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The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Deputy Chairman, I beg to move that the Committee do report to the House its consideration of the Constitution of Kenya (Amendment) (No. 2) Bill and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT AND THIRD READING

THE CONSTITUTION OF KENYA (AMENDMENT) (No. 2) BILL

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to report that the Committee has considered the Constitution of Kenya (Amendment) (No. 2) Bill and has approved this without amendment.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the House does agree with the Committee in the said Report.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the Constitution of Kenya (Amendment) (No. 2) Bill be now read the Third Time.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

The Speaker (Mr. Slade): As that now needs again a special majority in support, I will again call for a Division. I am afraid hon. Members will have to wait for their five minutes, despite the fact that they are, all here.

(The Division Bell was rung)

DIVISION

(Question carried by 106 votes to nil)

AYES: Messrs. Achieng-Onoko, Alexander, Amin, Angaine, Anyieni, Aremam, Argwings-Kodhek, Ayodo, Babu, Bala, Balala, Baraza, Bommett, Chirchir, Dingirira, Gachago, Gaciatta, Gatuguta, Gichoya, Gichuru, Godana, E. D., Godana, G. Godia, Jahazi, Jamal, Kaggia, Kali, Kamunde, Kamuren, Kariuki, G. G. Kariuki, J. M., Kase, Kenyatta, Kerich, Kerre, Khasakhala, Kiambu: Dr. Kiano, Messrs. Kibaki, Kibuga,

Kioko, Koinange, Komora, Konchallah, Kubai, Lorema, Maisori-tumbo, Makokha, Malu, Malinda, Masinde, Matano, Mati, Mbai, Mbogoh, Mboya, McKenzie, Mohamed, Moi, Moss, Mulama, Muliro, Dr. Mungai, Messrs. Murgor, Muruli, Mwaiwa, Mwamzandi, Mwanumba, Mwatsama, Mwenda, Ndile, Ngala, Ngala-Abok, Ngei, Njeru, Nyaga, Nyagah, Nyamweya, Obok, Ochwada, Odera-Jowi, Odera-Sar, Odinya, Oduya, Oloitipiti, Omeri, Onamu, Osetu-Nyalick, Osogo, Otiende, Pinto, Kurumbam, Sagini, Seroney, Shikuku, Soi, Somo, Tanui, Theuri, Tipis, Too, Tuva, Tuwei, Dr. Waiyaki, Messrs. Wamuthenya, Wariithi.

Tellers for the Ayes: The Minister for Health and Housing (Dr. Mungai) and Mr. Kali.

The Speaker (Mr. Slade). I declare that this Third Reading of the Constitution of Kenya (Amendment) (No. 2) Bill is approved by the requisite majority of the House.

(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 SINE DIE

The Speaker (Mr. Slade): That concludes the business on the Order Paper. I cannot adjourn the House to a day other than the next normal sitting day without a resolution of the House to that effect, after a suitable Motion and Debate. But on this occasion, seeing that the House will be prorogued before the date of Kenya's becoming a republic, which is only eleven days hence and since I think also that the House will certainly have to sit once again before prorogation to dispose of such Bills as are still outstanding from the Senate, I would ask the leave of the House today to adjourn the House *sine die* without any Motion or debate. If no hon. Members object, the House is therefore adjourned *sine die*.

The House rose at Six o'clock.

WRITTEN REPLIES TO QUESTIONS

Question No. 246.

RACIAL BREAKDOWN OF POLICE FORCE

Mr. Kiprotich asked the Minister of State, Prime Minister's Office, if he would provide the House with the breakdown of the holders of the posts in the Kenya Police in relation to the numbers of Africans, Asians and Europeans.

REPLY

The Minister of State, Prime Minister's Office (Mr. Murumbi):—

(1) *Uniformed Ranks*

262 Europeans.

87 Asians.

11,195 Africans.

(2) *Civilians*

171 Europeans.

631 Asians.

285 Africans.

Question No. 756

FOREIGN APPOINTMENTS FOR NYERI PEOPLE

Mr. Theuri asked the Minister of State, Prime Minister's Office, if the Minister could tell the House how many people from Nyeri had been appointed in foreign services such as Ambassador, First Secretary, Second Secretary and Third Secretary.

REPLY

The Minister of State, Prime Minister's Office (Mr. Murumbi): The Kenya Foreign Service is part and parcel of the Kenya Public Service. The

appointment of officers is therefore done through the Public Service Commission where the most suitable candidates are selected on the basis of merit and not on regional quotas. The question of the number of people from Nyeri in the Foreign Service does not therefore arise.

There are only five Kenya Ambassadors and one High Commissioner abroad. These six people represent the whole of Kenya and not the areas from which they happen to come.

Question No. 773

MACHAKOS AS AN ADJUDICATION DISTRICT

Mr. Maitso asked the Minister for Lands and Settlement if he could tell the House the reasons why Machakos District had not been gazetted as an adjudication district.

REPLY

The Minister for Lands and Settlement (Mr. Angaine): The delay in declaring Machakos District an adjudication area has been due to the necessity of considerable investigation regarding the legal status of the land at Makuani. This has now been cleared up and the gazetting is in preparation for my signature.

[Mr. Gichoya]

By inserting immediately after the word "may" appearing therein the following words—

"in case of habitual offender."

(Question of the amendment proposed)

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osoyo): This is a rather legal and technical point. We have referred this amendment to the Attorney-General's Chambers and have been told that it cannot be accepted because the word "may" in that subclause indicates that a judge or magistrate has the liberty to decide whether to add this as a part of the penalty or not. I am told by the Attorney-General's Chambers that judges usually, before they deliver judgment, look into the past history of the offender. In this case, that will mean what the Senators wanted us to put in in the case of an habitual offender. If the judge is going to look into the past history and finds that the offender is an habitual offender then he will impose the additional penalty. So, the Government, on the advice of the Attorney-General's Chambers, does not accept the amendment.

Sir, I beg to move.

(Question of the amendment from the Senate put and negatived)

(Ordered that the Clerk carry the said Bill to the Senate and acquaint them with decision of House on their amendments thereto)

The Speaker (Mr. Slade): We come now to Order No. 6.

POINT OF ORDER**REPORTING OF DISTURBANCE BY STRANGER**

Mr. Ngala: On a point of order, Mr. Speaker, I really rise to seek your guidance in this matter. This afternoon a very strange event has taken place where a stranger from the gallery made a statement or comment. Now, Sir, I seek your guidance in this, particularly in relation to HANSRD, whether the statement by a stranger is usually reported by HANSRD.

The Speaker (Mr. Slade): I think Mr. Ngala knows the answer to that question. HANSRD is only here to report what is said by hon. Members.

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyko): On a point of order, Mr. Speaker, as this is the first time that a stranger has taken the Floor, I also rise to seek your advice on this matter. Is the Press in actual fact at liberty to report what has happened?

The Speaker (Mr. Slade): The answer is that there is nothing to prevent the Press from reporting any disturbance in the gallery. We must congratulate ourselves that this sort of occurrence takes place very rarely. It is usually expected that people will behave themselves in the gallery.

The Parliamentary Secretary for Education (Mr. Gachago): Mr. Speaker, Sir, as this is the first time that we have had such a disturbance, what do the Standing Orders provide with regard to such disturbances?

The Speaker (Mr. Slade): When a stranger creates a disturbance, he is breaking the regulations under which he is allowed into the gallery and, therefore, he is removed as quickly as possible. If strangers make a general disturbance it may be found necessary to remove all of them, of course; and there is always provision in our Standing Orders that any hon. Member at any time may move that strangers be ordered to withdraw. If any hon. Member moves that, as a point of order, at any time, the question is put to the House immediately without any debate, without any argument or to reasons. If it is carried it means that all strangers have to withdraw from both galleries. That is rather different from the action against casual offenders.

Mr. Anyien: On a point of order, Mr. Speaker, since this has happened for the first time, we would like to know whether such a person could be taken to court or whether he is merely removed from the Chamber? We know that whenever we are in the Chamber and we do anything wrong we can be taken to court, so I wonder if the man who spoke was merely ejected from the House or will be taken to court?

The Speaker (Mr. Slade): There is provision under the National Assembly (Powers and Privileges) Act for prosecution of members of the public who show contempt of this House. I would not say that a small disturbance would justify prosecution. However, that is the remedy.

Mr. Oduya: Mr. Speaker, Sir, on a point of order, I seek your guidance. For a stranger in the gallery to cause a disturbance, I wonder whether these people can be removed from the gallery? Is he likely to be prosecuted? Can there be any warning to all strangers who attend our meetings from the gallery with regard to maintenance of the procedure of the Chamber?

The Speaker (Mr. Slade): You must speak up. Mr. Oduya, I have not understood your point.

Mr. Oduya: Mr. Speaker, Sir, according to what you ruled just now, he can be removed and

[Mr. Oduya]

If he does not have any contact with the Members outside I wonder whether this warrants the offender being taken to court? Should we otherwise instruct the police who issue these passes to instruct the people on how they should behave in the gallery?

The Speaker (Mr. Slade): I do not quite follow your point, Mr. Oduya. If any hon. Member has any further question to raise on this matter he had better come to me outside this House, and I will give him the necessary clarification.

We come now to Order No. 7.

DIVISION**THE CONSTITUTION OF KENYA (AMENDMENT)
(No. 2) BILL**

The Speaker (Mr. Slade): Mr. Njonjo, since it looks as if we may have the ninety-seven Members available, should we proceed with this Division now?

Mr. Warũthi: Mr. Speaker, Sir, there are some Members outside and may I have your permission to go and call them in?

The Speaker (Mr. Slade): Very well, I will then put the question again, which is that the Constitution of Kenya (Amendment) (No. 2) Bill be now read a Second Time.

Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): If there are no tellers for the Noses then we want two of the Ayes to be tellers of the Ayes.

Before directing a Division I would remind hon. Members that if this Motion for the Second Reading is carried by the requisite majority we shall need the same majority again for the Third Reading.

We will proceed straight away with Committee stage and Third Reading, with the leave of the House, but if hon. Members disappear after voting now we may be in trouble. I would ask them to stay until we reach the Third Reading.

(Question carried by ninety-eight votes to nil).

AYES: Messrs. Achieng-Onyko, Alexander, Amin, Angaine, Anyien, Anem, Arwigwi, Kodhek, Ayodo, Babu, Bala, Balala, Baraza, Bonnett, Chirchir, Dingira, Gachago, Gacinta, Gatungu, Gichoya, Gichuru, Godana, E. D. Godana, G. Godia, Jahazi, Jamal, Kagga, Kari, Kamunde, Kamuren, Kariuki, G. G. Karuki, J. M. Kase, Kenyatta, Kerich, Keru, Khasakala, Kiamba, Dr. Kiavo, Messrs. Kibaki, Kibuka,

Kioko, Koiaage, Komora, Kubai, Lorena, Makokha, Main, Malinda, Masinde, Matano, Nati, Mbihi, Mboroti, McKenzie, Mohamed, Moi, Moss, Mubama, Muliro, Dr. Mungai, Messrs. Murgor, Muruli, Mwalea, Mwanjumba, Mutamasa, Mwenda, Ndile, Ngala, Ngesi, Njiru, Nyaga, Nyagah, Nyamweya, Obok, Ochwada, Odera-Sar, Odiga, Oduya, Olojuipio, Omweri, Onamu, Oshu-Nyaliak, Osoyo, Pinto, Rurumban, Sagini, Shaituku, Soi, Sono, Tanui, Theuri, Tipis, Too, Tuva, Dr. Wajaki, Messrs. Wamuthanya, Warũthi.

Tellers for the Ayes: the Minister for Health and Housing (Dr. Mungai) and Mr. Kail.

The Speaker (Mr. Slade): The minimum number required for approval of this Second Reading is a majority of 75 per cent of all the Members, which, as we now stand with our present number of Members, is ninety-seven, so I declare that it has been carried with the approval of the requisite majority.

The Speaker (Mr. Slade): We have on the Order Paper the Committee stage of this Bill now, which can only be taken today with the leave of the House, that is no hon. Member objecting. I take it that no hon. Member does object to our going on to the Committee stage today.

We will do that, but before we do it I will again remind hon. Members that after that we shall come to the Third Reading, and we shall require again the statutory majority.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

**THE CONSTITUTION OF KENYA (AMENDMENT)
(No. 2) BILL**

The Deputy Chairman (Mr. Slade): I would remind hon. Members that this particular Bill having regard to section 71 of the Constitution, cannot be amended as it passes through, which being so—and in view of the very detailed debate we had on the Second Reading—I do not propose to allow hon. Members to talk long on any particular clause or schedule now.

(Clauses 2, 3, 4, 5, 6, 7 and 8 agreed to)

(First Schedule agreed to)

(Second Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

[*Mr. Gatuguta*] has been put forward by the Senate. It is not going to do any harm whatsoever; on the contrary, it is going to do good to the people.

The Speaker (Mr. Slade): If no other hon. Member wishes to speak, I would point out at this stage that the procedure for this particular question of Senate amendments being agreed or disagreed is unique, in that there is no actual Motion moved before the House. In spite of that, I think it is desirable, whenever we have these questions, which, under our Standing Orders, are simply proposed by the Speaker, that the representative of the Ministry should have a right of reply. So I call upon Mr. Osogo to reply.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, from the views expressed by the hon. Members who have spoken, it looks as if the hon. Members have not seen the point my Minister put forward, concerning the difficulties that our growers are going to experience in registering their land and so on. If it is the view of this House that this amendment from the Senate is to be accepted, Mr. Speaker, Sir, on behalf of the Government, seeing that it is the view of the hon. Members, we beg to accept the amendment.

There is going to be the question of an amendment, therefore, in the next clause, consequential upon this one.

Mr. Speaker, Sir, I beg to move.

The Speaker (Mr. Slade): The words to be deleted by this amendment actually appear twice; and I think the purpose of the amendment is to delete them wherever they appear.

(*Question of the amendment from the Senate put and agreed to*)

Clause 2

That the definitions under clause 2 of the Bill be further amended:—

By deleting the words "smallholder grower" means a person appearing in the definition "smallholder grower" and substituting in place thereof the following words:—

"smallholder grower" means any person or co-operative society."

(*Question of the amendment proposed*)

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, the Government accepts the amendment of this clause, but would like to phrase it in a different wording, as the Attorney-General's

Chambers have not accepted the amendment we proposed by the Senate. The amendment we intend to make, having amended it by the deletion of the words "other than sisal grown for hedge-rows or for demarcation", after the word "sisal" on the second line—I hope that this is accepted by the House—we then add, after the word "sisal": "or a co-operative society whose members have in the aggregate less than one hundred acres under sisal".

This, Mr. Speaker, means that instead of adding the words "co-operative society"; which the Legal Draftsman does not accept as suitable to be inserted where they were proposed to be inserted by the Senate, we are just bringing that particular phrase after the word "sisal", and accepting "a co-operative society, whose members have in the aggregate less than one hundred acres".

The hon. Member is asking what "aggregate" means; it means that a co-operative society with less than that acreage will be incorporated with this.

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

The Speaker (Mr. Slade): With regard to procedure, I will explain to hon. Members that where it is desired to make some amendments, other than the amendment proposed by the Senate, the procedure is then first of all to disagree with the Senate amendment and thereafter, to move another amendment. So really what Mr. Osogo proposes is that the House disagrees with the Senate amendment in order that this other amendment, which is intended to give the same effect, may be moved.

Mr. Anyieni: Mr. Speaker, I must thank the Ministry very much for doing this because the amendment the Ministry intends to introduce will in effect be the same as what the Senate has said. Therefore, I do not think we should discuss this matter any further if the Ministry has agreed to implement this.

The Speaker (Mr. Slade): Mr. Osogo, if you have no further remarks to add I will put the question.

(*Question of the amendment from the Senate put and negatives*)

The Speaker (Mr. Slade): Mr. Osogo, you can now propose your amendment.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to move that the House doth agree that after the word "sisal" in the second line of

[*The Parliamentary Secretary for Agriculture and Animal Husbandry*]

the definition "Smallholder grower" the words "a co-operative society whose members have, in the aggregate, less than one hundred acres under sisal", inserted.

Sir, I beg to move.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek) seconded.

(*Question of the first part of the amendment to the amendment that the words to be inserted, be inserted, proposed*)

Mr. Anyieni: Mr. Speaker, Sir, the difficulties which are experienced by the growers and which some of these amendments make necessary, like having to go round to the county councils for recommendations and then to the Director of Agriculture, so on and so forth—I hope that now this House has agreed that people who own small acres of sisal will be able to sell their sisal and the obtaining of the licences will not be a difficulty to the people as it has been in the past. I hope that as a result our people who have any sisal will form co-operatives and will be encouraged by the Ministry to form co-operatives and will not be refused licences for selling and marketing their sisal.

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

Mr. Gichoya: Mr. Speaker, Sir, I rise to thank the Ministry of Agriculture and, for that matter, the Government for allowing the small African the opportunity to rise and take part in Harambee. Instead of sisal growing being a monopoly of a few privileged people, who by virtue of the old system that existed in this country, managed to be in positions where they are today, our people can now share in the benefits. Under the new standards which we are trying to set we are not going to discriminate, but instead we are trying to introduce some sort of competition as far as possible—the poor man cannot really compete with the rich man—to encourage the African to take part in the sisal industry by permitting co-operatives for people who have less than one hundred acres. These are the people who are known as small-growers and the very people who are really in need of assistance.

With these words, Mr. Speaker, I think the Minister and also the Senate which brought this idea of revising the old text. We have come to the conclusion that a mistake was made at one stage and that mistake has now been corrected.

Sir, I beg to support the Government.

Mr. Oduya: Mr. Speaker, Sir, in supporting the Ministry I would also like to thank them for the

amendment moved. I would, however, like to remind the Ministry concerned that we would like to see that the growers in the rural areas are encouraged by the officers of the Ministry of Agriculture who are in the field. Instead of the officers merely sitting in the offices they should go around the field and help the people. We do not only want paper work from these officers. Since the Ministry has accepted that the small growers should be permitted to form some sort of co-operative, we would also like to hear that the Ministry has instructed its officers to see that these growers are helped to form these co-operative societies—

The Speaker (Mr. Slade): Mr. Oduya, you are going beyond the subject matter of the amendment.

Mr. Oduya: That is all I would like to say, Mr. Speaker.

The Speaker (Mr. Slade): If no other Member wishes to speak and if you have no further remarks to add, Mr. Osogo, I will put the question.

(*Question of the first part of the amendment to the amendment that the words proposed to be inserted be inserted, put and agreed to*)

The Speaker (Mr. Slade): Mr. Osogo, you can now move the second part of the amendment to leave out the words "other than sisal grown for hedge-rows or demarcation" from the definition.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to move that under the definition of "smallholder grower" the words "other than sisal grown for hedge-rows or demarcation" be left out.

Sir, I beg to move.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek) seconded.
(*Question of the second part of the amendment to the amendment that the words proposed to be left out be left out proposed*)

Mr. Gichoya: Mr. Speaker, Sir, I rise to request that the Mover be called upon to reply since the whole subject has been covered by the discussions we have had.

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

Clause 7

That sub-clause (5) of clause 7 of the Bill be amended:—

[Mr. Gichoya] do not get the licence; and yet the Minister himself, the District Commissioner, were the people dealing with the whole situation. They never advised the County Council of Kirinyaga—

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

Mr. Gichoya: I would like some advice from you, Sir.

The Speaker (Mr. Slade): Well, what is it you are going to ask?

Mr. Gichoya: My question was as to whether the Minister would be able to tell us, to make me understand as to the assistance or the directives given to a place like Kirinyaga.

The Speaker (Mr. Slade): That is not a point of order, Mr. Gichoya. You must know that.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I do not know how I can make myself clearer on this. The Director of Agriculture has issued no licence that has not been recommended by the county council. Not one. Not one anywhere in Kenya. Not one. The hon. Member, Mr. Speaker, may disagree with what the county council recommends. But that is not up to me to decide: it is up to the county council in question.

Now, Sir, if I may go on and explain what this means. The point is that the definition of "plantation grower" and the definition of "smallholder grower" has nothing whatsoever to do with the licensing aspect. A person who has got hedgerow sisal can only get a licence if it is recommended by the county council. He cannot get it any other way. We have numerous people, Mr. Speaker, coming direct to us in the Ministry; they come to the Director, they come to the Junior Minister, they come to me. We have to refer them all the way back to the county council.

I wonder if I could explain exactly what is meant here and also tell the House that, as far as I am concerned, whichever way the House votes we will accept it because it is immaterial to us in the Ministry. But I want to explain the effect it will have on the people in the field. Now "plantation grower" as is in the Bill, only refers to a person who has more than 100 acres of sisal. And if a man is going to have more than 100 acres of hedgerow, it means he must own many thousands of acres of land, to have 100 acres of hedgerow; because in an acre of sisal there are something like 200 rows. And he has got to own 100 acres at least of sisal before he can become a plantation grower. In fact, we

know of no hedgerow in the country which gets anywhere near twenty acres, let alone 100 acres.

However, what this does mean, Mr. Speaker, is that at the present moment, the growing of sisal is made more strict for somebody who falls under the main plantation grower category. A plantation grower himself has got to be registered and licensed as a person. Secondly, he has got to have land titles because he borrows money against his land titles, against Kenya sisal which is sold overseas. So if a man owns a large block of sisal, and he wants to borrow money from one of the sisal exporting companies, he has got to have a land title before they will lend him money.

Over and above that, if he is a person who has got 100 acres or more, he has got to have his own decorticator and baling press; he has got to operate his own factory; he has got to have also his own trade-mark, his own marks on his sisal. He has got to give monthly returns to the Board, and he must also give his planting programme and his development programme to the Board.

Now, Sir, if hon. Members will look further on, to see the expression "smallholder", here again we have removed hedge-grown sisal, because if a man has ten sisal bushes demarcating his boundary he is automatically a smallholder grower. The moment he has one sisal bush, and he harvests that sisal and sells it to someone licensed by the county council, he is automatically a smallholder grower. Now we do not want to worry—

Mr. Anyeni: On a point of order, Mr. Speaker, I thought we were discussing clause 2, the first amendment. Are we discussing the grower and also the meaning of the "smallholder grower"?

The Speaker (Mr. Slade): I think the Minister is trying to give a fairly broad background and description of all the implications of this, and it is necessary for hon. Members to understand the implications of this particular amendment. I would observe that hon. Members who supported this amendment, likewise, found it necessary to wander rather far off the subject. I do not think the Minister is being irrelevant.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Sir, I was trying to explain that there is a consequential matter which takes place if you remove it completely and leave it in plantation grower, it has an effect on the smallholder grower.

Now, Sir, as far as we are concerned in the Ministry, if hon. Members wish to agree to the recommendation of the Senate, we are quite prepared to accept it. But what I must explain to

[The Minister for Agriculture and Animal Husbandry]

hon. Members is that it does mean that your hedgerow growers may find themselves in difficulties if they are registered as plantation growers and not as smallholder growers, for the simple reason that if they are plantation growers they have these various regulations which they have got to fulfil.

I would like to end by again making it perfectly clear, Sir, that it does not matter what type of sisal grower you are, you have got, in the first instance, to get the recommendation of the local county council before you can be issued with a licence by the Board, recommending you to the Director of Agriculture. This is because we maintain that the local government authorities must be brought into the development aspect of the area as far as sisal is concerned. And this is what this House has asked for.

