying on with this, and I think that the Government should find out who is aiding and abetting this sort of terrorism. I think we should endeavour to find out who is helping and who is planning these raids.

The other thing is that despite the fact that these raids have been happening, we have been told that there is good relationship between our neighbours. I would like to know how many of our people have gone over or raided in Somalia. It appears that this is a one-sided thing. I have not read anywhere of people going across to Somalia, or of our people getting up to mischief in Somalia. It appears that we are suffering from

[Mr. Shikuku]

one side only, and yet they have to have the losses of life to maintain a good relationship. I do not mean to advocate that we should no longer have a good relationship between Kenya and Somalia, but I would like to know, Mr. Deputy Speaker, if Somalia is interested in Pan-Africa and, if it is interested, why should this trouble in the Northern Frontier District continue? They should tell their people point-blank that they believe in Pan-Africanism and that we look forward to the federation, and therefore our brothers in the Northern Frontier District should stop worrying about joining their brothers in Somalia and these people should live happily in Kenya. This is the thought which the Prime Minister should convey to the Government of Somalia. I think it would help a great deal, because these raids and terrorist activities which are going on in the Northern Frontier District are a means of showing their feelings against inclusion in Kenya. I think that if there is any good relationship between Kenya and Somalia the Prime Minister of Kenya should get in touch with the Government of Somalia and we hope they will help us in telling their brothers that there is no need for them to run away from Kenya, because we are looking forward to the Federation of East Africa and, above all, the Pan-African spirit must be maintained and it can only be maintained by stopping these moves in the Northern Frontier District. I would like the Government to consider very seriously our defence because, as I understand, the foreign forces here (which I am also against) will be leaving this country during the coming year. The Government must make sure that we have enough forces of our own to defend our people in Kenya, and since there are so many young men without jobs here, it is time the Government seriously considered recruiting as many youths to make sure that there is a force which would also be recognized by our neighbours because there is an English saying that "to have peace one must be prepared for war".

With this, Mr. Deputy Speaker, I hope the Government will consider this question very seriously.

(Question proposed)

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Deputy Speaker, Sir, it was never my intention to make any contribution to this particular debate, but I have risen to satisfy people like the Member for Mombasa Island North the Kenya boundary wherever it may be—

An hon. Member: Mombasa Island North.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I am sorry, Mombasa Island North for the time being.

—that the Kenya boundary, wherever it is, shall be respected. At the moment we all know that we are on friendly terms with Somalia, and we expect to remain on friendly terms with Somalia—

An hon. Member: Not unless the Minister does something.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): That is not what I am saying.

While we are on friendly terms with Somalia, I have a lot of sympathy with the Motion, and in this respect the lives and property of Kenya people wherever they may be will be protected by the Government, and that is going to be one of the things which will have to be done by this Government. I also wish to say this, Mr. Deputy Speaker. It may be that some people misunderstand us, because going back into history, was it some time in 1923 when a piece of Kenya territory was given to the Bono Italians for what they did for the British in the First World War? We have said nothing about that and we have not made any claim, and there is a dead straight line in the Eastern border of Kenya. It may well be that there are certain elements in Somalia, but having a record of what I read about the agreements between our Prime Minister and the Minister of Somalia, I feel that there are certain elements in Somalia which may be misconstruing as weakness the intentions of the people of Kenya in search of world peace. They have murdered a District Commissioner and they have continued to raid police posts. They have increasingly tended to do criminal things. I know they have been told that if they want us to be friendly, and continue to be friendly, these things must stop. I must say this, just as a politician: I sincerely hope that once things are settled, and after 12th December, should anybody tamper with the lives of Kenya people in Kenya, the Government will really hit at that person or nation where it will hurt most, including, of course, the particular group in Somalia. We have been thinking in terms of an East African Federation; we are thinking in terms of pan-Africanism, but we cannot have pan-Africanism when we have *didus* raiding our areas.

There are a lot of Somalis living in Kenya with us; they have done much good for us. What we would ask them, through their Government, is to persuade those irregular elements not to

[The Parliamentary Secretary for Health and Housing]

think that they are the only people who can show signs of force. In this connexion, this is the time, really, when we must think in terms of certain things which have been neglected in the past. The Kenya army, or as it was then, the King's African Rifles, was officered by Europeans. The Kenya Defence Force and the Kenya Regiment was a European. I might say conspiracy but perhaps I should say organization. It is gone; some people rue the loss of it. Some of us have no qualms about that, but there is one element which was overlooked. The people who were governing us then never appreciated that we might have our independence as soon as we are going to have it; they never arranged that we should have an officer class of the King's African Rifles which we can call upon to man our forces at the earliest opportunity. We are going to be landed with our independence—

An hon. Member: Landed?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Yes, we are landing it; we are fishermen, mark you, we shall have it, and as a lot of mistakes were made we shall have to work very hard to try to make good quickly and get an officer class of sufficient standard and calibre to man our forces and defences. Furthermore, Mr. Deputy Speaker, training was not carried out in the police in readiness for 1963. I think it should be one of the jobs of the African Government, that we must expedite these particular situations and get the officers trained as quickly as possible.

I must mention something, Mr. Deputy Speaker, with regard to the N.F.D., in particular. We have people of Kanu who may be of Somali or Boran origin. They are Kanu and Kanu Members of this House represent the particular areas there. They have supported the Government faithfully and well over the period, and I think one of the things we must do is to support them as well. I have been told of the treasures which are supposed to be in the N.F.D. I happen to know a regional government agent, who replaced the man who was murdered. At one time it appears that these Members had to be guarded because the people said, "You went to represent us there, you joined Kanu. What is Kanu doing for you?"

Mr. Ngala: Nothing.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Kanu is going to do something for them and they are doing

something for them. That is why there is a certain amount of peace now. We must think of these people, and we must do things which will be honourable.

The Motion also calls on our Prime Minister to satisfy himself that a defence pact is made with Somalia covering raids. Somali Ministers were here in Nairobi not so long ago. One important thing is this: it is good to make a pact with somebody, but let it not be someone who is a Hitler, who will get a piece of paper and then tear it up. We would ask the Somalis that whenever they make any agreement with our Prime Minister, they will be capable of honouring it, or else I think we shall have to talk tough to these people and insist that if, in future, they do anything which is detrimental to the lives and property of Kenya people, we shall hit them where it hurts.

The Prime Minister (Mr. Kenyatta): Mr. Deputy Speaker, I just want to make a few remarks before the Government replies to this Motion. A few things have been said, especially by the Mover of the Motion. He wanted me to assure the House that people in the N.F.D. are safe. All I can tell the House is that the Government is taking action. The Government is doing what it can to protect the people and property in that area. Extensive investigations have been carried out in the area. I have given orders that I must see one of the raiders, alive, and if not alive, dead, so that I am able to tell the Somali Government that this is a man from their side, because all they have been saying is that they are not concerned. I have had several talks with the Foreign Minister, and he has flatly denied and said that he has nothing at all to do with the raids carried out in the North-eastern Region.

We have made very strong representations through the Foreign Minister, Mr. Abdulla Issa, and also through diplomatic channels. As you know, we do not have direct contact or diplomatic relations with Somalia, because the Somalia Government broke off diplomatic relationship with Great Britain, and we have to make representation through America. These representations have been made.

We have not rested there. At the present, we have sufficient forces in the North-eastern Region to deal with any eventuality, so you can rest assured that action has been taken and will continue to be taken.

The only thing is, Mr. Deputy Speaker, that some of the Government's actions cannot be published in the Press so that our friend in the Opposition can read them in the newspapers.

[The Prime Minister]

The Leader of the Opposition was once in a kind of Government when he was, I think, the Leader of Government Business. He knows what I am saying: that there are a lot of things which the Government does which we cannot talk about. All I can tell you is that you should rest assured that action has been taken. I get practically daily reports from the N.F.D. or the North-eastern Region. It was only this morning that I was assured that the situation was well in hand. I can also assure you that through diplomatic talks, some of the chiefs have now begun to turn their attention to the Government. It is not easy; this is not something we can do overnight. We are trying to do what we can to create a good relationship between us and the Somalia Government, but as you know it is very hard sometimes to understand diplomatic language.

You told me that I have made an agreement with the Somalia Foreign Minister. We have not yet signed any agreement with Somalia as such. We have talked and we have made representations. For example, the Somalia Government have agreed to stop broadcasting inflammatory broadcasts to the North-eastern Region. They have also agreed to investigate the case of the man who was kidnapped and to return him if possible. We have made several representations about this, and the Somalia Government feel that he went there of his own accord. I have told them that to prove that they did not kidnap him, the best thing is to send the man back escorted by their people, and when he is here and I have taken them to his father, this man, Khalif, can, if he wishes, go back to Somalia. This matter is still under consideration.

Therefore, my friends, I hope you understand that we have to negotiate, we have to do some diplomatic talking. If it were a question of force we could knock these people—I do not like to use the word—and settle the question in no time. However, that is not our aim, because the Somalis are trying to push us into a certain position. As you have heard, raids are made, grenades are thrown, but yet, except on one occasion, nobody has been hurt. What they want is to provoke us, so that if we shoot one, two or three of them, they can raise a hue and cry in international spheres. They can say, "Look at Kenya murdering our brothers in the North-eastern Region". So we have to be careful not to be the aggressors, and that is why I have been carrying on these negotiations with the Somalis. I hope that something good will come out of them. To show that they are willing to establish good relations with us, with an African Government, the Somalia Government has accepted an invitation, and I

think they are going to send the Prime Minister to lead the delegation. You may say that it is only bluff, or something of that sort, but we have to go slowly. We have to be diplomatic, but if diplomacy fails, I can assure you that the Government will take strong action. We are prepared, and we can take action at any time. At the moment, as I say, in the north-east we have sufficient forces to deal with the situation.

There are, as in any other country, I am told, a number of hooligans or armed guards of youths called "shiftas". Those are the people who go raiding here and there, and I have given orders that they should be captured, dead or alive; so you can rest assured that we are doing what we can. An hon. Member: Dead.

The Prime Minister (Mr. Kenyatta): No, I do not believe in destroying life except where it is very necessary. I do not believe in that.

I have told you that if diplomatic negotiations fail, the Kenya Government is ready and willing to take strong action. I have only made these few remarks before the major spokesman replies for the Government side.

Mr. Muliro: Mr. Deputy Speaker, we all know that independence brings with it its own concomitant problems. I think, along with hon. Members in this House, that the issue of the nomadic race on our borders with Somalia and on the other side with Ethiopia is one of our key problems. I would like to thank the Prime Minister who is making every effort to see that Somalia respects our hand of friendship and realizes that we want to see peace on the frontier.

However, Sir, it seems to be very common among all nomadic tribes that there are constant raids, cattle stealing, and so on.

An hon. Member: Question!

Mr. Muliro: Definitely it happens. It happens internally between the Kisi and the Masai, the Kipsigis and the Masai. It is an internal matter which the Government can handle in Kenya. But obviously the issue on the Kenya/Somalia border has something to do with the present Somalia Government, the Republic of Somalia, and therefore it is a problem we would like to see brought to an end. The spirit of Pan-Africanism, the spirit of the East African Federation, is not going to materialize as long as there are people in Somalia who think that Kenya is weak, and that because they are weak, the North-eastern Region of Kenya must go to Somalia in order to pay for the Pan-African spirit. We do not want to disfigure Kenya in order to achieve the Federation of East Africa or the spirit of Pan-Africanism. Pan-Africanism should be spontaneous for all concerned.

[Mr. Mullro]

There, Sir, without labouring on this too much, we should accord our Prime Minister, the man with very great respect both in Somalia and Ethiopia. Some of these sporadic raids when they are done by Ethiopia, Somalia does the same—and when they are done by Somalia, Ethiopia does the same. These two countries should come to a peaceful solution with us, which will generate confidence of Pan-Africanism, the confidence of the people of Kenya. All that will be of great value.

However, I think the main problem of the North-Eastern Region is the lack of development projects in that area. Those people must be given some useful work, a useful business must be carried on in that area, so that Kenya looks much more attractive to the Somalis in the North-Eastern Region than the present Somalia. These raids are being carried out simply because our people in Kenya think that Somalia is better than Kenya and the Somalis better than we are. Therefore, let us concentrate on the North-Eastern Region in order to encourage our people in that area to fight back. To fight back at these nomadic raiders from Somalia, they should be ready to defend themselves.

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

Mr. Oduya: Mr. Deputy Speaker, Sir, I consider this Motion to be a national one, because this question of boundaries and border security is an important issue. This Parliament has a responsibility for it. The Prime Minister has told us a few things and how he is playing his part, and what his diplomatic policy is with regard to calming this situation. When we look at the whole thing we find that the usual procedure in this sort of thing is that people talk of international politics, but internally they have the intention of destroying another country. In this regard, Kenya has already experienced the position of these people from Somalia. These people started this campaign some time back during the rule of the Colonial Government, and recently when this Government came into power—it may be before that—I do not quite remember, one of the District Commissioners, a very responsible man in this Government, was murdered together with a senior chief from that area. Mr. Speaker, Sir, the Prime

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

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

Minister has told us how far he has gone with regard to negotiating with the Somalia Govern-

ment. He has spoken of peace and diplomatic understanding. He has said that they have asked the Somalia Government to bring back the man who was kidnapped by the Somali raiders, but he has not told us about the people who killed and murdered the District Commissioner and the Chief. Are these people going to be brought to Kenya for trial or not? That is the question. That is one thing we want the Prime Minister to tell this House and the nation, because people from that area are still anxious to hear what is going to happen to these people who murdered the District Commissioner. There were rumours that these people were seen in the Somali area, but up to date our Government has kept quiet about it. They have never demanded the return of these murderers. That is something I want the Prime Minister to tell us before he tells us that the Somalia Government is attempting to bring about good diplomatic understanding.

The second thing, I think the Members of this Parliament must be aware of, is, that recently we have read in the press that our police posts along the border have been attacked by the Somali gangsters. Nobody will tell us that these gangsters are mere youth wingers of the Somali political parties or anything like that. How do they get these guns they use to shoot at the police posts? They must be armed by the Somali Government. They may be police, they may be military chaps of the Somali Government. Nobody knows, because no one is there to see them. We do not know how they are dressed. I think the Prime Minister should look into this, because it is very serious.

We are very concerned with the security of this country, and if we allow a sister state like Somalia to meddle with the internal affairs of Kenya interfering with the North-Eastern Region, just claiming it as a right, I think our Government will do a lot of harm to the nation, especially if they tell us they are trying to handle things diplomatically. In Kenya we have people who were born in Somalia. We are also men and women who are exactly like these Somalis. If they want to try anything which interferes with our peace and the security of our nation, by murdering responsible men from our country, for example, District Commissioners or Chiefs, then we must stop this. We have Members from Isiolo and so on, and the Members are afraid to tour their constituencies and speak to the people and tell them what the Government is planning. We have laid many things down concerning development and so on. How can these Members speak with freedom to their people to tell them what the Government intends to do, if there is this fear of walking

[Mr. Oduya]

around in case someone comes to shoot them. This is why I say the Government should not mess around with diplomatic relations. The present army, I do not think is sufficient, because this army has not been trained. Mr. Speaker, Sir, to handle these machines like the ones which are being purchased by the Somali Government from China, Russia or America—they are large missile machines. I do not know what they are called. These machines which are being bought by the Somalia Government from these powerful nations are bought for one purpose alone. To attack Kenya, they want to gain this part of Kenya, the North-Eastern Region. The Government must be careful in its policy of saying they want to promote brotherhood and so on. We are aware of that. There is another thing, even in the past the Somali people thought that they were foreigners because they considered themselves as Asians. This mentality is doing some sort of harm by thinking to overlook this nation, Kenya, and trying to interfere with us.

We should ask the Prime Minister, and give him a list of militant chaps. I will supply him with a list of 1,000. We have people who can walk into this area. If our people are given arms and get a training of one week and if we ask them to go in to Somalia, they can see that every Somali who causes trouble is shot. We shall make Somalia a colony of Kenya. This Government has not bought all these big weapons, this Government uses only Bren guns, machine guns, just very simple ones. They may have a few tanks, but the Somali Government is well equipped. They are buying expensive weapons and they are ready to attack Kenya at any time. There is a rumour already that even on the 12th December they may interfere with our celebrations. This is a rumour and I am speaking as a political figure in this House. This Government should not handle this affair in a light-hearted manner by just coming and telling us this or that. This is not a childish Parliament of the people. We have to be worried about the state of security in the country when a sister state like Somalia intends to suppress the security of this state.

Since our Government has not decided whether to buy weapons or this or that, they must tell us the position and let us know if it is secure. We do not want to hear on the 12th December, that instead of celebrating with Her Majesty's representatives, the Duke of Edinburgh coming with the Instruments of a sovereign state, there is a war in the North-Eastern Region. I think that would be a mistake. What will the Prime Minister tell us if this happens? He will say,

"No. Members, this is what happened". He must now assure us that something is being done.

Because of the time, I cannot speak any longer, but I think you other hon. Members here will support this Motion.

Mr. Agur: Mr. Speaker, Sir, I agree with my Prime Minister that defence and diplomatic matters are not matters that should be publicized too much. They cannot be discussed too openly and we know that Parliament is quite an open place. But as this Motion, although moved by the Opposition party, is a Motion which concerns all of us, that is the security of our people in that area, we still would like to impress upon our Government and upon the Prime Minister in particular, that we would not like to be caught unawares and knowing that the Somali Government has a real and determined intention to create trouble in the North-Eastern Region and also, if possible, to take it and make it part of Somalia, this is the doctrine upon which the ruling party won its election and are going to unite Somalia. They are using it to make the Somali nation and, therefore, we know that they are much more determined than we think they are. I am particularly worried when I hear that Somalia is buying weapons from foreign lands. If Kenya had to deal with Somalia alone, that might be a different matter, but I would like to impress upon my Government that we should not allow this matter to become international. We must do all we can to prevent Somalia from having any contact with international trouble makers, who on the one hand, will tell you they are your friends and on the other will assassinate your attackers.

I remember some time back I was in India, and Indian Heads of State visited China and the Chinese welcomed them saying India and China were friends, but before those people were back in India the Chinese were already attacking the north-eastern frontier of India. So in Europe, as well as in Asia, there are mischievous nations who feel that once they can set foot on a continent like Africa, and can get people who are desperate like the Somalis—I call them desperate because they are a poor country and also a country which has a lot of grievances against other states like Ethiopia and now Kenya—they will not mind creating mischief while, on the other hand, they will probably say they are our friends. We want our Government to make sure that we are not involved in international war. That the north-eastern base of Africa is a peaceful place. This is why I impress upon my Prime Minister to use all his diplomatic skill to see that everybody else is satisfied from supporting Somalia. We have read in the Press that Somalia is getting

[Mr. Agar]

aid and training in European countries and also in China. I am not sure about this, but if these things are really true they should be properly investigated.

An hon. Member: They have no Russia here.

Mr. Agar: We know that these details might have been kept quiet by the international Press, but as Kenya may not have the proper machinery to obtain first-hand information of what is going on among these nations, we would like more effort to be made towards the investigation of these matters.

Mr. Speaker, Sir, once this part of Africa is plunged into war or international struggle we know that our economic development will not materialize. We will have to divert a lot of effort towards defending the frontier and there will be a lot of confusion. We will be involved in a cold war, since we may have to call other friends to assist us. As the hon. Member Mr. Oduya has said we have a very inadequate army and truly speaking we have no war machinery. I know that the British Government will find it very difficult to assist us after 12th December because then some British enemy may say, "Well, if the British are assisting then we shall help Somalia". We know that countries like the United Arab Republic are very friendly towards Somalia as a Muslim country and very bitter enemies of Britain and things like that could involve us in a war. Locally, in the north-eastern frontier, we urge our Government to make an intensive survey and carry out scouting on the border and to use some of the experienced police officers who have worked there to obtain proper information for us such as the correct location of Somali concentrations, and as a deterrent I would say that Kenya would not be guilty of aggression if these raiders should all remain on the ground dead. I feel that Somalia will get the idea that we are nursing them too much, and even the spirit of Pan-Africanism will not be helped by this. So our units there should be ordered to remain vigilant, so much so that once these raiders come again they should all either be captured or killed, that is the only deterrent that will show Somalia how determined we are to defend the border.

Mr. Speaker, Sir, we are behind our Government on this issue. There is not much that we can say except that we want to show our anxiety and our determination that Kenya should not appear weak. We want Kenya to appear right from the beginning as a confident country which is capable of dying in defence of her frontiers.

Thank you, Mr. Speaker.

The Speaker (Mr. Slade): I would remind hon. Members that the time for this debate is running out.

Mr. Oloitiptip: Mr. Speaker, Sir, this is a very important Motion and my hon. friend here is talking about the Masai. I have asked the Government on many occasions to employ the Masai tribal people from Seagu, so that they are really a people. To this effect, Sir, I have not seen steps taken to employ these people, who can stand and defend Kenya. All I am saying, Mr. Speaker, is that in the Secretariat, the Prime Minister and the Government are very keen on employing the Kikuyu. I do not think, Mr. Speaker, we are going to be able to defend Kenya that way. While we need the people to work in the Secretariat we also need people to work in the fields, and to be employed in the army, so as to be able to defend our independent Kenya.

Mr. Speaker, Sir, I think I will leave that point because they know very well that if they are employed these people will defend Kenya, and I should like to speak on only one point.

I have heard hon. Members saying that although this Motion was raised by the Opposition, they will support it. I should like to warn the hon. Members that we do not differ at all. Members on the other side and those on this side have been elected National Members, and we attempt to raise sensible and constructive Motions in the interests of the country, and come to you to receive our Motion and agree to it, provided it is a constructive Motion like this one.

Therefore, it is not a question of whether the Motion has been raised by the Opposition, or by the Government side. We are here to see that Kenya is a peaceful country and a place where everyone will be happy. We need to be constructive, and I should say it is high time we noted this plan which Government has to do things. We know they are doing it, but we should like to warn the Government that it is now necessary for them to do something to ensure that our independent Kenya will not be attacked by Somalia or by any other country. I do not blame the Somalia Government, because we do not know whether these raids have been instigated by them or by the raiders. It might be some raiders who organized them, or it might be the whole Somalia Government. But we do not really know. That is why we urge our Kenya Government and our Prime Minister to be alert.

I think this is a very important Motion, Mr. Speaker, and we would all like something to be done at this moment to see that we recruit more people into the army, not only to defend our

[Mr. Oloitiptip]

frontier with Somalia but from other nations as well. Some of the hon. Members have been saying that perhaps China or some other country is behind this. Most of our Government people there have made China their homes, and I think they should know whether these people are really behind this or not. Most of them are now China citizens, Mr. Speaker. All I want is for our Prime Minister to give protection and security to our people in the Northern Frontier.

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

Mr. Godana: Mr. Speaker, Sir, I do not have much to say on this Motion, as I am supporting a Motion which is well known by both sides. I hope the Prime Minister will also agree with this Motion. On this point I only want to ask two things. The first thing concerns the Northern Province and our people in the north-eastern parts: the Boran. As our people know, we have been suffering from this enemy attacking us directly from Somalia. The Somali are very proud and on our side we are ashamed that we are not as proud as they, but in history the Boran were either better or equally as good as the Somali. They have their own Government and treat us like inferior people. I am not abusing this Government, but I would like to tell you a little story.

Hon. Members: Go ahead.

Mr. Godana: For this reason, I just want our Government to do one thing now. We want our youth, the younger Boran, to be employed and used for the defence of this country, in this call up. I am not saying that these other people are cowards, but we know, and our younger people know, that we are as fit as they. If the Government agree with me, they should increase the number of Boran in the police and army, in order to defend these lines, because we know the Somali character. If we protest strongly with them, then we shall find peace.

For this reason I ask the Government to employ more Boran in the army and police. Another thing, many people have spoken on this Motion, but everybody forgot one thing—the trouble we have in this area. We do not have a good road. If something happens in Wajir or Moyale today, I think we shall have to hire a helicopter, and I believe most of these aeroplanes belong to Britain. We need the roads for the sake of defence and public use as well. I ask the Government now to be ready to prepare a main road from Isiolo to Moyale, and from Isiolo to Wajir, and Mandera, in order to make a good service if something happens.

Another thing, we should have also a big airfield, where we can fly. I just want to remind my Government that I am not pretending to be half friendly with Somali, but the Government must remember that the first discussion between Kenya and Somalia must be about returning two people from Somalia to Kenya. That means if they are enemies then we cannot be friends. This did not happen during the colonial regime, but has happened since self-government. I do not think the Somali were against the British Government, but they are against the Kenya Government.

The Speaker (Mr. Slade): We should really now move from the Private Party Motions to the Free Lance Motions, but I am quite sure that all hon. Members would prefer to give this Motion its full two hours, especially as we started rather late, and I think I have the agreement of hon. Members that we should leave the other Motions on the Order Paper until we have finished this. However, at 5.18 even so I have to call on the Mover to reply so I expect, Mr. Murumbi, you would like to speak now.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir—

The Speaker (Mr. Slade): Mr. Murumbi, you have eighteen minutes.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, first of all I would like to begin by making a very clear distinction as to the area about which we are talking. There seems to be, not only in this House but also outside, a misunderstanding as to the area under discussion. Some people seem to believe that the whole of the Northern Frontier Region is under dispute. What we are actually discussing today is the North-Eastern Region which is a part of the Northern Frontier Region and the part in which there is, possibly, a population which is predominantly Somali.

With that clearly in mind I would like to say this in answering this Motion: the Government has already taken steps to strengthen our defences. That is, we have reinforced our General Security Units in the area as well as sending the King's African Rifles into the area. The Government is fully aware of the need to protect life and property in the area and that is why we have taken these precautionary steps. It is not possible for the Government to reveal, either in this House or outside, the positions nor the strength nor the weapons that these forces have. This is for obvious reasons and I hope that the Opposition will respect the Government's right in not revealing them.

[The Minister of State, Prime Minister's Office]

Sir, the Government has tried for a long time—even whilst it was not in power—to reach a friendly understanding with the Government of Somalia. We have also, in Rome, tried our best to find some solution to the problems of the North-Eastern Region. I need not go back and tell this House what happened in Rome. We were terribly disappointed that the Somali Government took the choice of not wanting to reach an agreement during this conference. Nevertheless, in spite of this, our Prime Minister has availed himself of every opportunity when the Prime Minister or Minister of Foreign Affairs of the Government of Somalia have passed through Nairobi, to have friendly talks with them on this subject. On about two or three occasions the Somali Minister for Foreign Affairs has passed through Nairobi and our Prime Minister has made every effort to discuss this matter. The Minister for Foreign Affairs has, on one occasion, agreed with us that it is necessary for both the Kenya Government and the Government of Somalia to make a joint declaration asking the people of the Northern Frontier to remain calm. I am saying this, Mr. Speaker, because we, on our part, have done everything we possibly can, and will continue to do so in the interests of peace, to reach a friendly agreement with the Government of Somalia. We have done what we can and will continue our efforts.