Mr. Gataguta: Mr. Speaker, Sir, I would like to say that I do not agree with the explanation given by the Minister and his Parliamentary Secretary on this matter. After giving careful thought to this one, I wish to support the amendments put forward by the Senate.

One of the explanations given by the Minister here is that a plantation grower cannot have over one hundred acres of sisal grown in the hedges; that this is a difficult thing. But if you go further on to the definition of the smallholder grower, you will find that also there the question of the sisal grown in the hedges and demarcations is also excluded. This also means that a person with less than one hundred acres of sisal grown along the hedges cannot be considered as a smallholder grower, and he cannot be represented on the Board which is going to be formed either, because there is also representation of smallholder growers in this Bill.

So, Mr. Speaker, Sir, I do not see—

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Koobek): Mr. Speaker, on a point of order, there is someone in the gallery making a noise in the House.

The Speaker (Mr. Slade): He must be removed then.

Mr. Gataguta: From what the Minister has said, Sir, it appears that the Ministry have no strong feelings about these amendments and as far as the Members are concerned they know that the consequences will not be injurious to the growers. On the contrary—

Mr. Speaker, Sir, I do not know whether I should continue talking because Members keep

looking up, they have their attention fixed up there.

So, Mr. Speaker, Sir, I feel—

The Speaker (Mr. Slade): Has he gone yet?

Mr. Gataguta: No, Sir, I think I had better sit down until he has gone.

Mr. Speaker, Sir, I think I had better repeat what I have already been saying. The important point to note here is that a smallholder grower, according to this definition, who grows sisal in the hedges and along demarcation lines will have no representation on the Board. In actual fact, this law is going to exclude this man from being represented on this Board. That is one argument.

The other argument is that these people, the smallholder growers, will not be able to sell their sisal direct to the factory, merely because they are not growing one hundred acres or less of sisal, are excluding the sisal grown in the hedges. So we really do not see the purpose of defining the plantation grower or even the smallholder grower in this manner, because if it is not going to do any harm at all to the industry, why should we exclude this sisal that is grown in the hedges? What is the main reason for excluding the growers? These people who grow sisal in the hedges and on the demarcation lines? What is the purpose? What harm are they going to do to the sisal industry?

When you look into it, you find they are not going to do any harm; on the contrary, they are going to be put at a disadvantage, a very great one.

Then again, the definition of smallholder grower here does not include the co-operative society. In other words, if a number of people growing sisal—

The Speaker (Mr. Slade): That is another point, Mr. Gataguta, which we are coming to. We are only dealing with the first amendment to clause 2 at the moment.

Mr. Gataguta: Yes, Sir.

I do not think I have much to say except to express my feelings and to say that I do support this amendment very strongly, because it will put the Africans otherwise at a very great disadvantage. There are certain areas of the country where most of the African sisal growers grow their sisal along the hedges and demarcation lines, and according to this Bill these people will be put at a very great disadvantage. I do not think the Ministry has got very strong objections to it, so I think we should support this amendment which

[Mr. Anyien]

which means that in actual fact the Parliamentary Secretary has withdrawn the reasoning that in order that these people may be protected by this Bill they have to have title deeds.

Now, Mr. Speaker, I am not saying that I know very much about sisal planting, but the reasoning—if I may expound on the reason given the Member—is that the people who plant sisal at the edges cannot sell this by themselves and what has been happening is that in the areas where they did not have a plantation, to be described as such, they had to sell their crop to an Asian or to some rich man who then made a profit and then sold this to the factory which does the decorticating. Now, here, I would like to say that, while the Parliamentary Secretary is saying "not now", the Parliamentary Secretary was given a substantiation here that they have had several meetings with these people; the people in the areas which plant sisal used to have it very good in the past and this Bill will make it even more difficult for them. I would like to say that when we speak of an edge, it depends on how thick the edge is. If I have 2,000 acres of land or if I have 10,000 acres of land, I can decide to make my edge three or four rows, and sisal is a crop which grows like bananas; you have this stump here and after a few days you have more sisal growing beside the original stump. That being the situation, if I had 2,000 acres, I would have a lot of sisal growing side by side. If I decided to have two lines as an edge, or three or four lines. Now even at this, the Parliamentary Secretary, who is a countryman like myself, knows very well that you cannot allow a fence to be too thick. If you plant sisal and then this sisal makes the fence too thick, surely if this sisal is something which can bring you money, the Government or the Ministry would not expect the Members of this House, to legislate against the possibility of these people selling this sisal. What would probably have been more reasonable for the Parliamentary Secretary—unfortunately he is not listening and is discussing something with his Minister—to have said was that if the Ministry ruled that if a person does not have a certain quantity of sisal, then that person should not be given a selling right; in which case these people who have planted their sisal could form a group in order to make up the quantity required for sale to the factory.

Mr. Speaker, Sir, it must be realized by the Parliamentary Secretary and the Ministry that in our country today very many areas do not have big tracts of land and as such you may find that a person has got about five acres. In these five acres he has to plant maize, plant this and plant that

and so a person may find that instead of having to put any other fence which will occupy land for nothing, he may decide to grow three or four lines of sisal to make a hedge for his *shamba* or the farm and this should serve him in two ways. It will protect his *shamba* and also bring some income in order to subsidize whatever is growing on the farm and if the Parliamentary Secretary is trying to tell us that in order that a person may be allowed to sell this directly to the factory, he has to set aside a piece of land, what about if the sisal so planted as a hedge is of greater quantity than the sisal which is growing in the adjoining area? What will the Minister do about that?

So Mr. Speaker, Sir, I would like to say without repeating myself, since we have a shortage of land in some parts of Kenya today, the Ministry should not be arrogant, should not have a deaf ear, they should know that the *Sebate* discussed this thing fully. The Senate discussed it fully, it is composed of forty-one Members who are working as watch-dogs for the things we do in this House, and now that some of the Members in the House are putting it, the Members who are directly concerned with the problem are supporting the idea of the Senate. I hope that the Ministry will not be unco-operative and try to refuse to accept this particular amendment. If the Ministry refuses this particular amendment, the Ministry should introduce an amendment to better or improve the position for these people if the amendment, as proposed by the Senate, is not correct and is not sufficient, or cannot convince the Ministry. So I say, that merely to reject or say we reject, and then we say here to those who support yes, and on the other hand we say no to those who do not support and we ring the Division Bell and we get some Members to come and listen and to support the Government, this is not right because we who have been here, who have got open minds, have felt that someone from the Ministry should stand up and tell the House that these people who have planted their sisal as a hedge will be able to sell their crop in this and that way.

QUORUM

Mr. Gichoya: Mr. Speaker, Sir, on a point of order, I wonder whether we have a quorum? The hon. Member is talking to an empty House.

The Speaker (Mr. Slade): We have no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now. You may proceed Mr. Anyien.

Mr. Anyien: The hon. Members I was speaking to numbered about a quarter. Now there

[Mr. Anyien]

are so many I do not know what to do as I had almost finished. I fear that the rest of the Members who have just come in may not understand, so I do not want to repeat but will summarize it and then sit down.

Now, Mr. Speaker, Sir, what I was going to say in order to finish was that a situation is being encouraged which is very dangerous. The information which I got when I just sat down is that the people who have planted their sisal at the edge can sell their sisal but they cannot sell it to the factory, they can only sell it to someone who owns a licence and the person who has the licence is the person who has got more land to plant sisal. Now it has got to be realized that in the past some of the Asians have owned the sisal estates and the Africans had to sell the sisal to the Asians and then it went to the factory. In other words, the Government is encouraging more an more middlemen. So what I say is that our people should be allowed to sell direct to the factory. We should, therefore, not encourage these Asians or these rich Africans who have got a licence to be able to use the sisal, to exploit the poorer man who is poor not through his own fault but because he does not have enough land. So if the Parliamentary Secretary can assure this House that the gentleman who has planted this sisal at the edge will be free to sell his sisal, however little it may be, to the factory without having a licence then there will be no point in pursuing this point further.

Mr. Gichoya: I stand on a point of information, Sir, I am speaking merely on the basis of experience. We have had three sisal societies registered in the Kirinyaga District for a long time.

The Speaker (Mr. Slade): You must make your point of information relevant to what the hon. Member was saying.

Mr. Gichoya: Yes, Sir. Now the problem which we have been facing in the past, or which have been faced by those societies is to get the licence to sell sisal from these hedge growers—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, we are discussing sisal tied in with hedgerows. Has this anything to do with hedgerows?

The Speaker (Mr. Slade): I find great difficulty in seeing what is relevant and what is not to this question. Some is certainly relevant, by way of background, even if not directly relating to hedgerows.

Mr. Anyien: What I was saying actually is that these people are not allowed to sell directly and I was asking the Ministry to say this, that these people have not been given a licence to sell and this information is given to me so I may be able to cover my argument.

The Speaker (Mr. Slade): That is a different thing. Hon. Members cannot raise a point of information merely to support another Member in the arguments or the points he is raising. Points of information are allowed only to correct an hon. Member, or to answer a question by him, on matters of fact.

Mr. Anyien: In that case I do not think the Member intended to correct me or anything, all he wanted was to give me some relevant information.

I do not want to repeat myself, because new Members came in, but what I would like to say is that if the Ministry can say that these sisal growers who will grow sisal at the edge will have the right to go and sell it to the factory and then we shall support the Bill and refuse the amendment. But, if the Ministry says that it must go through the rich man who has got more land to grow sisal and who has got the licence in order to sell it then we shall support it because we were voted to this Parliament by the majority of the people who are poorer.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I am afraid there have been a lot of misunderstandings in exactly what has been discussed on the part of the people who have spoken. First of all, I would like to answer the question about licences, which has nothing to do whatsoever—however you vote on this—to do with this; it will have no effect on the licences whatsoever. The method of licensing is, as follows. In every area, on the recommendation from the local county councils, licences are given. The recommendation comes forward to the Sisal Board, who either recommend it or reject it. So the licence-holder culture, who then signs it. So the licence-holder may be a sisal grower, he may own a plantation; own hedgerow sisal, he may own a plantation; or he may own no sisal whatsoever, as happens in Nyanza at the moment; people are licensed there who have got no sisal.

Now it is entirely up to the local Government, the county council. They make the recommendation in the first instance. Nobody is granted—

Mr. Gichoya: Point of order, Mr. Speaker. I would like to get your advice on this. We have practically faced the same situation, whereby we

[Mr. Gichoya]

to deal with sisal and to protect this industry. I do not think that at the present moment there is any African on this Sisal Board.

What I say is that we come nearer the trade only when we are associated in our own small scale. Here is the answer which the Senators have. They say we ought to do away with the barriers which are already created and the Government should come forward with a programme to encourage these people with sisal grown as their hedges in order that they can form a co-operative society. This society could be treated as a plantation owner with the facilities which are given to plantation owners. If it can manage to export its own fibre, then this Government should give it a licence and not jump up and tell them, "Well, you are not covered, you are not recognized, it is by sheer accident that you have this crop on your *shamba*."

The Junior Minister here tells us that it was a basic requirement made by the Government that it allows these people to grow this type of sisal but not as a cash crop, rather for beauty. These hedgerows are not to be included as a cash crop and it would be discouraging if the Government said that this type of sisal is not to be treated as a cash crop while the Asian or the European plantation owner has been making money out of this cash crop by the fact that he has a licence. I would be very happy, Sir, if these people are allowed to form a co-operative society or union and that this Parliament makes such laws as to enable the people to reap the benefit of these particular facilities.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): On a point of information, Mr. Speaker, I thank the hon. Member for giving me way. I would like to inform him that a co-operative society will be entitled to get a licence for buying and decorticating sisal in the same way as a plantation grower, provided they have in the aggregate one hundred acres of sisal, they then become eligible for a licence.

Mr. Gichoya: Mr. Speaker, it is not a matter for dispute between the Member for Gichoya and the Junior Minister.

Under the existing circumstances we have been denied the right to have a licence to process and sell our own sisal as co-operative societies. At one time, we used to sell our sisal leaves to two places: one was Embu South and the other place was Makuyuni. We profited more by sending our sisal to Makuyuni instead of Embu South because the transportation was too expensive.

When we want to continue to send our sisal to this place we are told that we cannot do it. It is only the Junior Minister here who was responsible—not as a person but as a member of that Ministry—for denying our people the right to sell their sisal to a place where they could benefit. Mr. Speaker, Sir, if the Junior Minister cares to demand an explanation I would send him copies of letters and I would refer him also to meetings we have held with his own officers, including the Minister himself. We approached the Minister with regard to the people who were not covered by the present Bill unless amended. It is not only the Kirinyaga people who will be protected by the amendment of the Senators, it is the whole country. How many Africans can afford to have a large plantation, one hundred acres? The Africans want the right to be called plantation growers. If there are a lot of difficulties how can the Africans live for these five years before the crop could mature?

Now, the Senators—I say this is the first time I have said the Senators have proved very capable of their duty of balancing and checking things. Here, we rush through with the Bills which is not supposed to be done under the Standing Orders of the House. On the other hand, the Senators take their own time in debating matters. We are given ten minutes only and this is so short a time in which to discuss things that I may not be able to convince the House of my points.

The Speaker (Mr. Slade): Mr. Gichoya, I have never known any time limit when hon. Members were debating a Bill.

Mr. Gichoya: Thank you, Mr. Speaker.

I request the Ministry to take into consideration that to plant an estate, so far as the many Africans are concerned, is not very practicable under the conditions which prevail today, namely, the market price. However, what should be done is to encourage these poor Africans to have something to live on, so far as cash crops are concerned. They can have perhaps one or two rows and then gradually the African can start to reap the benefits of these one or two rows when the sisal is harvested.

The Speaker (Mr. Slade): The amendment deals with hedgerows.

Mr. Gichoya: Yes, Sir, I am referring to hedgerows.

The Speaker (Mr. Slade): You must keep to the subject of the amendment.

Mr. Gichoya: Mr. Speaker, in order to allow other Members to speak I would not like to be much longer on this. However, I insist and maintain that the amendment brought by the Senators is very valid, very reasonable and very humane.

Mr. Odoyo: Thank you very much, Mr. Speaker.

I also rise to support the hon. Mr. Gichoya after he has put the case very clearly, he has put reasons which, of course, have made us on this side of the House convinced, and it is unfortunate that the Parliamentary Secretary has stood up and said that he does not support the amendments of the Senate. He has given reasons which are quite unconvincing and very irrelevant. One, he said that the Senate did not understand the Bill, that the Senate did not know what to do, but I must point out that the Senate is a very responsible House and the Members in that House are very responsible leaders of this country and to suggest that they did not know what to do—that means that the Minister considers they were irresponsible. This is a very serious allegation.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): I do not at any time remember suggesting that the Senators did not know what to do. I think I said that they had not read the main Act.

The Speaker (Mr. Slade): What Mr. Osogo said was that they did not understand the full implication of this amendment.

Mr. Odoyo: Thank you, I go ahead now.

Now, it is also, Mr. Speaker, as I know, our usual procedure between the Members of the Back-benchers' Parliamentary Group, both in the Senate and in this House, and in the Government that when a Minister introduces a Bill in this House he has the chance to sit down with the Members of the House concerned and explain to the Members the answers to the question raised in the Bill tabled in the House. But if his within the Bill did not try to convince or explain to the Senators, it is not the fault of the Senators, it is not the fault of the Senate, being All I take into account is that the Senate, being a responsible House, has a right to amend any Bill which it considers a danger to our people and refer it back to our House for confirmation, and refer it to the Minister to suggest that he is not going to use this opportunity and that the hon. Members are here to support just any Bill will not be accepted. So, I take this Senate amendment to be valid. That is the first thing.

Secondly, I want to say one thing, the Minister also explained that there would be some difficulties if this House accepted the Senate amendment. Therefore, the question of sisal planting—at least the growers will be required to have land title deeds. I think it is still a colonial sort of mentality which should be removed. The people want some of these things to be removed from the present ruling Government, because it is now their Government and if the Minister feels that this will deprive the growers of the right of growing sisal freely, then the rules which require the growers to have land title deeds in their various areas—it is up to the Ministry now to bring this to the Government to be removed, this section which deprives our people of the right of growing sisal unless they have land title deeds. It would take a long time for the people to acquire the land title deeds and it is not the mistake of the people, it is the Government that has not produced sufficient money to carry out this service of surveying. As far as I know, Mr. Speaker, Sir, the land in the sisal region is valuable and Busia is included in this. For that matter, we agree with the Senate that the difficulties will be the question of land titles and what not. That alone is not the reason. This kind of thing can be corrected to allow people to grow sisal freely without any other difficulties being put in the way.

With these few remarks, Mr. Speaker, Sir, I support the amendment of the Senate.

Mr. Anyleni: Mr. Speaker, Sir, I must congratulate the voters of Gichoya for having elected a Member who can explain the problem that besets the people in an area on an issue in which many of us were ignorant because, for example, my area does not grow sisal. The Member has spoken in such a way that surely his reasoning and his facts have been facts which can convince our Members or, at least myself, that the views which were given by the Parliamentary Secretary were wrong. Now, the Parliamentary Secretary has said that if these people could be protected by this Bill it would be necessary for them to have a licence. The Parliamentary Secretary did not tell us how much this licence would cost and as to whether it is going to be economic for anybody who owns sisal on the edges of his farm to have a licence.

The other thing which the Parliamentary Secretary said is that these people need to be given title deeds before they can be issued with licences. Yet, just now, Mr. Speaker, when the hon. Member here was speaking, the Parliamentary Secretary said that in Busia they are planting sisal without necessarily having to have title deeds to their land.

[Mr. Warlith] has considered and approved the Motion 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.

Mr. Warlith seconded.

(Question proposed)

(Question put and agreed to)

BILLS

THE CONSTITUTION OF KENYA (AMENDMENT) (No. 2) BILL

The Speaker (Mr. Slade): The next Order on the Paper is the Division on the Second Reading on the Constitution of Kenya (Amendment) (No. 2) Bill which was postponed until today. Members will recall it was postponed because we had not sufficient Members available to produce the necessary numbers in support, even though all hon. Members wished to vote "aye." If that is still the position at this stage this afternoon a division would again be abortive. I do not know whether hon. Members could tell me whether we have sufficient Members now in the precincts of the building to produce 97 votes. If not, we will delay until a later stage.

Mr. Agar: I wonder whether, Mr. Speaker, could give us about five minutes to find out the position. It will be necessary to call the people who are in the precincts of the building.

The Speaker (Mr. Slade): Well, we might ring the Division Bell and see. I am prepared to postpone the Division again if at the end of five minutes we find we are short of the minimum number. Hon. Members will recall that after the Mover had replied on the Second Reading of this Bill, I had put the question that the Bill be now read a Second Time, and then we deferred the Division that we have to have in order to produce the right majority in accordance with the Constitution. Now ring the Division Bell.

Order: I will not order the doors to be locked or bar to be drawn, because I have been informed that we have not sufficient Members to save the Division from being abortive. So we will proceed with Order No. 9 and come back to this Order No. 7 when we have finished Order No. 9 or if we finish before 4.30 p.m. I think we will suspend business until 4.30 p.m. So we will have this Division and any subsequent stages of this Bill—the Constitution of Kenya (Amendment) (No. 2) Bill, not before 4.30 p.m.

(Consideration of Senate Amendments)

THE SISAL INDUSTRY (AMENDMENT) BILL

The Speaker (Mr. Slade): Mr. McKenzie, do you move that the Senate amendments of this Bill be now considered?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Yes, Mr. Speaker, Sir, I beg to move that the Senate amendments to the Sisal Industry (Amendment) Bill be now considered.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek) seconded.

(Question proposed)

Mr. Gichuru: Mr. Speaker, Sir, I rise to support the Senate amendments with, of course, valid reasons. It was very unfortunate that we passed this Bill without first taking into consideration problems that are faced by the Africans who have just come into the field of sisal-growing. Under the present amendment, or under the present clause which is to be amended it is obvious that the African small grower or a person who has just started growing sisal on the edges will not be protected by this Bill or for that matter will not have a say in the sisal industry. We have said there is a very pathetic situation in Kenya whereby we are growing sisal on the edges and we are capable of supplying all the fibre to a plant in the Eastern Region, owned by an Asian, but when it comes to question of representation on the sisal industry, either board or association, we are not protected by the Bill as it now stands. The amendment which has been proposed by the Senate takes into consideration the problems that we have been facing practically, to ensure that the African is encouraged to take part in the sisal industry. It is true that somebody with five acres of land, when it was demarcated, cannot put up three acres or two acres of sisal so as he could be within the definition here of mustering one hundred acres as a group, two, three, four, five people doing so. But he would still make use of the *shamba* by planting it with sisal on the edges and, at the same time, grow something else. Consequently, the small-holder or small farmers would be in a position so that he is protected by the Government through the Sisal Industry (Amendment) Bill. But here comes in a problem where by no matter how many yards I might be having for this small plantation and my brother may be having the same thing and my other relatives the same thing—I am talking in terms of the actual reality of the countryside—these people can combine calculating the actual sisal acreage, whether on the edges or as a small plantation of

[Mr. Gichuru]

to decide whether or not we list them. I think probably it is more convenient for hon. Members on these occasions to pass the Motion that the amendments be now considered without any real discussion, and come to the amendment at the merits or demerits of the amendments at the second stage. At that stage one would expect to hear from the Ministry what they feel about them. I would suggest to hon. Members that there is no further speech on this debate and we move on to the consideration of the actual amendments, if no other Member wishes to speak on the Motion for consideration.

(Question put and agreed to)

The Speaker (Mr. Slade): Will the Clerk read the first amendment. We will take the two amendments to clause 2 separately.

Amendment to clause 2:—

"That the definition under clause 2 of the Bill be amended by deleting the words 'other than sisal grown in hedgerows or demarcation' appearing in the definition 'plantation grower'."

(Question proposed)

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, the Senators, when moving this amendment, did not actually know exactly what was meant by these words in that definition. What was meant is that a planter or a grower who has sisal in the hedgerows cannot come under this definition, because he is going to be forced into a lot of unnecessary things, Mr. Speaker. I was fortunate in being able to hear what the hon. Mr. Gichuru has said which of course originated from the Senate and these fears the hon. Mr. Gichuru will find out have already been covered in this definition. The people with hedgerow sisal will be forced, if we accept the Senate amendment, to come under plantation rules which are actually very difficult in that a single person who has sisal in the hedgerow must have a licence for this sisal.

Now, the hon. Members will agree with me that this hedgerow sisal has been grown in that this hedgerow area where no licence was former underdeveloped areas where no licence was needed because the growers only needed sisal to plant in hedgerows to demarcate their land and did not need a licence. But according to the Act, did not need a licence, a plantation grower has to be the main Act, as a sisal grower and has to have a registered licence. Now, I wonder whether this House will licence. Now, I wonder whether it is to the people, think this is right that we put it to the people, our growers, at home, that they have to be licensed before they grow anything on the hedgerows. Secondly, they have to have a registered mark. This is most important that every plantation grower has to have a registered mark for his

I know, or perhaps I apprehend, that the Ministry may react to this amendment in fairness. It is meant to encourage the Africans to take part in the sisal industry, although the prices have gone down and, at the same time grow more maize in their own small-holdings which could make them continue planting sisal on a smaller scale.

With these few words I beg to support.

Mr. Anyieni: On a point of order. There is something I would like to find out your ruling on, and that is the Ministry of Agriculture is introducing an amendment which has been proposed by the Senate. I thought, according to our Standing Orders, the Ministry should have said something as to what they think about the Bill, so that if they support and we support, we do not waste a lot of time for nothing. For that reason I think the Minister, when he introduced this, should have said what they think about it. There is no point in me standing up, Mr. Speaker, Sir, persuading anyone, when the Ministry has already accepted it, and waste time for nothing.