Our Prime Minister also agreed, when the Somali Prime Minister was here recently, to open up diplomatic relations as soon as possible. We cannot, until 12th December, have full diplomatic relations with Somalia in the normal manner, but the Somali Prime Minister has asked one of his friends in Nairobi to represent his Government so that we can, in the case of necessity, make representations through him to the Government of Somalia. I do not think the House should be hasty in trying to condemn the Government of Somalia because condemnations at this moment may not do any good. This is a very delicate situation and has to be handled very delicately and I do not think there is any use in us blowing up a lot of hot air because in all these cases, not only in Kenya and not only between ourselves and Somalia, but in many other parts of Africa there are disputes of this nature. I think, in the interests of peace in Africa, we cannot afford to fight. Neither the Government of Somalia nor the Government of Kenya can afford it. As we all know, we need every penny we have, not for war, but to fight the war against poverty.

Therefore, my friends, I would like to say this: whatever we are doing now may not be quite clear to the Opposition—or to Members of our own party—but I would have it believed that the Government is acting in good faith and in the interests of the country as well as in the interests of peace. It is no use asking the Government to reveal what equipment it has in this area because, in the interests of security, these things cannot be revealed. The forces that are in this area are adequately equipped and quite capable of controlling the situation. We have had a series of raids, but I think now our forces—once they are positioned in the area—will be able to control and also defend themselves against any Shifita raids. Hon. Members must realize that fighting in that area is rather difficult. I think the hon. Members from that area will realize how difficult it is to fight in that type of terrain. Nevertheless, with the police and administrative officers in the area, and the army and the G.S.U. units in position, we will, in the course of time, I think, see definite results.

A point has been raised, Mr. Speaker, with regard to compensation. This matter is being considered by the Government. The Government is considering in what form compensation can be made to those victims and families of victims of Shifita raids. Perhaps we will be able to give the House more information on this matter at a later stage.

Mr. Speaker, Sir, therefore, I would like to make an amendment to the Motion that has been submitted by the Opposition. I would like the amended Motion to read:—

THAT this House is satisfied that the Government has taken every precaution to protect our police posts and Kenya citizens in the North-Eastern Region and the Prime Minister is making every diplomatic effort to bring about and strengthen peace between Somalia and Kenya.

Mr. Speaker, I beg to move.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question of the First Part of the Amendment that the words proposed to be left out, be left out, proposed)

The Speaker (Mr. Slade): I am afraid there is not much time left and so we will have to hurry with this amendment.

Mr. Ngala-Abok: Mr. Speaker, Sir, I am thankful to hear the Prime Minister so ably explaining the Government position, and the Minister of State, the Prime Minister's Office explaining the

[Mr. Ngala-Abok]

same thing in a much clearer way. However, while I support the amendment I would like to advise my Government on one point. Rumours and allegations are spreading that the Somali Government is being assisted in these attacks by being given weapons by certain foreign countries: Russia, China and other countries which are talked about a lot in the press of this country. However, our Government cannot strictly announce that the Russians are aiding our enemies to destroy us and so we must do this and that to the Russian Government.

It must be understood that Kenya is becoming independent on the 12th December and I think that delegates from the countries which are alleged to be helping Somalia will be coming to the celebrations. When they come here the Government must declare—after consultation—that they will either be friends of Kenya after independence or they will be enemies. There should be a public declaration so that our people can hear it, that the Russian Government or the China Government will be friendly towards Kenya or will not be friendly towards Kenya. This must be a statement which will be made by our Prime Minister and the delegates who come to the independence celebrations. Our Prime Minister suffered for many years to get independence for this country and we cannot afford to have a foreign country involved in aiding our neighbours so that it oppresses us. This Government wants to employ a policy of socialism and we expect our socialist friends to come here and advise us, but they should not put us under another colonial system of Government.

What we are demanding, in fact, is a clarification of the position because we are overwhelmed with the question of what we will do with the Russians and Chinese after independence since they are supporting Somalia. We want a declaration that the Russians and the Chinese will accept total friendship, not just a friendship where we find that they are also assisting our enemies. Our enemies would also be able to ask the Russians for assistance if we went and asked them for assistance. If we had assistance from the Russians in the form of weapons what good would that do us if they have already supported our neighbours. We are not going to accept any country, east or west, that is going to interfere with our independence.

I have just stood up to support the amendment and to ask the Prime Minister to clarify the position when these delegations come to our independence celebrations. Mr. Speaker, I support the amendment.

The Speaker (Mr. Slade): We must now dispose the amendment in order to give the Mover time to reply.

(Question of the First Part of the Amendment that the words proposed to be left out, be left out, put and carried)

(Question of the Second Part of the Amendment that the words proposed to be inserted, be inserted, proposed)

The Speaker (Mr. Slade): There are only two minutes for an hon. Member to speak on this.

Mr. Bonnett: Mr. Speaker, Sir, I have a few remarks to make. I am not really on the Kenya side or the Somali side, but I feel that the situation is aggravated by the fact that another nation does supply arms to Somalia. I feel that whichever nation it is that supplies arms to Somalia is making a great mistake because she knows very well that these arms will be used to wage war against other African states; either Kenya or Ethiopia. I feel this is true because we heard about this 4,000 miles away, when we were in London, that the Somalis were going to attack Kenya. When we got back, we heard that they had started attacking the police stations. It may be said that this is not done by the Somali Government but all the same we believe that there is someone who is encouraging the people who call themselves "shifitas" to take these bold steps of attacking the police stations belonging to Kenya.

I know, Mr. Speaker, Sir, that we asked the Russians, for example, whether they were supplying the arms and they said they were supplying the arms and it was not their responsibility to know how the arms were going to be used. If this thing goes on we feel that these states have a great responsibility if anything goes wrong.

The Speaker (Mr. Slade): I am afraid I will have to interrupt you now, Mr. Bonnett.

(Question of the Second Part of the Amendment that the words proposed to be inserted, be inserted, put and carried)

(Motion, as amended, proposed)

Mr. Ngala: Mr. Speaker, Sir, I have accepted the amendment made by the Government, because the matter has been agreed on; and the seriousness of the situation has been realised by the Government as well as the Opposition; which brought the Motion. Therefore, I would like to state that I do accept this amendment on condition that the Prime Minister, on recalling the House after independence, will give a further

[Mr. Ngala]

statement on the situation, because it is a very serious situation.

Of course, I started by saying that this Motion is not intended at all to give the impression that Somalia is our enemy. We are, and we must continue in the future, to be friendly to the Republic of Somalia because of the fact that she is our neighbour and because of the fact that we have many Somalis living in Kenya: they will continue to live in Kenya as citizens of this nation. I have also made it quite clear that there is no evidence at all that the Somalia Government is involved in the incidents that have taken place on the Frontier. I was very happy to note that it was the Prime Minister's intention that Kenya should not become aggressive. In spite of what some of the Government backbenchers said, the Prime Minister himself stated that it is not Kenya's intention to be aggressive. I entirely agree with him that our attitude should be to protect ourselves and not to be aggressive towards a good neighbour: a country like Somalia or any of the other East African countries.

The amendment emphasizes three things. One is that action has been taken. I realize that action has been taken. To what extent it is covering the whole situation, I do not know, but the Prime Minister has given an assurance that extensive investigations are going on. For this reason the House would appreciate a statement, on the resumption of the House after the independence celebrations.

The second thing is that the Government has realized that there is need to increase and maintain strength along the frontier. This realization on the part of Government of the defence situation there is very encouraging, because if they have realized that there is need to increase strength there, I hope they will start activities which will increase the military strength along this line.

The third point which is covered in the amendment is that Government intends to create peace between our country and Somalia. I think it is very important that there should be peace between Kenya and Somalia, and the attitude expressed by some Members of the Government, that they should have the army or enlist people for the army and go and fight Somalia, is a very childish one indeed. Our attitude should be that we should seek to have peace between Somalia and Kenya; and not start off with fighting, particularly when our Prime Minister and the Foreign Minister of Somalia are still talking and coming to agreements.

We have been assured that the diplomatic talks which are taking place now will help the situation.

I hope that before any statement is made, we shall understand the situation better with regard to the negotiations. It is always unwise and dangerous to take hasty action in these matters.

Mr. Speaker, I must admit that I have been very disappointed that neither the Prime Minister nor his Minister of State have said that the people who murdered the District Commissioner or the Senior Chief will be returned to Kenya or that something will be done about it. I think this is a very unfortunate omission in the statement of the Prime Minister and that of his Minister of State. I think the Minister should have had talks—

The Prime Minister (Mr. Kenyatta): On a point of information—

Mr. Ngala: I do not give way on a point of information.

The Speaker (Mr. Slade): You can only make a point of information if Mr. Ngala gives way.

The Prime Minister (Mr. Kenyatta): If he is not willing to give way, then he should not ask for information. I was going to supply him with the information for which he asked.

I would like to assure the House that we are trying to do what we can, and we have made representations to the Somalia Government. I have repeatedly asked the Somalia Government to return these two men. These negotiations are going on even now, and when these people come here at independence we shall resume the talks. Between two African Governments, something should be done, because the excuse they have been making is that they have never made any agreement with the Colonial Government to return criminals from one country to another. They have promised me that, after independence, we shall go into this question to see whether we cannot come to some agreement; that if a criminal from Kenya goes to Somalia, they will return him, and vice versa. Therefore, you should not be hasty; you must be patient.

Mr. Ngala: I have noted the assurance given by the Prime Minister that he is talking this matter over as well and that the negotiations are still continuing.

The other disappointment caused by the Prime Minister is the fact that he has not been able to ensure in his negotiations with the Somalia Foreign Minister that the question of "shifto", the hoodlums, is covered. He said that he will deal with them, but he has not told us that there has been

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agreement that the Government of Somalia should deal with these people. It is not a one-sided question; it is a—

The Prime Minister (Mr. Kenyatta): I cannot tell you everything we discuss in secret.

Mr. Ngala: It is the responsibility both of this Government and the Government of Somalia. I think this is a very disappointing situation and the Prime Minister has failed to give us any valuable information on the question of "shifto", and how our lives will be protected against "shifto", both by the Kenya Government and the Somalia Government.

Sir, I did not raise this Motion in order that the Borans may be employed as soldiers nor that other tribes may be so employed. That was not my intention at all. My belief is that the army which is recruited will be so recruited, not as a result of Motions which are moved in this House, but because it is deemed right to do so; and that the people responsible will select the soldiers. I think one Member who has moved that the Borans should be recruited as soldiers has done so because he wants revenge on local people. That is not my idea. I am glad to hear the Prime Minister give the assurance that whatever has gone on between him and the Somalia Government has been sincere and genuine, and that it is not bluff. If it is not a bluff, then this shows some progress in whatever talks are going on between our two countries.

Sir, I would like to finish by saying that we are assured the situation is under control; we are also assured that these diplomatic discussions are going on. We realize that these discussions are very delicate, that the whole situation is very difficult, but we would like the Government to make sure that the lives and property of people are safe. The Minister of State said that property is being cared for, but houses and huts are being burnt every day, according to the papers, that is, unless what we read in the papers is not correct. I hope that the houses and huts which are being burnt down and destroyed will also be protected by the Government and that we shall receive better reports in the press. Lives are being lost, and I hope this will be stopped. I hope the statement later will include an aspect of compensation so that those who are left behind are looked after.

To finish, Sir, I would like to assure the House and the country that the intention of this Motion is not to show that we are enemies of Somalia. What we would like to see is a friendly relationship between Kenya and Somalia, and we would

like these negotiations to show a spirit of friendliness so that it helps the whole situation, and that it will be possible for Somalia to be a member of the East African Federation as soon as possible. The Prime Minister has said nothing about the Ethiopian Agreement, the military agreement, but this may be one of the secrets he is keeping to himself. I hope that the House will be told some of these secrets so that we know where we stand as far as defence matters are concerned.

With these words, Sir, I would like to show my appreciation with regard to the Government's attitude in accepting this Motion and only rephrasing it. I hope that a further statement on the situation will be given in more detail at a future date. I beg to move.

(The question was put and carried)

Resolved Accordingly:

THAT this House is satisfied that the Government has taken every precaution to protect our police posts and Kenya citizens in the North-Eastern Region and the Prime Minister is making every diplomatic effort to bring about and strengthen peace between Somalia and Kenya.

MOTION

WITHDRAWAL OF COFFEE-GROWING BAN

The Speaker (Mr. Slade): According to procedure on Thursday afternoons, at this point we move from group Motions to free-lance Motions. That is, we should move on to Order No. 7. As the Motion at Order No. 7 is Mr. Masinde's Motion, and I understand he would prefer to proceed with his Motion under Order No. 6, I think it would be right to allow him to do that, and he has one hour for his Motion.

Mr. Masinde: Mr. Speaker, Sir, I beg to move the following Motion:—

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

Mr. Speaker, Sir, a few days ago, Government decided to ban the further growing of coffee in this country. If I have interpreted the situation correctly, those who will be hit very much by this will be African farmers. They have suffered in this country for many years, and it is now time, when we have an African Government, to go into this and find the best solution for helping African

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farmers, since they are the real population of the country.

In the past, we have been told many times that agricultural industries are the backbone of Kenya's economy. Unfortunately, these industries have been taken over by the European farmers, just because all agriculturalists and experts have concentrated on assisting only the Europeans and not the Africans. Because of this, all cash crops which pay the farmers properly were permitted to be grown by European farmers. Here is a situation where we have a crop, coffee, which has a quota in international markets. Therefore, since most of the farmers have decided not to stay and many of them are still wavering—they have not decided whether to stay or to go—if we ban further growing of coffee, it will mean that in five years' time, there will be no coffee industry. We are not sure whether the people who have large plantations of coffee are going to continue to farm here.

There are two aspects which I want to put across to the Government. It is necessary that Government should realise that they have to plan for five or ten years' hence. Coffee which is grown now cannot be expected to bear fruit tomorrow; it takes about five or seven years. The plantations which are being protected at the moment are mostly owned by Europeans, and they are all plantations with old trees. Some of these trees are very old indeed. The acreages which are owned by these people should be reduced and Africans should be allowed to grow more coffee.

It is only for about four years that Africans have been allowed to plant coffee, and some of them are ready to pick coffee, and we now know that Africans should also be allowed to farm some of these cash crops.

Banning these crops now just because there is no market for them, just because there is nowhere to sell them, I think is wrong, and I think it is incorrect for the Ministry or the Government to handle the situation in that way. At present, what is needed is a campaign to be started through the Coffee Marketing Board, which will cause far more of the surplus coffee to be sold locally. Most of the people do not use coffee; we rely on exporting it to outside markets. If the outside market is limited, then what is the Coffee Marketing Board doing? Why do they not organize themselves. Some of the firms are making full use of the Kenya Broadcasting Corporation to advertise their goods, and they are selling them in large quantities. Tea has a very large market in the country; it is advertised in the local areas, Simba Chai, and so on. What is the Board for? Is it

for the directors to get large salaries? Is it not to find a market for the farmers? These are the things which people will find unreasonable if Government decides that they should ban the further growing of coffee.

Another point I want to make Mr. Speaker, Sir, concerns the set-up of the Coffee Marketing Board. If I am correct, I think the Coffee Marketing Board is comprised of Europeans; it is controlled by Europeans. All the plans they formulate are to benefit only European farmers. This was done deliberately, so that Africans could not reap any benefits from their farms. They have to remain employees, picking coffee for European farmers. This is not what we want. If a man has three or four acres, we must allow him to plant as much as he can. The few Africans who have land are restricted, they are restricted to fifty trees. What can fifty trees do? How much can a man expect to earn from fifty trees, or even a hundred trees? We are supposed to support the farmers, and yet we have the situation where there are hundreds of acres planted up with coffee trees, and yet the Africans are restricted. At this stage, we are not going to encourage this sort of thing any more. People were privileged during the Colonial rule and Europeans were protected in these cases. I do not suggest that we should protect the Africans, because this is an African Government, but I want the Government to see that justice is given to those who suffered during the time of the Colonial rule.

All Africans, including hon. Members here, were expecting this Government to stop this. This is what we want to stop now. We cannot allow this to get worse.

Mr. Speaker, I think that the banning of coffee has happened at a very wrong time. Thousands of Africans have been put on farms; they are called new settlers. How are they going to earn their living, and raise money? They should have the right to make use of these cash crops. Otherwise they will struggle for three years or so and then run away because they have nothing. If you are planning for an African to earn about £800 a year and then refuse to allow him to make use of the cash crops in this country, you are deceiving yourselves. The unemployment problem will increase, because this will not allow an African to farm in this country properly.

Look at the whole set-up of cash crops in the country. Take sisal; this is grown by Europeans. Sugar-cane is grown by Asians. Coffee is the same, so is pyrethrum. How long do we have to have this going on? We allow tactics and deliberate plans in the Government, and yet we are here

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saying that we are doing good jobs for our people, even though they are suffering.

They say they are going to destroy all the seedlings and pay a few cents for them—forty-five cents for them. This means they lose thirty-five cents. What about the labour which has been maintained for some time, perhaps two years? All these things are done because they are interested in protecting the man who started planting coffee in the 1930's; he has been earning since then. We cannot allow this to continue in this country. We know the areas which can be farmed well. If it is a question of property, you must say an African Government is general, but it is not general when it protects certain people, if it analyses the areas and the places where there are coffee. The people who are suffering at present are far more than those who have been here as settlers, and perhaps doing mixed farming. Those who have big plantations are sure they are going to earn their money even if they have to leave this country. They will employ African stooges and say, "This is my farm." They will take their money out and then leave this country, without this country knowing and go to stay in Europe. This is happening now all the time.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Speaker, the hon. Member is making a serious allegation which I think he should substantiate.

The Speaker (Mr. Slade): It is rather difficult for the hon. Member to substantiate an allegation that this sort of thing is happening. I do not think he was thinking of anyone in particular. He might make matters worse if he did. Perhaps we had better leave it. I do not think it really affects the merits of his debate, and if you leave the subject, too, Mr. Masinde, we will not get into trouble.

Mr. Masinde: Thank you very much, Mr. Speaker. There is truth in what I have said, and what I ask this Government is to find out how some of these big farms are taken over.

I want to go back to the marketing of coffee. There are many weaknesses in the entire marketing of coffee, and that is why we have failed to sell most of our coffee locally. If the Ministry were really interested in having African farmers, they should have felt it was necessary to go into this in detail and assist in the way of marketing. An African in the street must know the value of coffee and he must make good use of it. At present, most of us here drink coffee, but the general population

know only tea. If coffee does not have an international market, it must be sold locally. If we can get our tea sold here locally we should also be able to sell more coffee locally. We could conduct a survey on the ordinary woman in the street so that she knows the value of coffee. A good salesman, say, the Chairman of the Coffee Marketing Board, if he is really good at his job, will sell it even if the coffee is very bad. That is what we need to do. There should be a market. The coffee should be sold in our shops, and it would be cheaper for the people to buy than tea. This is what the Ministry should do. This excuse should not be given.

What I think should be done is that all the old trees on the large plantations should be uprooted and Africans should be allowed to plant coffee. We are not sure how many Europeans are going to leave. Mr. Speaker, some time ago we read in the papers that there is an attitude that they are going to pull down all they have planted, they are going to destroy their houses and leave this country as a desert, or as they found it. These are the things which we have to remember now, and take the really backward industries of this country and put them in the hands of Africans who are committed; naturally they are committed because they were born here and have no intention of leaving. Whatever happens to this country, they will remain here and farm. It has to be done, and they are not people who have one leg in Kenya and another leg in Italy or France, and so on. We cannot have this going on.

Mr. Speaker, with these few remarks, I beg to move the Motion.

Mr. ole Tipsi: Mr. Speaker, Sir, I beg to second the Motion.

I think this Motion will not only have the sympathy and support of members of this House but of the people of this country at large, because we know that this ban will very seriously affect the economic growth of our country at a time when we need all the economic growth for various services which our people need and which they expect from us.

An hon. Member: What about Masai?

Mr. ole Tipsi: Mr. Speaker, I need not comment on that. I am not talking about the Masai, I am talking about the people of Kenya and the Masai are part and parcel of Kenya.

Now, Sir, we know very well that this country of ours depends entirely on its agricultural products from the soil. As such, coffee, one of its main cash crops for export, must be given room not only for expansion but room must also be found for its marketing abroad.

[Mr. de Tipes]

It is true, Sir, that in the past the Colonial Government gave the sole monopoly, as far as the planting of these cash crops was concerned, to non-African farmers, until they realized that they were fighting a losing battle which compelled them to change their minds and attitude. Then very late they allowed the African farmers to grow this important crop, of course it was only on a limited basis. Without dwelling on the history of the past, it is true that when comparing the coffee grown by African farmers and by non-African farmers, there is quite a large gap which, I believe we as true nationalists, having the interests of the economy of our people and the interests of raising the standard of our people, must take this very seriously. We must concern ourselves with how we can lessen this gap. In saying that, Sir, I hope I shall have no quarrel with my friend, the Parliamentary Secretary who I can see listening very attentively, in saying that it is true, we are governed by the international coffee agreement. Of course, this has come about through the fact that world production of coffee many times exceeds world consumption. I would have thought that this Ministry in particular, when negotiating with the other countries that grow coffee, would have pressed very hard indeed for the necessity of the stronger nations, who grow these crops, and that is the fully developed nations, not to try and squeeze out or apply a strong brake on countries such as Kenya which are under-developed and which do rely entirely on their agricultural products of their country. Of course, this should have been stressed heavily. I am not implying that they have not pressed for it, but they should continue to do so, and in fact we were all expecting to hear this very encouraging news from the Government side after the extensive world tours by teams composed exclusively of members of the Government party—both to the west and east—in trying to explore and find new markets for the produce of our country which has hitherto been subjected to a selfish attitude of only selling it to, say, England, or America, or India for that matter, and denying us the avenue of markets which might exist in other parts of the world. So far we have heard nothing. In fact we are shocked that on the return from these tours the good news we expected has turned out to be the bad news of banning any future planting of coffee. However, I hope the Government will do its utmost to see really and honestly if they cannot use all their power and influence in various countries. Then one of these days the experts will shoot somebody to the moon or the sun and make it

possible for human habitation, and if this happens we shall go and explore the markets there. What we need is only a market to sell our cash crops, not only coffee but all our crops.

Sir, as I said earlier, sometimes I feel that the larger industrialized nations and those which are fully developed in every respect, should at least make a sacrifice for the benefit of their unfortunate fellow human beings, who through no fault of their own, live in a country which is very much under-developed. I hope that their attention will be drawn to this so that they can see if they cannot help us instead of just standing still in this regard.

The last point I want to make, Sir, is that I for one do not believe that as far as adverts and propaganda are concerned, our local consumption of coffee has been taken advantage of. We could increase the outlet of our coffee by encouraging or increasing local consumption here. Of course, I can say from the other side that I hope we shall not be subjected to the policy of the past. I hope and I believe every hon. Member here is worried. I can see my hon. friend the Minister for Home Affairs is also worried, because part of the wealth of this country is in the hands of non-indigenous people and our people are just at the bottom of the ladder. If we apply all these restrictions, when are we going to be able to enjoy everything which grows in this country? I hope that this kind of thing will be rectified. If necessary, without meaning any evil to them, those who have had the monopoly for the last fifty or sixty years, should be told that they can make no further expansion, and that they have to give room to the Africans who only have a coffee plantation of a quarter of an acre. Those who have fifty, a hundred or two hundred acres should stop further expansion and give room to the people like the Masai. I am referring to my friend here who mentioned it. We have beautiful land for coffee growing, but simply because somebody monopolized the whole thing, we are now told there is no hope of ever planting a coffee tree there. This is bad. So, Mr. Speaker, Sir, I beg to support the Motion very strongly.

(Question proposed)

Mr. Gatiguta: Mr. Speaker, Sir, I am compelled to oppose the idea of banning the growing of coffee in this country and I support this Motion. Before I do so, I think it is my business to make it clear that a matter of this magnitude, a matter as important as this one, should not be taken before consulting the representatives of the people and even the people themselves. We elected Members are finding it extremely difficult to support or to defend some of the Government's

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policies, because we do not know the circumstances and the reasons for banning coffee, and this is an issue that the public outside is so interested in, and we as elected Members are finding it difficult to support the Government policy on such matters, and it is my personal opinion that this is an issue that should have been fully discussed in this House; as to whether the further growing of coffee is necessary or not. All that we know now is that a statement has been issued by a Minister, and we do not even know whether this is the Cabinet's decision, so we know so little about it. The banning of coffee amounts to one thing: the protection of the coffee industry of this country which is in the hands of a small group of Europeans, at the expense of a large number of African people. If it is necessary to ban the growing of coffee because there is no market for selling it, I understand that is the reason—then it would be a wrong principle to protect a small number of people and forget the rest. I would have thought that the alternative for our Government, under the circumstances, is to introduce what we are already committed to: and that is to African socialism. That applies to the whole coffee industry. Whatever benefits accrue out of the existing land—now owned by a group of Europeans—should go to the Government, because what it amounts to now is that of the coffee growers in this country, 95 per cent of them are Europeans. Whatever benefits we get from coffee growing in this country goes to them, and the rest of the African population gets nothing, so if it is necessary to ban coffee at all, I wish to emphasize that the Government should come forward and tell us that the whole coffee industry is going to be nationalized so that everybody will benefit from the existing coffee growing. It is extremely surprising to hear our Government telling the people that they are going to have their seedlings uprooted when they have, in fact, already planted these seedlings. It is usually necessary for a Government to think five years ahead and this question of the stoppage of coffee planting should have been foreseen five years ago and the people should have been told about it then so that they would be ready for it.

I find it extremely difficult, Mr. Speaker, to agree with this kind of policy, although I know, when it comes to the question of voting, I will have to support my Government, but that is my view. I must say that our Government is treading on very dangerous ground by making public declarations of such national importance without the consent of the people of this country. This is an issue that should have been discussed first

and foremost by the party that forms this Government, to enable a reasonable number of the representatives of the public to know about this and give their views on it.

Mr. Speaker, Sir, I support very strongly this Motion and would like the Mover of this Motion to go further with this Motion and ask the Government to nationalize the whole of the coffee industry in this country.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I feel I should stand at this stage to clarify a few points and reply to this Motion. I want to explain to this House, and to the country at large, the situation with which farmers of all races are faced with regard to the growing of coffee. I would also like to clarify certain points which, I feel, have been misunderstood by several hon. Members in the House so that other hon. Members do not repeat them while debating this Motion.

Sir, I would start with a few points raised by the hon. Mover, the hon. Member for Lurambi, who said that in the Colonial days the Europeans were the only farmers who grew coffee. This was true, Sir, but we are no longer in the Colonial days. The House will be surprised to find out that, at the moment, the number of acres under cultivation by the African farmer growing coffee is 10,500 as compared to the European farmers who have 76,000 acres. You will see, Sir, that actually the African Government has not been sleeping because the African acreage is quite high as compared with the European acreage. The Mover also raised the point that the European farmers are going away. I wonder why he did not add that they are taking the coffee plantations with them when they go. He should have added that, I think, to justify his argument. I would assure him that as soon as these farmers leave their farms, African settlers are settled on these farms and they then take over the coffee plantation. The coffee plants are not cut down before the Africans move on to these farms. Therefore, I do not see why this argument was raised by the hon. Mover and I do not know why he did not say that the Europeans take the plantations with them when they go. Mr. Speaker, Sir, when the settlers leave the country, Africans are settled on the farms and, therefore, take these coffee plantations over.

The mover also raised the point, Sir, that a coffee plantation does not grow in a day. This is true. It takes about two years before a coffee plant matures so that the berries can be picked from the tree. We agree that many trees that are growing now—particularly those grown by African farmers in the acreage I have mentioned

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—are still immature. Therefore, the Member should know that when these trees mature there will be more surplus coffee.

Some hon. Members, Sir, said that the Coffee Marketing Board is purely a European set up. At the present time this is so, but I have previously said in this House that the Government is in the process of reconstituting all the statutory boards and the Coffee Marketing Board comes under that. Therefore, we are in the position at the present time of reconstituting the Coffee Board and it is going to have representatives from the Regions. I hope that the hon. Mover will be appointed by his Region to represent the coffee farmers in his area on this Board. I would advise the hon. seconder of this Motion to tell his Regional Assembly President not to appoint Europeans to this Board as he has already done to some other boards. We will have many Africans on this Board who will consider the African position.

Sir, he raised another point about the seedlings being uprooted. This is a point I want to make very clear to this House and the people outside. The seedling that have to be uprooted are not the seedlings that have already been planted out in the fields, they are the seedlings that are still in the nurseries. This is a point which should be made very clear. My learned friend, the Member for Kikuyu, also made the mistake of saying that seedlings were going to be uprooted even though people have spent time and labour on them. The seedlings that are going to be uprooted are the seedlings in the nurseries. I want to make it very clear as to how these seedlings are going to be treated, if only hon. Members care to be patient so that I can give them the Government policy.

Sir, it was alleged by an hon. Member when I stood to raise a point of order that there are some Africans who have taken over farms belonging to Europeans who are leaving—he particularly mentioned South Africans—and they are sending the money acquired from the sale of produce to these people. My Ministry is not aware of such things and that is why I stood up to raise a point of order. If the hon. Member cares to bring this to our notice I am sure that it will be considered very seriously by this Government.

Sir, to campaign for more coffee drinking, as one hon. Member suggested, is not the duty of this Government. When the "Aspro" people advertise their medicine the Government does not help them.

An hon. Member: The Board does.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): The Board is not the Government. When I was moving the Statutory Boards (Amendment) Bill, 1963, the Leader of the Opposition opposed the amendment and I was wondering why he opposed it because that Bill would give us the power to direct this board. However, now you agree with me that the amendment Bill was correct.

Sir, I agree that the Board should advertise the selling of coffee locally. However, I insist that it is not the duty of this Government to do this as the Government has already done enough on an international level. The local level should be taken care of by the Board which, as I have said, is going to have Regional representation. Therefore, it is up to the Board itself—this Board is going to be reconstituted so that it consists of representatives from the Regions—to see that it campaigns for the local consumption of coffee.

Hon. Members will agree with me that their coffee is not consumed much here. If one goes to any hotel he will be asked whether he wants *chai* and not *kahawa*, and it is to my surprise also that even hon. Members in our lounge sometimes reject the Kenya coffee and say to the waiter "I am not satisfied, I am not going to have that coffee". They are helping to eliminate the market for coffee. I would advise hon. Members in this House to consider very gravely to advise the growers, the marketing board, to launch a campaign for the local sale of their coffee. We, as the Government, are doing all we can for international sales, as you are going to hear soon.

Sir, I was listening very attentively to the remarks of the previous speakers, and not a single speaker among the three proposed to this Government as to where to sell the surplus coffee. I was surprised, I was very keen to listen. What I expected the Mover to do was to come and tell us, now here is the market, what is the Government doing to take our coffee to this market. None of the speakers, Sir, mentioned this. We are left in a position of not being able to find a market. An hon. Member mentioned China, and this House and the country at large is aware that a very responsible Government mission, a mission of Ministers and a Parliamentary Secretary went to the Eastern countries recently to look for markets for our coffee, and other agricultural products. I was very surprised to hear that these Eastern countries do not drink coffee. They are not interested in it. Hon. Members may laugh, but it is a fact that we found that all the Eastern countries were

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drinking only three per cent of the world's production of coffee. Very, very little. I am going to make it clear to the hon. Members that Kenya is not the only country which is looking for a market for its coffee among the Eastern countries. There is competition, Sir, but these countries are sending shortly a mission to this country to find how best they can get agricultural produce and in exchange what machinery and other things can we get from them. We hope they might consider taking about 2,000 tons of our coffee.

When one goes out to sell or look for a market for goods, one takes a sample to stand on the market. If one does not find a buyer, what do you expect a person to do? One comes home with these goods which may be bananas and one has to let them rot or destroy them. Now this is the situation which faces the Government. We went to find markets for our coffee, we failed, and we came back here and let it rot. Now what are the producers going to say if they go on producing coffee. They are going to ask the Government to find them a market. Now where are we going to find a market, nowhere. The only solution is to try and review the rate of planting this coffee, because every sensible mind will agree with me, you cannot grow what you cannot sell. If you cannot find markets, then why do you grow it?

I come to another very important issue in replying to what the hon. Members have said, and to the hon. Member for Narok West, who supported the Motion, and who unfortunately is not here, said that room should be found for marketing coffee abroad. You cannot force something like this. If there is no room, there is none and that is all. You cannot force it, but we are trying hard. I promise this House that the Government is trying hard. Even now we are trying. You should be aware that the Minister, on whose behalf I am speaking, is out in the European countries; he has gone to attend a coffee conference.

Sir, another point he raised is that we should negotiate with the strong nations not to squeeze Kenya. I agree, Sir, negotiations of this nature have taken place. What has happened is this. We have agreed through correspondence with Brazil and U.S.A. and you might be surprised to hear that the Brazilians have had to destroy five million acres of their coffee. We have agreed with these people that they are going to put in reserve their surplus coffee and not force it on the open market. They are guided by the international coffee agreement just as we are. But they would put their

surplus coffee on to the world market in the non-quota countries. They have agreed with us that they will not do this, but of course to satisfy them we have to find a solution whereby we do not have more and more excess, more and more surplus coffee. Hon. Members will agree with me here that if these people, the Brazilians and the United States, have been so kind as to sympathize with Kenya as far as its coffee production is concerned, then we have no alternative but to take precautions to justify the sympathy of those people.

Now, Sir, with regard to the ban on planting, it is only a temporary one. At this particular time the Government is reconstituting a committee to look into this particular ban, and I can say that this committee will have a few hon. Members from this House on it, and it is going to look into the situation as it stands. The ban, as we all know, was announced with effect from 1st January, and it may be that this committee will not have made its recommendations to the Government in order to find a solution in which Africans can be encouraged to take over large plantations from Europeans, and for the Government to try to compensate the present European farmers by forcing them to uproot all their old trees and giving the number of the trees uprooted to the African growers. That is what is important, Mr. Speaker, Sir, to hon. Members in this House. What is going to happen is that this committee will look into the possibility of transferring the existing plantations to African farmers.

It is also going to consider giving compensation from this Government for the existing trees which are to be uprooted so that the number of trees uprooted could be replanted by the African farmers. As far as uprooting seedlings is concerned, we are not going to uproot all of them in the nurseries. There are seedlings which will be necessary to have for any authorized planting programmes and these are going to be retained for this purpose. By "authorized planting programmes", Sir, I mean we do not want to uproot everything so that when the time comes when we have found a market we have to start from seeds again. We have to retain seedlings for authorized planting programmes in case we find a market. These seedlings can then be planted by the African farmers. No other points have been raised by hon. Members in the debate, but the points I have given in answering this Motion, Sir, I hope hon. Members will give serious consideration to them. The first is that a committee is being constituted by this Government to look into the situation, with the possibility of transferring existing farms to African farmers.

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Secondly, to give compensation to enable the existing farmers to uproot their old trees, and a number of the uprooted trees to be planted by African farmers, and then the seedlings in nurseries are not all going to be uprooted. I hope hon. Members will be satisfied with that and realize that this Motion cannot be accepted by the Government as it stands. In view of the fact that we are going ahead with a committee to look into this situation we cannot withdraw the banning notice.

The Government is therefore unable to accept the Motion.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, I speak as a coffee grower who started growing coffee, as far as Africans are concerned, in the last few years. Coffee is an economic crop, and I think one of the few economic crops now being grown by Africans. It is a pity we must stop it at short notice. I would like to say that the short notice really will only harm the African community because the old farmers have large and broad estates. They are not going to suffer. They can still carry on. The situation about which the Parliamentary Secretary is speaking here will not hold much water. If he is talking about coffee

estates, I do not know where the Government is going to get money for purchasing coffee estates, but if it can be done it is a step in the right direction. It is just now that Africans have started to plant coffee, some of them have about half an acre. I would suggest two things. One is that the Government should not think in terms of dissuading, but must make it a policy to destroy old coffee trees in the Kiambu District. If they destroy 50,000 we might be able to plant 50,000 elsewhere in the country. The second point I would like to suggest is that the notice as it was given—by my friend there—rather struck the African below the belt. I know of someone's father who has prepared 1,000 coffee holes beautifully manured. To tell him that he cannot plant at the beginning of the year after so much labour is really penalizing the person. There are lots of them in this situation. I would suggest, therefore, that the notice be suspended, if possible to the end of the long rains, to June, 1964.

ADJOURNMENT

The Speaker (Mr. Slade): It is now time for the interruption of business. The House is therefore adjourned until tomorrow, Friday, 29th November, 1963, at 9 a.m.

The House rose at thirty minutes past six o'clock

Friday, 29th November, 1963

The House met at Nine o'clock.

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

PRAYERS

COMMUNICATION FROM THE CHAIR

PRIVILEGE OF HON. MEMBERS

The Speaker (Mr. Slade): There is a matter of Order which I consider to be of sufficient importance to justify a Communication from the Chair.

As hon. Members are aware, all that they say in this House is absolutely privileged; that is to say, they are protected, as regards any statement made here, against all actions, claims or demands under the ordinary law of the land. But that protection carries with it a great responsibility—responsibility not to make unjust allegations or unnecessarily offensive remarks about anyone, whether he be in or outside this House; not, by abuse of others, to abuse your own privilege.

In particular, sweeping abuse of all members of a community, service or other group of people, based on no more than the alleged shortcomings of a few of them—if even that—has in the past been disallowed, and will not be allowed.

I do not wish to refer to any particular speeches or Members, but I have noticed a tendency—especially during the current debate on the Second Reading of the Kenya Citizenship Bill, but also on some other occasions—of some hon. Members to launch attacks on whole racial or national communities of this country, with no justification beyond the alleged misdeeds of a few members of those communities.

I say that such generalized attacks will not be allowed: but rather than dealing with this strictly as a matter of Order, I prefer to appeal to that sense of fair play which is expected from hon. Members, who are here for the welfare of society and the just government of men. All that you say here receives publicity everywhere—especially, I am afraid, when what you say is unkind. I believe that every one of you has at least one friend among the immigrant races whom you would not wish to hurt, and whom you would like to stay and share the fortunes of Kenya. I ask you not to forget them, nor to generalize in such a manner as to hurt or discourage them, whenever you speak about the misdeeds of others of their race or nation. Generosity, sensitivity and tolerance are seldom out of place; and I would suggest that, if ever there was a place for such qualities, the

time is now—on the eve of our great adventure of independence, in which, as Mr. Kenyatta has said, it is so essential that we all pull together.

I know that the majority of hon. Members already understand and practise those things: but a wild and bitter speech from only one of you can spoil the restraint of all the rest of you.

ORAL ANSWERS TO QUESTIONS

Question No. 154

ELECTRICITY FOR MARIAKANI TOWNSHIP

Mr. Mwatama asked the Minister for Works, Communications and Power if the Minister would draw the attention of the appropriate authority to the lack of electric power in Mariakani Township and urge upon them the necessity of introducing an adequate system there as soon as possible?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. The only known specific requirement for electricity at Mariakani is that of the milk scheme factory. As the factory requirement is quite small its needs are met more economically by private generation than they could be from a public supply and the factory has an authorization of the Minister to generate electricity for its own use. If the Member for Kilifi North has knowledge of other specific requirements of a more substantial nature, he should communicate the details to the Minister so that the possibility of meeting them by the introduction of a public supply system may be investigated.

Question No. 205

CATTLE RAIDS IN KRUVU CONSTITUENCY

The Speaker (Mr. Slade): Is no Member of the Government prepared to answer this question?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): No, Sir.

The Speaker (Mr. Slade): This is very disappointing, because Mr. Gatuguta left it over as he was promised it would be answered this morning. Is it possible that Government will be able to find some person to answer the question if we take the other questions first?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): If it is possible, Sir, we will try to answer it this morning.

The Speaker (Mr. Slade): We will go on to Mr. Ngala's question.

Question No. 150

EAST AFRICAN AIRWAYS CORPORATION: PROFIT OR LOSS

Mr. Ngala asked the Minister for Works, Communications and Power:—

What the anticipated net profit of the East African Airways Corporation was at the end of the Financial year in 1964? If any loss was anticipated and if so how much it was? What were the likely causes for the loss, and what was the Minister doing now to avoid any loss?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): The financial estimates of the East African Airways Corporation for the next year, which in accordance with Section 14 of the East African Airways Corporation Act, 1963, are required to be submitted to the Authority of the East African Common Services Organization, have not yet been considered by the Authority, and I am therefore unable to provide the information which the Hon. Member has requested.

Mr. Ngala: Arising from the Parliamentary Secretary's reply, Sir, can we be given an assurance that the rumours that have been circulating, that there will be a loss of between £500,000 and £750,000 in 1964, are just rumours? This has been in the papers and the general public thinks this is so.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I have given the answer. The authority has not considered the estimates and the section I quoted, section 14, of the East African Airways Corporation Act, 1963 takes care of this.

Mr. Ngala: Arising from that reply, Sir, is the Parliamentary Secretary not aware that the General Manager made a statement, which was reported in the papers, that this is a realistic estimate of the loss, and why was it made public before it was approved by the body concerned?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): It might help the hon. Member, Mr. Speaker, if I give him a little information on what section 14 requires. We cannot rely on unilateral statements or press statements. Section 14 of the Corporation's Act reads as follows:

"The Corporation shall, on or before the 31st day of October in each year, submit to the

authority a programme of the air transport services which the Corporation proposes to provide for the year next ensuing, and of the activities in which the Corporation proposes to engage during this period. Such programmes shall show, among other things, each air service proposed to be operated by the Corporation that year with an estimate of the profit or loss on each such service." The second part of that section, Mr. Speaker, goes on to say: "After the authority has received all the information necessary the authority may either approve the programme and after consultation with the Chairman, direct such deletions from or modifications or additions to the programme, or where the contemplated operations of the Corporation show an estimated deficiency of revenue over expenditure direct such reductions in such estimated deficiencies as the authority deems fit. Where such a direction has been given the Corporation shall effect such reductions by such methods and in such manner as approved by the authority as the Corporation may determine." This, Mr. Speaker, gives the hon. Member the answer that the authority has not met yet to consider if there is any genuine cause for the public to fear from the statement made by the General Manager.

Mr. Muliro: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, what does the East African Airways think about this, and not the authorities?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, the East African Airways Corporation has to comply with the laws that have been made, and section 14 of the East African Airways Corporation requests that the Corporation should submit its estimates to the authorities.

Mr. Mutiro: Arising from that reply, Mr. Speaker, does the Parliamentary Secretary expect the East African Airways to continue the three international flights, and if so is this to be carried on at a loss?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, it is the authorities which will examine this according to law.

Mr. Ngala: Arising from the unsure reply of the Parliamentary Secretary, does he not think that the planning of flights to South Africa and the death of the four member pool, will affect the loss of profit of the running of the East African Corporation?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, I have no more to add to what I have already said. The authority is due to decide.

Question No. 146

EXTENSION OF SAGANA-EMBU ROAD RE-ALIGNMENT TO MAUA

Mr. Gaciatta asked the Minister for Works, Communications and Power whether in view of the fact that the Sagana-Embu road was now being re-aligned, would he give an assurance that the re-alignment would be extended to Maua so that the heavy traffic engaged on the transport of valuable farming produce over that section could move along it with safety?

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

The road between Sagana and Embu is being realigned at present and should be completed by July, 1964. A new road between Embu and Meru has already been constructed at a cost of £234,000 and provides a good, fast, all-weather road between these two towns. From Meru a new alignment to Kangeta is being constructed at a cost of £47,000 and is now nearing completion. This leaves only a short distance to Maua which I am informed is being improved by the Meru County Council out of its own resources. Thus Maua should in the very near future be connected with Nairobi by a good all-weather route.

The Government has recognized the agricultural potential of the Nyambene area and have consequently spent large amounts of money on improving the communications in the area in recent years.

Question No. 147

ADDITIONAL POST OFFICES: MERU DISTRICT

Mr. Gaciatta asked the Minister for Works, Communications and Power whether in view of the fact that there was only one post office situated in Meru Township to serve an area of some 4,000 square miles would the Government take immediate steps to recommend to the authority the opening of a post office in Nyambene Division and the other three Divisions in Meru District?

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

The following post office facilities are at present available in the four Divisions of Meru District:—

Division	Headquarters	Postal facilities available
Nyambene	Maua	Postal agency at Maua
North Imenti	Meru Town	Departmental post Office
South Imenti	Nkubu	Postal agency at Nkubu
Nithi	Chuka	Postal agency at Chogoria

The post office at Meru provides a full range of post office services, while the other three post offices cater for handling of ordinary and registered correspondence, parcels and the sale and encashment of postal orders.

The volume of business transacted at Maua, Nkubu and Chogoria does not justify the establishment of full scale post offices at this stage. A postal agency formerly existed at Chuka but it was closed down on 2nd November, 1954, because of lack of postal business.

The postal authorities are currently investigating the possibility of establishing further postal agencies within the Meru District, including Chuka. Headquarters of Nithi Division, and will proceed with the opening of additional agencies at centres where they are justified and where suitable people can be found to operate them.

Mr. Makooe: Mr. Speaker, will the Parliamentary Secretary tell this House what factors are taken into consideration when establishing a post office for the people and the country at large.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, Sir, in the first part of my reply, I did indicate that a postal agency or a post office service deals with ordinary post office services such as the handling of registered correspondence, parcels, stamps, postal orders and so on. If it is found that opening such facilities in an area does not warrant any public expenditure, then it is not necessary to open one.

Mr. Masinde: Arising from the Parliamentary Secretary's reply, how does the post office find out whether they are going to have enough registered letters or enough letters without going into the country to find out?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Speaker, the post authorities are carrying out investigations and if they have more information to give, it would be most welcome.

Question No. 205

CATTLE RAIDS IN KIKUYU CONSTITUENCY

Mr. Gatuguta asked the Minister of State, Prime Minister's Office, if he was aware of the seriousness of the recent incident at Gikambura in Kikuyu Constituency where a Masai Moran was shot dead and two Kikuyu seriously injured during a cattle raid and if, so, what steps was he taking to avoid any further raids; and if he knew how many cattle were stolen during this raid and how they were recovered by the police?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I must apologize to the House for the delay in answering this question.

I beg to reply. In view of the seriousness of this matter, the National Security Council have discussed it at their last meeting, and recommended that the Minister for Home Affairs, in conjunction with other Ministries concerned, should investigate matters directly connected with the stock thefts on the Kiambu/Masai border, the operation of the Special Districts Ordinance, quarantine regulations and so on. Consultations are accordingly taking place and I am still awaiting a report. In these circumstances I would advise the House that we say nothing more until this report is received.

Mr. Gatuguta: Mr. Speaker, Sir, is the Minister aware of the fact that the cattle raids in this area have been going on for the last three years, and is it only at this time when somebody has been killed that the Government is prepared to take action.

The Minister of State, Prime Minister's Office (Mr. Murumbi): The Government is as concerned as the hon. Member. We are still awaiting the report, and as soon as we have received reports, steps will be taken to see that these stock thefts are stopped.

Mr. Ngala: Arising from the reply by the Minister, can he tell us when he expects the report and when it will be coming before this House for discussion?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Very shortly, that is all I can say, Mr. Speaker. As soon as the first opportunity occurs we will give the House a report.

Mr. Anyieni: In view of the fact that when cattle are stolen the fine is only Sh. 200, would the Minister give us an assurance that he is going to raise this so that the thieves will be afraid of stealing?

The Minister of State, Prime Minister's Office (Mr. Murumbi): I cannot commit myself at this stage. I am still awaiting the report and as soon as I receive it we will take further action.

Mr. G. G. Kariuki: As the theft of cattle from the Kikuyu by the Masai is because of the inefficiency of the police, can the Minister assure the House that he is proposing to dismiss the Inspector-General?

The Minister of State, Prime Minister's Office (Mr. Murumbi): No, Sir.

Mr. Kall: Mr. Speaker, is the Minister aware of the fact that in this particular case there was only one police constable in the area?

The Minister of State, Prime Minister's Office (Mr. Murumbi): I am awaiting the report to see what happened.

Mr. Gatuguta: Mr. Speaker, Sir, since this matter is very, very serious and the police at Kikuyu Police Post are aware of these constant cattle raids, as also is the Assistant Government Agent there, will the Minister agree with me that these people have actually failed in their duty and that they have not been reporting to him exactly what happens?

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, as I have not had the report I cannot blame anybody. Until the report is received I cannot give a satisfactory reply.

Mr. Gatuguta: Mr. Speaker, since the incident took place can the Minister tell the House whether police reinforcements have been made in the area with sufficient guns? When this particular instance took place there was only one gun in the post.

The Minister of State, Prime Minister's Office (Mr. Murumbi): I can assure the House that since the action took place adequate steps have been taken by the authorities to see that it does not happen again.

Mr. Ngala: Mr. Speaker, would the Minister agree with me that his Ministry is so inefficient that it is incapable of giving us the facts on the spot in reply to the question. These questions are usually submitted to the Ministries at least two or three weeks before they are brought to this House. We should hear exactly what happened on the spot and what steps were taken to prevent it happening again. We should hear this on the spot.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, may I tell the House that the question was received in my office

[The Minister of State, Prime Minister's Office] at 11.30 a.m. yesterday and it is not possible in such a short space of time to give a satisfactory reply. I hope next time we will be given adequate time to answer properly.

The Speaker (Mr. Slade): The House will not learn any more on this question today from the Minister.

Mr. Mutiso: Mr. Speaker, I do not think the Minister has answered question (b).

The Speaker (Mr. Slade): I understood that Mr. Murumbi was replying to both parts of the question when he referred to the expected report.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Yes, that is so, Sir.

Mr. Gatuguta: I would like, with your permission, to raise this matter as a Motion on the Adjournment.

The Speaker (Mr. Slade): I am afraid it is not possible unless we are sitting again next week. We have had our two days of Adjournment Debates this week, and it is not a matter which I can regard as being a definite matter of urgent public importance sufficient to justify the application of the Standing Order which allows the interruption of the proceedings of the House.

Question No. 190

CO-OPERATIVE FARMING: SCHEDULED AREAS

Mr. Muliro, on behalf of Mr. Khasakhalf, asked the Minister for Lands and Settlement if the Minister would tell the House what the Government's plan for encouraging co-operative farming in the Scheduled Areas was.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): On behalf of the Minister for Lands and Settlement I beg to reply. The Government's whole settlement programme is based on the principle of co-operative farming linked, in the majority of cases, with individual ownership of the land. Holdings on all schemes are so laid out that the mechanization of farming methods can take place when the time is ripe for it. The Government has at present three co-operative farms in operation on which the land is communally owned and four in the process of formation. The former are at Koma Rock, Lukenya and Bibirioni, and the latter are being planned for the Nyandarua and Muhoroni areas. The Government regards these farms, on which the land is communally owned, as experiments which will generate sound principles on which to

base an evaluation of co-operative farming within the context of Kenya's agricultural pattern.

Mr. Muliro: Is the Parliamentary Secretary not aware that co-operative farming does not necessarily mean the communal ownership of land?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): I am aware it does not necessarily mean that.

Mr. Muliro: If so, why should the present settlement schemes not be operated as co-operatives?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): I have already stated, Sir, that experiments are in existence at the moment. Much will depend on the success of these experiments. The general policy of the Government is to encourage co-operation where it is in the interests of production; and where it is in the interests of the owners; and where the owners themselves desire it.

Mr. Muliro: Is the Parliamentary Secretary not aware that this fragmentation of land is actually going to ruin Kenya's economy unless the Government remedies it now.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): I do not admit that the settlement schemes will harm Kenya's economy, but as I said, co-operation as a principle is sound and the soundness of it is admitted by Government.

Mr. De Souza: Mr. Speaker, Sir, if I have understood the hon. Parliamentary Secretary correctly, he said that the Government is so dividing the land as to permit mechanization at a later date. Could I ask the Government first what is happening to all the machinery, etc. in the meantime, and how many years will it take until the Government admits that mechanized farms today will be able to be mechanized at a future date?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): The question of time is not so easy to answer. Much depends on the willingness of the new farmers themselves and the need for this particular form of farming. I am not aware that any mechanized farms with large stocks of machinery have been taken over.

Mr. Muliro: Arising from the reply, would the Parliamentary Secretary not agree that to demechanize the mechanized farms is actually ruinous to Kenya's economy?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Chanan Singh): Not necessarily in a country with a large volume of labour available. But as I say, if the machinery is there it should certainly be utilized and the best way of doing it on smallholdings is by the method of co-operatives.

Mr. Ngala-Abok: Mr. Speaker, on a point of order, in view of the fact that we usually get very inadequate replies from the Prime Minister's Office, could we suggest a reshuffle please.