The Speaker (Mr. Slade): What I would like to point out to hon. Members is that the procedure on Senate amendments falls into two parts. First of all there is a Motion that the amendments be now considered. When that is carried, if so, we then consider the actual amendments one by one

Mr. Odling: Mr. Speaker, Sir, I quite agree that there may be some who are of that age as the hon. gentleman is saying, but we must understand that it is not the chiefs who actually plan even education, it is not the chiefs who actually plan any other progress, but the chiefs who actually co-operate with those people who are doing it and I can only assure the House that the chiefs in Samburu are loved by the people and if their co-operation is needed, then they will certainly give it.

Question No. 794

LEGISLATION FOR COMPULSORY MEDICAL DIAGNOSIS

Mr. Odoro-Sar asked the Minister for Health and Housing whether, in view of the fact that Africans in rural areas died in great numbers without the diseases from which they had died being known, the Minister would consider the introduction of a law making it compulsory for all sick persons to have their illnesses diagnosed?

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply:

My Minister is well aware that many Africans in rural areas die without the cause of death being diagnosed, but he does not consider that it is necessary to introduce any law to make it necessary for them to have their illnesses diagnosed, as this would be a law which would be physically impossible to apply.

We encourage all sick people to go to the health centres or hospitals, not only for diagnoses, but for treatment as well. Our hospitals are for recovering in, not for dying in.

Mr. Odoro-Sar: Mr. Speaker, Sir, in view of the fact that the lives of the people depend on the responsibility of this Ministry will the Junior Minister tell this House, now, the number of people who have died in this country this year and whether they know the diseases which brought about their death?

Mr. Argwings-Kodhek: Mr. Speaker, Sir, I wonder if even the Member for Ugenya would be able to tell us the number of people who died in his own sublocation. It would be an interesting case of statistics.

Mr. Shikuku: Mr. Speaker, Sir, arising from the previous reply by the Parliamentary Secretary to the effect that people should go to the health centres and hospitals to have their diseases diagnosed and treated, is he aware that in most places there are no qualified doctors to diagnose

any disease and as a result many people die in these small areas without having their disease diagnosed?

Mr. Argwings-Kodhek: Mr. Speaker, Sir, that is an old, old problem, and we encourage, and it is the duty of the hon. Members here to keep on encouraging people to go to the health centres where we have qualified people who may be able to diagnose. There is a doctor here and one there, but most people in the constituencies, particularly in Butere and perhaps Ugenya, instead of going to a doctor for a diagnosis, they go to the witch-doctor.

Mr. Anyien: Mr. Speaker, Sir, is the Parliamentary Secretary aware that the Ministry is encouraging going to witch-doctors because people who die in the countryside and are buried without their diseases being diagnosed by doctors, means that more people will be dying and since people do not know why they are dying they still believe in witch-doctors.

Mr. Argwings-Kodhek: Mr. Speaker, Sir, I do not agree with the implication of that particular question. The Ministry wants everyone to go to the health centres where we have qualified clinical assistants to help them. They will pay a nominal fee. There are Government places open to everyone to go to. But if the Member for Ugenya does not encourage people to go to Karoka for their illness or to go to Kisii Hospital, the problem is his, not the Minister's.

Mr. Anyien: Is the Parliamentary Secretary aware here in this country today, there are people stricken with poverty and sometimes they cannot even afford to pay their expenses, and so they have to stay at home when they die? When the other people follow them in dying they think that they have been bewitched by someone.

Mr. Argwings-Kodhek: That is a very simple question. All hospitals and county council centres treat a deserving case without having to consider the question of money at all. Usually doctors are responsible people, as everyone knows. They will not just send someone away because they have no money when blood is pouring out of the person. He will help. It is free. It is up to the hon. Members to encourage people to make use of these services which are available.

The Parliamentary Secretary for Works, Communications and Power (Mr. arap Bometi): Would the Parliamentary Secretary agree with me that many people pay more money to quack doctors than to medical officers?

Mr. Muliro: Is it in order for the Parliamentary Secretary to ask questions which suggest the answer?

The Speaker (Mr. Slade): It is in order. There is nothing in Standing Orders against it, whether the Government likes it I do not know.

Mr. Argwings-Kodhek: Mr. Speaker, Sir, I do not take offence to the particular question asked by the hon. Mr. Bometi. I must say that it is the responsibility of all educated men and women, particularly from this House and even in the constituencies, to tell them to make use of the services we have instead of going to the quack doctors. The quacks are taking so much money from people, the witch-doctors, have taken so much money, Mr. Speaker, that if hon. Members could assist we would be moving somewhere towards our medical scheme in Kenya.

The Speaker (Mr. Slade): We will move on to the next Order now. Before doing so, first of all I was wrong in the answer I gave to Mr. Muliro's point of order just now. I have on previous occasions pointed out that it is not in order for one Minister to help out another Minister by asking him questions which suggest the answer. That must apply to Parliamentary Secretaries likewise. So you are right, Mr. Muliro.

There is another matter I have to inform hon. Members about, with reference to Order 7, The Constitution of Kenya (Amendment) (No. 2) Bill. I have received a message from the Minister for Justice and Constitutional Affairs that he has been unavoidably detained by shortage of aircraft in Kisii, where he is, and may not get here until 4.30 this afternoon in about an hour's time. I propose, if we get to Order 7 before that time, we proceed with the Division on the Second Reading of this Bill, but if the Minister is still absent, I would defer the Committee stage and the Third Reading until he can be present to hear himself and answer any points made by the hon. Members; and we can probably fill in the time by taking Order No. 9 first and, if necessary, even suspending the business of the House for a very short period.

We will now proceed with Order No. 6.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read.)

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

IN THE COMMITTEE

[The Deputy Chairman (Mr. Wariishi) took the Chair]

MOTION

EXTENSION OF PERIOD UNDER COLLECTION OF TAXES AND DUTIES ACT

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Deputy Chairman, Sir, I beg to move:—

That this House approves that the Order under the Provisional Collection of Taxes and Duties Act published as Legal Notice No. 136 of 1964 on the 1st May 1964, be extended until the 30th June 1965.

The Governor-General's assent has been signified to this Motion.

Mr. Deputy Chairman, Sir, I wish to move this Motion, which is very formal, to extend the life of the Provisional Collection Order which brought into effect the export duty taxes for a period of six months. The Export Duty Bill received its Third Reading in this House on the 2nd September, passed through its reading in the Senate and was referred back to this House with two minor amendments which we accepted on the 7th October.

The amendments were that "Nyasaland" be altered to "Malawi" and that "South Africa" be deleted from the Bill. It is therefore clear that there are no matters of substance in my proposal which can lead to any objections by either this House or the Senate. I, therefore, Mr. Deputy Chairman, I beg to move.

(Question proposed)

Mr. Muliro: Mr. Deputy Chairman, I think this Motion is self-explanatory, and to devote any more time on this would be wasting the valuable time of this House unnecessarily.

With these few remarks, Sir, I beg to support that the Motion should be adopted.

(Question put and agreed to)

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Deputy Chairman, I beg to move that the Committee doth report to the House its consideration and approval of the Resolution without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT

EXTENSION OF PERIOD UNDER COLLECTION OF TAXES AND DUTIES ACT

Mr. Wariishi: Mr. Speaker, Sir, I am directed to report that the Committee of Ways and Means

[Mr. Odlinga]

and this has been explained to them in very clear terms. Ever since we talked to them, we have not heard of any complaints of any kind.

Mr. Shikuku: Arising from the Minister's last reply, Mr. Speaker, will he reconsider the situation of the Abatura and, if he finds out that they constitute a sufficient number to justify a location, could this be considered and could they have their own chief?

Mr. Odlinga: Mr. Speaker, the Abatura, just as all other small tribes in the country, do live in one part with the Abakuso who are more or less in the majority in that part, but despite that they hold the position of subchiefs in West Bukusu where the chief himself is a Bukusu. I think they are fairly treated.

Mr. Khalif: Mr. Speaker, Sir, does the Minister agree with me that the desire for building one nation in Kenya does not necessarily render tribes to be divided into various portions according to their numbers?

Mr. Odlinga: I think that I quite agree with the questioner that we should not restrict our own consideration for administrative purposes on tribal grounds only, but we must actually consider convenience for the Administration. As such, I think that is the policy which the Government is pursuing at the present moment.

Question No. 783

CEMENT FACTORY AT SULTAN HAMUD

Mr. Ndile asked the Minister for Commerce and Industry whether, in view of the fact that Machakos District was potentially rich in cement material, the Minister would tell the House when he intended to start a cement factory at Sultan Hamud?

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Speaker, Sir, I beg to reply. I would like to inform the hon. Member for Machakos that, at present, the Government does not consider that there is need for another cement factory in the country, whether located in Machakos District or elsewhere in Kenya, or, for that matter, in East Africa. For a cement factory, such as the one suggested at Sultan Hamud, to be able to pay its way, it would have to sell at least 35,000 tons of cement per year. At present, the Athi River cement factory, which has a capacity of 120,000 tons a year, is only selling between 50,000 and 60,000 tons per year. The Bamburi factory has a capacity of 400,000 tons, as against the present

Kenya demand of 100,000 tons only and, therefore, the Bamburi factory thrives on exporting her product. Uganda's cement factory at Tororo is capable of producing 170,000 tons, but at present, the local demand in Uganda is only for 100,000 tons. Tanzania's rate of consumption is at present 150,000 tons per year, but they have plans to start a factory with a capacity of around 130,000.

In the light of this, therefore, and even with no less than 250,000 tons of cement that Bamburi was able to export to other countries last year, there is about 80,000 tons to spare, meaning therefore that this is proof that there is no room for another factory for the present. In the quarry at Sultan Hamud, we could obtain 96 per cent content of pure carbonate of calcium, and the Industrial and Commercial Development Corporation is now trying to negotiate with local cement firms to obtain their supplies of carbonate of calcium from the quarry instead of importing from overseas as is the case now. It is possible to obtain about 300 tons per annum of carbonate of calcium from the Sultan Hamud quarry and this figure covers nearly all of Kenya's demand.

Mr. Omeri: Mr. Speaker, if the Government is producing such a large quantity, would the Minister tell us why the price of cement is so high?

Dr. Kiiano: That is an entirely different question, Mr. Speaker.

The Speaker: Yes, I think so, too.

Mr. Kerich: Mr. Speaker, could the Minister tell the House whether it is possible for the Government to find a market anywhere in the world to accommodate this cement?

Dr. Kiiano: Mr. Speaker, last year we sold 250,000 tons of cement outside East Africa and we are still using the extra capacity of the Bamburi factory.

Question No. 784

LIME FACTORY AT MAKINDU

Mr. Ndile asked the Minister for Commerce and Industry when the Minister intended to start a lime factory at Makindu to utilize economically the lime potential in the area.

The Minister for Commerce and Industry (Dr. Kiiano): Mr. Speaker, Sir, I beg to reply.

At present, there are two lime factories in Mombasa, three in Nairobi and one in Nyanza. Talks are being held between the East African Industrial Research Organization and the Industrial and Commercial Development Corporation

[Dr. Kiiano]

to find out whether there is any need for still one more factory, perhaps in the Eastern Region. We know that, technically and financially, there is no problem regarding the establishment of the project, but the problem is one of marketing.

Demand on our market is not big enough to make an additional factory worthwhile, unless we do it with a view to selling to the other East African countries, whose import of this item is large enough to justify another plant.

Last year, for example, we imported into Kenya only £1,700 worth of lime, as compared to Tanzania's £30,000 worth. It would appear, therefore, that unless the other countries in East Africa—particularly Tanzania—agree to the importation of lime for their needs from this country, this project could not be justified for the needs of the Kenya market alone.

I should like also to add that for road stabilization, local authorities in this country are increasingly coming to prefer cement to lime. This suggests, therefore, that even here in Kenya, the market for lime is not likely to expand.

Mr. Ngala: Mr. Speaker, Sir, arising from that reply, would the Minister tell this House what steps he is taking in negotiating with Tanzania to make it possible for the market to come to Kenya, the existing market in Tanzania.

Dr. Kiiano: Mr. Speaker, Sir, I will do my best to persuade our neighbours, in Tanzania, to consider that. But I would like to point out to the hon. Member that at present Tanzania is already very worried about the imbalance of trade between Kenya and Tanzania.

Mr. ole Tipla: Mr. Speaker, Sir, rising from the hon. Minister's reply that there are two lime factories at the Coast and one in Nyanza, would the hon. Minister kindly consider helping the hon. Member for Machakos South out of his current difficulties by transporting whatever lime material there is there in the hon. Member's constituency to the existing factories?

Dr. Kiiano: Mr. Speaker, Sir, what I said was that we have been considering starting an additional lime factory in Eastern Region if we can persuade our neighbours to purchase more lime from us instead of importing it from outside.

Question No. 786

REPLACING OLD CHIEFS IN SAMBURU

Mr. Rurumbani asked the Minister for Home Affairs to tell the House why the old colonial chiefs in Samburu District had not been changed and replaced by young men with modern ideas.

The Minister for Home Affairs (Mr. Odlinga): Mr. Speaker, Sir, I beg to reply.

It was never intended to remove chiefs simply because they had served in the colonial régime. There are some very fine chiefs who served during that period and these we shall retain. However, in respect of Samburu, as the chiefs were popularly elected, it was not felt necessary to interfere with the set-up, as it was considered that the chiefs in Samburu are some of the finest we still have from the colonial days. When and if the necessity arises, more chiefs will be removed.

Mr. Rurumbani: While agreeing with the Minister, is he not aware that there is no single chief in the Samburu District who is educated and as such their ideas are not compatible with the idea of the present age?

Mr. Odlinga: As we claim to be a democratic country, we should not remove somebody or disqualify somebody unless we have very good reasons to convince those people who actually elected him to be in that place.

Mr. Rurumbani: Mr. Speaker, Sir, is the Minister not aware that due to the illiteracy of the Samburu Chiefs the district will never progress?

Mr. Odlinga: I do not agree with that, because many of these chiefs, according to my own information, are co-operative even with the present educated people and as such I do not think that they are in any way a block in the way of progress.

Mr. Khasakhaha: Mr. Speaker, Sir, arising from that reply, could the Minister tell the House the present policy on the nomination of chiefs, because a few weeks ago the same Minister told the House that they wanted young progressive chiefs, and now he is saying that the chiefs in Samburu are not young, and as the Member for the area wants them to be replaced, could he reconsider his decision?

Mr. Odlinga: I think the statement that the hon. Member has made is a sweeping statement which does not reflect what I said here. A chief has not to do several duties to perform and one of the main ones is to help or to co-operate with those people who are actually for progress and, as we know, the chiefs in Samburu are not a block in the way of progress at all.

Mr. Aramun: Mr. Speaker, Sir, will the Minister agree with me that in the Samburu District we have chiefs who are more than fifty years old and we want to replace them with new ones who are younger still?

[Mr. Odoro-Sar] the community development work is now at a standstill in Central Nyanza, particularly in Ugenya constituency?

Mr. Kubah: Mr. Speaker, Sir, that is up to the people themselves.

Mr. Odoro-Sar: Mr. Speaker, Sir, would the Junior Minister explain why he says it is up to the people themselves?

Mr. Kubah: Mr. Speaker, as far as community development is concerned, self-help projects or any other functions to do with community development depend upon the people themselves, to initiate self-help projects; and if there is any slackness, it is up to the people themselves.

Question No. 802

STATIONING OF ARMY OR G.S.U. PLATOON AT DOL DOL.

Mr. C. G. Karjuki asked the Minister for Internal Security and Defence whether, in view of the fact that *Shifita* had entered Laikipia District, the Government would take urgent steps to station a Company of the Kenya Army or a G.S.U. Platoon at Dol Dol to combat *Shifita* activities?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, on behalf of the Minister I beg to reply.

No, Sir, the disposition of security forces is a matter to be decided by the commanders of the security forces in the light of circumstances at any given moment, and I am not prepared to undertake to pin them down permanently to any given area. I must also refer to my answer to Question No. 639 in which I pointed out that it is the Government's policy to bring *Shifita* attacks to an end by ruthless pursuit of the *Shifita* wherever they may be, and not by organizing defensive arrangements. If the *Shifita* are in Laikipia District, they will be pursued there; when they leave that district, the security forces will follow them and destroy them elsewhere.

Mr. Kagzia: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, and in view of the fact that we have so many Somalis stationed in various areas outside the North-Eastern Region, and in view of the fact that there is always talk that many of these people are assisting the *Shifita* in various areas, would the Parliamentary Secretary tell the House what steps the Government is taking to see that Somalis outside the North-Eastern Region are not helping the *Shifita*?

The Speaker (Mr. Slade): That is not a question which arises here.

Mr. ole Tipla: Mr. Speaker, Sir, arising out of the Parliamentary Secretary's original reply, is he aware that there have been *Shifita* attacks in Laikipia, they have been attacking innocent people? And can he tell me, in pursuance of what he said earlier, how many *Shifita* have been pursued into certain areas, who attacked the Laikipia people?

Dr. Waiyaki: Mr. Speaker, I am aware that there have been attacks in Laikipia by *Shifita* against innocent people, but the *Shifita* are not stationed in one particular place; they are always mobile and they have cleared out.

Mr. ole Tipla: Mr. Speaker, Sir, arising from that very unsatisfactory reply, can the Parliamentary Secretary tell me—because he said earlier that they will be pursued and brought to task—how many of those who attacked Laikipia recently, have been brought to death?

Dr. Waiyaki: The security forces, Mr. Speaker, are still pursuing them.

Mr. Ngala: Would the Parliamentary Secretary state, Sir, whether, in the general planning against the *Shifita* activities, even in the offensive manner, whether Dol Dol is being considered as an offensive centre against the *Shifita* activities in that particular area?

Dr. Waiyaki: As I have said, Mr. Speaker, the movements of the security forces are the sole responsibility of commanders who make a constant review of the situation all the time. Dol Dol does not justify itself for consideration as a main station for our troops, for the time being, until such time, Sir, as we see that there is need for taking Dol Dol as a specific point for stationing our troops. Then we will do it.

Mr. C. G. Karjuki: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, is he aware that one G.S.U. platoon is present stationed at Nakuru, and it would be impossible for them to deal with the *Shifita* activities in Dol Dol?

Dr. Waiyaki: Mr. Speaker, I do not know where the hon. Member gets the idea that only those at Nakuru will be called on duty if there are any activities in Laikipia. We will move them from anywhere.

Question No. 780

CHARGES BY MEDICAL PRACTITIONERS

Mr. Makokha asked the Minister for Health and Housing if—

(a) He was satisfied that the charges made by private medical practitioners were fair and reasonable?

[Mr. Makokha]

(a) If the answer was in the negative, would the Minister consider introducing legislation to regulate the charges made by private practitioners?

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, there are no fixed charges made by private medical practitioners, and it is extremely difficult to lay down standard charges, as fees are left to the discretion of the practitioner, who may decide not to charge any fees to patients unable to pay, or relatively high fees to those who are wealthy.

Also, there are several private practitioners who undertake to treat patients in children's homes and clinics, like the Bohra Road Clinic, sometimes Dr. Barnado's Home, and the Amani Home. Therefore we leave it to their discretion to make up their minds and decide on this question.

However, if it was found that they were abusing their privileges, or they were trying to exploit people because they were sick, in that case my Ministry would take very definite action to bring about some standardization.

I therefore do not consider, at this stage, that it is necessary to introduce legislation to standardize charges made by private practitioners.

Mr. Makokha: Mr. Speaker, could the Minister tell us what means there are in his Ministry to find out whether private doctors are being discriminatory or not?

Dr. Mungai: Mr. Speaker, Sir, the patients themselves, treated by these doctors, can complain and some have done so in the past. We have always tried to look into what the problem was.

Mr. Omweri: Mr. Speaker, Sir, arising from the Minister's earlier reply, that it might be difficult to regulate the charges, would the Minister tell us why it would be difficult, and yet the prices of medicine which these practitioners use are known and fixed?

Dr. Mungai: Mr. Speaker, Sir, some practitioners do hand out medicines, others do not do that; they give you a slip of paper to let you buy medicine from the chemist. It is the time they spend and the skill they have acquired that they charge for.

Mr. Jahazi: Mr. Speaker, Sir, in view of the fact that there are so many of these private practitioners who are exploiting the shortage of hospital facilities in the town by overcharging people—

The Speaker (Mr. Slade): I do not think, Mr. Jahazi, that you can make allegations like that as part of your question.

Mr. Jahazi: I will put it in another way, Sir.

Mr. Speaker, Sir, would the Minister consider sending a general circular to all practitioners, telling them that, although there is a shortage of hospitals, he is looking to them to help in stamping out disease?

Is that clear? If that is not clear, what I want the Minister to do is to send a general circular to the general practitioners saying that they should always try to help by treating people, not with a view to getting money but to helping them.

Dr. Mungai: Mr. Speaker, Sir, after all that long speech I would like to tell the hon. Member that it is exactly what the doctors do. They stamp out disease by treating those who are sick.

Besides, if the hon. Member was listening to my answer in the first place he would have noticed that I said there are a large number of them who work in Children's Homes, and in other clinics like Dr. Barnado's Homes, Amani Homes and the Bohra Road Clinic, and such other clinics, where they are not paid but they give their services free.

Question No. 781

UNITING THE ABATURA PEOPLE

Mr. Makokha asked the Minister for Home Affairs what the Government's response was to the continued demand by the Abatura people who lived in the Bungoma and Kakamega districts that they should be united and administered under one chief in one district?

The Minister for Home Affairs (Mr. Oduga):

Mr. Speaker, Sir, I beg to reply.

The demand by the Abatura that they should be united and administered under one chief and in one district has been made purely on tribal grounds, and, as it is our desire to build one Kenya nation, the Government has not acceded to it.

Mr. Makokha: Mr. Speaker, Sir, could I know from the Minister whether he has let the people concerned know what he has just told the House, whether the Minister has written to them to explain that this was the Government's view?

Mr. Oduga: Mr. Speaker, Sir, the representatives of the Abatura people visited my Ministry

700. C. G. Kariuki

to get places where he could put animals to graze and I remember one occasion when I heard him saying that in Nakuru one could not get a house, but that the houses are too houses but because the money are as high. Even many lawyers, Mr. Speaker have had to close their offices because of the money to go to office and that is why you will not find many hon. Members in this House who have an office in Nakuru. The rents are too high and that is why we find it necessary for Government to come with open houses and start this Corporation.

Will these five members I beg to record.

(Question proposed)

ADJOURNMENT

The Speaker (Mr. Slade): As we have now done it is time for interruption of business, the House adjourns until Tuesday, 1st December 1964 at 10.15 a.m.

The House rose at thirty minutes past Twelve o'clock.

WRITTEN REPLIES TO QUESTIONS

Question No. 761

PEOPLE KILLED BY GAME: BOMET CONSTITUENCY

Mr. Sol asked the Minister for Natural Resources—

- (a) How many many people had been injured or killed by wild animals that crossed the Mara River into Bomet Constituency since 1963 to date?
- (b) What damage to property had these animals caused in the same period?

REPLY

The Minister for Natural Resources (Mr. Sagembe)—

(a) During the period in question only one incident has been reported in which a lion killed one person and maimed several others in Bomet

Constituency. This occurred when a number of Kipsigis hunted and killed the lion prior to the arrival of game scouts who had been sent out to kill the animal.

(b) No reports have been received of damage to property caused by wild animals crossing the Mara River into this Constituency. A few reports have been made of damage caused in the area by other animals from the Ching'inga Forest area, and the animals have been killed by game scouts from Kericho Station.

Mr. Speaker, Sir, I would like to mention that the main trouble in this area is that the people try to hunt and kill wild animals before reporting to the Game Department officials. I have said many times, Sir, that it is only these officers who have the appropriate heavy weapons and skill required to kill the animals without risking injury or even loss of life.

Question No. 772

KIRINYA DRIVEWAY FOR KATHAROS LAND OFFICE

Mr. Mwangi asked the Minister for Lands and Settlements if the Minister would explain the circumstances in which it was found necessary to recruit a Kirinyia driver from Nairobi for the Machakos office of the Land Consolidation Department.

REPLY

The Minister for Lands and Settlements (Mr. Ang'ao): Land consolidation is a Central Government responsibility and is a department within the Ministry of Lands and Settlements.

This Government has consistently stated that it is not interested in regionalism and does not there fore consider a person's tribe when engaging or transferring staff.

In this particular instance, the driver concerned was the only one available to send with a vehicle to the Land Consolidation Office at Machakos.

Tuesday, 1st December 1964

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

BILLS RETURNED FROM THE SENATE

The Speaker (Mr. Slade): Hon. Members I have to inform you that I have received two messages from the Senate. The first is that the Senate returns the original corrected copies of the Sial Industry (Amendment) Bill with a copy of the Votes and Proceedings dated the 24th and 25th November 1964, indicating the amendments made thereto, and desire the concurrence of the House of Representatives to the amendments agreed to by the Senate.

The second is that the Senate has returned the original corrected copies of the Industrial Development (Amendment) Bill and the National Youth Service Bill and the copy of the Votes and Proceedings dated the 27th November 1964, indicating the amendments made thereto, and desires the concurrence of the House of Representatives to the amendments agreed to by the Senate.

POINT OF ORDER

SPEAKER BOWING TO MEMBERS

Mr. Zahard: On a point of order, Mr. Speaker, Sir, I want to seek your ruling on the procedure of bowing. Before you used to bow to the Government and the Opposition but now you still continue to bow on the Government as if there was an Opposition. Would it be proper when you bow, if we all bow at the same time?

The Speaker (Mr. Slade): An hon. Member raised that point the other day and I answered in the negative, but I did not give any reasons. I will now give you the reasons for not agreeing to this proposition. When the Speaker enters the Chamber he bows to the Chair, when he enters the Chair he bows to the Members, he is not bowing to the Government and the Opposition, he is bowing to the Members individually. So he long as Members sit on his right and the left, if he can only bow to the right and the left, if he bows to the centre he bows to no one. Your trouble will be remedied, I think, when we have a new arrangement of seating for this House in our new Chamber. We may have then either

three bows or one bow, I think three. But I do not think it will trouble you any more.

PAPER LAID

The following Paper was laid on the Table:— Directorate of Civil Aviation Annual Report, 1962-63.

(By the Minister for Health and Housing (Dr. Mwangi) on behalf of the Minister for State in the Prime Minister's Office (Mr. Mwangi))

NOTICES OF MOTIONS

EXTENSION OF PERIOD UNDER COLLECTION OF TAXES AND DUTIES ACT

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this House approves that the Order under the Provisional collection of Taxes and Duties Act published as Legal Notice No. 136 of 1964 on the 1st May 1964, be extended until the 30th June 1965.

The Speaker (Mr. Slade): With reference to this notice, I should point out to hon. Members that the actual Motion is on the Order Paper for today which is not usual procedure. There is nothing in our Standing Orders to prevent that, and in view of the possibility of the House rising today it seemed desirable to have this, apparently formal, Motion today.

FANS FOR DISTILLING NUBIAN GIN

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

THAT in view of the fact that the distilling of Nubian Gin has become widespread in Nyanza and Western Regions, this House urges Government to introduce legislation whereby a heavy fine of Sh. 1,000 shall be imposed with a maximum imprisonment of five years.

ORAL ANSWERS TO QUESTIONS

Question No. 773

BUSIA A SEPARATE POLICE DIVISION

Mr. Makokha asked the Minister for Internal Security and Defence whether, in view of the fact that the Elgeyo Nyanza Police Division was so large that it could not all be effectively administered and patrolled from Bungoma, the Minister would make Busia District into a separate Police Division immediately?

[Mr. Shikuku] the place for shelter and the masses, who are the majority, are ignored, this is completely incompatible with the policy of African socialism. It would easily go with the question of classification whereby some people are living in high quarters and those people who are on low salaries sleep in the streets. I feel, Mr. Speaker, the time has come when the Government must take the initiative to make sure that it builds houses in the townships and cities which are cheap and decent to accommodate the poor low-earning people, but not just to chuck them into very dirty houses and forget about them. I think the only thing the Government should do is to set up such a system, which in my opinion should be called "housing corporation", whereby the Government shall spend some money on building decent houses for our people so that those with low salaries can still enjoy that decency and that better quality of house. Mr. Speaker, I do not mean to say that all must be equal, and those who can pay more can have a better house, but it is uplifting the standard of living, particularly as far as houses are concerned, of the ordinary man in the street.

Mr. Speaker, Sir, I also feel that the Government should institute a system where these very people could be able to own houses. You find, Mr. Speaker, that those who buying those compassionate farms pay a certain amount of money as deposit, but they are supposed to pay a certain amount of money per year until such a time, say ten years or twenty years, the farm becomes their own. I am of the opinion that among those low class people for those who are interested in buying or having their own houses some system should be applied so that those who are wanting to buy these houses later on should put down some amount of money, whereby they will go on paying the rent gradually until after ten or twenty years paying so much per year, they would be allowed to own the house and remain in the house. I feel this will not be so simple, because at the moment if you go to the African locations, you find a man with his wife and his children, some grown up, all living in the same house. It is very embarrassing. There is no kitchen for him, and when you pay a visit to him and the wife is frying pieces of meat she can not have any time to test one of them, because the visitor sees the pan and what is in it. This is a great embarrassment to the women, because they cannot test the soup before bringing it to the table, because Shikuku is sitting there seeing the food being made. This Mr. Speaker, is the situation and someone who understands, and I know

the hon. Minister who is a friend of mine understands the situation because it is very embarrassing having a child of about fifteen years of age staying with the mother in the same quarter, and there is no time for the mother and father to crack jokes between themselves, because the son or daughter is lingering around in the room, so I think these houses should be decent enough whereby there could be a room for the children and the mother, and decent enough for that class of people, and which they can buy after paying a certain amount of money after so many years. Then the house becomes their own.

Mr. Speaker, if I may go ahead, there is this point of house rents.

The house rents in many towns are not organized at all. You will find a landlord in, for instance, the Bahari area, where the City Council has given some people plots to build houses on which they rent to the people. In the same area, one landlord will tell you have to pay him Sh. 120, the other says Sh. 140, and the next charges Sh. 150. The last person is willing to charge you only Sh. 80. Mr. Speaker, the landlords have a big freedom. They are entitled to freedom, but I do not think they are entitled to exploitation, and I feel the Government must go deeply into this, and there must be a committee set up to find out why so many landlords are charging so much money per month to tenants and there is no standard at all. A standard must be set to stop this exploitation. You also find this sort of thing with shops. There are Indians here in the country who have built other houses which they are renting to the Africans in a form of shops or a form of living place, but they are paying exorbitant rents, and even the people who have rented these houses find it very difficult to pay the rent. You will find, for example, with the houses that are being given to the Africans for shops, the man is paying so much rent and the amount of money he gets for using it as a trading house is not even one-eighth of the rent he is paying, so the man does nothing but work for the rent alone, which I feel must be looked into. It can only be looked into by establishing a corporation which should look into this and make sure that these people are no longer exploited.

The Speaker (Mr. Slade): The Motion is only concerned with housing and not shops.

Mr. Shikuku: Mr. Speaker, I am sorry about that, but I was just mentioning some houses that people try to turn into shops. Nevertheless, I will leave that out, Mr. Speaker.

The other issue is the question of the City Council. You will find that there are great

[Mr. Shikuku] problems facing our poor, low-class people, those who are staying in a house, let us say, in Ofafa Maringo, Ofafa Jericho, Ofafa Lumumba and Ofafa Jerusalem. You will find that a person who gets a house has to pay Sh. 110 or Sh. 102 per month and there are two rooms in such a house. Now because this person only earns a low salary, he takes in some of his friends and accommodates them to help him pay the rent. You will find that there are a lot of people in these houses who are actually, strictly speaking, illegally occupying it because they are so lowly paid that they squeeze about five of them in this house. You find that the house is so stuffy that it is not even worth while going into it. This is because of the high rents charged by the City Council to these people.

At the same time, when they are charged such a high rent, sometimes they fail to pay these rents; the City Council treats these people in such an inhuman way that a person is given notice and when that person fails to pay his rent, due to, for example, next year when it comes to the question of school fees, and so forth—he has to pay school fees, taxes, etc.—what happens? The City Council asks just come along and tell him, "Look, this is the position, you have to leave the house within seven days; they have elapsed now." What they do is they clear out his wife, children, belongings, put them out of the house whether it is raining or not. They leave this particular person in the streets and he has nowhere to sleep; his children are playing about in the streets, which is awful.

I think a solution should be found to this, whereby we could try and get decent houses to accommodate such people. We should also build houses for the class of people earning between Sh. 100 and Sh. 150. There should be houses which are decent enough for such people whereby you can say the rent will be Sh. 40 or Sh. 30, so that these people can afford them. But we should not build these bigger houses which have higher rents, and then a man has to vacate his house and his reputation and his dignity are brought down, just because he has failed to pay his rent. Then he is thrown out with his wife, pans, blankets and all the rest of it, and left in the rain.

I hope, Sir, that I have explained my case and I will say more when it comes to the question of winding up the debate. I hope the Minister has noted down the feelings of the people, which have been expressed in this House and will do something for these people.

With these remarks, I beg to move.

The Speaker (Mr. Slade): I do not know whether you would like to start speaking now, Mr. Kariki; you will not be able to finish your ten minutes today. Or would you like to second formally and then I will propose the question and we will adjourn, then you can start speaking next time? Would you like to start speaking now?

Mr. G. G. Kariki: I would like to start speaking now, Sir.

Mr. Speaker, the hon. Member of this Motion has made the case very, very clear to this House, and I do not think the Government, as usual, will try to amend this Motion. As we all know, Mr. Speaker, in Nairobi you find one house with two or three people living in it, because of the shortage of accommodation. It is not only because of the shortage, it is because of the rents which are very high, particularly in the rural areas, where we do not have many people who have got buildings.

Mr. Speaker, Sir, in rural areas you find only Asians have got houses and when you approach them you find them very tough because they know, whether you like it or not, you are going to accept their charges. There is no fitted amount of rent, there is nothing, there is no system. It is left entirely by the Government in the hands of Asians to exploit our people. These people are exploiting our people. It is very necessary, Mr. Speaker, that we have this Housing Corporation introduced by the Government to enable our people to get enough accommodation. We have some institutions like county councils, and the City Councils, but, Sir, this is not enough because you find that these councils demand rent in advance before a person is even employed. Mr. Speaker, you will agree that a person needs a house even before he is employed because if he is employed and he has no house to live in, what can he do? Therefore, it is high time that this Housing Corporation is started as soon as possible to enable our people to get places to live in so that they can feel happy like any other citizens. Here it is very important, and I can congratulate the gentleman who moved this Motion because I think it was too late for the Government to wait until they were reminded to have such institutions. They should have done it before because they know the problem, the Minister who is at present the Minister for Health and Housing, is the Member for Nairobi women here—

The Minister for Health and Housing (Dr. Mungai): West.

Mr. G. G. Kariki: Thank you, the Member for Nairobi West, being a practitioner he used

[Mr. Shikuku]

place for shelter and the masses, who are the majority, are ignored, this is completely incompatible with the policy of African socialism. It would easily go with the question of classification whereby some people are living in high quarters and those people who are on low salaries sleep in the streets. I feel, Mr. Speaker, the time has come when the Government must take the initiative to make sure that it builds houses in the townships and cities which are cheap and decent to accommodate the poor low-earning people, but not just to chuck them into very dirty houses and forget about them. I think the only thing the Government should do is to set up such a system, which in my opinion should be called "housing corporation", whereby the Government shall spend some money on building decent houses for our people so that those with low salaries can still enjoy that decency and that better quality of house. Mr. Speaker, I do not mean to say that all must be equal, and those who can pay more can have a better house, but it is uplifting the standard of living, particularly as far as houses are concerned, of the ordinary man in the street.

Mr. Speaker, Sir, I also feel that the Government should institute a system where these very people could be able to own houses. You find, Mr. Speaker, that those who buying those compassionate farms pay a certain amount of money as deposit, but they are supposed to pay a certain amount of money per year until such a time, say ten years or twenty years, the farm becomes their own. I am of the opinion that among those low class people for those who are interested in buying or having their own houses some system should be applied so that those who are wanting to buy these houses later on should put down some amount of money, whereby they will go on paying the rent gradually until after ten or twenty years paying so much per year, they would be allowed to own the house and remain in the house. I feel this will not be so simple, because at the moment if you go to the African localities, you find a man with his wife and his children, some grown up, all living in the same house. It is very embarrassing. There is no kitchen for him, and when you pay a visit to him and the wife is frying pieces of meat she can not have any time to test one of them, because the visitor sees the pan and what is in it. This is a great embarrassment to the women, because they cannot test the soup before bringing it to the table, because Shikuku is sitting there seeing the food being made. This Mr. Speaker, is the situation and someone who understands, and I know

the hon. Minister who is a friend of mine understands the situation because it is very embarrassing having a child of about fifteen years of age staying with the mother in the same quarter, and there is no time for the mother and father to crack jokes between themselves, because the son or daughter is lingering around in the room, so I think these houses should be decent enough whereby there could be a room for the children and the mother, and decent enough for that class of people, and which they can buy after paying a certain amount of money after so many years. Then the house becomes their own.

Mr. Speaker, if I may go ahead, there is this point of house rents.

The house rents in many towns are not organized at all. You will find a landlord in, for instance, the Bahari area, where the City Council has given some people plots to build houses on which they rent to the people. In the same area, one landlord will tell you he pays him Sh. 120, the other says Sh. 140, and the next charges Sh. 150. The last person is willing to charge you only Sh. 80. Mr. Speaker, the landlords have a big freedom. They are entitled to freedom, but I do not think they are entitled to exploitation, and I feel the Government must go deeply into this, and there must be a committee set up to find out why so many landlords are charging so much money per month to tenants and there is no standard at all. A standard must be set to stop this exploitation. You also find this sort of thing with shops. There are Indians here in the country who have built other houses which they are renting to the Africans in a form of shops or a form of living places, but they are paying exorbitant rents, and even the people who have rented these houses find it very difficult to pay the rent. You will find, for example, with the houses that are being given to the Africans for shops, the man is paying so much rent and the amount of money he gets for using it as a trading house is not even one-eighth of the rent he is paying, so the man does nothing but work for the rent alone, which I feel must be looked into. It can only be looked into by establishing a corporation which should look into this and make sure that these people are no longer exploited.

The Speaker (Mr. Slade): The Motion is only concerned with housing and not shops.

Mr. Shikuku, Mr. Speaker, I am sorry about that, but I was just mentioning some houses that people try to turn into shops. Nevertheless, I will leave that out, Mr. Speaker.

The other issue is the question of the City Council. You will find that there are great

[Mr. Shikuku]

problems facing our poor, low-class people, those who are staying in a house, let us say, in Ofafa Maringo, Ofafa Jericho, Ofafa Lamumba and Ofafa Jerusalem. You will find that a person who gets a house has to pay Sh. 110 or Sh. 102 per month and there are two rooms in such a house. Now, because this person only earns a low salary, he takes in some of his friends and accommodates them to help him pay the rent. You will find that there are a lot of people in these houses who are actually, strictly speaking, illegally occupying it because they are so lowly paid that they squeeze about five of them in this house. You find that the house is so stuffy that it is not even worth while going into it. This is because of the high rents charged by the City Council to these people.

At the same time, when they are charged such a high rent, sometimes they fail to pay these rents: the City Council treats these people in such an inhuman way that a person is given notice and when that person fails to pay his rent, due to, for example, next year when it comes to the question of school fees, and so forth—he has to pay school fees, taxes, etc.—what happens? The City Council orders just come along and tell him, "Look, this is the position, you have to leave the house within seven days; they have elapsed now." What they do is clear out his wife, children, belongings, put them out of the house whether it is raining or not. They leave this particular person in the streets and he has nowhere to sleep; his children are playing about in the streets, which is awful.

I think a solution should be found to this, whereby we could try and get decent houses to accommodate such people. We should also build houses for the class of people earning between Sh. 100 and Sh. 150. There should be houses which are decent enough for such people whereby you can say the rent will be Sh. 40 or Sh. 50, so that these people can afford them. But we should not build these bigger houses which have higher rents, and then a man has to vacate his house and his reputation and his dignity are brought down, just because he has failed to pay his rent. Then he is thrown out with his wife, pans, blankets and all the rest of it, and left in the rain.

I hope, Sir, that I have explained my case and I will say more when it comes to the question of winding up the debate. I hope the Minister has noted down the feelings of the people, which have been expressed in this House and will do something for these people.

With these remarks, I beg to move.

The Speaker (Mr. Slade): I do not know whether you would like to start speaking now. Mr. Kariki, you will not be able to finish your ten minutes today, or would you like to speak formally and then I will propose the question and we will adjourn, then you can start speaking next time? Would you like to start speaking now?

Mr. C. G. Kariki: I would like to start speaking now, Sir.

Mr. Speaker, the hon. Member of the Motion has made the case very, very clear to this House and I do not think the Government's attitude will try to amend the Motion. As we all know, Mr. Speaker, in Nairobi you find one house with two or three people living in it because of the shortage of accommodation. It is not just because of the shortage, it is because of the rents which are very high, particularly in the areas where where we do not have many people who have got buildings.

Mr. Speaker, Sir, in some places you find our Asians have got houses and when you approach them you find them very tough because they know, whether you like it or not, you are going to accept their charges. There is a fixed amount of rent, there is nothing there is to be argued. It is left entirely to the Government to the extent to which it wishes to exploit our people. These people are exploiting our people, it is very necessary, Mr. Speaker, that we have this Housing Corporation introduced by the Government to enable our people to get enough accommodation. We have some institutions like country councils and the City Councils, but Sir, this is not enough because you find that some councils, some townships, where before a person is even employed that he is employed and he has no house to live in what can he do? Therefore, it is high time that the Housing Corporation is started as soon as possible to enable our people to get places to live in so that they can feel happy like any other children. Here it is very important and I congratulate the gentleman who moved the Motion because I think it was the late for the Government to wait until they were reminded to do so by such institutions. They should have done it before because they know the problem, the Motion was presented to the Minister to lead the House, the Member for Nairobi, some time ago.

The Minister for Health and Housing (Dr. Mungai Wea):

Mr. C. G. Kariki: Thank you, the Member for Nairobi, who being a gentleman, is not

[Mr. Shikuku] education in this sense, strictly speaking, should only be for the officers. I am glad the Parliamentary Secretary mentioned that it was only for the officers, but there are people in the ranks who will never rise to the rank of captain and there will be people who will be content to remain as privates and when they are ordered to shoot they will do so. I think we should not really go into this question of quality at all because there are those people who have failed their K.A.P.E. who cannot be promoted and now we must make use of these people who have failed their K.A.P.E. and those who during the imperialist times were prevented from continuing any further education because they failed their Standard IV examination, and are now grown men so we must make use of these people. I feel that quality should only be confined to the top ranks, those who are officers but if someone can write his name or can read his name, let him be accepted into the army so that we can make full use of those young men roaming about in the country who will be a problem to us. I feel it is a golden chance for them to get trained.

With these few remarks, Mr. Speaker, I do not think I will add any more apart from that, and since my point has been accepted, I beg to support.

My points here are that recruitment centres should be improved, namely: two locations should have one recruiting centre if possible and then the Members in the areas should be informed of such arrangements so that they can get in touch with the people in their own areas to get them to these recruitment centres so that every constituency can have one or two people recruited in the army or the police force to ensure that—

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): On a point of information, Mr. Speaker, I think the intention of the Government is to recruit in future for the National Youth Service so the Members will be consulted in the first place because they are now responsible for sending young men to the National Youth Service who must prove themselves worthy to get into the armed forces afterwards.

Mr. Shikuku: Thank you very much. That is a wonderful point of information and it is the right system now. I agree entirely with you and I shall make sure that I get you the best boys for the National Youth Service who will be transferred into the Army.

I would like to touch one point here, Mr. Speaker, the question of quality. This is one of the things we must look into but I do not think

education in this sense, strictly speaking, should only be for the officers. I am glad the Parliamentary Secretary mentioned that it was only for the officers, but there are people in the ranks who will never rise to the rank of captain and there will be people who will be content to remain as privates and when they are ordered to shoot they will do so. I think we should not really go into this question of quality at all because there are those people who have failed their K.A.P.E. who cannot be promoted and now we must make use of these people who have failed their K.A.P.E. and those who during the imperialist times were prevented from continuing any further education because they failed their Standard IV examination, and are now grown men so we must make use of these people. I feel that quality should only be confined to the top ranks, those who are officers but if someone can write his name or can read his name, let him be accepted into the army so that we can make full use of those young men roaming about in the country who will be a problem to us. I feel it is a golden chance for them to get trained.

With these few remarks, Mr. Speaker, I do not think I will add any more apart from that, and since my point has been accepted, I beg to support.

The Speaker (Mr. Slade): As no hon. Member wishes to speak, I will now call upon the Mover to reply.

Mr. Mwangandi: Thank you very much, Mr. Speaker. I am going to reply to this Motion on a Kenya-wide basis because it has been found, but reasonable after all that not only Digos, but almost every tribe in Kenya is suffering from what has been mentioned. We should completely wipe out the opinion of other hon. Members. Members like the hon. Mr. Ngei, who thinks that his tribe the Wakamba are war-like people and so they should automatically be absorbed into the Kenya Army and Police Force, leaving the others neglected. This kind of opinion should be completely wiped out. As I have said, if these vacancies were well distributed, we would of course have found more capable people and more fit people from remote areas, more remote than the nearer areas. In this case, the Junior Minister opposed him by saying that the Government has started a mobile recruitment system which I like.

I must say, Mr. Speaker, that until a short while ago we had no mobile recruitment. People from distant areas had to wander over 400 miles down to Lanet, they could not come down always to Lanet. For one thing, some were poor and could not afford to pay for transport to Lanet,

[Mr. Mwangandi] the imperialist time about the difficulty of housing. We have heard some of the Members who were in this House time and again raise this question of accommodation for those working in townships and also the facilities for them in rural areas. But during that time, of course, Mr. Speaker, it was a question of those who in power to decide. Time and again all they did was to try and give as little as they could just to keep the people calm, or rather quiet. They built few houses here and there which were usually not, if you look at them, worth living in. In view of the fact that we have all fought for independence and we have managed to win our independence, I think the time has come when the ordinary man in the street realized that and benefited from this fact. One of the things which I feel is very important to any government, say government worth its name, must accept it that it must put the interests of the people first. It is only that condition that such a government can remain in power for a long time. One of the things is this. We must make sure that we provide a shelter for our people, we provide food for our people and above all provide protection of our people from disease, ignorance and poverty.