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

BILLS

Second Reading

THE KENYA CITIZENSHIP BILL

(Resumption of debate interrupted on 27.11.63)

The Speaker (Mr. Slade): Before resuming this debate, I have to correct a mistake I made when we started it on Wednesday. I told the House that in so far as this Bill embodies what is already in the Constitution, it cannot be debated here, because that would have to be the subject of a Motion to amend the Constitution. Debate is therefore limited to those parts of the Bill which elaborate the Constitution. Where I went wrong was in saying that any of this is in the Constitution already; I find that it is about to be in the Constitution, but it is not yet there. I apologize for that, but these days it is difficult sometimes to know what happened yesterday and what is going to happen tomorrow! This means that this Bill can be freely debated in all its aspects, because it is not yet containing anything already contained in the Constitution.

Mr. Oduya: Mr. Speaker, although aspects of this Bill are contained in the Constitution, I think it is in order for the Members of this House to express their personal feelings with regard to this subject, and to tell the Government the feelings of the masses, especially the native population. We are not trying to express feelings against any of the communities in this country. Last time when we were discussing this matter, people outside from different communities said that we were trying to create a very serious division among them. All I want to say for the information of the various races is that we are fully concerned with their situation, but we must also express our views so that after 12th December we can bring this Constitution into being and study it carefully to see whether it is necessary to amend certain aspects and put it in the way our country wants it.

As you are aware, Mr. Speaker, this Constitution has been drawn up somewhere else, in a foreign country, because we want the power. Now that we are getting that power, we are going to determine what type of Constitution will rule this country. That is another point.

With regard to this particular Bill, I would like to say that last time we criticized the Government for failing to help Members know exactly what the procedure was in this regard. When we go outside to address the public at meetings, they also want to know why certain people, Asians and Europeans—because as you know in the past they have been so-called—are going to become citizens automatically. They ask us to explain this and we are bound to say something to defend the Government. That is why some of us feel that it is a mistake for the Government to bring this Bill to us without first consulting us and giving us a clear picture of how it is going to work. It is known that all of us are not of the same character. I think you will admit, Mr. Speaker, that outside there are people of different characters. Some are businessmen, of the Asian community; and as I have said I am not against them; I am just trying to make the Government aware that there are some people who even to this day have not accepted that Members of this House are their leaders. They refer to us as African leaders. That is the point, Mr. Speaker, that there are these people, and they do not know that we are their Government and we are their leaders. This is their Parliament where all laws are made to govern the country for their own interests. That is what we are complaining about.

I feel the Government must appoint a committee which will check the character of each individual, particularly of these communities, so that when the question of including someone comes up before it, we are already aware that the person concerned pays his allegiance to this Government, irrespective of the Government, irrespective of the leaders, and irrespective of the fact that the laws are made by these people. If the man says we are African leaders making laws, that means he does not regard the laws we make, and he will not obey them, nor the leaders.

Therefore, we are telling the Asian community and the other communities, the Europeans, to correct this themselves so that in future they regard every leader in this House as their leader and not as African leaders. There is nothing which is African; if we want to be in Kenya, we are all one nation. That is what we are trying to correct, Mr. Speaker.

What I am putting over is this: if Kenya is going to be a stable country, with the interests of other people at heart, particularly the Asians will

[Mr. Oduya] have to be loyal to us; we must not be pushed by other nations, foreign powers. That is why I have said that perhaps some of our Ministers, for the sake of their own outstanding records in international politics, want to use this. Some of them are Members of the Cabinet and they are used by foreign powers, who tell them, "If you cannot do this the economy of your country will fail because no one will invest any money." This is a serious thing. Take any other country: for example, Ghana never received any loans from anywhere; they started from nothing, and today they are a big nation. I do not see why Kenya, with its fertile soil and the people, cannot start from nothing and make a nation. We are in a position to defend our own soil.

Mr. Speaker, I feel this Government should not be used by any foreign power, who might say that if we do not do this we cannot have that. I know that it is the usual practice of some Members in the Government to doubt good understandings, perhaps with the Bombay Government, the Washington Government, the London Government, or the French one, that Kenya's economy will fail. If this is the case, we shall not get anywhere. We shall not be a nation ourselves; we shall be a stooge of the foreign powers for many decades to come. This is what we are trying to correct now. If there are individuals who think that they are going to use this Parliament to bring in things which will embarrass our own blood brothers, I tell them that they are doomed. There will come a time when this Government will be faced with a situation. The police or the army will be used to suppress the masses who voted them into power, just because the Government failed to put on record how they are going to run the country. They will only come out with statements to suppress the public by saying that if you do this they will use the army. That will fail, though, because the public will not allow it; you might murder them or suppress them, but still you will be a failure. That is another point I want to put across.

It has been reported, it is a rumour, that some of us who speak in this fashion are considered by certain Members of the Government as a danger to the Government, but I want to warn them that they should not advise the Prime Minister that some Members of Parliament who support this particular Cabinet are trying to ruin the Cabinet. We are not interested in ruining the Cabinet; we want to advise the Government on public opinion outside, particularly those Ministers who say they are going to advise the Prime Minister that this one and that one are bad Members. If they are

trying to create misunderstanding between Members on this side and the Cabinet, I can assure them that they will regret it very much before not very long.

Mr. Speaker, Sir, I also want to point out to my Government that it has been the practice—I think you, Mr. Speaker, will have noticed this—that Members are entitled to express their own personal views. Whatever happens they can do this, even in Britain; but it happens that the Government or some Ministers who are responsible in various sections have arranged it whereby the K.B.C. can also be used by them to reject the publication of the speeches made by certain Members here.

The Speaker (Mr. Slade): Order, order, Mr. Oduya, I think you had better get back to the Bill now.

Mr. Oduya: I am sorry, Mr. Speaker. I think I left the subject; let me now embark on it.

With regard to this Bill, I would like to ask my Government not to rush, there is no need for rushing. This Bill can be left in abeyance so that after the 12th of December, although we know that certain things are in the Constitution, we shall know how we are going to implement the terms therein. It is not necessary that because these things are in the Constitution, everybody will be admitted. If a person's character is considered not to be for the good of Kenya he will be dealt with by the Minister concerned, and that is why I say here that the Government should see to these things very seriously. We are the people mainly concerned with the smooth running of this country. The Ministers do not even go to the people and talk to them. We are the people who are confronted with so many questions because we go to River Road, we go to the locations and we also have these people coming to our houses and there are endless questions asked. This position is disturbing. We have to speak for the Government and yet this same Government often tries to misunderstand what we have told the people. We are Members of the Parliament and—

The Speaker (Mr. Slade): You must keep to the main subject, Mr. Oduya.

Mr. Oduya: We are entitled to discern the Government's policy. If the Government is going to impose this Bill I do not know what machinery it is going to use to influence our people in the next election. The people are not interested to know who is going to be elected during the next elections, they are only interested to see that something is done to safeguard their interests.

[Mr. Oduya]

Today, the people who are in the Civil Service are mostly Asians. They are born in this country, their fathers were born here as well, so automatically they qualify for Kenya citizenship. They will therefore remain in the services and yet we talk of Africanization.

There is another point. Many of the Europeans are also born in this country, their fathers were too, and they also automatically qualify for Kenya citizenship. If they hold on to their jobs there will be no way open for the Africans.

If we cannot make place for our people because so many others who will get Kenya citizenship will be in a position to hold on to their jobs they are going to ask us where is the employment we promised them at the time of the elections. That will be a very important issue, and what is the Government going to tell the people? Is it going to remove the Asian just because he is a brown man even though he is qualified as a citizen? That will be the problem. If the Government tries to remove these people from their jobs by force, then other nations will start criticizing its action. They will want to know why their people are being oppressed. We do not want such a situation to arise. Bombay, London and even Washington may intervene because they take an interest in foreign affairs and will not agree to the things this Government may be forced to do.

That is the warning we would like to give this Government, that this Bill should not be rushed. We can leave it until the 12th December because we know very well what we are going to do after that date.

Mr. Kamau: On a point of order, Mr. Speaker. Can I obtain your views on this because I am surprised that this Bill, in particular, is not in the Constitution, and this House cannot speak much on it. I would like to have your ruling on this. If this Bill is not in the Constitution can we say that we will not pass it; we will wait until we have attained independence, and then this House will sit down to debate this Bill fully and know exactly who are the people entitled to have citizenship of this country?

The Speaker (Mr. Slade): In reply to this point of order, I am afraid I have confused the House by what I said on Wednesday and this morning. The fact is that nothing contained in this Bill is yet in the Constitution. It is quite in order for this House to debate this Bill fully in every aspect, because it will not thereby be debating the Constitution that exists now. What I was trying to say was that, if you have a Constitution, and then a Bill comes up for your consideration, you cannot

debate the aspects of that Bill which affect the Constitution. If you want to argue about the Constitution you have to move a special Motion here for that. But, here, none of this is yet in the Constitution, and so it is quite open to this House to say we like this bit, we do not like that bit or we like all of it or none of it, and at the end for this House to give the Bill Second Reading or say we must postpone the Second Reading.

Mr. Anyieni: On a point of order, Mr. Speaker. Are we going to be allowed to vote against or in favour of this Bill, or are we merely debating it before it is passed?

The Speaker (Mr. Slade): That question is open to individuals as to how you vote. Whether you are going to accept an amendment is not a matter for the Speaker to say. That is a matter of your own party discipline. I do not quite understand the question. Each hon. Member naturally votes as his conscience tells him.

Mr. Anyieni: What I mean, Mr. Speaker, is this. Are we going to be allowed to change this Bill or are we merely saying that we shall not oppose it?

The Speaker (Mr. Slade): It is in order for this House to amend the Motion for the Bill to be read a Second Time now to say it shall be read a week hence or six months hence.

An hon. Member: Is it in order for the Minister to allow the Members of this House to oppose before he replies to this Bill? It is very difficult for him to answer before we have spoken.

The Speaker (Mr. Slade): It is entirely for Members of the Government to decide when they want to speak in a debate. If Mr. Mboya wants to speak now, he can do so.

Mr. Ngala-Aboki: On a point of order, Mr. Speaker. It appears as though some of the Members on the back bench have been speaking and yet they need certain explanations from the Minister for Justice. I, therefore, think that it is in order for the Minister to speak so that if he can clarify some of the points which appear vague to us we would be happier.

The Speaker (Mr. Slade): It is not for the hon. Member to say who is going to speak when. It is for hon. Members to show when they want to speak, and for me to say who will then speak.

We have had enough points of order now and we will proceed.

Mr. Alexander: Mr. Speaker, Sir, several Members speaking on Wednesday, and I think you, yourself, Sir, did refer to the need and the

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wisdom of the Government of at least Tabling those proposed sections of the Constitution dealing with this matter. I would again urge the Government to do this before we go into Committee Stage, because, in this Bill, there are, in many places, references to clauses in the Constitution. Those are obviously clauses in the draft of the Constitution and it would help us considerably—this is what caused some of the confusion in this debate—if we could have just that section of, I think, the Bill of Rights Tabled here in stencil form before we go very much further with this debate, and certainly before we go into Committee Stage.

What is a very interesting feature of this debate, Mr. Speaker, is the reintroduction of the word "native". You will remember well I know, Sir, years ago when we were told in this House by our African countrymen how offensive this word "native" was, and because of that all the laws of Kenya, I think, had the word removed from them and it was requested that the word should be taken out of every day language, and it has been. I am bound to say that I am glad to see its reintroduction because it is a word that means something: nativity, born, born in Kenya. I am a native of Kenya and I want to call myself a native of Kenya. This is a matter of the good Lord, it was not of my choosing—this is what you said of Mr. Towett, Sir, that it is not of his choosing that he is the size he is—that I am the colour that I am.

An hon. Member: It was a mistake!

Mr. Alexander: It was not a mistake. I can assure you that my father and mother knew exactly what they were doing.

This does bring me on, Mr. Speaker, to this question of nativity, because nowhere in this Bill is there any reference to the word "born". Not even in clause 3 which relates to citizenship by registration. At this point I am bound to say, as I explained a little earlier, that I must declare an interest in this. However, what I am going to say does go very deeply into the hearts and minds of very many people. My information, my understanding is that this whole question of those born in Kenya—non-Africans—was left out or side-tracked at the request, largely, of European representatives at the last London Conference. They argued that those born in Kenya—my understanding is that they argued—would not necessarily want to become automatically Kenya citizens, and it would be unfair to have a law that made them so. Because of this, there was introduced this element into citizenship of those born in Kenya one of whose parents was born in

Kenya. Those people are automatically citizens, but those born in Kenya with parents who were born outside Kenya are not automatically citizens. Sir, this does debar a great many of our people who believe that they should automatically become citizens. I cannot see the argument of these European representatives in view of what was included in the report of the London Conference. I will just refer to this report of the Conference, dated the 19th October, 1963, and it says: "Moreover, a person who possesses Kenya citizenship by the operation of law and who also possesses another citizenship should be required to renounce his other citizenship within a period of two years." Turning to the paragraph about citizenship by operation of law, it says: "the following should automatically become citizens on independence day: any person born in Kenya one of whose parents was born in Kenya . . .". Now, Sir, if these European representatives were speaking for people with a genuine doubt, then I would suggest that the paragraph in the report of the Conference allowing those who wish it—who would automatically become citizens—two years to make up their minds adequately covers them. However, there are a whole host of other folk who were born in this country who do not agree with what was said by these European representatives at the last London Conference: who wish to take their place as equals with all the other citizens of this country on Independence Day and automatically be entitled to citizenship.

Going on from this, Mr. Speaker, although I have focused attention on non-Africans, the problem at the moment equally applies to many thousands of those born in Kenya of parents in Uganda, Tanganyika and Zanzibar. Those people as well, as the matter stands at the moment, will not automatically become citizens of Kenya on independence Day and there are many thousands of them. I am sure there is no hon. Member in this House who would wish to deprive them of citizenship on Independence Day.

May I suggest an outlet to this, Mr. Speaker, and I hope that the Government will agree to it: We have here, today, I am pleased to see the Minister for Justice and Constitutional Affairs who will be dealing, in the main, with this debate, the Minister of State, the Prime Minister's Office, and the Minister for Home Affairs. I would say that there is an answer to this in a slight amendment to clause 3 of the present Bill. This is if there is not an answer or an answer is not possible in the Constitution itself. I am prepared to accept that the Constitution is, perhaps, already in type and it may be difficult to alter it now. However, in relation to clause 3 of the present Bill it says: "the following can be citizens if he

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satisfies the Minister." To help those born in Kenya who want to become citizens on Independence Day I would say, Mr. Speaker, that if that clause contained a proviso at the end it would help. I quote what I suggest: "provided that the approval of the Minister shall not apply to persons born in Kenya." That, I think would put the matter right. This would mean to say that anybody born in Kenya less than five years ago would not be qualified and I do not think anybody would object to that.

Take my own case, Mr. Speaker. The ludicrous position is that my children are automatically citizens on Independence Day and because I have been here for 49 years—longer than most hon. Members in this House—I am disqualified. If I have a grandchild born on the 13th December, that child is automatically a Kenya citizen, but not me. I would ask the Government to give very serious consideration to this proviso because I think it will help the situation. The non-Africans who do not want to qualify automatically have their remedy in the provisions of the constitutional report that I have already referred to.

Mr. Speaker, may I now turn to another thought on this subject? There have been references to it in this debate, oblique and otherwise, and that is what the position will be of all citizens of this country, irrespective of race, colour, creed or otherwise, on Independence day. I believe that if the Government would make an announcement today, clear and beyond all doubt, that on Independence Day, in respect of all citizens of Kenya there must be no reference whatsoever to such words as "Africanization," "brotherization," "blackenization" or the like. Those of us who are citizens on Independence Day, and after, are entitled to equal treatment under the laws of this country, and in the administration of the affairs of this country, be they inside or outside Government. We are entitled to be judged as citizens entirely on our merits from the moment we attain independence and are citizens of this country, and a clear announcement from Government on this will, I believe, do tremendous good throughout Kenya to all those who at the moment happen to be non-Africans.

My third thought that I wish to bring to this debate, Mr. Speaker, relates to the whole question of the nature of our citizens. I believe the type of citizens that we want are those who voluntarily believe in the worth of Kenya citizenship, and I would suggest to the Government that from this moment onwards all attempts at coercion, near intimidation and the like over this subject should cease for ever.

I suggest, Mr. Speaker, that from the answers so far given an imbalance has had to be restored, and it must cease completely over this whole question of the difference between citizens in the context of this word Africanization. Everybody in this country has now had adequate time in which to read carefully all that has been written and said on citizenship. I do not think anybody can now have any doubts whatsoever as to its significance. The Minister for Constitutional Affairs has gone to great lengths, and he must be congratulated in explaining all this throughout the country. I believe the moment has arrived, Mr. Speaker, for everybody to make up their own minds, in their own time, quietly and at peace, without any coercion whatsoever, and I would urge upon the Government to adopt that attitude from now on.

Mr. Speaker, I do hope the Government can accept that small amendment to Clause 3, and I would be very happy to support the Bill.

Mr. Mutiso: I rise, Mr. Speaker, to make a few points on this Bill. To begin with I would like to point out to my Government that there is a contradiction from part of the Government which affects this Citizenship Bill. We do have, as the last speaker has said, an Africanization policy, which does indicate that the Africans, the black men, must be given first priority for consideration in all the Government positions in this country. There is no mention in the Africanization policy that other races will be included in the Africanizing of all the departments of the Government. I believe the Minister for Justice and Constitutional Affairs and also the Leader of the Opposition were the champions in the past of advocating a totally black African Government, in that they saw to break the Lyttleton Plan and Lennox Boyd constitution which were made to establish a multi-racial Government in Kenya.

I fail to understand, Mr. Speaker, whether there has been a change of mind of our Ministers, and especially our Government as a whole, to establish a multi-racial Government in Kenya at this particular moment when the African has come to power. In the past, we were led to believe that those colonial powers who ruled Kenya sought to establish a white Government in this country and now, when the Africans have come to power, after a struggle to establish a black Government, we are told in this Bill to give special rights to those who stood in our way, those who opposed our struggles. In many cases, Mr. Speaker, it is referred to in the Press and by the radio, that most of these people today, who speak as Africans, were opposed to

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the African Government and in fact they did oppose the African becoming the ruler of this country. They stood in our way, although we stretched out our hands to ask them to come and declare whether they had any interest in Kenya, so as to help the Africans to achieve their independence. This Mr. Speaker, never happened and when we have just achieved our aim, our Government asks us to pass a Bill so that these people who opposed us, and suppressed us will enjoy the same equal rights as our Kenya black Africans.

The Speaker (Mr. Slade): Mr. Mutiso, you must be careful in your generalizations. I do not know whether you were here when I spoke from the Chair this morning, but if not, I hope that you will read what I said.

An hon. Member: Sir, I beg to appeal.

The Speaker (Mr. Slade): I am not going to allow these generalizations.

Mr. Mutiso: Thank you, Mr. Speaker, Sir, for your directions. I will try to check my speech.

Thank you Mr. Speaker, for your direction. I will try to confine myself to—

An hon. Member: Facts.

Mr. Mutiso: What I would like to say, Mr. Speaker, and this is by way of advice to my Government, is that those who should qualify as Kenya citizens on 12th December, to our own understanding, Mr. Speaker, should only be the black men. It is our strong feeling that we should advise our Government that although this Bill is introduced at this particular moment, it is most important that it should be delayed until Independence. Then, this House can sit and we shall be in a better position to decide or to judge or to choose who should be Kenya citizens, if we are to include other races, other than Africans, black men. This is important, Mr. Speaker, because we have seen in the past, people who owed allegiance to other Governments—

Mr. Mutiso: On a point of order, Mr. Speaker. Is the hon. Member not going against what he has already been told?

The Speaker (Mr. Slade): It is in order for the hon. Member to say that he thinks that only black men should be citizens. When he starts to allege that all Members of a particular community have been guilty of various things, he is going against my ruling. I do not think he has reached that stage yet.

Mr. Mutiso: Mr. Speaker, I was going to say that we have seen in the past that other people who have allegiance to other foreign governments should be used to confuse a young nation like Kenya which is attaining her Independence at a time when the whole world is moving at great speed. I believe, Kenya is not in a position at this moment to decide or to know who are going to be the best friends or who perhaps would be looked upon as not true friends at this time. Only when we attain our full Independence can we decide that.

Mr. Speaker, this is what I am trying to stress to my Government. Although we are requested by the Government to pass this Bill, I personally feel that it is equally important to our people for whom we shall be responsible, and by whom we shall also be faced with various questions when they find out that perhaps there are people in the country whose movements they have traced very carefully. They will be surprised at a later stage, to see that these people enjoy an equal status with the black men. They will ask if this is the Government they were told would be built after all these years of hard struggle. We shall be faced with, the problem of answering these very difficult questions from our own people. This is why I say that at this moment, it is not right for us to pass this Bill. It will only be safe on our part if the Bill could be suspended, and then after the achievement of Independence, the country will be in a position to decide, from its position of strength who we think are going to be the citizens of this country. I believe at this moment we are still, to a certain extent, tied to Her Majesty's Government in Great Britain, and this is why we, at this moment, find ourselves faced with this difficulty of trying to choose or find out who should and who should not be the citizens of Kenya.

With these points, Mr. Speaker, I want to emphasize that it is important that this Government should not rush this Bill at this moment. It would be better to delay it, and after 12th December we shall be in a position to decide for ourselves.

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

Mr. Mutiso: Mr. Speaker, Sir, the hon. Members from the Government. Back-benchers seem to be entirely racial in their approach to the problem of citizenship. I have never in all my career as a politician spoken except as my conscience wants me to speak, and that is why I am in politics in Kenya.

Sir, the hon. Members on the Government side today, who are the very people who are

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joining the spirit that we want to be independent, have told this House that they do not want to be independent. If they are being ignorant of what they are talking about, I want to tell them now, that on 12th December, we shall cut off all bonds with Britain as a semi-colonial country and become an independent sovereign state. We will have our own new birth. We shall be born again on the 12th December as Kenya nationals, not as subjects of Britain. If that is to be so, Sir, we must enact Bill of Citizenship for the people of Kenya on that day.

An hon. Member: Who are the people of Kenya?

Mr. Muliro: We are the people of Kenya. That is what must be borne in mind by all hon. Members who are telling us in this debate that this must be delayed and be only debated after independence. I do not know whether 12th December is going to bring manna from Heaven, is going to change all our faces here so that we become a completely different species altogether. The same Government we have here today will be sworn in again. Whether there will be a reshuffle in the Cabinet is immaterial, but we shall have the same people sitting on that side in power as a Government of an independent foreign state.

Sir, hon. Members have said that there might be some people in this country who acquire citizenship under the suggested Kenya Citizenship Bill and who might be hostile to this country. I want to draw the attention of hon. Members to the fact that any independent country, once it finds anyone who has acquired citizenship in that country and who is hostile to the well being of that state, has the right to expel such an undesirable person.

An hon. Member: When?

Mr. Muliro: When a citizen acts contrary to the interests of all other people of the state, he has to be dealt with.

Mr. Oduya: Why wait until then?

The Speaker (Mr. Slade): Mr. Oduya, you have had quite a long speech already.

Mr. Muliro: Hon. Members in this House must also know that those African Elected Members since 1957 up to date have fought for one thing, and one thing only.

An hon. Member: *Majimbo*.

Mr. Muliro: *Majimbo* is part of the Kenya Constitution. We have fought in Kenya politics for the creation of a society of equals and not of

unequals. We have said that we want to create a country where no single person will enjoy any privileges, but where all citizens will enjoy facilities, equal opportunities, and where there are equal rights for all citizens. Once we create in our Constitution some second-rate privileges for some people, we shall become victims of the disease we have been trying to fight. We have said in this House, we have said in this country, that the policy of dictatorship in South Africa must be abolished. We are trying to isolate South Africa throughout the world, because of its racialistic policy. Today, Sir, the hon. Members in this House are the victims of the very same idea which they say they want to abolish.

Sir, if the Africans in this country want to become victims of what the colonial administrators did in Kenya, they must accept one conclusion and one conclusion only: that they are going to destroy this country and not build it. We want to build a country, we want to build a country where all citizens of Kenya, irrespective of colour, race or creed, will be equal. They will enjoy equal rights in this country, and we do not want it to be a place where someone, because he happens to be black, is given a job simply because of his black skin.

Mr. Anyieni: Shame on you.

Mr. Oduya: What about the people of North Nyanza?

Mr. Muliro: The people of North Nyanza are completely with me, for your information.

Sir, these racialists in this House claiming to be nationalists are those who will undermine the integrity of Kenya.

Mr. Mutiso: On a point of order, Mr. Speaker, is the hon. Member in order in describing hon. Members here as racialists?

The Speaker (Mr. Slade): The hon. Member is entitled to criticize the speeches and the attitudes of other hon. Members, and say what he thinks they represent.

Mr. Muliro: Thank you very much, Mr. Speaker, for your direction to the hon. Members.

What we want, Mr. Speaker, and what all hon. Members in this country must accept, is that we want to build an integrated Kenya nation, not a disintegrated one. Someone who has a philosophy of hate, if he is a racialist will become a tribalist, because once the racialists whom he has hated are no longer there, he will turn his eyes, his spirit and all his energies to the various black people and say, "If he is of such-and-such a tribe, I will work with him; if he's not, I won't."

[Mr. Muliro]

If hon. Members have no other point of view on this Bill, they should keep quiet, let us enact the Bill of Kenya Citizenship and then move ahead. If, on the other hand, hon. Members do not keep quiet, on 12th or after 12th December, after Kenya's independence, we will have chaos. If they want to come out in their true colours, let them do so now, and, the people who are determined to create a Kenya nation, will deal with them.

An hon. Member: Who do you represent?

Mr. Muliro: I am speaking on behalf of the people of Kenya; I am not speaking on behalf of a group of racialists.

Mr. Anyieni: On a point of order, Mr. Speaker, in his speech is the hon. Member not implying intimidation to other hon. Members?

The Speaker (Mr. Slade): Not that I understood. It is certainly quite a lot less intimidating than other speeches I have heard front time to time.

Mr. Muliro: Mr. Speaker, to create a nation the people of this country, irrespective of their race, their colour, their creed, or even their country of origin, people must be emotionally and sentimentally attached to the country, and anybody who qualifies for such should become a Kenya citizen. We today have a Bill which our Government has manufactured in the best interests of Kenya; our Government thinks that under such circumstances a country called the Kenya nation can be built.

Sir, the hon. Members in this House must accept that one heritage from colonialism of which we can be proud in Kenya is the creation of a national state. National states used not to be in Africa. People were in groups or tribes. Here today we have a country called Kenya. Before the coming of the British to this country, there was no Kenya: a Kikuyu was a Kikuyu; a Kamba was a Kamba.

An hon. Member: Shame on you.

Mr. Muliro: Shame on you, too! Today, as the British are going out, we find that people who have been wanting to create a nation really want to disintegrate it.

An hon. Member: what about *Majimboism*?

Mr. Muliro: I am telling you one thing only. Without *Majimbo* there would never have been a Kenya.

We appeal to all hon. Members on both sides, Government and Opposition, to pass this law, let

us be independent on the 12th. If any hon. Member is dissatisfied with a clause in the Kenya Constitution affecting citizenship, let him bring a Motion in this House to amend that particular clause. In that time, Sir, I might support it, but today I will not support anyone who blindly thinks that it is only us, because we are black, who can automatically become Kenya citizens. On the 12th we must have an act of citizenship whereby some of us will be automatically Kenya citizens and others will be able to seek registration immediately and become Kenya citizens.

The Minister for Home Affairs (Mr. Odinga): Hear, hear, hear, hear.

Mr. Muliro: This is what I want the hon. Members to bear in mind, Sir. Some hon. Members have said that they want a committee to check each individual. Is that what we want in an independent Kenya? Do we want a screening of all Kenya citizens?

An hon. Member: Multi-racialism.

Mr. Muliro: Hon. Members do not know what multi-racialism means. We do not want a multi-racial Kenya. We want a Kenya which is integrated; race will not matter; tribe will not matter. That is the main point.

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

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

An hon. Member: Who is your master?

Mr. Muliro: Hon. Members ask who is my master. I am a master to myself. You may have one but I have none.

Sir, these tribalists must cease to think in the way they have been thinking. If they are not interested in creating an integrated Kenya nation, let them surrender their seats so that some respectable individuals from their respective constituencies can come to this House and contribute to nation building.

With these remarks, Sir, I support the Bill wholeheartedly.

Mr. Oduya: Sir, Mr. Deputy Speaker, with the exception of the speaker on the Opposite Side, the House in general is opposing the Bill. It is very unfortunate that this Bill, which does not reflect the support of the African people in this country, should be brought here. We all know that in Kenya, it is a country, where independence has come after difficulties. There are people here who have been and who still do not recognize the leaders of this country. They were fighting against the Africans when they wanted their

[Mr. Odera-Sar]

independence, and today they come and tell us that they want to be citizens of Kenya automatically. Mr. Deputy Speaker, this is a fact. People who become citizens of Kenya should be those who are truly loyal to the country, those who have love in their hearts for this country. To introduce a Bill which tries to persuade the immigrant races to stay here simply because they are rich, they have money, means we are trying to sell our country.

Mr. Deputy Speaker, if this Bill is passed, I do not know what we are going to say to the African people. I do not know what the Government is going to do. Just yesterday, we heard about the ban on planting coffee trees. The Africans are going to be affected by this because the Government is trying to maintain the capitalists of this country and keep the Africans as they were. Everybody in Kenya today, Mr. Deputy Speaker, is hoping that after Independence they are going to get employment. We have experienced Africans in the Civil Service, in the various Government Departments, and in all sorts of jobs and these people cannot be promoted simply because of these immigrant races. Now if this Bill is going to retain them here, Mr. Deputy Speaker, we are doomed, the Africans are doomed. We have no means of getting jobs, we shall have no means of promoting our African traders for the progress of this country. We are going to be the servants of the capitalists in this country. Mr. Deputy Speaker, we hear that there is a period of two years whereby those who would like to register as citizens of Kenya can do so. There are Africans here who were not loyal to the Kenya politicians when they were fighting for the *Uhuru* of this country and I cannot recommend that all the Africans are automatically entitled to become citizens. There are some who are black in body but in their minds and in their attitudes they are white like the white settlers. These people should apply for citizenship whether they are Africans or not.

Mr. Deputy Speaker, I am not going to speak too much, but I am warning my Government that if it tries to introduce or to pass this Bill in a rushed fashion like this I am sure the people of this country will have no confidence in this Government which is the African Government. Mr. Speaker, Sir, I beg to oppose.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Speaker, Sir, I am sure that the House has heard a lot said on this Bill not only today but also the day before, and those hon. Members who have not spoken who might think that we are replying

too soon will, I am sure, agree with me that in the majority of cases we are now hearing the same point merely repeated.

An hon. Member: On a point of order, does this mean that the hon. Minister is now finally replying?

The Deputy Speaker (Mr. De Souza): No.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I am sure my hon. friend will realize that the Minister for Home Affairs moved the Second Reading of the Bill and he replies to it. However, I do want to make a number of observations arising from—I do not think all this shouting and bad language is going to help us—this Bill. The position is this. The Government's position has been attacked, not by all Members, but by certain Members. These attacks have been based on certain ideas which have been expressed here and with which I would like to deal. What is the Government's approach on the question of citizenship? It is suggested by some Members that the Government's approach is un-African, that the Government has not taken seriously into consideration the views of the ordinary man, and, in fact, it has been suggested by one or two Members that the Government is betraying the African nationalists interest.

Now, I would like to deal with this part first. Is the Government really betraying the African nationalist interest, has the Government really forgotten the attitude and views of the African masses when dealing with this subject? My answer, Sir, with due respect to those who have spoken, is that this is not the case. The Government has taken its position very clearly from the position of our party, KANU, all along and over the years. And what has our party stood for? Because this is what this Government was elected to translate. If we have failed to translate what our party stood for, then I agree with the hon. Members who have spoken that this Government might resign. But if we have translated what our party has stood for then I suggest that the hon. Members who have spoken may have misunderstood the stand of our party all along. The stand of our party cannot be misunderstood, it is contained in our Election Manifesto, it is contained in all the resolutions passed at our various public meetings and it is contained in the pronouncement of our Prime Minister as the President of our party at all his public meetings. What has our party said in the past? Our party says that we will strive to win for Kenya independence under an African Government. Have we failed to do this? Of course not. There is an African Government

[The Minister for Justice and Constitutional Affairs]

and on 12th December that African Government is going to carry the torch of independence for Kenya as we promised. This Bill does not propose that we hand over the Government of Kenya to anybody but the people elected by the majority of the people of this country and that is what our party has been fighting for all along.

The second point is, our party has said all along that we do not like any European or Asian who lives in this country to believe that he is a big boss and we are boys. We have said this at every step during the whole length of our struggle. But we have also said, and I challenge anyone to deny it, that any European or Asian or anybody else who is prepared to live here under an African Government, following the regulations, the legislations, the policies and the directions of that African Government is free to stay on the basis of equality and not on the basis of *Bwana* and boy. That, Sir, is the aim we are meeting. It is not going to be enough to shout slogans. It is not going to be enough to shout. The control of the economy of this country is the very basis of our struggle and the transition, the transformation, of that economic relationship between the African and the non-African is one of the aims of our African Government. We want to see a new economic structure in which the African participates effectively at all levels. But this has nothing to do with this Bill at this point. This is irrelevant, however important the issue may be.

On its own and on its own merit I want us to confine ourselves to the basic facts of the situation relating to citizenship. Mr. Deputy Speaker, in our Election Manifesto, and this is the guiding gospel on which our Government is working, and on which most Members of this House were elected, we state specifically that in the new Kenya, under a KANU Government, we would accept only those Europeans and non-Africans who are prepared to accept the basic principles and ideals which an African Government under KANU will stand for. What have we then done in this Bill? People are quarrelling, perhaps, over certain issues in which there is just a misunderstanding. I do not believe that any of us here disagree on what we want to do, but I believe that some of us misunderstand exactly what we want to do. Now, what do we say to the European and the Asian? Every African in this country, under this Bill and the Constitution is going to be automatically a Kenya citizen. On this there is no question. He does not have to prove loyalty or to sign a declaration of loyalty. He is automatically a Kenya

citizen. But, for the Europeans and Asians who want to become Kenya citizens,—because I think people have misunderstood the word "automatically" and it is, I think, unfortunate that this word has been used at all as there is no such thing as "automatic" citizenship—there are three categories. Firstly, those who may become citizens by operation of the law; secondly, those who may become citizens by registration within the period of two years grace that has been provided for; and, thirdly, those who may become citizens by naturalization. As far as the first category is concerned, and I think this is where there is a misunderstanding, people have taken it that of course this places thousands and thousands of Asians in the category of being able to become citizens automatically. This is hardly true. It says this, and I want to emphasize it, that only those who have been born here and one of whose parents was also born here may qualify under this category, and even then before they can become citizens effectively they will have to go to a magistrate or a Commissioner of Oaths and swear a declaration renouncing their previous nationality, whatever it may be. One Member, I think it was the last speaker, said that we want only those who are prepared to be loyal to Kenya, and this is what our party has been saying all along and it is precisely for this reason, in demanding this loyalty, that we demand that before a person, even if he was born here and even if one of his parents was born here, will have to go and swear or make this declaration of renunciation before his citizenship in Kenya can be effective.

If he fails to do this, in three months his Kenya citizenship lapses and it is cancelled. I think it is necessary to understand these things because we are demanding the maximum from a non-African: that before he becomes a part of the Kenya nation, he must do one most important thing. He must be able to say that he renounces his original nationality, his country, his people. He will only give one loyalty, loyalty to Kenya and Kenya alone. That is why we say there should be no room for dual citizenship, because we do not believe that a man can be truly loyal to Kenya if he is both a citizen of Kenya and of India, Pakistan, Britain or any other country. We cannot believe that a man is going to be loyal to Kenya if he has got one foot in Kenya and the other in another country. That is why we say "If you truly believe in Kenya and want to be loyal to Kenya, and you are not an African, you must stand with both your feet on this soil". When we have been asked by the non-Africans to reconsider this aspect of our policy, we have said

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"Definitely no", because we know that every African in the street, the mass of the African people, believes that there must be this definite loyalty and a demonstration of it.

Now, Sir, somebody said that the Ministers are no longer in contact with the people, no longer aware of what the people think. Mr. Deputy Speaker, is it seriously being suggested that our Prime Minister today is betraying the interests of the Kenya people, that he is divorced from the people? Is this truly being suggested? These are serious allegations to make.

Mr. Oduya: On a point of order. Is the Minister trying to infer that this morning any Member in this House has said that the Prime Minister has betrayed the nation? Could he clarify that point, Sir?

The Deputy Speaker (Mr. De Souza): Mr. Mboya said it was alleged that the Government was out of touch with the people and the Prime Minister is the leader of the Government. That is what Mr. Mboya said.

Mr. Oduya: Mr. Deputy Speaker, the Minister must say clearly if any person was referring to the Ministers and take him up on that. He must not say that it was alleged that the Prime Minister was betraying the people.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Speaker, the Prime Minister is a Minister of this Government and happens to be a leader of this Government. This Government, under the principle of collective responsibility, shares all responsibility; anything which I do or any other Member does, we all do together, including the Prime Minister. Therefore, you cannot divorce him from any allegations you make against the Government in general terms. I can understand the strong feelings of some of our Members on this side of the House and I respect those feelings. I sympathize with some of the points that are made but I also have a duty to state quite clearly why the Government has taken the line it has taken and why these policies are being pursued. We are challenged to explain why these policies are being pursued by the Government and I think we should be given a chance to explain them.

As I was saying, Sir, a non-African becomes a citizen not automatically as the word has misled some people to think. However, if he belongs to the first category he becomes a citizen by that qualification, but in addition he needs to sign a declaration renouncing his previous nationality.

There is provision also that this must be done within three months of his application for those who become citizens by registration and if after three months he has not yet done this he gets automatically disqualified and removed from any citizenship benefits. We also go further. Somebody has asked what happens if one of these people, after he becomes a citizen, does things which are not in the interests of the country. There are two ways of dealing with a man who does things which are not in the interests of the country and we have provided for that. If he breaks the law of this country, like everybody else he will be dealt with by the laws of this country. He will be sent to prison, anything that is done to anybody who breaks the law will be done to him. However, we also say that if a man who is a registered citizen or a naturalized citizen does certain things, specific things, against Kenya, he can be convicted and sentenced to prison for one year within the first five years of his citizenship. If he trades with an enemy of Kenya, or enters economic relationship with an enemy of Kenya, he will lose his citizenship. We have provided for the revocation of a person's citizenship if it is citizenship by registration or by naturalization, so that we have covered our position as far as these points that may have worried some Members are concerned.

Our party has said—and this is the basis of our Government's policy—that Kenya will adopt a policy both in the economic sphere and also in the political sphere of looking outward, not inward. When Kenya becomes independent, the purpose of this Government is not to be content just to be independent within Kenya. The purpose of this Government is that Kenya shall make an impact on African and world affairs, that Kenya's voice shall be listened to and respected, and her position recognized both on the Pan-African and the international level. Now, how do you do that? Do you do that by being so small and narrow-minded you only look to within the boundaries of Kenya or look outward and appear big in the eyes of other African states and other nations? Our Government believes, as Kanu has always said, that Kenya must look big and dignified and respected both within Africa and outside Africa. That is where this policy is based. Every other independent African state, including our neighbours Uganda and Tanganyika, have provided for a citizenship bill or legislation and also provisions within the Constitution that are to a large extent similar to our own. International law itself played a part in these matters when we decided them. We cannot be outside; we cannot on the one hand say to the world "Here is Kenya, Kenya is coming, you must take note of Kenya" and on

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the other hand say "To hell with everything else which the world today believes in". We cannot on the other hand say that South Africa is wrong to discriminate and to base her policies on apartheid, we cannot on the one hand say that the United States of America is wrong in discriminating against the negroes, when at home we are content to say that it is quite all right, and morally right, for us to discriminate against everybody else. We say that anybody in this Government, or in this party, who preaches that policy is undermining the prestige and the international image of this great party and this great country. We are not going to move backwards. We are now going right out and Kenya's name, Kenya's impact shall be felt at African and international conferences. We are not going to withdraw any more. We want to be able to stand in the United Nations on the 13th December with pride and prestige and say to America, South Africa and Portugal "You are wrong. You treat fellow human beings on the basis of race, colour, creed and not on the basis of humanity". How can you say that when at home you have accepted policies that are negative on these issues.

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

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

Mr. Speaker, I say that anybody who preaches this policy of racialism is not talking Kanu's language or the African language, and I say that I understand that all of us here have suffered from racialism; European and even Asian. We have been victimized, we have been discriminated against and we have been humiliated beyond description; but I ask are we going to act on the basis of hate and revenge, or are we going to do what our Prime Minister has said, "Forget the past and build a society such as the Europeans who discriminated against us will be ashamed to see that we have advanced higher than they did." We want to teach the European and the Asian not only that he was wrong but that the African can order his society, can govern this country better in the interest of all its people. That, Sir, is what the Kanu Government is going to do and anybody who is a member of Kanu, who believes in this party, cannot fail to appreciate this simple fact of Kanu's policy. It is on this basis that we are moving when we talk about citizenship. We are not going to be so small. The same thing we are going to say to the Europeans. If any one of them thinks that he can continue with the arrogance of yesterday he will miss the boat, because there is no room for this arrogance of the past.

There must be room for a new relationship and that relationship we intend to create here in Kenya.

Mr. Speaker, this Bill is based on those very simple ideals which our party has not only accepted but which our party has been preaching. If some of our members believe that we should be governed by the hate and revenge of yesterday then I ask them a simple question. It is true that many Europeans discriminated against us and some of us, like myself, were the victims of that discrimination. However, Sir, if we must punish everybody who did something wrong to us in the past, what are we going to do about some Africans who also betrayed us in the past? Our Prime Minister has given us the best solution. He says to us: "Among us, the Africans, let us forget everything about the past. Let us begin to live a new life and build a new Kenya. Among us, the different races, let us forget about yesterday and begin to build afresh. But anyone who after this begins to behave as though things have not changed, this Government will deal with him not only very firmly but very quickly. He will not have time to know what is happening."

Mr. Speaker, Sir, there is this question that we are always urging for Africanization. I always say to the Europeans and Asians—I do not agree with the hon. Specially Elected Member when he quarrels with the word "Africanization"—what can we have in Kenya but Africanization? When Europeans emigrate from London and go to the United States they are very quick to call themselves Americans; when they emigrate to Australia they are very quick to call themselves Australians; when they go to Canada they call themselves Canadians. Therefore, if they come to Africa why can they not call themselves Africans? I say that no one should be frightened of Africanization. I say that anyone who is accepted here and who fulfils the terms of our citizenship legislation and our policies and who does not want to be called an African, has no room here. No one should find it embarrassing to be called an African, people should accept this as a matter of fact because Kenya is an African country and this cannot be changed. If you believe that you are part of it then you must be an African.

Sir, I now want to deal with a few aspects of the Bill after the general remarks I have just made. I want to explain that the Bill itself is not the citizenship law. The Bill derives from the provisions of the Constitution. The Bill is merely, in the first place, an Act of Parliament to enable the Minister and the Government to regulate the procedure of persons becoming citizens. Citizenship by law or by operation of the law, citizenship by registration, citizenship by naturalization have all

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been provided for within the Constitution and not within this Bill. This Bill merely facilitates these things and produces the forms such as we see in the Schedule here; the form of the declaration. All these questions about whether or not one should register, whether or not one should naturalize, whether or not one becomes a citizen by the operation of the law, have all been written into the Constitution and they can only be amended by a constitutional amendment. Therefore, I think Members have misunderstood the purpose of the Bill. This Bill is not, itself, going to confer citizenship. Citizenship has already been conferred by the Constitution and the Constitution was the subject of negotiations and agreements at the London Conference and other talks previous to that. The Constitution has now been read the Second and Third Times in the House of Commons; it has now been finalized and passed. It is only awaiting assent from the Queen, which, we hope, will come next week. It will then become the Constitution of Kenya. We cannot, at this stage, amend the Constitution and I hope Members will now appreciate that although they thought the Bill itself was creating citizenship, the Bill was only facilitating provisions that have been made in the Constitution.

Mr. Speaker, I want to make the point that at the Committee Stage it is the intention of Government to delete from this Bill a number of clauses. When we examined the Bill again we found that these clauses need not have been written into the Bill. The Bill was written with such urgency that a lot of stuff went into it which was merely a duplication of what has already been said in the Constitution. What will be left in the Bill after we amend it will only be those aspects of citizenship, or the procedures, which are required by the Constitution to be made by an Act of Parliament.

The point which the hon. Specially Elected Member, Mr. Alexander, made with regard to section 3 of the Bill does not apply because section 3, in fact, is one of the clauses which are going to be deleted. This particular point has been fully covered in the Constitution. To meet the amendment which Mr. Alexander was asking for we would have to amend the Constitution itself. That, as I have said, we cannot do at this stage. Much as I appreciate what he says, I am afraid we cannot agree at this stage that any person born here should automatically become a citizen of Kenya. The provision that was originally made will still apply; namely that one parent of a person automatically becoming a citizen must have been born here and he must also sign

the declaration of renunciation. This will make him a citizen. After the 12th December, we are going to adopt the universally accepted procedure—which is a part of international law—that any person born here will automatically become a Kenya citizen. Those persons who are not of Kenya parents will become Kenya citizens by birth after independence but when they become 21—adults—they must then decide whether they remain Kenya citizens or revert to the nationality of their parents. This will apply as it applies everywhere.

I have already said that there are three categories of citizenship. Those who do not qualify to register as citizens can become citizens by naturalization. In the case of citizenship by naturalization, a person will need to have resided here for the specified period and, in addition, such a person must satisfy the Kenya Government of his good conduct and character in addition to having the qualification of speaking and reading Swahili properly. The reference to Swahili or English in the Bill will only apply to persons of African descent who can become citizens under special provisions. It will be Swahili for naturalization.

Mr. Speaker, I do not think I can add anything more to the remarks that I have made. My friend, the Minister for Home Affairs, will be replying to the debate later, but I did feel that it was necessary to make the various remarks I have made as strongly as I could because I believe that our party must not be accused of failing to stand by the policies it has preached all along, or of failing to stand by the declarations it made to the public during the elections. If I may say so, with respect to my friends on this side of the House, I feel that the Government did, in fact, try its best to explain these provisions before we came to this debate. At the meeting at which we reported back the results of the London Conference, we took time—the meeting was at Koleni Hall—to explain both to the Members of the House of Representatives, hon. Senators and to Kanu branch chairmen and officials the whole extent of our agreements in London and that report was endorsed by that party conference. The resolution endorsing it was published in the Press. On the basis of the support that the Government received from the party at the conference the Government is quite right in saying that what it has put forward in this Bill has the overwhelming support of, not only the party, but also of all the people throughout the land of Kenya. I am sure that, on reflection, those who may have had doubts about this Bill and about citizenship may begin to see that their doubts were, perhaps, based on some misunderstandings.

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They will also begin to see that this Government stands as firmly as anyone else in this House and outside this House for a national African Government in Kenya. There is no question of compromising on that. As far as references to foreign countries are concerned, surely everybody in this House must know that our party and the Government is very strongly pledged to the policy of non-alignment and to the policy of not having to pander to any foreign interests or pressures. The Government is going to stand firmly for what Kenya, itself, wants. We shall continue to pursue these policies in our economic and political policies.

Mr. Speaker, Sir, I beg to support.

Mr. Pandya: Mr. Speaker, Sir, I would first of all like to take the opportunity of congratulating the Minister who has just sat down on his clarification, particularly for the benefit of some of the people who sit opposite me and behind his back, on some of the main issues affecting this Bill. After his excellent speech, I am hopeful that some of the ill-informed criticism will disappear and there will be some constructive criticism on aspects of this Bill.

Mr. Speaker, Sir, I do want to congratulate the Minister for Home Affairs who moved this Bill in the House and, indeed, I want to go so far as to congratulate the Kenya Government for having introduced such a vital Bill before the state of Independence. I believe that Kenya is the first country that has done this while many other countries lag behind and have not settled the issues of citizenship. Here is a Government which has introduced this measure before the state of Independence is reached and, therefore, I think the Government should be congratulated. I was surprised that there were many Members sitting opposite me who wanted to delay this Bill for no better reason than they wanted to have more talks on the question of equality for citizens of all races in this country.

Mr. Speaker, I would not have taken this opportunity to say what I am about to say, but I feel that some of the Members are ill-informed and do not appreciate the great contribution that has been made by people of other communities and races in this country. This, Mr. Speaker, is of vital significance to all the people in this country who have made it their home. I am now particularly referring to the contribution the Asians have made to this country. They have established various activities and have made tremendous contributions to the

economic and industrial development of this country. They have shared the difficulties and they have gone and explored the country. They have established themselves in areas in which many of our hon. Members have stayed. These hon. Members know of the valuable contribution that these gentlemen have made in the economic development of this country for the benefit of all the people of this country. What is more, in the political struggle, we have kept the torch of freedom flying so as to fight against some of the injustices and discriminations that have been practised in this country. For me to sit and listen in this House today to some of the accusations that have been made against the peoples of this country, is very sad. We have tried to uphold human rights and the dignity of man, but we have played this part on our own. However, we are also proud of the fact that in latter years we have played this part with our African friends and African leaders, many of whom we have associated with during the last few years.

This, Mr. Speaker, is no mean achievement and, as I have said, I say this in all humility. I am not trying to show off, I am saying this in all humility and I want what I feel to be put on record. Other hon. Members were probably not born when these things were done, but I want to bring it to their notice and I want them to accept the fact. They should not try to accuse other communities and the races of not playing their parts properly. I will be the first to admit their failings and shortcomings, but that does not mean, Mr. Speaker, that we should all be labelled as liars and as unfaithful to this country.

The Speaker (Mr. Slade): Order. Back-benchers on the Government side are interrupting continuously in a way which is quite unfair to the hon. Member, and one particularly is Mr. Oduya. If he interrupts, or opens his mouth again during this speech, he will leave the Chamber.

Mr. Pandya: Thank you, Mr. Speaker.

There are many people in this country who are dedicated and committed to Kenya. I am saying with great pride that this is our home. Let us assure the hon. Members that we know no other home, and we are prepared to share the joys, sorrows and the difficulties together, and will work together for the economic progress, prosperity and advancement of the people in the true national spirit.

We understood the clauses for citizenship. I am saying this again, Mr. Speaker, because of the wild speeches made in this House, and I know my hon. friend said they will be put on record to assure those people who want to make this country their

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home, that there are certain basic and definite assurances which will be most welcome. There must be equality of opportunity for Kenya citizens, irrespective of race, colour or creed, in all avenues of life, such as in the Civil Service, commerce and industry, and in all the other avenues that should be open to anybody of any colour whatsoever.

I think a clear answer is needed because the people need to know. I know many Ministers have contributed already to bring confidence into the peoples of this country, but the record of this House should indicate the sincerity of the Government on this basic issue: that those who acquire Kenya citizenship cannot then be restricted to the policy of Africanization.

I am not ashamed to be called an African. I think that what my friend, the Specially Elected Member, Mr. Alexander, was referring to was the fact that there may be some misunderstanding in the minds of others who think that Africanization only refers to Africans, while really it refers to all those people who are accepted as Kenyans and Africans, and not only to people of one colour. Once a person has taken on Kenya nationality, you cannot Africanize him, because he is already Africanized to that extent. I say this, Sir, because there are instances, and I want to find out from the Government, and I hope the Minister, when he replies, will answer this point, what the position is of the would-be Kenya citizens on the 12th December in relation to the East African Common Services Organization. I understand the Public Service Commission of the East African Common Services Organization when it puts out notices for employment states that the posts are open only to Africans. The Legal Secretary of the Common Services Organization says that the Court of Appeal for East Africa should be filled by Africans only. While I realize that today we have not got a Kenya citizenship, this surely discriminates against those non-African Kenya, Uganda and Tanganyika citizens? I would like to know whether these discriminatory practices are going to be extended to Kenya citizens, those who will take up Kenya citizenship on 12th December?

These are the questions, Mr. Speaker, that we would like to know for clarification. I see most of the clauses are going to be deleted from the proposed Bill. I fail to see any good reason, in spite of what the Minister for Justice and Constitutional Affairs said, because I did want to raise objections and bring some of the matters to his notice. While some of these matters may be included in the Constitution, I wanted to have some clarification at this stage before the Minister

moves the deletion of these clauses at the Committee Stage.

If I may refer to section 3 (f) (b) —

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): Point of order, Mr. Speaker. Would it be right to move that the Mover be called upon to reply at this juncture.

The Speaker (Mr. Slade): It is a question which I will allow the House to consider when we have given Mr. Pandya a chance to finish his speech. I do not know how long he was going to speak.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I thought that the hon. Member wanted to refer to the clauses from the Bill, and I do not think there is anything to be gained by hanging about here.

The Speaker (Mr. Slade): That is what I am trying to determine. I think you had better try and round off your speech, Mr. Pandya.

Mr. Pandya: Yes, Sir. The only thing was that I needed some clarification, and I do not know whether we will be allowed to have the clarification at the Committee Stage.