Some people, perhaps myself, do not have the ability, or people who cannot qualify as army officers, I think there are people down there who are more capable and who have more ability than these tribes who are selected from in Nairobi, Machakos or any other part of the near areas. As this method is adopted more and more, many other districts will take part.

One hon. Member has said here that perhaps the Digos are more capable of planting trees, planting mango trees, coconut trees. There are tribes perhaps selected every now and then who are more capable of being shepherds and yet they are in the forces. They are employed and prove capable. So such opinions should be forgotten. A mango tree planter will prove capable when he comes to the training and he will make a good job.

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

(Question of the Motion as amended put and agreed to)

Resolved accordingly:—

THAT in view of the fact that many districts have been neglected in the selection of Kenya Army and Police, this House urges the Government to distribute vacancies in these forces when they occur throughout every district so that every district takes part in the services of independent Kenya.

MOTION

GOVERNMENT HOUSING CORPORATION

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

THAT in view of the shortage of housing accommodation and high rents for houses in townships, this House urges the Government to start a Housing Corporation to build houses to meet the demand for cheaper house rents.

The Speaker (Mr. Slade): It is in fact a corporation, and not co-operation as put on the Order Paper?

Mr. Shikuku: It is corporation, yes, Sir.

Mr. Speaker, Sir, the Motion here is a very simple Motion but very important and straightforward. We have heard, Mr. Speaker, right from

the imperialist time about the difficulty of housing. We have heard some of the Members who were in this House time and again raise this question of accommodation for those working in townships and also the facilities for them in rural areas. But during that time, of course, Mr. Speaker, it was a question of those who in power to decide. Time and again all they did was to try and give as little as they could just to keep the people calm, or rather quiet. They built few houses here and there which were usually not, if you look at them, worth living in. In view of the fact that we have all fought for independence and we have managed to win our independence, I think the time has come when the ordinary man in the street realized that and benefited from this fact. One of the things which I feel is very important to any government, say government worth its name, must accept it that it must put the interests of the people first. It is only that condition that such a government can remain in power for a long time. One of the things is this. We must make sure that we provide a shelter for our people, we provide food for our people and above all provide protection of our people from disease, ignorance and poverty.

If I may come to the point, Mr. Speaker, the question of housing in town is very, very deplorable and I am sure the hon. Minister concerned will agree with me. Some of the imperatives at that time even felt that a dog's house should be even better than that of an African, and if you were to go round at that time and examine the houses which dogs slept in, they were far better than the houses of the Africans, so I find the time has come, Mr. Speaker, when our Government must take this seriously, and take the initiative. I would not mind giving my free service in trying to make sure that the ordinary man would play his part in bringing about the situation of rectifying the situation, which is deplorable as far as housing is concerned.

You will find, for example, in Nairobi the house rents are so exorbitant to a certain extent. Today, if you want a house in Nairobi, there are forms from the City Council in which you are asked to state how much you earn, and then they will have to be satisfied that you will be able to pay that amount every month. But here we talk of African socialism. In my simple understanding of the words "African socialism" I understand the principle of African socialism should be laid on the principle that we must provide food, shelter and education for our people. But if we are going to take into account seriously the question of how much one earns per month and those with large incomes per month get the best

The Speaker (Mr. Slade): This gives an opportunity to hon. Members to debate the amendment, but only the amendment itself. Any hon. Member who has already spoken can speak again on that amendment, that we leave out all reference to tribes.

Mr. Mwanamandi: Mr. Speaker, I thank the Junior Minister for having amended the Motion which he thought was rather tribalistic. In any case, Sir, the meaning of the Motion has not changed, and so I agree with the amendment. What I wanted to put forward to this House is still contained in the Motion as amended and so I have no quarrel with it. We will still have balanced recruitment in every district. Areas which are remote will also be able to send their people for selection into the army and the police.

I also congratulate the Junior Minister for the amendment he has put forward, because this has not prevented Members and the Government from rejecting the Motion altogether.

With these few words, Sir, I support the amendment.

The Parliamentary Secretary for Works, Communications and Power (Mr. arap Bomett): Mr. Speaker, Sir, this Motion which has been amended is now really acceptable to most of us and I believe that the Motion as it stood was probably drafted before the hon. Member joined Kani. I am glad he has now accepted the amended version of the Motion.

I want to say that in spite of the fact that we have amended the Motion and we support it, the actual work that is supposed to be carried out both by the army and the police is—The work of the army is to see that the security of this country—

The Speaker (Mr. Slade): Mr. Bomett, we are at the moment only speaking on the subject of the amendment. We can discuss other points after disposal of the amendment, which is to leave out all reference to tribes. Let us deal with that first.

The Parliamentary Secretary for Works, Communications and Power (Mr. arap Bomett): If that is the case, Mr. Speaker, then this amended Motion is very acceptable.

Mr. E. D. Godana: Mr. Speaker, Sir, this amendment is very clear and it is for the benefit of Kenya today. I agree that the word "tribe" should be left out, and I support the amendments proposed by the Junior Minister. Mr. Speaker, Sir, the word "tribe" has brought nothing but trouble, trouble, trouble to Kenya. On this

amendment now, Sir, I would like to know whether I am allowed to mention a few points on the original Motion?

The Speaker (Mr. Slade): No, you can do that after we have dealt with the amendment.

Mr. E. D. Godana: Thank you, Mr. Speaker, Sir.

The Speaker (Mr. Slade): At a later stage when we have disposed of the amendment hon. Members can speak again on the original Motion.

Mr. E. D. Godana: In that case, Mr. Speaker, I wish to support that amendment.

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

(Question of the second part of the amendment that the words to be inserted in place thereof be inserted proposed, put and agreed to)

(Question of the Motion as amended proposed)

The Speaker (Mr. Slade): Now, as I said, hon. Members are free to speak on that Motion, whether or not they have spoken on the amendment.

The Parliamentary Secretary for Works, Communications and Power (Mr. arap Bomett): Mr. Speaker, as I have indicated before, the duty that faces our security forces, both the army and the police, is to protect the security of Kenya, the lives and the property of this country, both internal and external. As such, I think that it must be realized that we must recruit from the best sources of Kenya's origin. This can come from any district but the indication in the past has been that the recruitment has been concentrated in these few districts. The truth is that these few districts probably had the material, the best material to do the job. I do believe that we must maintain the high standard that these forces, both the army and the police, are very well known to have. I hope that with this talk of enlarging the recruitment so that each district benefits we shall not in any way do this at the expense of efficiency in the army and the police. I should like also to mention what I have mentioned before in this House, that these jobs, in the army, police or any other public service of Kenya, are for people who like those particular types of job. I know for example that the people from Machakos have been urged to enlist in the army and in the police and so are the people from districts such as Baringo, Kericho, Nandi and they do this because they have that love of doing these particular jobs in the army and the police. Surely there is

[The Parliamentary Secretary for Works, Communications and Power]

nothing that can prevent them from coming forth—so that I hope that Kenya is grateful that these people can offer themselves to do these jobs which are very difficult. I think that when we go to the forest department, climbing tall trees, the best people to do that job come from the Coast and no amount of argument can make a man from Baringo able to climb a mango tree. Again here when we go to the forest department, most of the people who clear the forests and who plant trees come from the Central Province. They like that particular job and we should not say that all the people of Kenya should offer to be forest people. I do think that the recruitment of the army, although we have said that we should recruit from every district, must be of the best material for these two forces. What also is very important is that we must have people who are willing to do the job and who are very, very honourable. We had instances in the past of people being recruited from say given towns like Nakuru and when they go to the army they are asked to go to the bush and fight, they run away and desert. So, we do not want people who will let down Kenya, we want people who will do the job and I hope that Members will appreciate that even if we pass this Motion it will not alter the truth, that people who go to the army and the police are usually people who have the necessary physique and also who have the necessary courage. I hope that the Mover of the Motion will make sure that he tells the people of his district to come forward whenever there is recruitment taking place.

I do not believe that Lanet is remote. It is remote from the point of view of the Members who raised this Motion but, in fact, it is not remote from my district, for example, and also, when they come, these people, to the recruitment centres, if they qualify, their fares are paid, and they are all given food. I think that this question raised is not really valid.

Mr. Speaker, Sir, with these few remarks I beg to support the Motion.

Mr. E. D. Godana: Mr. Speaker, Sir, I just want to make one point on this Motion. What is worrying me is that when I heard that only nine people had been recruited from the Coast, if it is true, the Junior Minister should note it down and look into it to see when we are going to have more recruitment.

The Parliamentary Secretary for Internal Security and Defence (Dr. Wajaki): On a point of order, the remark came from the hon. Kase

and not from the Ministry for Internal Security and Defence.

The Speaker (Mr. Slade): Yes, I think you are entitled to say that.

Mr. E. D. Godana: I did not say, Sir, that this came from the Ministry but it was mentioned by the hon. Member from the Coast and he said that there were only nine people recruited from the Coast. If that is true, it is something that should be looked into because as this Motion was amended the Junior Minister must look into this according to districts. There are a number of districts in the Coast and I only want to remind him that when recruitment starts again the Ministry should remember and see this figure is looked into and the people at the Coast also given a chance.

Thank you, Mr. Speaker.

Mr. Shikuku: Mr. Speaker, Sir, while agreeing with the amendment I wish to go a little further and pose some points to the Parliamentary Secretary concerned. The question of recruitment has been of great embarrassment to some of us though we tried to explain to our people that they should go and attend the recruitment centres. Some of us have found it very, very difficult to get to these recruitment centres. For example, it is exactly twenty-seven miles from Butere to Kakamega where these people are usually recruited and a person has to boot it the whole way to Kakamega. I hope the Parliamentary Secretary will take this into account. This recruitment centre should be question of the recruitment centres should be reorganized in such a way so that one centre covers two locations. That would be ideal and would make it much easier for our people to attend these centres.

Leaving that point aside, I feel that the Government should also try, in view of the fact that we are now one party, and make it known to the Members—I agree with the present system of recruiting the youths into the National Youth Service whereby you get every Member in this Parliament informed and then it is up to that Member to try and tell his people and pick up the best people in his area to send to the youth service. I think the best thing is for them to apply to these recruitment centres where hon. Members would be given an opportunity to go and collect as many people as they feel are fit for these interviews so that we could make sure that everybody would, more or less, have a share and that we would also be representing the whole country.

Mr. Speaker, I also wish to refer most strongly the idea aired by the last speaker and

[The Parliamentary Secretary for Internal Security and Defence]

fit and who answer the questions required of them intelligently, and then they are taken over to Kiganjo beyond Nyeri where there is a Police Training School and they are subjected to further medical examination, which is much more strict, and they are also subjected to intelligence tests. If they pass these tests they are then, of course, accepted as recruits in cadet schools there. If, on the other hand, they do not pass either the education, or the intelligence, or the physical fitness tests, they are likely to be returned to their districts. There again, there is no question of discrimination against any particular tribe.

We have attempted of late to advertise, particularly in the case of the army and air force—I am quite sure that Members have seen—and in the case of the army you have seen a soldier holding up a sword in most newspapers and setting out details, including details of the kind of career you should expect in the army. We have attempted to invite as many Africans as possible to come forward and apply particularly for these posts which we recruit for at Lanet. Therefore, we keep these people for as many as three and four days at no cost to themselves. So you do realize that it is a lot of money spent by the Kenya Government, because there are a lot of people who come there and never enter the Kenya Army. We attempt to go through as many people as possible at Lanet in order to get the best type of officer material.

In the case of officer-recruitment programmes we require people with Cambridge School Certificate, but in the case of other ranks, it is not necessary for them to have a Cambridge School Certificate. Naturally, if you have a bit of education you are more likely to rise as corporal, sergeant, warrant officer, than if you are completely illiterate. So, where possible, we would like to take on literate people but in some areas where it is not possible to find literate people we accept illiterate whom we think would do better to show a lot of natural intelligence.

Now, in the case of the air force, we have attempted to publicize our security programme by advertisements in the newspapers, over the radio and over television. We have even shown films on television about the Kenya Air Force. We have invited people to come and make applications. Recently, we had a happy occasion when we were getting applications at the rate of about 100 a day from all over Kenya. Now, when you want to be a pilot, it is laid down by the experts that you must have a Cambridge

School Certificate and, in particular, you should have a type of Cambridge School Certificate which has got some mathematics or science specialization, because when it comes to studying the subjects put down at the school at Eastleigh, you will find it extremely difficult to understand weather conditions, navigation, engines and things like that unless you have some kind of knack towards science in terms of the high-school level. If you only did arts subjects, and you come there and say you can do a little algebra then, naturally, you will be likely to be the type of person who will lose our aeroplanes or our soldiers in the sky. If you have to navigate an aeroplane—in the case of a Beaver aircraft, for example, there is no navigator because the pilot is both the pilot and the navigator. If you are told to navigate from here to Barogoi, you have never heard of Barogoi, but you can see it on the map, you do not know the physical features between Nairobi and Barogoi and if you have no knowledge of mathematics whatsoever, you will never get to Barogoi. It does not matter how hard you try. If we are faced with a situation in Barogoi where by we want you to get there very quickly and you are busy getting to Lodwar instead then you are a useless pilot. It does not matter if you are a good pilot and can handle a craft very well because if you cannot get to Barogoi you are useless. If you finish up your petrol supply in the air, in particular when you have people on board your aircraft, then it is terrible.

So, even though we have decided to take on people with Cambridge School Certificate we attempt to take on the best material. I am very gratified now that as a result of interest shown in Parliament by many Members this recruitment to the air force many more young men of Cambridge School Certificate of all areas in Kenya are coming forward. Hence, selections should be easier. I have myself gone to Eastleigh and spoken to the Commander there and I have impressed him the need to recruit, irrespective of where they come from in Kenya. So the best type of people are in the cadet school.

If you want to study for jobs like trades, crafts, engines, cooking then you do not necessarily have to possess a School Certificate. Admittedly, at the beginning they did not insist on people with School Certificates and so there were some people without such Certificates. However, I spoke to them recently and I said that I thought if they were going to take on people with Cambridge School Certificates then we should make it uniform. Otherwise, they should on a certified educational grade and then make the position clear to the applicants right at the beginning. I think this is done now.

The Speaker (Mr. Slade): Your time is nearly up, you know, Dr. Waiyaki, and you have not yet stated the amendments that you propose.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): There were a lot of interruptions, Mr. Speaker.

In order to accept this Motion, the Government would like to amend it to read:—

THAT in view of the fact that many districts have been neglected in the selection of Kenya Army and Police, this House urges the Government to distribute vacancies in these forces when they occur throughout every district so that every district takes part in the services of independent Kenya.

The Speaker (Mr. Slade): So you propose to leave out the words, "particularly the Digos" and "or tribe" in the fifth and sixth lines.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): And the words "the coastal people".

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

Mr. Oduya: Mr. Speaker, Sir—

The Speaker (Mr. Slade): Are you going to second the amendment, Mr. Oduya?

Mr. Oduya: Yes, Sir.

The amendment, Mr. Speaker, is very sound but I would like to impress one point on the Ministry, that is, although the Motion has been amended in such a manner that it will suit all districts in the country, there is one thing I would like to say with regard to the last recruitment in the country, particularly in Busia District, where there was a lot of discrimination. The district consists of two tribes, the Balubya and the Teso.

The Speaker (Mr. Slade): Mr. Oduya, I thought you were seconding this amendment. If you are, you must leave out all references to tribes.

Mr. Oduya: Mr. Speaker, Sir, I am seconding this Motion but though this Motion speaks for the entire country I am referring to certain tribes.

The Speaker (Mr. Slade): Yes, but not to tribes.

Mr. Oduya: I am sorry, Mr. Speaker. I would like to say that we should look to all the districts which are not represented fully, places like Busia, parts of Turkana, Masai, Samburu, and such other places.

On the question of recruitment to the police I would like to say that recruitment should not be restricted to people who have passed K.A.P.E.

In various places, for example, Turkana District, and Masai areas as well, there are many people who cannot reach this standard and it would not be fair to deprive them. In some areas they may be people who have reached this class but have failed the examination and they too should not be deprived of joining the police. We should see that these particular areas are properly covered in the next recruitment and every area in the country should have adequate representation instead of only restricting recruitment to areas which are already fully represented. It is not fair that areas where the Junior Minister comes from should only be represented and also areas like Utambani and Kalenjini.

Mr. Shikuku: On a point of order, Mr. Speaker, I thought the hon. Member was seconding the Motion and the question of tribes was ruled out of order. Is he in order to continue referring to tribes?

The Speaker (Mr. Slade): No, Mr. Oduya, you do understand you are seconding the amendment to the Motion and you should leave out all reference to tribes.

Mr. Oduya: Mr. Speaker, Sir, I do not know what is the system with regard to the use of certain words, because you get a specific tribe called Turkana and the place is also called Turkana. What word would one use in such a case?

The Speaker (Mr. Slade): Yes, you are quite right. If you are referring to an area which happens also to bear the name of a tribe you are in order to do so.

Mr. Oduya: Thank you, Mr. Speaker.

When the officers go to the field to select people the Junior Minister should instruct them that the Government is not going to entertain complaints that certain people are ignored and so allowed to join the army and the police. We recruitment into the army and the police should be so that all areas in the country are properly covered. The army and the police should be open to everybody in a position to national so that everybody is in a position to reap the fruits of an independent Kenya.

With these few remarks I beg to second the amendment.

The Speaker (Mr. Slade): I will now propose the question of the amendment. The Parliamentary Secretary has proposed that we leave out the words "the coastal people" in the first line, "particularly the Digos" in the third line, and "or tribe" in the fourth and fifth lines, and to insert in the first line the words "many districts" after the words "fact that".

(Question of the first part of the amendment has been proposed.)

[Mr. Ngel] show it also in the Great War but they are going to show it also in Kenya in any case of being invaded on a large scale by the *Shifita*. If we are allowed to show that we can fight, we can shift these *Shifita* as quickly as is possible.

So I am asking the hon. Member to go and tell my good brothers, the Digo, that they should come in time and enlist when recruits are being invited for the Kenya Army.

With this, I do not know whether to support the Motion or reject it, but I am calling for an amendment if that can be done by the hon. Parliamentary Secretary to the Ministry of Defence and Internal Security.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, in order to put the Motion which I think we should be debating forward, if the House will bear with me and accept an amendment—

The Speaker (Mr. Slade): You have twenty minutes.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Yes, Sir, Sir, I wish to speak on the Motion at this stage and therefore subsequent speakers will have the opportunity to know what the Government is likely to accept and what it is not likely to accept.

Now the hon. Member for the Coast, Mr. Mwamzandi, spoke about the Digos and the coastal people. Mr. Speaker, Sir, I do not want to confine my speech to the Digo and the coastal people, if I may, I would rather discuss the whole gamut of recruitment into the armed forces, as we now have it. What, of course, is well known is that we have had the opportunity to discuss this problem here before, there have been heated moments and I am glad we are speaking more dispassionately now with a great deal of humour. I express the sentiments expressed by the hon. Mr. Ngel about the ability and quality of a man who wants to join the armed forces. I think that we must accept to start with.

The policy of the Government in regard to recruitment into the police and the army has been repeatedly stated on several occasions, both inside and outside the House. There has been no question, ever, since independence, of discriminating on tribal or any other grounds of that kind at all. In other words, I am saying that any Kenya citizen, Mr. Speaker, who wishes to join the armed forces and who fulfils the required qualifications and applies in the specified manner cannot be debarred from joining the armed forces, whether it is the police or the army or the Kenya Air Force.

Now recent recruitment figures, which I have examined for the purpose of this debate, indicate that in fact the army has taken note of the feelings of Members of Parliament and they are now recruiting in a much better manner. Actually, I cannot, for purposes of security, disclose the exact details of these figures, but I can certainly give an assurance to this House that the army, since the time Africans took over the control of the Government dre now recruiting much more favourably than they used to.

Now when, for example, the army want to take in recruits and they are directed to a particular area by the Ministry, they go along and they look at people who come along; they have previously advertised they are going to such and such a place through the Regional Government Agent; and they say, "We want so many young men." As you know, our recruitment programme has been geared to the desire on the part of the Government to have an added approximately 1,000 men. Now because of that, numbers recruited in any one particular place into the army cannot be very large, of course, and this accounts to a very great extent for the small numbers taken in at the Coast during the recent recruitment campaign there. The hon. Mr. Mwamzandi says nine; that may be really correct, I do not know; but the point is that we could not have taken many more from the Coast without upsetting our desire to recruit from other areas of Kenya.

The standards are laid down for the army. Mr. Speaker, and the ones that the recruiting team will be looking for are physical fitness to start with, otherwise these people must be able to pass a medical examination. Even if we bring them on at the Coast and subsequently they are taken to the medical examination centre here in Nairobi, and they find that they are defective—for example that the X-ray of a chest is defective—then naturally they do not accept a man. Merely because he is a Digo or a coastal man he cannot be kept in the army when he has tuberculosis. He may be a good recruit but he has failed the medical test. Therefore, I would like the hon. Mr. Mwamzandi to view this problem from our point of view, that we must have the best people in the army as far as physical fitness is concerned.

Also we must get the correct height and weight. These are very important considerations. A man with a big tummy, like the hon. Member for Kajiado, who is a friend of mine, although he has a great height, he would hardly qualify as far as the army is concerned. It would be jolly hard for him, or any other Member like that, to get into the army and to be able to

[The Parliamentary Secretary for Internal Security and Defence]

carry army kit around at speed, because as you know in the army, and now I am not joking, when you go in there you play very hard, and when it comes to battles, like in the North-Eastern Region, if your physical condition is such that you cannot run around and shoot quickly, and ambush and hide quickly, it means that not only do you jeopardize your own life, but you jeopardize the lives of the other people with whom you are in the army. If you are supposed to be covering a position and you are told to cover this at exactly such and such a time and you did not arrive there in time and the other people who are more mobile arrived in the other place they were supposed to be and you did not cover them, then you only expose them to death. What would be the result? I am told by the hon. Member from the Coast quite sure the hon. Member from the Coast should not want a Digo who would jeopardize the lives of many other people in the army to be taken into the army merely because he was a Digo.

Now also I think it is necessary to emphasize here that in each case when young men come along to join the army we must know their police records. If they have a clear record and if they are good material as regards physical features that I have mentioned, then they are obviously material for the army. If they are good material physically, but have a criminal record you do not want them in the armed forces. If they have been thieves, never mind if they have very good physique, I am afraid that we cannot take them into our army, and so I would invite the hon. Member from the Coast, when asking young men to go to the recruitment centres when the army goes down there to recruit, to tell people army goes down there to recruit, to tell people openly and clearly that if you know yourself to have a police record of a criminal nature then do not attempt to go there, because the moment you say that you have gone into the army, then we do not accept you in having an army, because there is no point in having an army of criminals. You know that the army are being given weapons of destruction, and if they have criminal mentalities and they enter a village somewhere they are likely, if they have that kind of mind, to use their weapons for their own purposes. You know that very often we have allegations against members of armed forces of all sorts of countries. They came here and they misbehaved instead of doing the job they were sent to do, took our watches, our *sufurias*, and the way what notes. This must be stopped and the way in which we should do that is to make certain that these men who are taken into the army are

men of integrity. Now that, I think, the hon. Member will accept. If he does not I think he will say so when he replies.

I wish to emphasize that there has been no question of discrimination ever since we took over against coastal tribes as coastal tribes, and we have attempted in every case to interpret the feelings of the Members of Parliament in a practical terms and have gone to the Coast. Now, for example, on the 5th October the army were recruiting at Kwale, and on the 6th October they were recruiting at Mombasa, on the 7th October they recruited at Kilifi. On the 9th October they were at Bunsdyki. So we tried, in that strip covering the major part of the Coast, to recruit young men and so, even if they took only nine or a little more in Mombasa, they took some elsewhere on the Coast. I think that is what the hon. Member of the Motion really wants to be taken do, he wants people from the Coast to be taken in. I think, therefore, we can say that to such an extent we have already met the sentiments expressed in his Motion.

Now also, in the case of the police, I would like to inform the House that we recruit four times a year. A team from the Force Training School at Kiganjo goes out to the various areas which they are asked by the Inspector-General to visit, and as I said once before in this House, to visit, and as I said once before, one has to be that in the case of the police, one has to be careful what people one takes in because, apart from things like having no criminal record and high height and weight and physical fitness one has also to take into account that from the men also to take into account that one has to organize acceptance into the police force one has to organize the intelligence service. To this day, as you know, the intelligence forces are led by the police as a core intelligence section. That being the case we need very intelligent people in the police force and we also have to take care of such things as knowledge of customs, knowledge of local traditions and knowledge of languages, because otherwise when one deploys one's forces in the field one finds that if one has a Luo in Kilifi in the Special Branch and he does not make good contact with the local people because of the distinct cultures of languages, then a lot of material customs and traditions, then a lot of material which is useful to our police is lost thereby. Although we send these people all over the place, thereby giving them a lot of experience, we do nonetheless, need to take into account these factors which I have just mentioned.

What we normally do in the case of the police force is to go out into an area, say, say we take on for the purposes of our debate, Kilifi; we take on so many Kilifi young men who look physically

[Mr. Kase] the services of every tribe in Kenya. Now, if we need it, then we must see that something is done. As the Parliamentary Secretary for Internal Security and Defence once said, there was imbalance in the army, and this is what he should do to correct it.

Now, Mr. Speaker, Sir, somebody said that the army should not be involved in tribal groupings, but if it is not to be involved in tribal groupings, why is it then that all the application forms have the word "tribe"? Why cannot we apply as Kenyans without having the word "tribe" there? As long as the word "tribe" is on the application forms you can say, that for security purposes you must know the tribe, but any person will know that these people are Kikuyu or Kamba, or such-and-such a tribe. Now, if we want to do away with the word "tribe" I think the best thing is to delete the word "tribe" in application forms. If we want to be radicalised as soon as we include the word "tribe" then I will not hesitate to ask for my tribe to be abolished. If we can accept that principle, then the Motion is not tribalistic.

Today, if you go for a passport, you have to give your tribe. Now, if we do not want tribal groupings why should we be asked to give our tribe? We should just have to say we are Kenyans. But as soon as we have these differences, it is no good.

The other thing, Mr. Speaker, I would like to make clear in this Motion is that perhaps the Member has gone to the extreme of mentioning particularly the Digos. I will concentrate more on the coastal people.

Now, Mr. Speaker, in these forces, it was thought in the past that there was a particular tribe that was good, whether it was educated or not. It meant that some other tribes were left out because that particular human being thought that the others were no good. Now, if a coastal person goes for an interview into the Kenya Army, and fails the interview I have no quarrel with the Ministry, but recently we noticed that some six boys were picked from my district to come to the army, but when they came they were told to go back home and they would be sent for later. But, later on they were told that they were no good.

The other thing, Mr. Speaker, is that person living on the Tana River area, hears from the wireless that they are required to go to Lanet. He does not know where Lanet is, and he does not have the fare to go to Lanet. Now, is this not a deliberate effort to kick out those who are living far away? If he is in Mombasa,

which perhaps has a very good communication with Lanet, it is so many miles away. But, a person from Kiambu can ride a bicycle to Lanet. A person from Mombasa cannot reach Lanet on a bicycle in two days.

Now, Mr. Speaker, if we want to be fair, we cannot tell everybody to reach Lanet in two days. Even by train you cannot reach Lanet in two days. You reach Nairobi in the morning, and have to catch another train, and by the time you reach Lanet it is all over.

Now, Mr. Speaker, the method of selection must be rectified. For example, recently they had selections in Mombasa, and I understand that only nine people were picked in the whole of the Coast Region. Now, this is terrible. There must be a deliberate effort to let down the coastal people. This is not the thing. There is somebody who does not want them. That is all. I think it is high time that gentleman gave up that idea.

Mr. Speaker, I do not want to dwell on these two points, but one thing we must accept is the principle that we need the services of every tribe in Kenya, and we must give everyone a fair chance. If we say we do not want to be tribal, then the word "tribe" should not be there on the application form. We must make sure that when we publicize this thing, everybody can reach in time, because it is impossible from Galole to reach Lanet in two days.

An hon. Member: You do not qualify.

Mr. Kase: Somebody says I do not qualify. Well, if he had qualified, he would have been in the Kenya Army. But he is not in the army, so it is not only me. He has not qualified either, and that is why he is here.

Mr. Speaker, with those few remarks, I beg to second.

(Question proposed)

Mr. Ngei: Mr. Speaker, Sir, I would like to speak on this Motion. Firstly, I would like to say that it is true that we cannot ignore tribes in Kenya, but there are certain matters where we really cannot say that this can go on a tribal basis. The selection of personnel fit to serve in the Kenya Army and police does come as a result of laid-down policy, that a man must be of a certain height, a certain ability, a certain integrity; but we cannot here lay down a fixed law and say that we must have so many Digos and yet they may not have those qualities which are required by the Kenya Army.

I would like to say that the people must also be known to have particular fighting attributes; they must be able to make good soldiers; but

[Mr. Ngei] not every Digo in the district would have those qualities. I would like to say to the hon. Member that if he says that the Government must lay on transport for these people, well we cannot really lay on transport for everyone who cannot join any department of the Kenya Government. I would like to remind the hon. Member of the old saying, "Out of sight, out of mind." If he chooses to stay right down at the Coast, under the coconut trees at the Coast, then he is out of sight and therefore out of mind. The question of saying that Government must facilitate transport for the Digos to join the Kenya Army and Kenya Police does not arise.

We must be very careful. I have been arguing with my good friend, Mr. Ronald Ngala, before he joined the Kani party, while we were in England for the Kenya Independence Conference. I said, "You say that everyone who is a doctor is from the Kikuyu or the Luo tribe. But it is you, the hon. gentleman, who is at fault. You ought to work for the people at the Coast, so that they can enrol for medical training, and therefore qualify as doctors, and then they can serve in the medical services everywhere." I have said the same to the hon. Member, that he must really tell the Digos to start a bit earlier to study the advertisements in the papers, put there by the Minister for Internal Security and Defence, giving all the times and days when these interviews are to take place.

I think the practise has been recently—and perhaps the hon. Parliamentary Secretary will correct me if I am wrong—that localities are named by the appropriate authorities in the Kenya Army and the Kenya Police to go and interview recruits. Well, if the Digos are very busy, trying to pick up coconuts and trying to get their juice for the local beer of the area, the hon. Member must take the time to go and tell them, "You see, that such and such a date is the date when you can go and enlist in the army."

This is a good Motion with good intentions, and I am not trying to kill it outright, but we are human beings, Mr. Speaker, and also hon. Members of the House must really try and avoid such things. This is a question of the hon. Member asking his constituents who can qualify to go during the time when the interviews for these personnel for the army are scheduled. But it is wrong to ask for special arrangements to be made by the Government for these people to go and be interviewed.

We must also, as hon. Members of the Government, try to help the Government and

those who are in responsible positions by enlightening our people, by telling them that there will be such and such a thing that Government wants, or that Government thinks such and such a thing. But we cannot go on thinking on a tribal basis if we really want to build this country and if we are genuine in trying to build this country. We must try and avoid a way of thinking based on tribalism. We must also try to encourage quality. I am prepared to see a President who is a brother, and I am prepared to see a Vice-President who is a close maternal brother of the President. We have seen this in Sierra Leone, a brother being the Prime Minister of that country, and a brother being also the right-hand man, as Mr. Margat was; this is well known. It is quality we want, to build this country, quality and ability to do a thing and not merely tribalism. We must be very firm.

We have a statement to our President, Mr. Jomo Kenyatta. I say he is a very fair man, he is a person I know very well and you cannot get another man in Kenya or tomorrow, who can run this country as he would. But we have to advise the President in such things, because if we tell the President, things can be hid down instead of bringing them to the House. I am asking the hon. Member—although I may ask perhaps the hon. Parliamentary Secretary to look into it—to see that such things do not come here, and that we get ability. Once we start stirring up tribalism, that I must give permission, because I belong to this particular tribe, then we are not getting this ability. But we also must see that the tribe cannot be neglected, because it is the tribe that forms the nation of Kenya. It is just like a brick forms the nation of Kenya, a house is made of in a house, Mr. Speaker, a house is made of individual bricks when it is built. So the tribes individual bricks when it is built. So the tribes do build the nation, do form the building of this nation of Kenya, it is very bad to ignore that. All the communities must be brought together.

Therefore I am saying this, Mr. Speaker, although it may seem a little bit out of the line of thinking, to show that we cannot do everything on a tribal basis, but we need the quality and ability of the respective communities.

I would like perhaps the hon. Parliamentary Secretary to look into the workings of these selections for the army and the police, so that people do not think that certain tribes are there because they are being favoured. No one will say that the Wakamba or the Kipsigis are in the army because they have been favoured; they have been there before because they are warlike tribes. They Eke before because they have shown their ability as do fighting and they have shown their ability as do

[Mr. Komora]

The second thing is that I am still not happy with the Minister's explanation on the loan. He only mentioned two things. Mr. Chairman, Sir, Engineering and local expenditure. If for example, we are going to build a National Assembly Hall and the local expenditure of that Hall is so much, and we are not given any further detail, we shall not be happy. Therefore, I seek further information and explanation on this issue of the £34 million. I would wish the Minister to tell the House whether the engineers are local engineers or whether they are going to be brought into the country from abroad for this scheme; what will be their costs of salaries and personal emoluments; the materials that this scheme will need; how much the materials will cost; how many people are going to be employed in the scheme; and any other details. But to say that the project will cost £34 million and give no more explanation, this is not good. Furthermore, Sir, I gather that the intention of this plan is to have a hydro-electric scheme at the Seven Forks Dam. It is mentioned here that the Tana River Development Company is the name. If we say Tana River Development Company, it means this is too wide, it involves a lot of development. It may mean agricultural development which will take place in the district. It may mean industrial development educational development game management and so on, and if this scheme is not meant in this, I will not agree with the name. Therefore, the name to be saved by the Government in this scheme should be a proper name. I think the proper name should be Tana River Hydro-Electric Development Corporation. Then we will have a specific corporation with specific development, not the Tana River Development Corporation as it is termed here. This is very wrong. The other thing is this, my hon. friend, Mr. Kase, the Member for Tana River, asked the Minister to answer whether this Tana River Development Company Ltd. as it appears on this Order Paper. We have a lot of organizations in Tana River; we have the United Nations, we have the Food and Agricultural Organization, and so on all over the area. Here it says that we are to have another development organization by the name of the Tana River Development Corporation. Whether this company has been in existence before or not it is not known and here is where we have a quarrel with the Government from time to time. There are things which take place and exist in this country and this House is not informed of them, even the Members from the areas concerned are not informed. It is only sometimes when the Government has a need on a particular matter

that it informs us because it asks for something to be done.

This is where we are now going to ask the Minister again. The question has been asked before and I am going to still ask him to state categorically whether this company has been formed before, whether it existed before or not; whether it will be a combination of the East African Power and Lighting Company with other organizations or whether this company is a company which will be newly formed, now or otherwise. I wish the Minister to tell the House the answer.

I do not have any further quarrel, except that I would wish the Minister to tell the House and explain to us very fully the questions I have put before him. If they are right or otherwise, there and then we shall be able to approve this request by the Government.

I am not opposing this, Mr. Chairman, Sir. I agree with and support the Motion as it is intended to be, but the details as put in the Motion are not understandable to me and I believe they are not understandable by the Parliamentary Secretary to the Ministry of Defence.

The Parliamentary Secretary for Works, Communications and Power (Mr. arap. Bomett): Mr. Chairman, Sir, I think that sufficient has been said about this Motion and I rise to say that—

Mr. Gichoya: On a point of order, Mr. Chairman, Sir, there were certain questions asked by the speakers on this particular Motion and I do not know whether we are out of order if we say that, before the questions are answered, there is no question of the Mover being called upon to reply.

The Chairman (Mr. Warithi): I think concerning your point of order, Mr. Gichoya, some of the points raised by the previous speakers are irrelevant to this Motion. All that you are asked to do is to guarantee the payment or repayment of a loan. We are not discussing the formation of the company, what was the name, where the site is, it does not concern us particularly. All that the Motion requests the House to do is to guarantee the repayment of a loan of £3,500,000. In any case, I have answered your point of order.

Now, Mr. Bomett?

The Parliamentary Secretary for Works, Communications and Power (Mr. arap Bomett): I rise to ask for the question to be now put.

The Chairman (Mr. Warithi): I think we have had sufficient discussion on this and I will put the question.

(Question that the question be now put, put and agreed to)

(Question put and agreed to)

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Chairman, I beg to move that the Committee report to the House its consideration and approval of this Motion without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT

GUARANTEE OF LOAN REPAYMENT: TANA RIVER DEVELOPMENT COMPANY

Mr. Warithi: Mr. Speaker, Sir, I am directed by the Committee of Supply to report its consideration and approval of the following resolution without amendment. That this House approves the giving by the Government of a guarantee to repay a loan, together with the interest thereon of a total sum of not more than £3,500,000 which it is proposed should be made by the Commonwealth Development Corporation to the Tana River Development Co. Ltd. for the purpose of carrying out engineering works and to cover local expenditure incurred in the construction of the Kindaruma stage of the Seven Forks Hydro Electric Development Scheme.

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

MOTION

VACANCIES IN ARMY AND POLICE FOR ALL TRIBES

That in view of the fact that the coastal people have been neglected in the selection of Kenya Army and Police—particularly the Digos—this House urges the Government to distribute vacancies in these forces when they occur throughout every district or tribe so that every district or tribe takes part in the services of independent Kenya.

(Mr. Mwanuzandi on 26th November 1964)
(Resumption of debate interrupted on 26th November 1964)

The Speaker (Mr. Slade): It is Mr. Mwanuzandi's Motion. You have spoken for nine

minutes. Mr. Mwanuzandi, which leaves you another eleven minutes and you have altogether one hour and nineteen minutes left for this debate.

Mr. Mwanuzandi: Thank you very much, Mr. Speaker. The Motion before the House as I said earlier is a straightforward Motion. The problem is that some tribes have been neglected in services of this independent Kenya. These tribes have been neglected during colonial and even independent Kenya times while there was an Opposition. Now we call upon the Government to change its own system of employing people in these forces. Some people might take this Motion as tribalistic. But I have put this Motion only to show to the Government what is happening, and the Government must realize these things which were forgotten by the Colonial Government.

I am sure that it is not only my tribe which is not well represented in these forces, Mr. Speaker. Some tribes as I have said, particularly mine, this concerns. If you look at the Motion you will see that it is a community Motion because it is on a particular theme. I have said in this Motion that when these vacancies occur, they should be distributed throughout the country and every region and every district and every tribe should share the vacancies.

Mr. Speaker, I hope most hon. Members will support this Motion. Some Members are not listening. I hope that most of the Members will support this Motion, not thinking that I have put it mainly for myself. It might appear tribal but those people who say that it is tribal, maybe their own tribes are not represented in these forces. This Motion has been put for all the forces, the Kenya Army and police forces, Kenya forces, the Kenya Army and police forces. The same thing is happening in other kinds of jobs. We see in other Ministers' offices that only one tribe is there in the whole office. Sometimes you enter an office and want to see a Minister and you are not asked in English or Swahili but in Luo or Kikuyu language. Why should there be a gathering of one tribe in that office or that company?

Mr. Speaker, we are now a Government on a one-party system. We should not consider only a few tribes. We should concentrate on every tribe of Kenya to take part in these services.

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

Mr. Kase: Mr. Speaker, I believe the hon. Member has made his point very clear. I think there is only one principle involved here, but a certain Member has said it is too tribal, but we must accept the principle of whether we need

[Mr. Wamuthenya] country a lot of advantages. However, I would like to have certain points clarified by the Minister.

One point is this: the Minister has said that the negotiations are still incomplete and I think, therefore, that these negotiations should be completed before the Motion can be brought to the House for approval.

Another matter is whether if the company concerned here, the Tana River Development Co. Ltd., fails to repay—

Mr. Gichoya: On a point of order, Mr. Chairman, could the hon. Member please be requested to speak louder so that we can all hear what points he is making?

The Chairman (Mr. Wariithi): Could you please speak louder, Mr. Wamuthenya, so that hon. Members can hear you.

Mr. Wamuthenya: The other point I would like to deal with is this: if the company fails to repay the money will the Government be responsible to pay the money back since the Government is the main guarantor of this money.

I would also like to know what percentage is to be paid on the capital to the Commonwealth? How long is this money available for and when must it definitely be repaid? How many years?

I would like to support the Motion but I think the negotiations should be completed first. However, since the negotiations are not yet completed I think the Minister should be asked to see to that first and then come here and give us the details of the whole story.

I beg to support.

The Minister for Health and Housing (Dr. Mungai): Mr. Chairman, Sir, I rise to support the Minister in moving this Motion because I feel this is a very important project for Kenya, for the peoples of Kenya and the development of this country.

To begin with, we are putting this project and development in one of those areas which people called the forgotten places in the past. Here, Sir, if you look here you will find that £2,500,000 are going into such area, not into the areas where people are more developed, where they already have electricity, where they grow coffee, where they are more developed, where they have better houses. It is going to start developing a people who need development in that particular place, and I think this is what is bringing this country more balanced development all over the country.

From that point of view I consider that it is most important to have this project going on.

Secondly, this development is in several stages. This stage is called the Kindaruma stage, which means that we are going to have further development in that area. The £2½ million is only the beginning and then we are going to keep developing it until it is a giant project. I am sure not only will it develop help to the people of the Tana River area by virtue of the development of the development of that area but it is also going to help the whole of the Coast and probably the whole thing will finally move over to the North Eastern Region which also needs a great deal of development.

Now, Sir, when this project is built we are going to have huge irrigation schemes in the area in the way that people are going to be able to grow lots of crops, rice, coffee. This, Sir, is most important for the people of the area, partly for food production, for cash crops, because money will be getting into their pockets where they have none today.

The other point is that we will be getting a lot of power from this area which will mean that as we import power today from Uganda we shall be able to generate power sufficient for Kenya to send it to all other places within this country.

QUORUM

Mr. Gichoya: On a point of order, Mr. Chairman, is it in order for us to continue with the Committee of Supply when there is no quorum? Do we constitute a quorum for the purposes of the Committee of supply?

The Chairman (Mr. Wariithi): We must always have a quorum.

Since we do not have a quorum we must ring the Division Bell.

(The Division Bell was rung)

The Chairman (Mr. Wariithi): We have a quorum now, you may continue, Dr. Mungai.

The Minister for Health and Housing (Dr. Mungai): Thank you, Sir. As I was saying to the hon. Member for Tana River who was interested to know where we were putting the £2½ million, I was not quite sure whether he was objecting to our developing Tana River. I was going to say that the people from the area are going to get a lot of developments from this £2½ million. Talking of advantages, there is the irrigation that is going to result from this development, the people are going to be able to grow their crops for food, rice, coffee, and so on, and

[The Minister for Health and Housing]

in certain areas you are going to find that they are going to be able to grow cotton. As a result of this you will find that people will have a lot of money in their pockets. Where there was no development, where they did not have food, where they were not able to pay their rates and taxes, they are going to be able to do so very quickly and rapidly and, therefore, develop their schools, their hospitals, their dispensaries. As such this is going to be of beneficial effect to the area where it is going. This is very important as it is an area that at this time is finding it extremely difficult to develop socially.

The second advantage is that we are going to increase power in Kenya. We have been importing power from Uganda and when this first stage develops we are going to be able to reduce the power that we import from Uganda. Not only that, as we have seen from C.L.A., many people have been saying that we should electrify our trains and we will be able to do this so long as we keep increasing power. Considering that this is the first stage of development and we have several other stages to come, then it is quite possible that the power we will get from here will not only reduce the power that we will import from Uganda but will mean that we will be able to electrify our trains, we will be able to reduce the rates of electricity for household consumption, we will be able to have a lot of power for our industries as we need industries in Kenya and we will have power for them. It is also proposed that by the first stage of development we may be able to export power to other neighbouring countries. This will make this a very good suitable place for the development of industry.

Having touched on agriculture and education and the benefits that we are going to get from this, the creation of industries will also mean that our people will get jobs and this will help us with the unemployment problem that we have with us today and unless we start projects like this and planning ahead like this, this problem may increase. This is one of the ways that we are going to be able to combat our unemployment situation.

Mr. Chairman, I have said that this is the first stage and it is proposed that in future we may even have as much as £5 million more to continue with the development of this area from other international bodies and banks. To deal with this first stage, the Kindaruma stage of the Seven Forks Hydro-Electric Scheme, I would like to say that the Government is only required to guarantee the loan and not to pay the loan itself. The loan is going to be self-paying from these

companies and from the benefits we get from this loan. Several questions have been asked as to the rates, the interest rates, the period of payment, the moratorium, when it is expected that we will start paying and at what rate. The loan is for about twenty-five years and it is going to be paid in equal parts starting from three years after the hydro electric plant is started. In other words, we will have three years of operation of the hydro electric power before any payment starts and then after that we will commence. It is expected that may be it may start operating as soon as 1968 and, therefore, we have in fact a moratorium of three and a half years. The rate of payment will be the regular 6 per cent interest plus 1½ service charges which amounts to 7½ per cent, which is a very reasonable rate to be paid and to be paid within a period of twenty-five years. Many of you will remember seeing in the papers that the bank rates in England have gone up to about 8 per cent. This company will be paying below that. Here, Sir, I hope that hon. Members will realize what a very important project this is to Kenya since it involves so much money being earmarked for this development and going to be built in this area which will result in improved agriculture in the area the *Skiffs* with the strengthening of the area; industry nearby will be weakened; improved industrial strength in the area; more and cheaper power for consumption in the homes, for our industries, consumption in the hotels, and will hence cause more for our transportation to come here because of the and more industries to come here because of the cheap power and easy availability of it and is thus going to be a source of income to this country as we may be exporting the power. This is particularly important for the people of this area who were forgotten during the colonial days because they may also be able to raise their standard of living to catch up with other tribes and put Kenya ahead of several other countries in this respect.

I therefore, Sir, will appeal to hon. Members to support this so that we can go ahead with the development that is needed so much. This will also help us to cut down on the unemployment which is facing us as a big problem by giving jobs to the indigenous people of Kenya and particularly of the Tana River District.

Mr. Komera: Mr. Chairman, Sir, I am afraid to say that this Government is full of sorry words. I do not think that this project has been meant to be established in Tana River district because the Colonial Government forgot this district during their days. This has only been given to this area because there is where the facilities to have a hydro-electric scheme are available.

[Mr. Otiende] money to pay qualified teachers; they were there but they were discharged because of lack of funds by the county council. Nevertheless, we have not noticed any lowering of standards. The students are still passing examinations with very high marks these days.