In this case, Mr. Speaker, I will not raise these particular clauses now. I only want to say in conclusion that I am very thankful to the Ministers who have contributed to this debate, and clarified many of the issues. I hope that if there is any more debate, although I understand there is likely to be a closure, that it will be carried out in the proper and true spirit of accepting as a fact that all those people who wish to accept Kenya citizenship should be treated as equals and be allowed to have their choice of remaining in this country if they so desire, accepting the fact that they will be loyal, and subject to the laws of this country. I know most of the people who would want to stay here would want to submit to this basic requirement.

Mr. Speaker, Sir, I beg to support.

The Speaker (Mr. Slade): Mr. Okelo-Odongo, would you like to move now?

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): Yes, Mr. Speaker, Sir, I beg to move that the Mover be now called upon to reply.

(The question was put and carried.)

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, before I make some observations on some points raised by the hon. Members, I would just like to take this opportunity to thank

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All those people who have taken part in this debate. I am most grateful for those who have taken so much interest in this Bill, which I thought was very short, brief and to the point. I thought that it would only take about fifteen to twenty minutes to pass this Bill. It seems that some Members do not appreciate that what is included in this Bill is only procedural matters. The law itself is already embodied in the Independence Constitution. Just as the Minister for Justice and Constitutional Affairs has said, we had completely agreed on the citizenship law, as it is embodied in the Constitution, and it is that that should be amended, if the hon. Members want to amend anything to do with citizenship.

However, as to its operation, we cannot decide now whether to defer it or not, because already in the British Parliament it is becoming law. On the 12th of next month it will become the law of Kenya automatically.

Mr. Speaker, I can understand some of the bitterness which attacks hon. Members when they debate such controversial matters which concern other immigrant races who have decided to make Kenya their home. We can understand their feelings, but as they have told us it is time that these immigrants changed their outlook. May I suggest that we Africans should also re-examine and readjust ourselves. I will quote from the hon. Member, the Member for Homa Bay, who began with a very wild attack. He said that some of the immigrant races who had come to live in Kenya have not changed their mentality. They still have the colonialist mentality and as such they should not be qualified to register as citizens. I quite agree with him that those who have not changed their mentality will probably find it very difficult indeed to qualify. But on the other hand, what about those indigenous people who will automatically qualify, like himself, if they do not change their attitude towards the immigrant races who have contributed to Kenya and who have decided to be part and parcel of Kenya. How can they expect the immigrant races to change?

All my hon. friends on this side must know that those of us who were present during the colonial days have probably blown enough hot air and have now become cool, but they are still full of hot air. We do not mind if they blow it on us in order to become cool, but at the same time we are telling them that the only hot air which is blown should be cool, and they must start to work smoothly to build a new nation of Kenya.

Mr. Speaker, the hon. Member for Homa Bay went on to criticize the provision in the Bill to the effect that the Minister's decision will be final

and not subject to queries in any court of law. I hope that the hon. gentleman who gave the same opinion as him will understand that regarding this question security matters are involved and, as such, the Minister is in a better position to know who is or who is not a security risk to Kenya. Security matters cannot be disclosed easily in a court of law, and therefore, Members will understand that when we talk of the Minister's decision being final, we must make sure that the Minister is a responsible citizen and a responsible man in his position and that he will use his best judgment according to the information which is available to him.

He went on to blame us for not discussing this thing with Back-benchers. I can agree with him partly, but partly I cannot, because I remember when we were present at the Back-benchers' meeting with the Minister for Justice and Constitutional Affairs and that Minister, with his usual clarity went on extensively to explain the outcome of Lancaster House. In the end, all the Back-benchers gave him a shout of approval. If the Member forgets that, I would only remind him that that was done, and I myself was satisfied and was assured that he, too, was satisfied.

I would like to reply to a few points raised by the hon. Member, the Member for Gichugu South, Mr. Gichoya. He said that the Bill came about as a result of pressure from Great Britain. I think it is very unfair indeed to say that the Bill which contains only procedural matters should have come as a result of pressure from Great Britain. If we have pressed Great Britain and sent them away from Kenya, how can they from 5,000 miles away, bring pressure to bear on us here? It is most unreasonable.

He went on to talk about the "ordinary resident" in Kenya and said that that is a very loose sort of language and that he had experience of it. The expression is meant to imply that even if a man sometimes leaves Kenya, say on business trips, but normally resides in Kenya, he can be considered as ordinarily resident of Kenya. I think that that is very plain English and should be understood by the hon. gentleman.

He also complained about the Minister's decision being final, and I think that the reply to him is more or less the same as the one which I have just given to the Member for Homa Bay.

There were a number of repetitions by many Members who spoke, particularly on this question of immigrant races who have decided to live in Kenya. May I now make an observation regarding some points raised by the Member for Kitulung North, Mr. Mutu, who said that they expected Kenya to be an African nation. Here many

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people misunderstand what we mean by African. They must understand that there are white Africans in Africa, and there are also brown Africans. For example, if you go to Cairo, the people are not all black and yet they are Africans. If you go to Algeria, people are more or less white, yet they call themselves Africans, which means that the hon. gentleman probably has not attended the International African Conferences. If he had attended them, he would be surprised to find white Africans and brown Africans and so on.

He will also be able to meet many black Africans who are blacker than himself. As such, I feel that the colour alone is worrying before you have travelled extensively, but when you have done so, you will find that the world is small. Particularly, if you are a business man, you will need to be able to do business in Bombay, London, Berlin, Moscow, etc. Some of you will need to do business there, and some of you will need to do business in Great Britain and elsewhere. In actual fact, we have Africans who own buildings in those countries. If you discriminate against the British here, they will also discriminate against your people there, then how will you carry on trade and business there?

When you say that natives of Kenya should be qualified, that is exactly what we are talking about. The hon. Specially Elected Member was born in Kenya, so he is a native of Kenya because of being born here. However, we have gone a little further with our conditions for citizenship, because as he complained, he will not qualify for automatic citizenship. Only his son will qualify, but he himself, because his father was born somewhere else, cannot qualify. That should show you that even if he was born in Kenya, that alone is not a full qualification although he is a native of Kenya. He does not know any other place.

Mr. Alexander: I should automatically be a citizen.

The Minister for Home Affairs (Mr. Odinga): Let me put it to you: the reason is that there are some people who were born in Kenya and who may not agree with becoming natives automatically of Kenya, and that is why we give them the option. Those who want to doubt will doubt and those who want to become citizens of Kenya will register.

Mr. Speaker, Sir, the hon. gentleman said that some people are scrambling for British passports, a sign of reluctance to become Kenyan. We do not deny this, either. If some people prefer to be citizens of Great Britain rather than of Kenya,

we know they have that liberty. But they will not be able to enjoy the benefits which accrue to those who are citizens of Kenya.

Mr. Speaker, Sir, the hon. Member for Elgon West, Mr. Oduya, made some remarks concerning the withdrawal of money from Kenya. That is a sign that a man is not prepared to stay in Kenya and is not prepared to take Kenya citizenship. Why should he think that this is relevant to the matter we are discussing in this Bill? If a man has decided not to stay in Kenya and wants to leave with his property, let him go; we are not forcing him to stay here. I do not think the point should have worried the hon. Member, because he is one of those who does not want the people of other colours in Kenya.

The hon. gentleman also spoke about jobs in Kenya. This is something I want to make very clear to Members, both on the opposite benches and on this side. Jobs in Kenya will be open to all Kenya citizens. Those who do not have Kenya citizenship may also have an opportunity, but they will not have the same opportunities as those people with Kenya citizenship. If a person has Kenya citizenship, it means he has signed the declaration of loyalty to the Kenya Government and to Kenya itself and, as such, he will have priority in consideration. We should not be bothered because people's services, both in the Government and in all spheres in Kenya, will be valued on the qualifications of ability, efficiency and the mouth of the individuals concerned. Kenya still has room for all her citizens to be employed in one way or another. What we need is only to readjust our policy, our economic policy, and when we do this and plan it properly, you will find that everyone will be in employment and have to contribute their part to Kenya. I think that alone should not worry anyone at all.

One hon. gentleman, the Member for Yatta, Mr. Mutiso, tried to explain to us his conception of multi-racialism, and he said that we had been fighting it but now we were going back to multi-racialism. May I tell the hon. gentleman that his understanding of multi-racialism is not the same as ours. We objected when the European groups in Kenya wanted to retain their entity as Europeans, and the Asian group wanted to do the same. They wanted the Europeans to have part of Kenya, the Asians to have part, and the Africans also. That was what we objected to and that was what was called multi-racialism. The struggle and the battle is over and the African side has won. They have taken over the reins of Government of Kenya. As such, everybody, whether European or Asian, has merged with the African nationalists. Therefore, we were not fighting only colour; that

[The Minister for Home Affairs]

alone does not represent multi-racialism. If someone has another colour and is now serving the nationalist Government of Kenya, he is in the stream of that national movement. He is following that policy. Therefore, we do not take that to be multi-racialism. I would like the hon. gentlemen on both sides to realize this very clearly. They should not mix the two, because by doing so they will offend a man, simply because of his colour. He may be serving this Government faithfully, and he will be offended for no reason at all. If he is capable and a citizen of Kenya and he qualifies for everything, he will be accepted, just as a Negro in America does. That is, if the Americans come to their senses and accept the Negroes as part of humanity, then a capable Negro could climb to the top; the same could happen to any citizen of Kenya, whether he is white, brown or black.

Now, Mr. Deputy Speaker, I am coming to the end of my speech. I would like to congratulate the Member for Trans Nzoia, Mr. Muliro, who made a lot of very sensible contributions to the debate. He explained about an integrated Kenya nation, and this is what we want. We want one Kenya nation which comprises all its peoples, regardless of whether they belong to this or that tribe, to this race or that race. We should all come together to build one new Kenya nation.

May I make just one or two observations on the speech of the Member for Ugenya who made some very startling remarks about the immigrant races who do not accept the Africans as the leaders. This remark was also made by many other hon. gentlemen from this side. I must say that if there is anybody in Kenya who does not accept the leaders who you have put in positions of leadership, then that man is not loyal to the Government of Kenya and if he is not loyal I think he will be considered as a person who does not want to accept the citizenship of Kenya. The Government will be vigilant in all matters of that nature. However, may I warn you people. If you do not want certain people to be citizens of Kenya, do you want them to live in Kenya as foreigners? When they live in Kenya as foreigners will you know about their activities, will you know who actually employs them in Kenya, and how will you be able to protect your own people? A man who has declared that he is loyal to Kenya is a citizen of Kenya, he is subject to the discipline of Kenya, he is subject to all the things that we can do to him if he misbehaves. As a citizen, he is under your control, but if he is a foreigner you have limited control over him, and over his movements. As such, it is a danger to have too many

of those people of foreign elements in the society. Therefore, Mr. Speaker, Sir, I would only say that by the 12th December, as many people as possible should register and become citizens of Kenya.

The Member for Ugenya also went on to talk about the coffee ban. He made a very startling remark about it, connecting it with the question of citizenship by saying that we are protecting the capitalists who have land interests in Kenya and that are recognising them. Well, he is trying to confuse what we call the economic policy with the citizenship question. The citizenship question is quite divorced from the economic policy of the country. The economic policy will take a different course but the citizenship only confirms that a man is a citizen of Kenya and that he is at liberty to enjoy all the amenities which all the other citizens will enjoy in Kenya.

Now, Mr. Speaker, Sir, I would thank the hon. Member for Mombasa Island for all the nice remarks he made, and especially for his remarks about Africanization. I will not go into details because I think the Minister for Justice and Constitutional Affairs has explained extensively that all people who live in Kenya, or in Africa, whether they came originally from other places or not, must voluntarily accept being called Africans in order to avoid future confusion. I do not think there is any shame attached to such a name. Previously there might have been some shame in it because people liked to call themselves Indians and Europeans because they then received better treatment, but now the time has come when only a man who calls himself an African will enjoy and will receive the best treatment, and will be acceptable to the people of this country. So, let us not be ashamed to call ourselves Africans when we are in Africa.

Mr. Alexander: Kenyans, not Africans.

The Minister for Home Affairs (Mr. Odinga): The people of this country—I think the Specially Elected Member will understand—when they voted, voted for Africans and they like to be known as Africans.

Now, Mr. Speaker, with these few observations I would only draw the attention of hon. Members to what we are trying to do, which is, to prepare the ground for the implementation of that part of the Constitution which contains the citizenship law. As such, this Bill is very simple. It is very simple and straightforward and has nothing complicated in it. If somebody has something else to say on the Constitution or on the Citizenship law, he will have a chance

[The Minister for Home Affairs] later on to move it in this House, as was mentioned already.

Therefore, Mr. Speaker, I would ask all hon. Members please to support this Second Reading of this Bill so that we can go on to the Third Reading of the Bill immediately. We are working against time. We cannot wait, because the Constitution is to become law on the 12th December and, if we do not implement it by then, we shall be confused, we shall go into independence with a confused people. We will not know who is a citizen and who is not. This would be terrible. Therefore, Mr. Speaker, Sir, I move the Second Reading of the Bill.

(The question was put and carried)

(The Bill was read a Second Time and with the leave of the House was committed to a Committee of the Whole House today)

MOTION

EXEMPTION FROM STANDING ORDERS: HOURS OF MEETING

The Minister for Justice and Constitutional Affairs (Mr. Mboya): In view of the pressure of time on us and in view of the fact that we have quite a few other Bills that have not been completed, I beg to move:

THAT the proceedings this day be exempted from Standing Order 11, that is Hours of Meeting, to enable the House to complete the business up to and including Order No. 11, Committee of the Whole House and the final stages of the Bill consequent thereon.

The Minister of State, Prime Minister's Office (Mr. Murumbi) seconded.

(Question proposed.)

The Speaker (Mr. Slade): This means that we continue to sit, instead of adjourning at 12.30 p.m. until we have disposed of all the business which I have just mentioned. This does not mean that hon. Members will have to go without lunch, I shall arrange a time for the suspension of business for that purpose.

Mr. Ngala: Mr. Speaker, Sir, I stand to oppose the Motion by the Government. Mr. Speaker, the Government, only a few days ago, moved that they should be given a short period of seven days and we agreed to that. We realized that it was urgent that some of these things should be passed before the 12th December. The Government also knew that the Sessional Committee was there to make every

indication to Members before today so that Members could be in a position to arrange their weekends. On a day such as this when every Member is aware that the House is adjourning at 12.30 p.m., and some Members may already be on the way home for the weekend—the Government tells us, only fifteen or twenty minutes before the time for adjournment, that they wish to continue. I think this is very discourteous of the Government and, in view of the extra period of seven days to which we have already agreed, and in view of the short notice that the Government has given us, we require more time to look at these Bills even though the period has been reduced to seven days. I would very strongly, on behalf of the Opposition, reject the move by the Government.

Mr. Masinde: Mr. Speaker, I stand to oppose the decision of the Government in view of the fact that some of our Motions, which were interrupted, are still outstanding, and it appears that the Government is not interested in finishing all these Motions but are in favour of finishing their own Bills. I think it is necessary that the House should be adjourned until next week so that we can finish all the outstanding Motions and Government will also be able to finish their Bills. The Government know that we have some important Motions affecting the country but they are rushing to cover themselves so that they can finish their outstanding Bills. We are not going to allow this.

Mr. Towett: Mr. Speaker, Sir, I was just wondering what happens if by the end of the day we have not completed the Orders up to and including No. 11. Does the Government then ask for more time so that we sit on Saturday and Sunday?

The Speaker (Mr. Slade): The effect of this Motion, if it is carried, will be that we shall sit, if necessary, until midnight. At midnight, hon. Members will have to think again about what to do, if we still have business outstanding.

Mr. Pandya: Mr. Speaker, Sir, I am not trying to oppose this Motion because it is proposed by the Government, but I do feel that the Motion has been brought at a fairly late stage in the proceedings of this House and I think, as is the practice, some of the Members have already left to go back home. The Bills we are discussing, including this one the Second Reading of which has just been concluded, are of vital importance and significance and I am just wondering whether the Government does wish to press with this Motion. I believe that an opportunity should be

[Mr. Pandya]

given to all the Members who have not had adequate notice of the fact that the House might sit this afternoon or even later. Would the Government wish to reconsider this. I do appreciate the question of time and that some of the Bills need to be made into law by the relevant date, the great day, the 12th December. But there is this question of giving an opportunity to all the Members. If the Members had known earlier things would probably have been different. I think this does mean that the Members cannot exercise their privilege of being able to participate fully in the deliberations which, I believe, Sir, are very vital to the future of this country.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I will be very brief. There is no intention whatsoever, of embarrassing any Member of this House and I am sure the Leader of the Opposition will understand the very genuine reasons for this move. If we do not finish today the Senate cannot sit next week to debate the same Bills in order that they may become law. If that does not happen they will not be law by the 12th December and, as the Minister for Home Affairs has said, if that happens we will have a terribly confused state of affairs by 12th December.

We also believe, Sir, that most Members of the House will wish to have next week to prepare themselves for independence which I am sure they are right in doing. On the part of the Government most of our guests will begin to arrive next week and we have got to have some time to organize ourselves for these very important celebrations. I am sure that the Leader of the Opposition will understand. I am sorry if some Members have left for their homes but, Mr. Speaker, every Member of the House knows that this House would not adjourn until 12.30 p.m. If any Member has left I am sure he will be answering to his own constituency.

(The question was put and carried)

The Speaker (Mr. Slade): That being so, I suggest that we suspend business at quarter to one and resume business at quarter past two.

BILLS

Second Readings

THE KENYA MILITARY FORCES (CONSTITUTION AND MISCELLANEOUS PROVISIONS) BILL

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, I beg to move that the Kenya Military Forces (Constitution and

Miscellaneous Provisions) Bill, now be read a Second Time.

The objects of this Bill are very simple. The Bill is designed to make provision for the Constitution of the Kenya Military Units of the King's African Rifles. The Ordinance will become operative by the 12th December, 1963. There are also in this Bill provisions to alter some of the Ordinances which have been applicable to the force in the past. The Bill also proposes to form for the Kenya Military Forces a Military Council the composition of which are set out in clause 6, and the Prime Minister will have responsibility for the command. The immediate command of the forces will be exercised by a military officer holding the appointment of Commander of the Kenya Military Forces. This, of course, I may say, Mr. Speaker, Sir, is also more or less following similar lines as those in Uganda and Tanganyika when they became independent. The Bill also makes provision for the attachment to these forces of personnel in the military forces of the Commonwealth and it does make certain changes in the laws pertaining to the force as it was under the Colonial regime.

The provision of the British Government for the current financial year for the King's African Rifles is £2.56 million and we must bear in mind that this will, in future, have to be borne by the Kenya Government.

These, in very brief detail, Mr. Speaker, Sir, are the aims and objects of this Bill. I do not want to say any more at the present stage and leave it open to debate because as we know we are running against time and we would like to get it over as soon as possible.

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

(Question proposed.)

Mr. Agar: Mr. Speaker, Sir, as the Minister has said the time is short and we must get the work through quickly.

However, I was wondering whether the Military Council has not been very limited in powers. I say this because the military wing of the Government has become a very specialized thing these days. The military force of the country—in fact, any country today—should be very strong and well equipped. It has become necessary for Kenya to re-organize a defence force. I thought the Government was going to make it clear, in this Bill, how this military council was going to be organized so that we do not have a Head of State who may become lazy and neglect the armed forces. There is a danger of the Prime Minister

[Mr. Agar]

being hard pressed for time and thus overlook the organization of these forces and this may be dangerous. He may not have sufficient time to gather all the knowledge necessary to contribute towards the efficient establishment and running of the armed forces. Therefore, I say this Council is too limited in its powers.

I do not see any provision which will enable the Government to institute a special committee of the armed forces to allow for effective running. We see that a number of rules have been drawn up in accordance with the rules of the King's African Rifles. I think we must do something more to improve the standard of our new military force and have it running on a better basis than the King's African Rifles was organized. That was a very small branch of the military force. I think the military council is too limited; it should be enlarged or something more should be provided whereby we will be sure that the armed forces organization is not left entirely in the hands of the Prime Minister and the Commander.

It is not clear here what conditions will be considered with regard to promotion to higher ranks. This provision should appear in the Bill. It says here that the Governor-General shall grant commissions to the officers of the military forces, but this is rather too limited, Mr. Speaker, Sir, we must know that the people, or the persons responsible or in command, who will be appointed by the Board will be chosen by a more representative body than just one man. I do not know on whose advice he is going to take the action of promotion. There should be some provision which safeguards against favouritism.

Sir, I beg to support.

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Speaker, Sir, the hon. Member raised the point that the committee is too small and that it perhaps places an additional burden on the Prime Minister. However, the hon. Member will see that the council is also composed of the Minister for Home Affairs, on whom I think the greater burden will fall, that is from the administrative point of view. The actual operation and efficiency of the army will depend on the Chief of Staff and the Army Commander, because they will be the people actually in the field working and operating with the army. I do not think that the burden is going to be so intense. Perhaps, at the present time it is an additional burden on the Prime Minister but I expect that with the formation of the new Government after independence there will be a Minister of Defence upon whom this burden will fall. Therefore, I do not think that the hon. Member need

have any fears. Apart from this, I do not think we can have too large a council. I think the council, as at present constituted, will be an efficient council.

Mr. Speaker, Sir, I would like to say that we are trying to do what we can to make our army an effective fighting force comparable to any other army in East Africa or elsewhere. The Government's aim is to see that this is achieved as soon as possible.

With regard to the appointment of the Chief of Staff, the hon. Member thinks that this appointment should be carried out by a much larger board than the Governor-General by himself. That is a matter of opinion, but we think that, following the usual practice elsewhere—this has been the practice followed in other countries and has, therefore, been incorporated in this Bill—this should be done.

Mr. Speaker, I think that answers the points I beg to move.

(The question was put and carried)

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

THE GOVERNMENT SECURITIES BILL (BILL NO. 41)

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): Mr. Speaker, Sir, I beg to move that the Government Securities Bill (Bill No. 41) be now read a Second Time.

Mr. Speaker, Sir, this is one of those rather dry and technical Bills which, nevertheless, are of the greatest importance and whose consequences affect us all, since money and finance are essential ingredients of all our development plans, and to obtain finance it is important to preserve one's credit.

Mr. Speaker, Sir, Kenya has, in the past, raised approximately £30 million of funds for economic development projects by selling issues of Government stock on the London Market. The sale of this stock was made possible and successful because the provisions under which they were sold conform to the United Kingdom Colonial Stock Act of 1900, particularly section 2. The Act of 1900 enables Trustees in the United Kingdom to invest in Colonial stocks, and Trustees provide a substantial measure of support for Government stock issues. The United Kingdom Trustees Investment Act of 1961 has exempted stock of Commonwealth countries from section 2 of the 1900 Act and in fact repealed that section.

[The Parliamentary Secretary for Finance and Economic Planning]

Nevertheless, the Kenya Government has legal obligations to all its stockholders to make certain that the provisions of section 2 are continued beyond independence. This commitment is stated explicitly in the prospectuses under which our stocks were issued and if they are not continued the Government might be subject to legal action by stockholders. The effects of any such action would, of course, be most unfortunate and would have a harmful effect on Kenya's international financial standing. The Bill before the House, therefore, enables Kenya to make good its obligations to its stockholders and avoid default on our legal obligations.

The London Market may also be important to Kenya in the future. Money raised by the sale of Government stock represented virtually untied terms which can be used in accordance with the terms of the relevant prospectus. This will, I know be of interest to those hon. Members who, during the debate on the International Bank of Reconstruction and Development, complained about the use of tied Bank funds in the high potential areas only. If we are to have any prospect of raising further market loans in London in future, legislation as now proposed is essential. Hon. Members will, incidentally, be interested to know that both Tanganyika and Uganda have passed legislation similar to that which is now before this House.

Kenya has not been able to borrow money on public issues on the London Market since 1956. This is because of the view taken of the element of risk in East Africa which is reflected on the yield obtained on Kenya and other East African stocks in London. This has been as high as 10 per cent, but there are signs of some recovery in confidence and the present yield of East African stocks in London is about 8½ per cent. I am sure that by the adoption of a sound financial policy we will, in time, be able to bring these rates down.

Some former Colonial territories which have recently obtained their independence have, during the last year, had access to the London Market for loans at reasonable rates of interest. These countries include Malaya and Nigeria and I am hopeful that Kenya will eventually have a similar success.

This Bill proposes, to repeal this Trustee Investment in Kenya Government Securities Ordinance, Cap. 421, and to replace it by continuing the application of section 2 of the Colonial Stock Act of 1900.

The Bill covers both existing stock on which we now have an obligation, and future stock which the Government may designate. Clause 2 applies the Ordinance to past and future issues of Kenya Government stock, while clauses 3 and 5 provide for the repayment of moneys due to stockholders. Clause 5 provides for the repeal or amendment on request from Her Majesty's Government in the United Kingdom of subsequent legislation which may be passed to the detriment of stockholders.

The urgency of this Bill arises because, as I have pointed out, holders of Kenya Securities will no longer be protected after independence under United Kingdom law. If this legislation is not passed before independence the Government will be in default on its obligations to those stockholders. I therefore recommend this Bill to the House for urgent consideration.

Mr. Speaker, Sir, I beg to move.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah) seconded.

(Question proposed)

(The question was put and carried)

(The Bill was read a Second Time and, with the leave of the House, was committed to a Committee of the Whole House today)

THE NATIVE VESSELS (AMENDMENT) BILL

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, this Bill is an amendment of the Native Vessels Ordinance. It amends two aspects only of the Bill. Now this is very straightforward and in moving this I am merely attempting to change a colonial aspect of the Bill, and therefore do not intend to speak much now.

The first aspect of the amendment is that one affecting the title. Instead of calling this the Native Vessels Bill or Ordinance, I move that this be called the African Vessels Ordinance. Now this is necessary because in the past this word "native" has been used in a somewhat derogatory sense, and now that Kenya is approaching independence and we are overthrowing the colonial youth we think it fit and necessary to change this name to African.

The second amendment, Mr. Speaker, is that up to now the Africans' or the natives' vessels, which we will now call the African vessels, have been flying British flags. On the 12th December and thereafter we want these vessels to fly the Kenya flag when they ply the Kenya coast, so that they are fully identified with the new nation.

[The Minister for Local Government]

Those two are the aspects of this Bill which I wish to be considered by the House. I therefore beg to move, Mr. Speaker.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah) seconded.

(Question proposed)

(The question was put and carried)

(The Bill was read a Second Time and, with the leave of the House, was committed to a Committee of the Whole House today)

The Speaker (Mr. Slade): I take it we have the leave of the House that the Committee Stage of this Bill be taken today.

SPECIAL INSTRUCTIONS TO THE COMMITTEE OF THE WHOLE HOUSE

THE NATIONAL FLAG, EMBLEMS AND NAMES BILL

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Speaker. Sir, I beg to move:—

That this House specially instructs the Committee of the Whole House to consider a new clause to the National Flag, Emblems and Names Bill, dealing with "Prohibition of displaying of flag" and the consequent amendment to the Long Title thereof.