Mr. Okello-Opit: Mr. Speaker, Sir, arising from the Minister's reply, when he said that the standards of teaching in intermediate schools have not deteriorated, has the Minister forgotten an example of the Lokoikok Intermediate School in which not one student passed K.P.E. because an inspector visited the area and found that an untrained teacher was teaching Standard VIII?

Mr. Osoyo: Mr. Speaker, we cannot take the example of Lokoikok as meaning the average for the whole of Kenya. I know that example, and when set on the average in Kenya, the standards are getting better.

Mr. Mbatia: Mr. Speaker, would the Minister inform the House whether he bases his beliefs on the fact that more students are passing examinations with higher marks, or whether he bases his reports received from his Education Officers in the field?

Mr. Osoyo: Mr. Speaker, they are all based on the standard of marks in the examinations and it is very evident that the children now are doing much better in their examinations. I am not basing anything on the reports which I have received from the field.

The Speaker (Mr. Slade): I think we will now move on to the next order.

MOTION

CERTIFICATION OF ANNUAL ACCOUNTS: EXTENSION OF PERIOD

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I beg to move the following Motion:—

That this House agrees that the period of seven months after the end of the financial year 1963-64 within which section 23 (1) of the Exchequer and Audit Act (Cap. 412) requires the Controller and Auditor-General to certify accounts relating to that year be extended to eight months.

Mr. Speaker, Sir, this is going to be a very brief Motion because all we require here are facts and the hon. Members will learn why this Motion is being moved. At the same time, Sir, notice of this Motion was only given yesterday

by the Acting Minister for Finance and, therefore, it calls just for a very short statement so that we can move along to the rest of the business.

Mr. Speaker, Sir, under sections 22 and 23 of the Exchequer and Audit Act various accounts have to be submitted within four months of the end of the financial year to the Controller and Auditor-General and within a further three months the Controller and Auditor-General is required to examine, audit and report on and transmit the report and accounts to the Minister for Finance. He is required to lay the report and accounts on the Table of this House within a fortnight of receiving them. Seven months are allowed from the end of the financial year, that is, up to the 31st January, for the preparation, auditing and publishing of the annual accounts.

The hon. Members will appreciate that if they want to have full accounts and for those accounts to be of value to them, they must be submitted together in one document so that they do not come in piecemeal. They will also appreciate that the compilation of the volume containing the accounts, which last year ran to 240 pages excluding the audit report, is a laborious task both for the Government Printer and the Controller and Auditor-General who is responsible for it. The hon. Members will also note that in the last few weeks the Government Printing Office has been extremely busy printing the Constitution Bill which we have passed in this House and which is still going on. Therefore, it has caused a lot of work for the Government Printer to do all this work at once and priority was given to the very important Bill on the Constitution. Owing to the preparation of accounts by the Ministries and the consequent number of accounts which have had to be audited and published, there has been no chance for us to complete the work in the time allowed. This, Sir, does not only affect Kenya alone, but because of the rapid changes we have had of Africanization and having new people in the jobs to do this very difficult task, several of the other African countries have had to do exactly what we are doing now because they also found that they had been delayed because they had new people doing the work who were not used to it, and therefore it was necessary to delay it.

Sir, the present year has been one of rapid development, and consequent pressure of Ministers who have, at the same time, lost numbers of experienced staff. There has consequently been a delay in the preparation of the accounts. A large number of statements have had to be prepared and audited which are required by the

[The Minister for Health and Housing] British Government in connexion with the winding up of free independent grants and loans. This is something which only happens this time, since Kenya only obtains independence once and it will not be repeated—the winding up of accounts between the Colonial Government and the Kenya Independent Government—and a lot of people have been employed in doing this and, therefore, the rest of the work has suffered a bit. But since we have already received our independence and will never have to do these accounts again, this delay will never occur again. This particular exercise will fortunately not have to be repeated, as I have just stated. This has placed an extra burden on the Audit Department and has made it difficult to catch up on any time lost in the auditing of the annual accounts. The Government Printer has also been very hard pressed with priority work in connexion, as I said before, with the Constitution changes, and this will also not be repeated since the Constitution has already been passed and, therefore, we are going back to normal times when normal accounts will be done by more experienced people, because our people will be getting more experience. Therefore, the delay will not be repeated. Therefore, the time for the publication of the bound volumes of the reports and accounts in the future will always be coming in time, as these two difficulties will have been removed and there will be no reason for further delays.

Sir, in all these circumstances an extension of one month to the statutory period seems very reasonable, so the importance of completing the report and accounts within a reasonable time is most appreciated. I hope that the hon. Members will take this as a very good reason for our asking for this short period of delay so that our people can get on with their various important work of preparing these accounts and we shall lay them in this House in one bound volume that hon. Members will be able to examine them in full and, therefore, comprehend them.

Mr. Speaker, Sir, I do not think there is much more to say on the Motion except that I beg to move.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osoyo) seconded.
(Question proposed)

The Speaker (Mr. Slade): I think perhaps I should make it clear to hon. Members that that section of the Act does prescribe the period of seven months or such longer period as the House may resolve.

Mr. Anyieni: Mr. Speaker, Sir, if the Ministry wants just one more month, I do not think we need waste time over this. Even if we oppose it, they cannot do it before, so I support.

Mr. Matano: Mr. Speaker, I would like to congratulate the Minister for telling us this and telling us some of the difficulties they are facing. It is quite obvious that last year was a very busy year, with the elections and all these changes of staff; and it is understandable that delays of this nature would be inevitable.

Therefore, Mr. Speaker, I feel that I would support the Motion and particularly so in view of the fact that the Minister has come to the House to get his consent. I think this is a sign that the Government puts the authority of this country first, and the authority of this country is this House here. Because of that, Mr. Speaker, I congratulate the Minister, particularly for coming here and telling us some of the difficulties and asking us to help him. I am wholeheartedly willing to help him and give him support.

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

Mr. Shikha: Mr. Speaker, Sir, while appreciating the clear explanation by the Minister who has moved this Motion, I am of the opinion that he has done his job very well, and we appreciate the situation, but it must be noted that he has assured the House that this will never happen again and I will hang on his lips for that. I hope we will not be confronted in future, Mr. Speaker, by any Minister in connexion with the same subject to approve any more delay. Since the Minister has assured the House that there will not be any further delay or any similar situation again, he can have our support today, and I do wish to support the Motion.

Mr. Makoro: Mr. Speaker, Sir, there was a time not so long ago when the Government waited the Standing Orders and then got the House to ratify them. I am glad that in this particular case they have adopted the correct procedure and have come to the House to ask for an extension of time before that original time is over. They have explained their difficulties, so I beg to support.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I have to stand up again to thank the hon. Members here today and I do very much appreciate their comments, and I would like to assure them also that we will this Parliament as the supreme body and we get its authority and the country in general.

Mr. Speaker, Sir, I want to thank them very much for supporting the Motion and also to

Mr. Omweri: Mr. Speaker, this is a very regrettable incident, that our Front-benchers should decide to absent themselves from coming and participating in our debate regarding Government policies on matters which are on the Order Paper. I know that this is not a very direct failure on the part of the Ministers but we would ask very strongly that the Prime Minister comes to this House to explain why his Cabinet is so reluctant to come and tell us the policy which concerns us and which is before us on the daily Order Paper. We know that we are soon going into recess and when we have matters to be discussed in this House it is only fair, and it is the Government's responsibility, to see that the Ministers are here to answer our questions and to tell us the Government policies. Mr. Speaker, Sir, before I say a lot about this I would only ask the hon. Members in this House to look at this situation from another angle. What I would like to remind our hon. Members here is that there is a quorum which is often failed to be reached because hon. Members themselves have been absent from this house. In this case it is a bad reflection, not only on the Government responsibility but on the Members as a whole. We have adjourned this House several times, because we failed to reach a quorum and in this case, it is not the Ministers who move that the House do not adjourn but the Speaker has been compelled to move it because there has been no quorum.

The blame and the indignity is on the Members, and not only on the Cabinet. Mr. Speaker, Sir, I would like to say that the Ministers are mistaken, that they have shown the country a great sign of irresponsibility and failure to satisfy the public as to what they are actually doing as the leaders of this country, and by failing to come and answer our questions in this House, and to move the Motions which are on the Order Paper. It is a great failure and I would only ask our hon. Members in this House not to follow the same great failure by adjourning the House, because then we shall also have failed. I would also like to say, Mr. Speaker, Sir, that realizing that the Ministers have failed a great deal, we want to avoid the same failure by carrying on with the Motions which are on the Order Paper which we can discuss ourselves without the Ministers.

Mr. Speaker, Sir, I feel we can take the Motions, Order No. 7 on the Order Paper and Order No. 8 and No. 9, some of which have been debated here and interrupted, in fact have been answered by the Government, and I would only ask the hon. Members to deviate from following the Ministers' failures and making the whole House

fail by adjourning. We should discuss these Orders which are reasonable. Once we have cleared all these then, Mr. Speaker, we would adjourn because there is nobody to move Order Nos. 5 and 6.

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

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, while agreeing with the statements expressed by the hon. Member who has just sat down and sympathizing greatly with the expressions made by the hon. Mover of this Motion and other speakers who have spoken, I would like to inform the House that in reality we have never adjourned this House because an hon. Member who is to move a Motion on the Order Paper is missing. Now normally what has been happening, Mr. Speaker, Sir, and I think hon. Members will agree with me on this, is that when the hon. Mover of a Motion is absent, that particular order is left out and the next one is called. Mr. Speaker, Sir, you do this and this is what we have been following. When we come to the end of the order you normally ask whether there is anyone who is able to move the order that was left out. Now, when we find that there is nobody, Mr. Speaker, Sir, we call upon the House to adjourn because there is no one, but today this is not the question.

The question was that the hon. Minister for Education and his Parliamentary Secretary, unfortunately were not here to answer the question, one which would probably have been put on the Order Paper or been called after the other two questions had been answered. It is unfortunate, Mr. Speaker, that looking at the Order Paper we see only three questions—which has hardly happened in this House before. It means that there are no more questions probably with the Clerk of the Assembly, to put on the Order Paper, and the fact that there were only three questions, caused the Minister for Education, who was busy with the other Ministers of the Cabinet—when he found that he had a question to answer in this House he hurried but he arrived too late. Mr. Speaker, we have the Movers here, as the hon. Mr. Omweri has said, of the two Motions, Order No. 8 and Order No. 9, and I do not see why the hon. Members of this House should not—

Mr. Khasakhata: On a point of order, Mr. Speaker, in view of the fact that the point has already been made, I call upon the Mover to reply.

The Speaker (Mr. Slade): I am not quite sure the hon. Member has a right to reply on a

[The Speaker] Procedural Motion like this, but I think I might as well allow it. At any rate, I will allow the House to consider the closure of the debate now.

(Question put and agreed to)

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, may I rise on a point of order? Here I think I have some information that may help on this Motion.

The Speaker (Mr. Slade): It may not be a point of order.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, can I have your guidance on this? I feel that because I was not here in time and I gave notice of this Motion No. 5, now I am prepared to go ahead with it.

The Speaker (Mr. Slade): It is not a point of order.

Mr. Mufiro: Mr. Speaker, Sir, I have listened with great eagerness to the expressions that have been expressed in this House. Now we were very disappointed that Ministers or Parliamentary Secretaries were not here at the time of questioning and in fact, Sir, even if we had not raised the Motion on Adjournment the Motion we would have raised the Motion on Adjournment on Order No. 5, because the Minister, at the time the business was to start on the Order Paper, was not anywhere near. Therefore, Sir, I would like to move that the House do now adjourn.

(Question put and negatived)

The Speaker (Mr. Slade): As we have not yet moved on to the next order after questions, we can still have Mr. Makokha's question to the Minister for Education.

ORAL ANSWER TO QUESTION

Question No. 779

INSPECTORATE TEAMS FOR SCHOOLS

Mr. Makokha asked the Minister for Education whether, in view of the fact that the teaching standards had greatly deteriorated, particularly at primary and intermediate levels, the Minister would set up inspectorate teams for each district or region immediately.

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, I beg to reply.

I never have the opportunity to defend myself, but I would like to have my objection to this question on the record.

I refute the suggestion that teaching standards in our primary schools have greatly deteriorated. On the contrary, the teaching standards in our primary schools are improving remarkably, year by year.

For the information of the hon. Member, inspection duties at the county level are carried out by the county education officers and assistant education officers.

Mr. Makokha: Mr. Speaker, Sir, is the Minister aware that at county level the assistant education officers, who are supposed to carry out inspectorate duties, because they do not have clerks in the offices and because they are responsible for collecting fees and for doing other office work, cannot inspect any schools at all?

Mr. Otiende: Mr. Speaker, Sir, that is true, but that is not the policy of my Ministry. The regional officers used to allow the county education officers to act as clerks and collect fees, but this has now been stopped. Fees are no longer the responsibility of my officers but of the revenue officers and, therefore, this does not happen now.

Mr. Choge: Mr. Speaker, Sir, in view of the fact that the Minister said that he was satisfied that the teaching standards were not so low as before, could it be true that the standards are going up because of leakage?

Mr. Otiende: I refute that suggestion of leakage. Can the hon. Member substantiate that there has been any leakage at all? Let him prove it.

Mr. Choge: Mr. Speaker, Sir, is it not true that we have discussed in this House some leakages in the Central Region whereby some students had the papers before time and can the Minister not agree with me on that point?

Mr. Otiende: Can the hon. Member prove that since I took over the Ministry there have been any leakages?

The Speaker (Mr. Slade): We are getting away from the standard of teachers anyhow.

Mr. Makokha: Is the Minister aware that the present staffing of primary schools—particularly in the Western Region—is one T.C. teacher and three unqualified teachers, while in the past we had four qualified teachers in the primary schools and this is the main reason for deterioration of these standards?

Mr. Otiende: The question of this one T.C. teacher was because the county council had no

Mr. arap Moi: On a point of order, Mr. Speaker, the present Constitution exists until 12th December, and, therefore, we would like to see a change of policy.

The Speaker (Mr. Slade): We will move on now. Before we move on, I see that some hon. Members have brought newspapers into the Chamber. I would remind them that, unless they need them for the purpose of some debate, it is out of order.

MOTION

ADJOURNMENT OF THE HOUSE

(Under Standing Order 35 (b))

Mr. Muliro: On a point of order, Mr. Speaker, am I in order to move a Motion for the Adjournment in view of the fact that Question No. 779 has not been answered because neither the Minister and Parliamentary Secretary for Education are not here to answer the question?

The Speaker (Mr. Slade): It is in order for hon. Members to move Adjournment of debate or of the House at any time, provided that the Speaker does not regard it as an abuse of proceedings. At the moment, as there is no debate before the House, it could only be a Motion for the Adjournment of the House until Tuesday. That would be in order.

Mr. Muliro: Well, Mr. Speaker, I feel that the Minister and the Parliamentary Secretary who are in charge of Ministries to answer to this House should be in the House at least to answer the question put forward by the Members of this House. It is an abuse to the dignity of this House for hon. Members to ask questions and then the Ministers or Parliamentary Secretaries are not here to answer them. This is a very grave situation. The Minister for Education and the Parliamentary Secretary are not here to answer this question, and I think we, the House, should adjourn on this particular issue to show the indignity which we are having today in the House. We cannot except to pay responsible people who are doing nothing. Yesterday, Sir, the Minister for Education was around and the Parliamentary Secretary was also around. They both knew that this question was going to come on the Order Paper. Now, neither of them is here. Therefore, Sir, with this, I feel this House should adjourn until Tuesday when the Minister and Parliamentary Secretary will be here to answer this question, but we cannot accept humiliating ourselves and lowering the dignity of this House because of the irresponsible Ministers and Parliamentary Secretaries.

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

The Speaker (Mr. Slade): Mr. Anyieni, are you going to second the Motion?

Mr. Anyieni: Yes, Sir. Mr. Speaker, Sir, it was only yesterday that we were saying that it seems as if the Ministers have decided that this House is not very important, and it is time we were told and the country at large was told so that we do not come here to make £6 a day and do not do business for the country.

Now, Mr. Speaker, yesterday when we demanded that yesterday should have been the day for Private Members' Motions, there were some very angry replies from the Minister and some of the Members. Now, today there is Government business here, and there was no one to answer one of the questions, and in addition to that there is nobody to move the Motion No. 5, and as a matter of fact, there is nobody to move Order No. 6. Now, honestly speaking, Mr. Speaker, I would like you to approach the Prime Minister and tell him on behalf of all the Members in this House, because you are our representative, and you are the one who can approach the Prime Minister. You should approach him and ask the Prime Minister to be able to decide whether the Ministers have started to despise this House or that they have been Ministers for too long and that they do not mind whether they come to the House or not. We know there are many people here who could be given opportunities; some of the Parliamentary Secretaries could even be made Ministers and some of the Back-benchers could be made Ministers and in this way this House could be given the dignity it requires.

Now, Mr. Speaker: I do not want to say very much but it becomes a very serious thing to the taxpayers to hear that today the Members came here and made £6 each, there were no Ministers and the House adjourned. Our people will start to think that we are stealing their money.

I would like to say that we want to protest very strongly and our protest should go to the Prime Minister. I see that one of the Parliamentary Secretaries to the Prime Minister's Office is here and he also should go and tell the Prime Minister that this is a very serious matter. If the Ministers are tired they should retire because there are other people who could carry on the Government. They should retire and allow the Back-benchers to take on their jobs for some time.

With those few words—

Mr. Mwangandi: On a point of order, Mr. Speaker, I think the Mover of this Motion has moved for the House to be adjourned. The Seconder of the Motion is not really seconding the Motion but—

The Speaker (Mr. Slade): You say that he should speak on matters relevant to the Motion?

Mr. Mwangandi: Yes, Sir.

The Speaker (Mr. Slade): Yes, of course, you are right; but what Mr. Anyieni, has said so far is relevant to this Motion.

Mr. Anyieni: Mr. Speaker, I was going to finish but the hon. Member interrupted me unnecessarily.

All I say is that those people who are very close to Mr. Kenyatta like the Junior Minister for Defence and our (Inaudible) should deal with these matters, and if the Ministers are not prepared to attend regularly then something must be done.

With those few words, I second the Motion.

(Question proposed)

Mr. arap Moi: Mr. Speaker, Sir, I would like to say in supporting this Motion that the supremacy of Parliament should be maintained.

Mr. E. D. Godana: On a point of order, Mr. Speaker, now that we have a Minister present in the House—

The Speaker (Mr. Slade): Order, order. That is not a point of order, I am afraid, Mr. Godana. You could use that as an argument, but it is not a point of order.

Mr. arap Moi: Mr. Speaker, I have said that the supremacy of Parliament should be maintained. The Ministers should not take it that since the country has been united and there is only one-party in Kenya they can afford to be lenient, that everything should be taken in an easy way in this House. I should like to say that the Government, particularly the Ministers, should take matters very seriously, should attend Parliament all the time, except when it is really very difficult for them to do so. If any Minister is absent, he should make sure that his Parliamentary Secretary is present in the House to answer questions affecting his Ministry. This is very important if we are to keep Parliamentary procedure in this House. Otherwise, the dignity of this House and the dignity of the Members will be very low indeed.

With these few remarks, I beg to support.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker,

I wish to make a statement, by way of explanation to the hon. Members, but I think it is possible that many of the Ministers are held up with discussions at the O.A.U. It may be that they are holding preliminary discussions; in fact, I have it in mind that they are.

While I am not prepared to apologize for that, Mr. Speaker, I also want to make a remark. Yesterday, on the Order Paper, Item No. 10, a Motion which was to be moved by Mr. Ndle could not be taken because he was not present. Also, on Item No. 9 on the Order Paper, despite the explanation given to Mr. Gatirua, he has now said he would not come back. We rang the Bell for three minutes yesterday afternoon for a quorum and when I went outside, Mr. Speaker, there were nine people lying out on the grass. If the hon. Members on the Back-benchers are not themselves prepared to uphold the dignity of the House, they can hardly point a finger at anybody. When you live in a glass-house you do not throw stones.

Mr. Wairide: Mr. Speaker, Sir, as has been said by the Mover of this Motion, it is very important. I do not want to give the impression that we can only perform the business of the House when there are Ministers present but on the other hand, if there is business to be answered by the Government and the Government does not see fit to get someone to come and deal with it so that what happened this morning happens, I think the House is entitled to express the point. It is true that in other countries you have somebody called the Leader of Government Business, a person who should be in the House all the time so that whenever there is Government business he can deal with it and not necessarily the Minister responsible for that particular Ministry. I would suggest that this may be necessary at a later stage when we have to amend the House, to provide for one of the Ministers or whoever is deputizing, to be the Leader of Government Business for Members to be that it will not be necessary for the House to adjourn if there is nobody in the House to deal with Government business. I would support very strongly, however, the Motion that the House do adjourn because at least our Government will realize and our Ministers will realize that they will realize and our Ministers to carry out the are given these responsibilities to carry out the duties for the nation and the more fact that there is one Minister here is not an argument that we should not adjourn. As a matter of fact, he was not even present when there was a question and the Motions under Items 5 and 6, the Ministers are responsible is not here and I do not think it is even going to move these Motions.

With these few remarks, I beg to support.

Friday, 27th November 1964

The House met at Nine o'clock.

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

PRAYERS

Mr. Lorenas: On a point of order, Mr. Speaker, is it in order to have proceedings when all the Members are absent from the House?

The Speaker (Mr. Slade): Yes, it is in order, though hon. Members may have reason to be displeased.

ORAL ANSWERS TO QUESTIONS

Question No. 777

MAIZE BUYING MARKET IN BUSIA

Mr. Makokha asked the Minister for Agriculture and Animal Husbandry whether, in view of the fact that the maize grown in Busia District ripened and dried much earlier than the maize grown in the cooler areas of Kenya, the Minister would encourage the Maize Marketing Board to open the buying markets earlier in Busia?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply.

The Chairman and General Manager of the Maize Marketing Board have recently visited the Western Region where the hon. Member comes from. They have discussed, among other things, this particular problem, not only with the Regional Agricultural Board, but also with the officials of the Busia County Council. During these discussions, it was pointed out that the Maize Marketing Board would be prepared to arrange with whatever agents are appointed in that area to purchase maize as soon as it is dry enough for marketing. I would like to assure the hon. Member that the Maize Marketing Board intends to implement the decision arrived at the discussions referred to above. Busia is on the Uganda border and there has been considerable illegal sale of maize which is not dry enough for the Maize Marketing Board to purchase. It is up to hon. Members and other local leaders to educate the maize producers in that area that it is their responsibility to stop the illegal traffic of maize and wait until the maize is dry enough for sale to the Maize Marketing Board agents.

Mr. Makokha: Is the Parliamentary Secretary aware that one reason why the people of Busia

in particular sell their maize to Ugandans is because it dries early and they have not got a selling market in Kenya?

Mr. Osogo: Mr. Speaker, Sir, the Government is aware of this and, as I have said, the Maize Marketing Board is considering very seriously asking the agents to purchase this maize as soon as it is ready. I would also assure the hon. Members at this stage that the Maize Marketing Board is considering asking its agents to provide stores in this district.

Mr. arap Moi: Mr. Speaker, Sir, arising out of the Parliamentary Secretary's reply, would he tell the House what is the position of the old Nyanza Province Maize Marketing Board?

Mr. Osogo: There was nothing like that before. What the hon. gentleman has just said was not in existence at any time.

Mr. Makokha: Mr. Speaker, Sir, is the Parliamentary Secretary prepared to approach the Maize Marketing Board so that they state specifically that this will be the practice yearly so that the farmers in Busia know that every year they will sell their maize earlier than anyone else?