The Minister for Local Government (Mr. Ayodo) seconded.

(Question proposed)

(The question was put and carried)

QUORUM

Mr. Pandya: On a point of order, Mr. Speaker, Sir, I do not think there is a Quorum in the House. Would it not be better to start the Committee stages in the afternoon?

SUSPENSION OF BUSINESS

The Speaker (Mr. Slade): You are quite right. There is no Quorum, I think, that being so, it may be more convenient to hon. Members if we do suspend business now. The business of the House is now suspended until 2.15 this afternoon.

(Business was suspended at 12.35 p.m.)

(The House resumed at Fifteen minutes past Two o'clock)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE STATUTORY COMMODITY BOARDS (AMENDMENT OF LAWS) BILL

(Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 agreed to) New clause

The Chairman (Mr. De Souza): Is there any Minister to propose the new clause on behalf of the Minister for Agriculture?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, I have a new clause to bring up in the following terms:—

Insertion of new section in Cap. 340

7. The Pyrethrum Ordinance is amended by inserting therein, immediately after section 14 thereof, a new section as follows:—

Board to comply with Minister's directions

14A. In the exercise of its powers and in the performance of its functions, the Board shall act in accordance with any general or special directions that may be given to it by the Minister.

(Question of the new clause proposed)

The Chairman (Mr. De Souza): As this clause was not originally in the Bill, debate can arise.

(The question that the new clause be read a Second Time was put and carried)

(The question that the new clause be added to the Bill was put and carried)

(Title agreed to)

(Clause 1 agreed to)

THE NATIONAL FLAG, EMBLEMS AND NAMES (BILL No. 36)

(Clauses 2, 3, 4, 5, 6 and 7 agreed to)

New clause

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, I have a new clause to bring up in the following terms:—

Prohibition of display of certain flags

(1) No person shall display at any place or on any premises any flag or banner or permit any flag or banner to be so displayed, being in either case a flag or banner other than a specified emblem which is reputed to belong or is

[The Minister for Justice and Constitutional Affairs]

held out by any authority as belonging to the territory of Kenya, or of any particular part thereof (other than the area of a local authority).

(2) Any person who contravenes subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding Sh. 5,000 or to imprisonment to a term not exceeding six months, or to both such fine and such imprisonment.

(3) This section shall bind the Crown.

Mr. Chairman, I beg to propose that this clause be now read a Second Time.

(Question proposed)

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Sir, this clause binds to which Crown? I may be thinking of a different thing at the moment and I may be quite ignorant—although people say that I am not—but which Crown is this binding?

Secondly, Mr. Chairman, is it not true that at the moment the emblems, flags and ties that some people are wearing are being manufactured by various organizations and if we do not know where they are manufactured how do we know that the manufacturers are not hanging them all over the place? We have not, to this day, had a copyright handed over directly to the Government and we do not know where they are made. We get some from Uganda, from Tanganyika and from Austria.

An hon. Member: That is irrelevant.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Even if it is irrelevant it is at the root of the matter and I would like to hear.

The Chairman (Mr. De Souza): Mr. Argwings-Kodhek, the debate must only arise in regard to the new clause and not to anything else. The new clause, in fact, does not say anything about the manufacture of flags. It merely says that no particular area may have a separate flag other than a local authority.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, I think there is some confusion here, perhaps because the hon. Member was not here when the Second Reading of this Bill was taken. The question of the manufacture of these emblems and flags, as well as other things, has been dealt with in the Bill in a different section. What this new clause seeks to do is to prevent other authorities producing flags

or emblems opposing the flag of Kenya or a part of Kenya, other than a local authority. This is all it seeks to do.

The Crown in this case implies any group of persons or authorities, including governmental groups—that includes the regional authorities—who may wish to fly a regional flag.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Chairman, does "Crown" then mean the Kenya Government?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): That is correct, and any part of it.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Chairman, the Kenya Bus Service displays quite a big painting of the national flag and I want to know if this is contravening the law.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): The point about the displaying of national flags has already been dealt with in other parts of this Bill. This new clause merely seeks to prohibit any group or part of the Government producing a flag either supporting to be a flag of Kenya or a flag of a part of Kenya, it has nothing to do with the national flag.

Mr. Jahazi: Mr. Chairman, I am not satisfied with the explanation given of the word "Crown". I thought "Crown" meant the Crown of the British Government. Can we be assured that the Kenya Government will not be required to come under this?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, this country is not yet independent. This law is being passed before independence. As such, this is the expression used.

(The question that the new clause be read a Second Time was put and carried)

(The question that the new clause be added to the Bill was put and carried)

(Schedule agreed to)

Long Title

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, I beg to move that the Title of the Bill be amended as follows: That the Long Title to the Bill be amended by adding at the end thereof the words

"AND TO PROHIBIT THE DISPLAY OF CERTAIN FLAGS".

(Question of the amendment that the words to be added, be added, proposed)

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): I must congratulate the Minister if this is to prohibit the display of certain flags which are not the Kenya flag. I think that is a very proper thing.

The Chairman (Mr. De Souza): I think it has been explained, Mr. Argwings-Kodhek, that what is meant is the prohibition of flags of certain regions other than the Kenya flag.

Mr. Masinde: Mr. Chairman, this brings a very big problem, if the Government is suggesting that no other flags should be displayed. What will happen to the flags of political parties, Kanu, Kadu, Easo, Shell, things like that? What will be the position in this regard? I do not think the Government is entirely right in saying that only national flags can be flown throughout the country. What about the embassies? Will they be allowed to fly their own flags, or not?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, the hon. gentleman and most of his party did not stay in during the Second Reading of this Bill. The position, clearly, is that this does not include the flags of commercial companies and that sort of thing. It is in conformity with the new clause which has just been passed by the Committee. It means that nobody will be able to fly a flag purporting to be a Kenya flag other than the national flag, or purporting to be the flag of any part of Kenya, including a regional part of Kenya, other than a local authority approved by the Kenya Government.

The Chairman (Mr. De Souza): I cannot allow a debate on clause 7, that is a new clause which has already been passed, nor as far as the title is concerned. The only questions which can now be asked are those in regard to the Title. If anybody has any objection or any questions to ask in that regard, we can take them, but we cannot have questions in regard to the whole Bill which has already been passed, when we are discussing the Title.

(Long Title as amended agreed to)

(Clause 1 agreed to)

THE EXTERNAL LOANS (GENERAL) BILL

(Clauses 2, 3, 4, 5, 6, 7 and 8 agreed to)

(Title agreed to)

(Clause 1 agreed to)

—THE PERSONAL TAX BILL

Clause 2

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, Sir, I beg to move that

clause 2 of the Bill be amended (a) in the definition of "personal tax stamp" by inserting the word "graduated" immediately before the word "personal"; and (b) in the definitions of "the tax" by inserting the word "graduated" immediately before the word "personal". These are only alterations to clarify the name.

(Question of the amendment proposed)

(The question that the words proposed to be inserted, be inserted, put and carried)

(Clause 2, as amended, agreed to)

Clause 3

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, Sir, I beg to move that clause 3 of the Bill be amended in subsection (1) thereof by inserting the word "graduated" immediately before the word "personal" and by inserting the words "with the approval of the Minister" immediately after the word "Council". This is necessary to bring it in line with the Constitution. Also, in subsection (2) by deleting the words "resolution of the Council, such date to be published in the Gazette" and by inserting in place thereof the words "the Minister". Similarly, this is merely to bring it in line with the Constitution.

(Question of the amendment proposed)

(The question that the words proposed to be inserted, be inserted, put and carried)

(The question that the words proposed to be left out, be left out, put and carried)

(The question that the words proposed to be inserted in place thereof, be inserted, put and carried)

(Clause 3, as amended, agreed to)

(Clauses 4 and 5 agreed to)

Clause 6

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, Sir, I beg to move that clause 6 be amended (a) by inserting the word "graduated" immediately before the word "personal", where that word appears in subsections (1), (3) and (4) thereof; (b) in subsection (4) thereof by deleting the words "a council" and inserting in place thereof the words "the council".

(Question of the amendment proposed)

(The question that the words to be left out, be left out, was put and carried)

(The question that the words to be inserted be inserted was put and carried)

(Clause 6, as amended, agreed to)

Clause 7

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, I beg to move that clause 7 (a) of the Bill be amended by inserting the word "graduated" immediately before the word "personal".

(Question of the amendment proposed)

(The question that the words to be inserted be inserted was put and carried)

(Clause 7, as amended, agreed to)

Clause 8

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, I beg to move that clause 8 of the Bill be amended by inserting the word "graduated" immediately before the word "personal" wherever that word appears in subsections (1) and (2) thereof.

(Question of the amendment proposed)

(The question that the words to be inserted be inserted was put and carried)

(Clause 8, as amended, agreed to)

Clause 9

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, I beg that clause 9 of the Bill be amended by inserting the word "graduated" immediately before the word "personal".

(Question of the amendment proposed)

(The question that the words to be inserted be inserted was put and carried)

(Clause 9, as amended, agreed to)

Clause 10

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, I beg to move that clause 10 of the Bill be amended by inserting the word "graduated" immediately before the word "personal".

(Question of the amendment proposed)

(The question that the words to be inserted be inserted was put and carried)

(Clause 10, as amended, agreed to)

(Clause 11 agreed to)

Clause 12

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, I beg to move that clause 12 (2) of the Bill be amended by deleting the words "section 6 of".

(Question of the amendment proposed)
(The question that the words to be left out, be left out, was put and carried)

(Clause 12, as amended, agreed to)

(Clause 13 agreed to)

Clause 14

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, I beg to move that clause 14 (1) (a) of the Bill be amended by inserting the word "graduated" immediately before the word "personal".

(Question of the amendment proposed)

(The question that the words to be inserted be inserted was put and carried)

(Clause 14, as amended, agreed to)

(Clauses 15, 16 and 17 agreed to)

Clause 18

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, I beg to move that clause 18 (3) of the Bill be amended by inserting the word "graduated" immediately before the word "personal".

(Question of the amendment proposed)

(The question that the word to be inserted be inserted was put and carried)

(Clause 18, as amended, agreed to)

(Clauses 19 and 20 agreed to)

Clause 21

Mr. Masiny: Mr. Chairman, I am sorry I did not raise this matter during the Second Reading of this Bill. I find in the proposed Bill that there is a very serious omission and that is that the exemption is removed for those people who are receiving full-time instruction at any university and I am quoting from the Personal Tax Ordinance, 1957 (No. 28), which says, "Receiving full-time instruction at any university, college, school or any other educational establishment or serving under articles or an indenture with a view to qualifying in a trade or profession". According to my submission, Sir, it also seems to have removed the exemption from certain classes of women. Section 21 of the proposed Bill says, "Every married woman living with her husband, if the husband is liable to tax at the maximum rate prescribed by the Council within whose area of jurisdiction she is so living". In the old Bill there were greater exemptions than are provided under this section, and particularly taking into account the fact that this will be a great hardship on the lower income earning group and their

[Mr. Pandya] families because the earning member of that family will have to pay this Personal Tax for those people, both male and female, who are not earning. I would have thought that the principle of this tax was that those who are earning should pay the tax, but you are, in fact, going to include people who are not earning and they will still have to pay the tax. You are removing a very important exemption, the students. I hope the Minister will reply because I am just comparing the present Bill with the one of 1957 and I refer to clause 19 of the Ordinance of 1957. Probably the Minister will elucidate this point and advise me on this matter.

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, this is quite clear as it stands. The speaker first of all raised the question of those students or people who may be studying at the time they are required to pay the tax. This was very carefully investigated and I wish merely to reiterate by way of reply to the point raised that we will be interested only in the income of a person. If somebody, say, for instance, the hon. Member goes to school now and continues to earn while he is undergoing study or taking a course, we will expect him to pay the tax, but if a person is studying at a college or university and has no income nobody is going to expect him to pay the tax. If he has an income he will be expected to pay.

This section referring to married women also refers to the married woman who is earning, and is living with her husband. Those who are not earning will not be required to pay anything.

Mr. Pandya: I see the point, but it does say here "full-time instruction". What is the objection to including this and making the section clear in the proposed Bill? I think this was a very important clause and to remove any misunderstanding or doubt I would have thought the Minister would have been glad to leave it. It does say full-time instruction and keep on earning at the same time.

The Minister for Local Government (Mr. Ayodo): Right now, Mr. Chairman, Sir, there are students receiving full-time instruction at Kabete and they are getting salaries.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Chairman, this is a very important issue and I think the Minister should consider it very, very carefully because the point that the hon. Member for Mombasa Island North is raising is very important and I think it should be included.

Clause 1 (a) says that every individual who has not attained the age of 18 will not be taxed. There are some students in Colleges who are over that age and I think there should be a clause in this Bill which will cater for the students above 18 who are not earning. This should be clearly stated in this Bill because if it is not stated, Sir, these students will be liable for prosecution because there is no clause catering for them. A promise in this House alone will not satisfy us, we want to see it included in this Bill.

With regard to section (b) about married women I would like to say that it should read, "every married woman earning". This should be included because if a married woman like my wife is not earning at all she should not be liable for prosecution here. There will be prosecution whether she is earning or not and I think this is a very serious issue which the Minister should consider.

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, Sir, throughout the Bill and throughout this question of graduated personal tax I think it should be clear to all Members that this is an income tax. No income, no tax. No one is going to be imprisoned because of this clause because there are clauses making it adamantly clear that if a woman is not earning any income no one is going to expect her to pay anything. Similarly students and other people who are not earning will not be expected to pay anything. Therefore, I do not see why there should be any difficulty about this clause.

Mr. Pandya: Mr. Chairman, I would have thought that this Government would have liked to make this very clear. I support the point that my hon. friend made from the other side. Why should it not be put in the clause that those who are not earning should be protected. I think it would be better if his suggestions are included in the Bill so that there is no room for doubt later on. Sir, I am sorry, but I think that the whole draft of section 19—I have brought it with me so that my friend could see it—is clearer than section 21. I have no alternative but to keep on pressing him, but I want to say that I wish he would give some sympathetic consideration to this and not try to be adamant on a point which he knows is in the interests of the low income-earning group.

The Minister for Local Government (Mr. Ayodo): I am not going to stand up again.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): I do not think the Minister is satisfying us at all in this

[**The Parliamentary Secretary for Agriculture and Animal Husbandry**]

case. In the Minister's speech on the Second Reading of this Bill he said that earning does not mean earning salaries only. My mother is married and she earns a little money out of her digging and she will be compelled to pay taxes and the people who are going to collect these taxes are going to have this Bill in their hands. They will force ordinary women who are farming and digging, their small shambas to pay taxes. I think the Minister should consider at this stage, the possibility of including something specific as far as students and married women are concerned. We still insist on this, Sir.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Chairman, Sir, since there have been many changes of words in this Bill already would the Minister realise that the words proposed to be amended are necessary, either now or in the Third Reading?

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, Sir, I must insist if there are going to be women, or anyone else, earning income they must be expected to pay tax, because he or she is going to enjoy the services rendered by the local authorities.

Mr. Shikuku: Mr. Chairman, I think the Minister is being a bit unco-operative on this issue. So far we have had trouble in the reserves where people are being asked to pay the different taxes just because they happen to have a *gombi* or two and three or four goats and so forth. However, this is not specified at this moment and if it is not specified the same trouble is going to continue. All the women and other people who do not earn very much, who only have two or three cows, the milk of which they sell, will be required to pay the taxes. The people who are going to make them pay the taxes are not Ministers but ordinary men and I think it must be made very clear to these people on the ground so that they do not harass the women and the other people. We can understand this in this House, but we cannot expect the ordinary man of the Luhanya in Buteri to understand what we are talking about here, unless the thing is specified to him. We must tell them what is happening because they do not have the comprehension we have in this House.

With these few remarks I would like to say that the Minister would be doing the country a good deal of good if he could specifically specify this so that the people are carrying out the job on the ground will know what to do. We

do not want our women and other people harassed.

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, the point raised by the hon. Member is one of the assessments. Before I say something about this I want to remind him that when he refers to Luhanya that only refers to the Regional Assembly of the particular area which is going to pass a Bill affecting that area. As I said when I was moving the Second Reading of the Bill, this one refers to the Nairobi area only. However, in answering his question about the difficulties of assessment I want to make it clear that everything possible is going to be done to see that the assessments are carried out in as fair a manner as possible. We agree that it is not possible for the Minister or officers from Nairobi to be sent out throughout the country to do the assessments so as to satisfy the hon. Members that justice will be done. We have to trust our local people to do this because they know the taxpayers better than anybody who is living here in Nairobi. I know that we cannot expect nor do we have a high degree of accuracy, but this is one of the things that we have to face. I am not saying that we have to face injustice. I know it will be difficult and we have advised the local people and we will see to it that they do their work in as fair a manner as possible.

If a taxpayer is not satisfied with his assessments there will be the courts to try the cases if someone thinks his income has not been fairly assessed. He or she can appeal to the courts so that justice is carried out.

The Chairman (Mr. De Souza): I am afraid, gentlemen, we will have to propose an amendment if you want to proceed with this, but I will allow two more questions.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Since the Minister is very strong about this and is not willing to move from his guns I think he should give us an assurance that the people who are going to exercise the Bill are not going to molest students from the Royal College when they are walking in this city. They might be arrested because they are over 18 and they have certificates to prove that they are but they have no incomes. They are going to be locked up. Unless there is a clause here, Sir, the Minister should at least give this House an assurance that these people are not going to be molested. However, an assurance in this House alone is not going to guarantee this.

[The Parliamentary Secretary for Agriculture and Animal Husbandry]

The second thing is that I am still worried about this married women section 21 (b). This is a very vital issue which I do not think the Minister has answered. Every married woman living with her husband with no income of any kind—perhaps with a very little income—will be molested in the towns. They are going to be chased around to find out whether they are married or not and then asked for their tax receipts. I think the Minister should, at least, give us an assurance and I think it is very necessary that he should give way on an amendment on this particular section.

The Minister for Local Government (Mr. Ayodo): I am prepared to give the assurance, but there is one point I wish to make. I think that the hon. Members still think of this tax as what we have been having in the past. They do not realise that this is a tax we are going to pay as from next year and by that time the Government will be completely ours. It will not be a Colonial Government. Molesting and harrasing were carried out with the old chiefs and the old type of Government Mr. Chairman, Sir, this will be done by our own people and Lxan give the assurance that no one is going to be unnecessarily molested.

Mr. Jahazi: Mr. Chairman, Sir, there are one or two categories of people not included in this Bill. One is those people who earn money but are not employed; for example thieves. Some people in the towns are unemployed but they lead far better lives than other people but you cannot account for their salaries. The second category is the prostitutes. At the moment these prostitutes are being forced to pay taxes in other towns, but they say their earnings are illegal and if the Government says that prostitution is illegal they cannot pay. These people are just in the middle and how are we going to tax them on their earnings.

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, Sir, I want to say that the Government is not interested in taxing illegal income. If somebody steals or does something illegal, he will be dealt with in the normal way, but we are not going to encourage illegal acts, thefts, and so on, by taxing them. That would be the same thing as recognizing them.

The Chairman (Mr. De Souza): I am afraid we cannot have a debate at the Committee Stage on a clause. All one can do is ask questions which the Minister will answer. I am afraid I will not allow any more questions. The only other

way to have a debate is for somebody to propose an official amendment, but I believe Mr. Okelo Odongo wants to explain a point.

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo): I just want to say this: I think the Minister stated that this is a sort of income tax, and therefore a person who is not earning or is not known to be earning does not pay. What I would like to know is what will happen to the people living in the rural areas who are unemployed. Are they going to be asked to pay the A.D.C. rate while the person in Nairobi is not paying anything? Is the Ministry satisfied with this?

The Minister for Local Government (Mr. Ayodo): I am not sure that I understand the question. I do not know whether the hon. Member was thinking of someone who stays at home who is unemployed and has no income at all. If that is the person he has in mind, the answer is that he will not be expected to pay tax. I think this has been made very clear. Unemployed people without any income will not be expected to pay anything, because they have no income. Only those with an income will be expected to pay.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I think it is necessary to clarify this point, that earning does not mean receiving a salary. Assessment is made on the basis of normal modes of earning, including salaries and non-salaried earnings. We do not want someone to go home and say that because you do not have a salary you do not pay tax.

Mr. Anyieni: Mr. Chairman, I asked the Minister for an assurance that job-seekers will not be arrested in the streets. But here I do not see any provision for that, I do not see any protection. As far as clause 21 (a) is concerned, it seems the only people who can be exempted are those who are not over the age of 18 and married women whose husbands are paying the maximum amount prescribed by the Council. It seems as if the rest of the people will have to pay. It looks as if even a job-seeker on the streets will be asked to pay, and the *askaris* will arrest people who are looking for jobs.

The Minister for Local Government (Mr. Ayodo): The question here is the definition of the word "exemption". I think that is the hon. Member's problem. When we say that a chap is exempted it means that he will not pay, so long as the conditions which entitle him to exemption remain. When a man is not employed, we cannot

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exempt him, because exemption means a permanent condition; that means he does not pay at all. If I am not employed today, and I find employment tomorrow, from tomorrow I shall be expected to pay, so the question of exemption in my case does not arise. But while I am unemployed I am not expected to pay. As soon as I get employment I will be expected to pay.

Mr. Kiprotich: Mr. Chairman, Sir, the Minister must make clear to us the position concerning people over eighteen years of age. Clause 19 which gives powers to arrest such poor people who do not know their age. How is such a person to know that someone is over the age of eighteen or under that age? We must have a clause which deals with these people.

An hon. Member: Mr. Chairman, I am not quite satisfied with the assurances given by the Minister. As the hon. Mr. Kiprotich was saying, clause 19 provides as follows: "Any person who obstructs or hinders any collector or other officer or any employer in the discharge of his duties under this Ordinance shall be guilty of an offence and liable to a fine not exceeding Sh. 3,000 or to imprisonment for a term of three months or to both such fine and imprisonment." This is a very heavy penalty, and I think unless there is specific provision as to who will be exempted our people will be taken to court, and so on. Although the Minister has said we are going to have people to carry these things out, our people do not know what we have been doing and we do not want to change overnight simply because we are going to become independent.

Mr. Pandya: Mr. Chairman, I am now ready with my proposed amendment. I propose that section 21 of the Bill be amended by adding to (a) after the words "eighteen years" the words "who having attained that age is receiving full-time instruction at any university, college or other educational establishment, or is studying under Articles or an indenture with a view to qualifying in a trade or profession". I propose the deletion of (b) altogether; and to substitute "(b) every woman whose personal income does not exceed £60 per annum". I propose that (c) should be "every married woman living with her husband" and that (c) in the Ordinance should become (d) That is my amendment, Sir.

The Chairman (Mr. De Souza): I am afraid, hon. Members, that I cannot accept this amendment. Standing Order 96 (2) reads as follows: "No amendment shall be moved to any part of a Bill by any Member other than the Member in charge of the Bill—that will be the Minister—unless written notification thereof shall have been

given to the Clerk before the commencement of the sittings at which that part of the Bill is considered in Committee." I am informed by the Clerk that no such notice was given, so I apologise, Mr. Pandya, if I misled you earlier but I cannot accept the amendment. However, I think the idea has been passed over to the Minister.

(The question of clause 21 was put and negatived)

The Chairman (Mr. De Souza): Does anybody want a division? The "Noes" sounded much louder. I am afraid I cannot put it to the vote again unless someone asks for a division.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): On a point of clarification, Mr. Chairman, I wonder if it is possible for the Government to pass this particular part without going into a division?

The Chairman (Mr. De Souza): At the present moment as it now stands, I do not think the clause is part of the Bill, unless hon. Members ask for a division.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): On a point of order, I wonder whether you would care to put this question again more clearly so that we know what we are voting for?

The Chairman (Mr. De Souza): I think hon. Members can ask for a Division if there is any doubt as to the voting.

As there seems to be some confusion as far as the voices are concerned, I will put the question to the vote again.

(Clause 21 agreed to)

Mr. Anyieni: In view of what has just been expressed, could the Minister take these views into consideration and next time we want to have this Bill changed?

The Chairman (Mr. De Souza): That point does not arise at the moment.

Clause 22

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, Sir, I beg to move that clause 22 be amended (a) by deleting the words "rules generally" which appear in subsection (1) thereof, and by inserting in place thereof the words "regulations"; (b) by inserting the word "graduated" immediately before the word "personal" in subsection (1); (c) thereof; and (c) by deleting the word "rules" in subsection (2) thereof and by inserting in place thereof the word "regulations".

(Question of the amendment proposed)

(The question that the words to be left out, be left out, put and carried)

(The question that the words proposed to be inserted, be inserted, put and carried)

(Clause 22, as amended, agreed to)

(Clause 23 agreed to)

Schedule

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): When the Minister moved this Motion at the Second Reading, he promised us that there would be a section in this Bill showing how he would transfer taxes from the town to other local authorities. He has not made any comments at the Committee Stage.

The Minister for Local Government (Mr. Ayodo): I did not say there is a section here. I did say that a Bill will be introduced later dealing with that. I am quite sure that is what I said. This will be a separate Bill and not part of the present Bill.

The Chairman (Mr. De Souza): Strictly speaking, we must have a debate on the Schedule. I do not know—

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Chairman, if you will allow me I would like to say a few words. If this Bill for the collection of taxes is coming up, I must say I do not know how these taxes are going to be transferred to the counties concerned.

The Chairman (Mr. De Souza): I will not call upon you to answer, Mr. Ayodo.

This is strictly a question on policy and can be raised again, Mr. Osogo, on the Third Reading of the Bill if you want to. However, it does not come, with respect, just now as far as the Schedule is concerned. You can bring up questions on policy either at the Second Reading or the Third Reading of the Bill, but not bring up questions as far as the Schedule is concerned.

Do you want to propose an amendment to the Schedule, Mr. Ayodo?

The Minister for Local Government (Mr. Ayodo): Yes, Mr. Chairman. I beg to move that the Schedule to the Bill be amended (a) by deleting the words "section 14 of the Personal Tax Ordinance, 1963" and by inserting in place thereof the words "section 15 of the Graduated Personal Tax Ordinance, 1963"; (b) by deleting the words "a personal tax" and by inserting in place thereof the words "graduated personal tax".

(Question of the amendment proposed)

(The question that the words proposed to be left out, be left out, was put and carried)

(The question that the words proposed to be inserted, be inserted, was put and carried)

(Schedule, as amended, agreed to)

(Title agreed to)

Clause 1

The Minister for Local Government (Mr. Ayodo): Mr. Chairman, Sir, I beg to move that clause 1 (1) of the Bill be amended by inserting the word "graduated" immediately before the word "personal".

(Question of the amendment proposed)

(The question that the words proposed to be inserted, be inserted, put and agreed to)

(Clause 1, as amended, agreed to)

THE KENYA CITIZENSHIP BILL

Clause 2

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, Sir, I beg to move that clause 2 of the Bill be amended by deleting the definitions of "alien", "the Commonwealth", "foreign country" and "protected person".

Mr. Pandya: Mr. Chairman, Sir, I would like to know the reason why the Minister is proposing these particular deletions and not the others. He is not deleting the whole clause, he is only deleting the definitions of certain items and I would like to know the reason for this.

The Minister for Home Affairs (Mr. Odinga): I see that the definitions are no longer required under the new Constitution.

Mr. Pandya: Do I understand that the definitions of these four items are in the Constitution itself?

The Minister for Home Affairs (Mr. Odinga): Yes.

(Question of the amendment proposed)

(The question of the words to be left out, be left out, was put and carried)

(Clause 2, as amended, agreed to)

Clause 3

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, Sir, I beg to move that clause 3 be deleted from the Bill.

(The question that clause 3 be deleted proposed)

Mr. Pandya: Mr. Chairman, I suppose it is for the same reason that the Minister gave for the other clause that the deletion has been requested. I wonder if I may raise one matter of clarification which appeared in the original clause and to seek from the Minister, where it says 3 (d) "he would be a suitable citizen of Kenya", some guidance as to what would be considered suitable. It seems the word is rather vague and we would like his guidance and it would be advisable if he could give us some indication of what he and his Government would consider suitable.

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, that does not arise and I think since we have left that particular clause out of the Bill the hon. gentleman should be satisfied that in the Constitution it is quite clear; so I do not think that requires consideration.

The Chairman (Mr. De Souza): I think one cannot have a debate on the details of a clause which is in fact being deleted. One can ask questions as to why it is being deleted, or to say that it should not be deleted, but there is no point in asking the *pros* and *cons* of a section of the Ordinance that is not going to be passed.

Mr. Pandya: How do you know, Mr. Chairman, whether this clause will be a part of the Ordinance or not? We might oppose the Division.

The Chairman (Mr. De Souza): Well, if anybody is opposing it that is a different matter, but one cannot have an argument as it were, or a debate, in hypothesis in vacuum when one does not say one is opposing the deletion.

Mr. Gichoya: Mr. Chairman, since we have not been supplied with copies of the Constitution could the Minister tell us exactly whether the language which he thinks is national—or is perhaps going to be national—is Swahili and whether this is the language which is being referred to with regard to the Constitution?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): The hon. Member was not here this morning but we did say exactly that.

(Question that clause 3 be deleted from the Bill put and carried)

Clause 4

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, I beg to move that clause 4 be deleted from the Bill.

(Question proposed)

(Question that clause 4 be deleted from the Bill put and carried)

Clause 5

Mr. Gichoya: Could the Minister tell me exactly what is meant by "ordinary resident in Kenya". I complained about this the day before yesterday. One dictionary tells us one thing and another dictionary tells us another thing, and we do not know which one is used in the court of law to be the only guidance as far as the definition is concerned.

The Minister for Home Affairs (Mr. Odinga): The hon. gentleman was not here when I was replying to him and I explained this very clearly. If we have to go back to these things we will not have time. I said that a man who is a normal resident of Kenya may go out of Kenya for a few months or even just for a few days and then come back.

Mr. Gichoya: Mr. Chairman, I would like a complete definition of this clause. When we talk in terms of ordinary it must denote three months, ten months, two days, or some specific time, out of the country. It must not be a question of being perhaps this, or perhaps that. The Minister should not say that because he gave the definition the way he has tried to give it to us that is enough. As a Member I am entitled to a clarification before I say yes or no.

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, could the Member tell the House what he expects "ordinary resident" to mean?

Mr. Gichoya: Mr. Chairman, Sir, this is my problem and I thought my Minister would guide me in this question.

Mr. Mati: Mr. Chairman, would the Minister tell us, in connection with this clause, whether, if I went to Peking or Moscow or London for studies for three years and then came back, I would have been ordinarily resident in Kenya, or not?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): It is provided, Sir, within the Constitution and this Bill that any person who resides away from Kenya for seven years must regularly register to a Kenya Embassy or Consulate overseas in order to maintain his qualification.

Mr. Gichoya: Mr. Chairman, can we take it that a person who has reported to a British Embassy, being a British subject and an effective citizen of this country who is automatically going to qualify as a Kenya citizen on 12th December is a native of this place, of this country?

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, I think that the hon. gentleman is trying to be difficult because what it says here is that he who is ordinarily resident of Kenya and has been so for a period of five years, whenever he goes away from Kenya, if he has a Kenya passport and is considered as a Kenya citizen, when he comes back after a short period he is counted as a normal resident. If he has been normally resident in Kenya for five years that qualifies him.

Mr. Gichoya: Mr. Chairman, my problem is this. Not having a copy of the Constitution which would give me the knowledge of what will be the state of my brother when he goes out of the country, what would be the relationship between an alien and a Kenya citizen? I am not given an answer when I try to find an ordinary answer. What would be the position as far as an African is concerned? I am pointing out the case of the man who has been termed "native" before, as opposed to Asian and Arab and so on. There is the question of the natives, such as my father and myself.

The Chairman (Mr. De Souza): Mr. Gichoya, you can only ask a question.

Mr. Gichoya: This is just the problem on which I want a clarification. This "ordinary resident" question is worrying me. I do not want a man to be given the privilege of citizenship of this country if he is going to have to go to a court of law to find out what is meant by "ordinary resident". This must be specifically laid out in this House so that our courts in this country and the Supreme Court will be able to deal with the problem. They will know what is an ordinary resident of Kenya, as defined by the National Assembly of Kenya when passing this Bill.

The Chairman (Mr. De Souza): I do not think I can allow a debate on this section at all. Secondly, Mr. Gichoya, your questions do not apply to this section at all because this clause only deals with persons of African descent who are not Kenyans, persons who are from other African countries but are only staying in Kenya. So I think your question about your brother being abroad does not apply.

Mr. Gichoya: Mr. Chairman, it is on the same point, but perhaps my language is my problem. That is the reason why I am trying to get this sorted out. I must know what I mean when I talk of an "ordinary resident". It must be this and not that. There should be no argument. We must limit the question to the number of days.

It must be ten days, three months, six months or one year. It must be specifically stated, so that the lawyers can be guided by it when dealing with problems on the question. The English people have failed to give us a definition in their own language, but this House must be competent to give it.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): No doubt we, in this House can give a definition and it will be the subject of litigation from time to time and it will be for the courts to determine what interpretation is put on the thing. If you want an interpretation which limits the period of residence and you put it in terms of so many months, then you do not have to use the word "ordinarily" at all. What is implied in this is that within those five years the man has been acknowledged to be living in Kenya or having a job, a house or a business in Kenya. He could have gone to another country for a holiday or for a business trip but he is recognized as living in Kenya, that is all this means. However, if there are any doubts, this Constitution is open to litigation.

Mr. Gichoya: Mr. Chairman, on the same point of order I raised before. If we had a case where the court was unable to arrive at a decision as to the position of Mr. "X" and Mr. "Y" and they failed to agree. I say that we are now going to emerge as a nation and we must be completely competent if we are going to use words in the English language in this country. Swahili, which is going to be the national language, must also be included as well as Latin or Greek. The only thing to do is make the word clear. We should put it in Swahili so that "ordinarily resident" refers to anybody and our courts should look into this.

Mr. Ngel: Mr. Chairman, I think this House must not rest on security because we have lawyers who have told us that there is an ambiguity and if there is a doubt no judge can decide. There is ambiguity here and we cannot allow a House like this—as we are just going into independence—to create a law that will delude. I am not a lawyer. I am a layman, but as a layman I would like to be told where I am in the question of the law that is to be established in this House. I think there is ambiguity which will cause doubts in the minds of a judge and I think there must be something definite. I think the previous hon. Member who spoke was quite right.

The Chairman (Mr. De Souza): Hon. gentlemen, I am afraid an amendment has been proposed to clause 5. Debates or proceedings in

[The Chairman]

Committee are only provided so that hon. Members can ask questions to which the Ministers can reply. I think the hon. Ministers have, in fact, given as many replies as they want to at this particular moment and no particular purpose will be served by having any more questions. We are repeating the same point: the words "ordinarily resident" has not been defined as fully as certain hon. Members would want it to be. However, there is no point in proceeding with this question because the answer has already been given and apparently no further answers will be given. I will, therefore, put clause 5 to the vote.

(Clause 5 agreed to)

(Clause 6 agreed to)

Clause 7

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, Sir, I beg to move that clause 7 of the Bill be amended by (i) deleting paragraphs (a) and (b); and (ii) inserting immediately after "citizen" which appears in line 1 the words "under section 3 or section 4 of this Ordinance".

(Question of the amendment proposed)

(The question that the words to be left out, be left out, was put and carried)

(The question that the words to be inserted, be inserted, put and carried)

(Clause 7, as amended, agreed to)

Clause 8

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, Sir, I beg to move that clause 8 of the Bill be deleted.

(Question of the amendment proposed)

(The question that clause 8 be deleted from the Bill was put and carried)

(Clause 9 agreed to)

Clause 10

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, Sir, I beg to move that clause 10 of the Bill be deleted.

(Question of the amendment proposed)

(The question that clause 10 be deleted from the Bill was put and carried)

Clause 11

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, Sir, I beg to move that clause 11 of the Bill be deleted.

(Question that clause 11 be deleted proposed)

Mr. Famba: Mr. Chairman, I want to oppose the deletion of this clause for the simple reason that I want to make an objection. I do not know whether this is in order or whether it is in the Constitution. However, Mr. Chairman, it is a very serious matter that within seven years after becoming naturalized, if you undergo a term of imprisonment of not less than twelve months, you can be deprived of your citizenship. In these days, there are many minor offences, sometimes traffic offences, of which the magistrates take a very serious view and sentence people to probably over one year. In such a case, to deprive one of one's citizenship I think is a very serious matter. I thought that I would like to bring this to the notice of a Minister at a relevant time so that he can consider this. I know that we are deleting this clause so I had to oppose the deletion to make my point.

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, I think this does not arise as this clause is to be deleted.

(The question that clause 11 be deleted from the Bill was put and carried)

Clause 12

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, Sir, I beg to move that clause 12 of the Bill be deleted.

(Question of the amendment proposed)

(The question that clause 12 be deleted from the Bill was put and carried)

Clause 13

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, Sir, I beg to move that clause 13 (1) of the Bill be amended by deleting the words "section 10, 11 or 12 of the Ordinance" and substituting the words "section 8 of the Constitution".

(Question of the amendment proposed)

(The question that the words to be left out, be left out, was put and carried)

(The question that the words to be inserted in place thereof, be inserted, was put and carried)

(Clause 13, as amended, agreed to)

(Clause 14 agreed to)

Clause 15

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, Sir, I beg to move that clause 15 of the Bill be deleted.

(Question of the amendment proposed)

The question that clause 15 be deleted from the Bill was put and carried)

Clause 16

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, Sir, I beg to move that clause 16 of the Bill be deleted.

(Question of the amendment proposed)

The question that clause 16 be deleted from the Bill was put and carried)

(Clause 17 agreed to)

Clause 18

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, Sir, I beg to move that clause 18 of the Bill be deleted.

(Question of the amendment proposed)

The question that clause 18 be deleted from the Bill was put and carried)

(Clauses 19, 20 and 21 agreed to)

Clause 22

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, Sir, I beg to move that clause 22 of the Bill be amended by adding at the end thereto the new subsection following:—

(5) Any person printing, publishing, uttering or knowingly being in possession of a document, card, booklet or paper, purporting, either by reason of the use of the word passport or by reason of the contents therein, to be a passport, other than a passport lawfully issued by the Government of Kenya or by the Government of any other country, shall be guilty to an offence and shall be liable to imprisonment for six months or to a fine of five thousand shillings or to both such imprisonment and fine.

(Question of the amendment proposed)

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Chairman, I support the new clause and I would like to add an amendment to that. I propose that at the end, after the reference to six months imprisonment or a fine of five thousand shillings, the word "kiboko" be added as well.

The Chairman (Mr. De Souza): Mr. Nyagah, this amendment should be proposed in writing.

Mr. Shikuku: Mr. Chairman, I rise to oppose this additional amendment. We are not going to adopt this sort of thing whereby we prove ourselves to be taking on the same system or the same

policy as was practised by imperialists in the past. I do not think the use of the *kiboko* will get us anywhere at all. We have caoned many thieves, but they have never stopped being thieves. If you want to be effective, you should bend people's minds. The use of the *kiboko* never changed people's minds.

The Chairman (Mr. De Souza): I would like to state, Mr. Nyagah, that I do not think "kiboko" is legal language.

(Question of the amendment to the amendment proposed)

Mr. Shikuku: On a point of order, a few minutes ago I thought you said that under a certain Standing Order notice of such an amendment had to be given.

The Chairman (Mr. De Souza): No, I will explain this point of order. It is quite simple. If an amendment has already been raised lawfully by giving notice, then anyone else can propose an amendment to that amendment without giving prior notice. However, a fresh amendment to any clause cannot be proposed at the Committee Stage unless prior notice of that amendment has been given to the Clerk of the Council before the sitting commences.

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, Sir, I am afraid I cannot accept the amendment to the amendment. I think that the penalty already contained in the Bill should be tried; it should be enough for the time being, but if in future we should find that it is not enough we shall reconsider it.

The Chairman (Mr. De Souza): Mr. Nyagah, do you want to proceed with your amendment, in the circumstances?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): There is no point, Mr. Chairman, if the Minister who is moving the amendment of the addition of the section, will not accept it.

The Chairman (Mr. De Souza): Are you withdrawing your amendment?

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): No, I am not withdrawing it.

(The question that the words "and kiboko" proposed to be added be added was put and carried)

The Minister for Home Affairs (Mr. Odinga): I would say, Mr. Chairman, that this is a very serious amendment. I do not think it was supported at all.

The Chairman (Mr. De Souza): Mr. Odinga, if fifteen people stand up you have the right to call for a Division.

The Minister for Home Affairs (Mr. Odinga): Then I call for a Division.

(The Division Bill was Rung)

The Chairman (Mr. De Souza): Can I explain? Hon. Members cannot have the luxury of voting one way and then finding that they have defeated the Government and therefore want to change their vote. They have to consider before they shout "aye" or "no" who they are shouting. In this particular case, Members can change what I thought to be the majority opinion by voting on a Division. I am afraid we shall have to go to a Division. Hon. Members should be careful to vote on reflection, rather than just rushing into it.

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odong'o): On a point of order, is it right to have the word "kiboko" in the amendment, since the right language for this House is English?

The Chairman (Mr. De Souza): Yes, I know. I pointed that out earlier, but it is up to hon. Members to decide whether the word "kiboko" is part of the English language.

The Minister for Home Affairs (Mr. Odinga): With regard to this amendment the amendment by Mr. Nyaga, he indicated that he was not pursuing the matter. I do not know why it has actually been put to the vote. He has indicated that he is going to withdraw it.

The Chairman (Mr. De Souza): I did in fact specifically ask Mr. Nyaga whether he was withdrawing his amendment to the amendment or not. Mr. Nyaga's answer was very clear, that he was not withdrawing the amendment, to the amendment.

The Minister of State, Prime Minister's Office (Mr. Murumbi): On a point of order, there is no proper definition of what is required. From this you may even present the man with a *kiboko*.

The Chairman (Mr. De Souza): It is entirely for the judge to decide, what the words "and kiboko" means. That is a very good point and is a question which will be argued in a court of law.

Mr. Kamau: On a point of order, is it the rule that once the House has been asked to say "aye" or "no", if the "ayes" have it, as in this case, and someone is not satisfied, we can revert back and say that the thing was misunderstood?

The Chairman (Mr. De Souza): It is not the rule. In this particular case, a Division has been asked for and the House will proceed with a Division as soon as the tellers have been agreed for the "ayes" and the "nos".

Mr. Anyieni: On a point of clarification, before we vote, may we have a word from the hon. Minister concerned as to why he very particularly objects to this.

The Chairman (Mr. De Souza): We have already had the debate, we shall have a Division and that is the end of it. As there seems to be a confusion for the second time I will put this question again to the vote. However, I would like to make it clear that hon. Members should not really shout a vote for a particular clause and two seconds later say that there is confusion because once the Chairman, or the Speaker, or whoever is in the Chair, feels that there is a preponderance of votes on a particular Motion, he has got to say what he thinks is correct and he cannot change it every two minutes. As there seems to be a confusion again this time, and I hope it will be the last time, I will put the question to the vote once more.

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): Mr. Chairman, on a point of order, I have been given to understand by the legal brains that my amendment was not strictly in order in that where in the new clause it says "that a person shall be fined or imprisoned for a certain length of time" there should have been an alternative of the word "kiboko". My word "kiboko" coming at the end does not make any sense. I, therefore, wonder whether it will be in order for me now to withdraw?

The Chairman (Mr. De Souza): I will give permission to withdraw the amendment to the amendment.

(The question of the amendment to the amendment was withdrawn)

(Resumption of Debate on original amendment)

Mr. Towett: On a point of order, Mr. Chairman, I would like to know if this is a precedent and will happen again in the future? Can the person concerned withdraw his amendment?

The Chairman (Mr. De Souza): The proposed amendment to the amendment has been withdrawn and there is no need to put it again. There was a doubt raised as to the fact that there was confusion in the minds of hon. Members as to how to vote. Since then, as I

[The Chairman]

was about to put the question to the vote once more. Mr. Nyagah has himself withdrawn it. There is therefore no point in putting it to the vote again.

Mr. Shikuku: On a point of order, Mr. Chairman. Can we have a ruling now that in future this state of affairs will not happen again as it has happened twice on the Government side in a short while?

The Chairman (Mr. De Souza): I think I have already stated that in future once I declare what I believe is the vote the only way to change it will be to have a proper Division. Nothing less. I think I can answer Mr. Towett's point that this is not a precedent and will not happen again.

Mr. Towett: On a point of order. Would the House have to apologize for calling for the ringing of the Division Bell?

The Chairman (Mr. De Souza): That is not a point of order.

(The question that the words proposed to be added be added put and agreed to)
(Clause 22 as amended agreed to)

Clause 23

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, Sir, I beg to move that clause 23 (1) of the Bill be amended (a) by deleting the words "Governor-General" and inserting in place thereof the word "Minister"; and (b) adding immediately after the word "Ordinance" which appears in paragraph (a) the words "or under the Constitution".

(Question of the amendment proposed)

(The question that the words to be left out be left out was put and carried)

(The question that the words proposed to be inserted be inserted was put and carried)

(Clause 23 as amended agreed to)
(Clauses 24, 25 and 26 agreed to)

The Parliamentary Secretary for Works, Communications and Power (Mr. Nyagah): We have notice here that clause 25 has got to be amended.

The Chairman (Mr. De Souza): No, Mr. Nyagah.

New Clause

The Minister for Home Affairs (Mr. Odinga): Mr. Chairman, Sir, I propose a new clause to be added in the following manner:—

Provisions relating to section 6 (1) of the Constitution

Cap. 172.

Cap. 172, Sub. Leg.

A person to whom section 6 (1) of the Constitution applies shall be entitled to be registered as a citizen of Kenya if such person—

(a) has been ordinarily resident in Kenya for a period of five years immediately preceding the date of application for registration; and

(b) has been so resident under the authority of a valid entry permit issued under The Immigration Ordinance or of a valid certificate of exemption issued under Part VI of the Immigration Regulations.

(Question of the new clause proposed)

Mr. Pandya: Mr. Chairman, I see that on the Order Paper it says "shall be entitled to be registered" and the Minister I see has said "shall be eligible". Does he mean that a person will not have the right to be registered as a citizen, or will the Minister have a discretion to refuse this registration?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): This is a typographical error originally and we notified the Clerk that in fact the word should have been "eligible" instead of "entitled".

Mr. Pandya: Mr. Chairman, since now I know that it was an error may I know what is the purpose of putting "eligible"? Does it mean that the Minister will have discretion to refuse registration or a person could be entitled if he qualifies under the given conditions to be registered? In the latter case it is obligatory on the Minister to register him.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, I am sure that the word "eligible" means exactly that.

(The question that the new clause be read a Second Time was put and carried)

(The question that the new clause be added to the Bill was put and carried)

(First Schedule agreed to)

Second Schedule

The Minister for Home Affairs (Mr. Odinga): I beg to move that the Second Schedule be deleted from the Bill.

(Question of the amendment proposed)
(Question that the Second Schedule be deleted from the Bill put and carried)
(Third Schedule agreed to)
(Fourth Schedule agreed to)
(Title agreed to)
(Clause 1 agreed to)

THE KENYA MILITARY FORCES (CONSTITUTION AND MISCELLANEOUS PROVISIONS) BILL (BILL NO. 40)
(Clauses 2 and 3 agreed to)

Clause 4

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Chairman, I beg to move the clause 4 (2) be amended by adding at the end thereof the following:—

and any reference in any other written law to the King's African Rifles Ordinance and to the King's African Rifles should be deemed to be and shall be construed as references to the Kenya Military Forces Ordinance and to the Kenya Military Forces respectively.

(Question of the amendment proposed)
(Question that the words to be added be added put and carried)

(Clause 4 as amended agreed to)

Clause 5

The Minister of State, Prime Minister's Office (Mr. Murumbi): Mr. Chairman, I beg to move that clause 5 (2) of the Bill be amended by adding at the end thereof the following:—

and any reference in any other written law to the King's African Rifles (Reserve of Officers) Ordinance and to the King's African Rifles, Reserve of Officers, shall be deemed to be and shall be construed as references to the Kenya Military Forces (Reserve of Officers) Ordinance and to the Kenya Military Forces, Reserve of Officers, respectively.

(Question of the amendment proposed)

(Question that the words to be added be added put and carried)

(Clause 5 as amended agreed to)

(Clauses 6, 7 and 8 agreed to)

(Clause 9 agreed to)

(Clauses 10, 11, 12, 13, 14, 15 and 16 agreed to)

(First Schedule agreed to)

(Second Schedule agreed to)

(Third Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE GOVERNMENT SECURITIES BILL
(Clauses 2, 3, 4, 5 and 6 agreed to)
(Title agreed to)
(Clause 1 agreed to)

THE NATIVE VESSELS (AMENDMENT) BILL
(Clauses 2, 3, 4, 5, 6, 7 and 8 agreed to)
(Title agreed to)
(Clause 1 agreed to)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration and approval of:—

The Statutory Commodity Boards (Amendment of Laws) Bill

The National Flag, Emblems and Names Bill
The Kenya Citizenship Bill

The Kenya Military Forces (Constitution and Miscellaneous Provisions) Bill
with amendments.

The Graduated Personal Tax Bill
with amendments and an amendment to the title thereof.

The External Loans Bill

The Government Securities Bill

The Native Vessels Bill

without amendment.

(Question proposed)

(The question was put and carried)

(The House resumed)

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

REPORTS, CONSIDERATION OF REPORTS AND THIRD READINGS

THE STATUTORY COMMODITY BOARDS (AMENDMENT OF LAWS) BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed to report that a Committee of the Whole House has gone through the Statutory Commodity Boards (Amendment of Laws) Bill and has approved the same with amendments.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Local Government (Mr. Ayodo) seconded.

(Question proposed)

(The question was put and carried)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the Statutory Commodity Boards (Amendment of Laws) Bill be now read a Third Time.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE NATIONAL FLAG, EMBLEMS AND NAMES BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed to report that a Committee of the Whole House has gone through the National Flag, Emblems and Names Bill and has approved the same with amendment.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. De Souza seconded

(Question proposed)

(The question was put and carried)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the National Flag, Emblems and Names Bill be now read a Third Time.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE KENYA CITIZENSHIP BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed to report that a Committee of the Whole House has gone through the Kenya Citizenship Bill and approved the same without amendment.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the Kenya Citizenship Bill be now read a Third Time.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE KENYA MILITARY FORCES (CONSTITUTION AND MISCELLANEOUS PROVISIONS) BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed to report that a Committee of the Whole House has gone through the Kenya Military Forces (Constitution and Miscellaneous Provisions) Bill and has approved the same with amendments.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the Kenya Military Forces (Constitution and Miscellaneous Provisions) Bill be now read a Third Time.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE GRADUATED PERSONAL TAX BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the Whole House to report that it has gone through the Graduated Personal Tax Bill and has approved the same with amendments, and the amendment to the title thereof.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the Graduated Personal Tax Bill be now read a Third Time.

Mr. De Souza seconded.

(Question proposed)

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I just rise to raise a small point on which we were assured by the Minister when he was moving the Second Reading. He said he would create a provision whereby the transfer of these taxes from Nairobi would go to the respective local authorities of the taxpayers and this has not been enclosed in this Bill and it has now been in the Committee Stage. The Minister said it would probably be passed in another Bill to come before this House at a later stage. I am wondering when this Bill will come because the taxes have to be collected as from January and this House might not meet again before that time. I want the Minister to tell this House how these transfers are going to be effected.

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, I want to say this by way of answer. The hon. Member need not worry about this Bill we intend to introduce before this House later on because the question of transfer will not be raised until much later on next year. It will take some time before we know exactly how much we can transfer as this is not going to be collected until the end of every month and so it will be much later on in the year before we can begin to worry about it. That is why we are not in a hurry to do this right now.

(The question was put and carried)

The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE EXTERNAL LOANS (GENERAL) BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed to report that a Committee of the whole House

has considered The External Loans (General) Bill and has approved the same without amendment.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that The External Loans (General) Bill be now read a Third Time.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE GOVERNMENT SECURITIES BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the Whole House to report its consideration of The Government Securities Bill and its approval of the same without amendment.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that The Government Securities Bill be now read a Third Time.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Bill was accordingly read the Third Time and passed)

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE NATIVE VESSELS (AMENDMENT) BILL

Mr. De Souza: Mr. Speaker, Sir, I am directed by a Committee of the whole House to report its consideration of The Native Vessels (Amendment) Bill and its approval of the same without amendment.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that The Native Vessels (Amendment) Bill be now read a Third Time.

Mr. De Souza seconded.

(Question proposed)

(The question was put and carried)

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

(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

ADJOURNMENT

The Speaker (Mr. Slade): Hon. Members, that concludes the business which was exempted from Standing Order 11, and it is now time to adjourn. Hon. Members may or may not be aware that after today the House will be prorogued, and reconvened for a new Session of the House on 13th December. However, today the House is adjourned *sine die*.

The House rose at twenty minutes past Four o'clock.

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