Mr. Osogo: The hon. Member and the House knows that there has been a great shortage of maize in the country, and the Maize Marketing Board is prepared in all years to purchase this maize as soon as it is ready, so long as the hon. Member for Elgon South-West assures us and helps in educating the maize growers that they should not sell their maize before it is dry to Uganda.

Mr. Muliro: Is the Parliamentary Secretary not aware that because of financial hardships these people in the district sell their maize earlier? Could the Maize Marketing Board therefore be prepared to purchase this maize at the earliest possible moment when it is ready?

Mr. Osogo: When it is ready, I assume the hon. Member for Trans Nzoia means that when it is dry enough for purchase, and this is just what I have said, Mr. Speaker.

Mr. Omweri: Mr. Speaker, Sir, since this hardship which is experienced in Busia is a hardship which is experienced more or less throughout the country, would the Parliamentary Secretary tell this House whether he is prepared to introduce a buying system which does not stop because maize at times ripens in one area before the other and there should be continual buying throughout the year instead of having this stopping and starting?

Mr. Osogo: Mr. Speaker, I do not think that is relevant, but I would assure the hon. Member that maize is bought when it is ready in a particular area. For example, in the Central Region, maize ripens very, very much later than maize in the hon. Member's constituency and district. The Maize Marketing Board has to purchase this maize in the Central Region much later. We cannot keep the stores and purchasing period in, for example, Kisii District, throughout the year because maize is not there throughout the year.

Question No. 779

INSPECTORATE TEAMS FOR SCHOOLS

Mr. Makokha asked the Minister for Education whether, in view of the fact that the teaching standards had greatly deteriorated particularly at Primary and Intermediate levels, the Minister would set up Inspectorate teams for each district or region immediately?

The Speaker (Mr. Slade): There is no one here to answer for the Minister for Education. We will go to the next question and hope there is someone here when that finishes.

Question No. 789

AFRICANIZATION: LIVESTOCK OFFICER, SAMBURU

Mr. Muliro: On behalf of my colleague, the Member for Korosot, may I ask question No. 789.

Mr. Muliro, on behalf of Mr. Rurumbi, asked the Minister for Agriculture and Animal Husbandry when he contemplated Africanizing the post of Veterinary Livestock Officer in Samburu District?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. When a suitable livestock officer with the required experience is available we shall Africanize the post.

Mr. Warilthi: Mr. Speaker, Sir, could the Parliamentary Secretary tell us what the Government is doing to train an African with the necessary qualification?

Mr. Osogo: Sir, the Veterinary Department is very short of livestock officers but I can assure the House that in June 1965, there will be a bunch of students coming out of Veterinary College with diplomas in Animal Husbandry and the situation will be eased at that time.

Mr. Shikuku: Arising from that reply, does the Parliamentary Secretary mean to tell the House

that nothing can be done in the meantime, until 1965, or is he going to try and find somebody for the post for the time being?

Mr. Osogo: In fact, there is somebody holding the post for the time being. Unfortunately, he is not an African, that is all, but still we need his knowledge and experience, we cannot just do otherwise, because there is somebody there already.

Mr. Sadalla: Mr. Speaker, Sir, may we know from the Parliamentary Secretary what qualifications these men need to take over from Europeans?

Mr. Osogo: This particular area, Mr. Speaker, is an area which is full of foot-and-mouth disease and other diseases and needs a man with a lot of experience, but the qualification of the particular officer who is there is that of Veterinary Officer. We require also somebody with experience in the field, and with such qualifications to hold that post, because he is isolated from any other senior officer being in a district far from Nakuru.

Mr. ole Olotighiti: Mr. Speaker, Sir, is the Junior Minister aware that the Samburu tribesmen are now prepared to settle down and follow the modern ways of looking after their cattle and therefore they need an African to work with them straightaway in the field and this post needs to be Africanized as soon as possible?

Mr. Osogo: Yes, Sir, I could not agree more with the hon. gentleman, but when we do not have an African to work with the Samburu who will be helpful to the Samburu, we cannot just leave the Samburu alone without any officer. I leave the Samburu alone without any officer, I am satisfied, Mr. Speaker, and the Government is, at present, though that the officer who is there at present, though his colour is not black, is working for the best advantage of the Samburu people. We are sure, the hon. gentleman who asked the question is also satisfied, that this officer is helping the Samburu as much as he can.

Mr. arap Moi: Mr. Speaker, Sir, while agreeing with the Parliamentary Secretary, does he agree with the House that the post of Livestock Officer can be taken by anybody, particularly by an African, while realizing that the Veterinary Officers cannot be obtained, and therefore should we not help or promote the present Livestock Officers to take over these posts?

Mr. Osogo: No, Mr. Speaker, this is a technical job and the hon. gentleman from the Rift Valley is surely not telling this Government that it does not know its job.

[Mr. Mwamzandi] regard themselves as small kingdoms. Of course, sometimes they go to offices and do not have manners. If this is the case, in view of what I have said, will the Parliament really have any thing to say? There is no reason why the freedom fighters should not be treated as equals of the ordinary people. We cannot really feel that those people should be called the freedom fighters. I can say some of them were in the bush because of land hunger. Some of them were in the bush because of the treatment given to them by Europeans. I don't want to identify whichever is the case. I must emphasize that it should not only be only applied to freedom fighters, but to every citizen in Kenya. They should be treated with manners and be respected by the civil servants.

If we really mean to be lenient with the freedom fighters, I can say we should find a way of helping them if we feel that they have fought for the independence of Kenya. Most of them have lost their fathers, most of them have lost their mothers, even husbands. The Government should meet together, and, if they were lenient, they would compensate these people. Some of them are here in the towns, in the districts. It is high time now, if at all we believe they are freedom fighters, to give them pieces of land to settle on, with enough land, machinery, to keep them going for the rest of their lives. Otherwise, we shall feel it next time when we are fighting for this same Government, due to their treatment.

As I have said, we cannot really turn our backs, because they have fought for freedom, Mr. Speaker. We have seen here in Parliament, or in papers, that so-and-so has been saying this, so-and-so has been saying that the distribution of Kikuyu and their land is very little throughout Kenya. But the British Government was prepared to give Kenya independence even though I must say that trouble might not have been there. The most important thing which brought Kenya its independence—people say that actions people louder than words—they say was that, it might be true. We have now attained independence, Mr. Speaker, in which case the Government should warn the civil servants not to discriminate with these people. At the same time, we must tell our people that they have to enter any premises with manners, not as they taught themselves.

I have seen, Mr. Speaker, not only freedom fighters in this country making themselves up to be important, but even some of the party leaders in the reserves.

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

Mr. Mwamzandi: Mr. Speaker, Sir, with those few remarks, I beg to support this Motion very strongly.

(Question put and agreed to)

Resolved accordingly:

THAT this House deplores the discrimination being shown against the former freedom fighters by some of the public servants resulting in disharmony in the Central, Eastern and Rift Valley Regions, and calls upon the Government to take immediate action to remove the sources of tension.

MOTION

VACANCIES IN ARMY AND POLICE FOR ALL TRIBES

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

THAT in view of the fact that the Coastal people have been neglected in the selection of Kenya Army and Police—particularly the Digos—this House urges the Government to distribute vacancies in those forces when they occur throughout every district or tribe so that every district or tribe takes part in the services of independent Kenya.

The Speaker (Mr. Slade): You have, remember, Mr. Mwamzandi, twenty minutes in which to speak.

Mr. Mwamzandi: Mr. Speaker, the Motion before the House is not really a Motion to inform Members about where or when. I have moved this Motion in order to point out a few mistakes before the House and the Government in respect of these forces. It has been the custom of the Government that when they wanted to employ people in the Kenya Police Force, these people were only asked to go either to come here to Nairobi or some other places. If a person was not quick enough, other tribes were able to come down and take up these vacancies.

Now, I should emphasize that every tribe or every district should be given the opportunity to take part in the services of this independent Kenya. A few months ago I heard on the radio that anybody who wanted to be employed in the Kenya Army should go to Lanet for their employment. It was on a Friday and the people were wanted for the following Monday. A few boys came to me who were interested in these forces and I could not help them. I want here, Mr. Speaker, to inform the Government that

[Mr. Mwamzandi] whenever they want to employ people in the Kenya Army or Police. Force, these vacancies should be distributed to every district. They should all be given a number of vacancies to take up. Every tribe should be given a few places to occupy. It is useless to find in this Kenya Government one or a few tribes taking the most important part in the services. If every tribe takes part in these forces, we shall see that there is no tribalism within those forces, but let us say that the Government consented to have my tribe in the Kenya Army, those officers in superior posts, there is a danger of that tribe coming and trying to overturn the Government, and to put their own tribes there. But if we have all tribes in the forces, for example, the Kenya Army, such as 100 Wakamba, 100 Wadigo, 100 Kikuyu, and other tribes, those army officers cannot sit together and try any revolt against the Government. That is why I say that the Government should employ all tribes in those forces.

Again, I repeat, Mr. Speaker, that with these vacancies, when they appear, the Government should take those officers who have to employ these people, and go to the districts and employ more people. Sometimes someone comes to Nairobi looking for employment. These people don't get the jobs. As a result of this, they don't even get any money to pay their fare home, but if the Government takes the people who engage the people down to the Rift Valley or down to the North-Eastern Region, it would help those people who do not have the chance of coming to Nairobi for employment.

A few days ago, Mr. Speaker, when I put this Motion down, I thought that some people were taken down to the Coast because of this Motion.

but in this case, I doubt it. There are many people, but only one or two were employed. Why are most people interested these days in this kind of work? A long time ago, Mr. Speaker, I must say truly that some people were not interested in this kind of job, but now they are interested. Now, they want to be employed, in which case, they should be given the chance of being employed. Other tribes are more represented in these two forces. If a number is available, and found to be too high, it should be stopped for the time being. We want every tribe and every district to help this country not only in the clerical work, but in these other kinds of jobs. They can fight for the country, but if we only have one tribe it is dangerous, Mr. Speaker. Due to the low representation of my tribe in particular in that area, Mr. Speaker, the treatment has not been favourable by police officers. They come to the villages telling people that they are not interested in these kind of jobs. In the services—

QUORUM

Mr. Gichoya: Mr. Speaker, I wonder whether we could seek a Quorum for the House to proceed?

The Speaker (Mr. Slade): Yes, there is no quorum. Ring the Division Bell.
(The Division Bell was rung)

ADJOURNMENT

The Speaker (Mr. Slade): We have now waited more than three minutes, and still we do not have a quorum. The House is adjourned until tomorrow, Friday, 27th November 1964 at 9 a.m.
The House rose at Five o'clock.

[Mr. Gichoya]

This House. We are treated in the offices as if we do not matter. If this happens to Members of this House, Mr. Speaker, you can see how an ordinary man in the street will be treated, if an hon. Member of this House can be turned out of an office or treated as if he did not make any difference.

I wonder what would happen to an ordinary man who probably wanted to go and see a Minister or a senior public servant or people of that type. Mr. Speaker, this is the sort of thing that should be changed in the Kenya of today. It is the old, old story of trying to go into an office and you are told to sit outside and wait; you wait and wait and someone else comes in and walks straight through by virtue of his job or his colour, or whatever it may be. This is the sort of thing that should die out.

Mr. ole Ololotiipi: On a point of order, Mr. Speaker, I rise to seek your guidance as to whether it is in order for us to continue debating on this Motion when the whereabouts of the Mover have not been known and he is not here when the time comes for him to reply?

The Speaker (Mr. Slade): It is in order: the presence of the Mover is not essential to the validity of a debate, once he has moved the Motion. If he is not here to reply, of course, one puts the question without hearing his reply, unless he has given his right to reply to some other hon. Member. However, it is in order.

Mr. Gichoya: Mr. Speaker, Sir, a bit of my time has been consumed by this point of order. However, Mr. Speaker, I think we need to realize what steps our Government has taken in certain aspects of this particular Order but, Sir, I would like to see more rapid changes, in particular, in our civil servants and especially in those who have offices and who are needed to deal with the public.

As for freedom fighters, seriously, Sir, I think the handling they are given in certain areas, not by all, but by certain individuals, is really bad. I would like to see these people not made to believe they are exceptional human beings but they should be treated like any other human, they should receive sympathetic treatment at times just because they themselves had done a job that was particularly special at that particular time of offering their lives, or offering their wealth, or offering everything they had in this world and sacrificing it for the freedom of this country.

Sir, I do not need to dwell on this issue, but as far as people are concerned who live in the

most affected areas of the Central Region and Eastern Region and probably in the Rift Valley, they should be told and should know that under the flag of Kenya, as a nation, everybody here is equal and should be treated like any other human being. Sir, as for the privileges, I would think before I talk of privileges, because some of them might be not quite the sort of privileges that one could expect to be given. But, while someone is living in harmony and peace, without disturbance, without abuses, without being looked down upon.

The Speaker (Mr. Slade): You have reached the end of your time. Since it is near time to call on the Mover to reply, we will dispose of the amendments now, and then we can continue with the main question.

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

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

(Question of the Motion as amended proposed)

Mr. ole Ololotiipi: Mr. Speaker, Sir, while I sympathize with this Motion I think Members must think twice before they bring such a Motion to this House. The so-called freedom fighters—I quite agree that in this country we have people who went into the forest and fought against the British in this country—but, at the same time, Sir, the Mover who brought this Motion to this House is quite aware that if these people were freedom fighters at all, only half of the country or even a quarter of the country knows that they were freedom fighters. Mr. Speaker, Sir, when these freedom fighters were found in the country, most of our chaps did not know what was happening and it might be true that these people are Government enemies, because they did something without the knowledge of their fellow Africans. It does not mean, Sir, that we hate these people. We do not hate them, we like them, but the trouble is that they were doing these things without the knowledge of other people and how could you expect these offenders to be called peace people or freedom fighters if the Masai or the Kalenjin did not know what they were doing?

Mr. Speaker, Sir, I give them credit for what they have done, but, at the same time, Sir, I must stress that they did this without letting us know what they were doing. Therefore, we do not really reject them as true freedom fighters although they think we do, I think they have been told by the Colonial Government that they

[Mr. ole Ololotiipi]

were enemies. I think that it was simply because they did not let the whole country know that they were doing something to remove the Colonial Government from this country. They should have let us know that this was the aim; they should have explained the position; we could have all done the job together to eliminate the colonial powers.

Mr. Speaker, Sir, again if you come to this question of freedom fighters, I do not believe that the freedom was brought to Kenya through this. I do think it is only the winds of change that brought this about, because although there may be people who believe that, you cannot say we won freedom through bloodshed. What really happened, nobody can really say in this Parliament. Kenya is not stronger than the British, financially, politically or militarily. These people are above us and I cannot agree with people saying that we fought for this because we were gallant, brave men. Yes, we are brave to a certain extent, but if we speak in terms of freedom fighters—I believe we attained our independence in a very nice way at the instigation of the British Government but not through fighting in the forest.

Mr. Speaker, Sir, now I come to the second point I want to make. This Motion has been brought to this House, but I fail to understand for what reason. I said that the main persons who are concerned with these freedom fighters are the Kikuyu, the Meru and some people in Embu and the Government is here today. The Prime Minister has been engaged for this purpose. He was called a Mau Mau Leader. He should have sympathy with his Mau Mau followers. I should think that the person like the hon. Mover should have gone quietly to the Minister for Home Affairs and told him, "Look here, there is discrimination going on in the Cabinet. What are you doing about it as a Government?" I do not think Mr. Speaker, this is the type of Motion which you need to bring to this House for the Parliament's approval. You know perfectly well the Minister is yours, the Prime Minister is yours, the Regional Government Agents are appointed by our Ministers and the freedom fighters are ours. I do not think this Motion deserves to have been brought to this House. Why cannot we trust the people whom we are paying as Ministers to do these things for us? They say I must make up my mind and cross the Floor because I want to negotiate with the Ministers of our independent African country, but to bring such a Motion to this House, when we know the Minister can help us, means

that this Motion does not deserve to be debated at all in this House. It is only a very slight matter concerning people whom we call freedom fighters. Mr. Kenyatta has appealed to them that they should come out and he will attend to them. I understand that certain funds have been raised to help these people and actually if these fellow Africans did really fight for us they should put their case clearly in the person concerned. But for the Members of Parliament to bring such a Motion here, Mr. Speaker, Sir, is, I think, a waste of time, because it can be squared up easily, very easily, by the Regional Government Agent.

The Speaker (Mr. Slade): We do not allow hon. Members to say that other hon. Members' Motions in this House are a waste of time.

Mr. ole Ololotiipi: I am sorry, Mr. Speaker, if I said so. I must point out that it is really something which can be done in other ways.

Mr. Speaker, Sir, I think all we need to do is to approach the Minister for Home Affairs first which might improve this. I believe the Minister for Home Affairs will help this. I do not think it is a matter which needs the approval of the whole House, Sir, it is a very simple affair, very simple affair indeed. Why? Because the Government know the reasons. So I do not see the necessity for bringing this Motion to this House, Sir. Anyway, I sympathize with the hon. Mover if there had been any discrimination. This is very bad, that any citizen of the country should be segregated by anybody. We want equal treatment for everybody in the country and I think it is high time that any civil servant who renders such treatment to our people, be they people of culture, be they friends of the members of the public, they should not be working for a Government of Africa.

Therefore, while speaking on this Motion, I feel it is a Motion which can be dealt with by the Minister for Home Affairs and I do not think it is worth bringing to this House today.

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

Mr. Mwananzidi: Thank you, Mr. Speaker. I have a few comments to make on this Motion. I must—

The Speaker (Mr. Slade): I must warn you, you only have four minutes before we come to the end of our time.

Mr. Mwananzidi: I am sorry for the discrimination going on between the freedom fighters and the civil servants, but we must realize that the discrimination came about. Freedom fighters

[The Minister for Justice and Constitutional Affairs]

is simply this. Section 55 (b) of the Constitution clearly states that the life of Parliament will be five years unless Parliament is sooner dissolved. If, however, Kenya is at war but not otherwise, Parliament may continue its life for periods of twelve months at a time up to a maximum period of five years extension. Members will appreciate this and I hope, Sir, that no hon. Member wishes us to have these extensions.

Mr. Speaker, Sir, now on a point of order—

The Speaker (Mr. Slade): I thought that there might be a point of order.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I am very nearly at the end of my reply. This requires 75 per cent of the House and I am beginning to wonder whether we have 75 per cent in the premises and I do not know whether at this point I should adjourn the debate for five or ten minutes and have the Division Bell rung to see how many Members are in the premises before I decide whether to conclude my reply.

The Speaker (Mr. Slade): Hon. Members are aware that this particular Bill, under Section 71, subsection 6 of the Constitution, requires to be supported by a majority of no less than 75 per cent of all Members that is at present ninety-eight Members, for it to go through. So, the position when we come to the Division, which we are directed to have, of course, as it is a special majority required, is rather complicated. If, for instance, no hon. Members oppose the Bill at all, we shall not have any tellers for the Nos., and yet we shall have to have a Division as this does not mean to say that it would be passed by ninety-eight Members. I think perhaps the best way is for Mr. Mboya to conclude his reply, and then see how we stand, and if we do not have ninety-eight Members here then I will have to adjourn the Division to a later time today or until tomorrow.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Thank you, Mr. Speaker. In that case I will not take any more of the time of the House except to conclude what I was saying, that in so far as the extensions are concerned, we can extend the life of the House when Kenya is at war for periods of twelve months up to a maximum period of five years, but, of course, it is our hope this will not be necessary. It is important to note that this power of extension is available only when the country is at war. The existence of a state of emergency in a part of the country is not sufficient to bring this power of extension into operation.

Mr. Speaker, this Bill merely seeks to make such necessary technical amendments that would enable us to move into the Republic of Kenya with a tidy Constitution. It also seeks to bring into line certain provisions among the specially entrenched parts of the Constitution that have already been the subject of the previous amendment.

Mr. Speaker, Sir, I beg to move.

The Speaker (Mr. Slade): I will now put the question, but for the reasons that I have just given I will not call for Ayes and Noes, but we shall proceed to see whether we have enough Members for a Division. I think some hon. Members are still rather confused in the calculation of the number of Members needed. I have said ninety-eight because ninety-eight represents 75 per cent of all Members of the House, and as Mr. Mboya pointed out during the Bill, the Constitution requires that percentage of all Members of this House whether or not they have a vote. Sure enough, when this Bill becomes law, we need only count those who have votes in deciding whether or not we have 75 per cent. But this Bill will not become law until after this Division.

(The Division Bell was rung)

The Speaker (Mr. Slade): Are there any tellers for the Noes?

An hon. Member: No.

The Speaker (Mr. Slade): We shall require then only two tellers of the Ayes.

Order, when I informed hon. Members that the number required for this was ninety-eight I had forgotten there was one Member who had resigned, and who has not yet been replaced; in which case, the Members that we count are the existing Members of the House and ninety-seven is the required number.

The Speaker (Mr. Slade): Since we have not ninety-seven Members present it is obviously abortive to have a Division, so we must wait until another day for the Division on this question.

That being so, we must continue with other business.

I understand from Mr. Mboya that we are not likely to have ninety-seven Members in the Chamber until Tuesday so; in accordance with his promise, business can continue tomorrow dealing with Private Members' Motions and we shall come back to this Division on Tuesday afternoon after the end of Question Time. We will go to Order No. 9.

MOTION

DISCRIMINATION AGAINST FREEDOM FIGHTERS

THAT this House deplores the discrimination being shown against former freedom fighters by chiefs and headmen resulting in disharmony in the Central, Eastern and Rift Valley Regions, and calls upon the Government to take immediate action to remove the sources of tension.

(Mr. Gaciatia on 1st October 1964)

Amendment proposed:

THAT the words "chiefs and headmen" be deleted and that there be inserted in place thereof the words "some of the public servants".

(Mr. Gichoya on 15th October 1964).

(Resumption of debate on first part of the amendment that the words proposed to be left out be left out interrupted on 15th October 1964)

Mr. Gichoya: On a point of order, Mr. Speaker, Sir, I remember when I was debating this Motion I proposed some amendments so that the Motion could have a wider scope than it has now and I still see the original Motion on the Order Paper, and not the amendment.

The Speaker (Mr. Slade): Order, I have an apology to make to Mr. Gichoya and to the House. Mr. Gichoya is quite right that he had proposed an amendment of this question that the words, "chiefs" and "headmen" be deleted and that there be inserted in place thereof the words "some of the public servants". I had proposed the first part of that amendment, that the words proposed to be left out, that is the words "chiefs" and "headmen", be left out of the question. We were debating that. I think I had ruled that there could be debate on the main Motion and on the amendment at the same time. We have only twenty-six minutes left of the time allowed for this debate.

Mr. Gichoya: Mr. Speaker, I will speak on this Motion in connexion with the Central Region, and that particular part which includes Meru and Embu. Sir, it is true that during the former colonial days all freedom fighters or all people who were badly affected by the Emergency were collectively supposed to be bad people. Now, this came to an end as soon as the Emergency was lifted, but some of those people who have colonial streaks in them have never changed their minds. They do not like them merely because they fought for freedom or because they were detained.

Mr. Speaker, what these people find particularly upsetting is that they are living in a free

country, in an independent country and they find that they are living among people who do not recognize that particular feeling. I think this is a very strange thing because not only has there been this discrimination but there are some public servants who even today feel that anybody who is a politician, or anybody who works with politicians, or anybody who is a freedom fighter himself is the wrong type of human being.

This mentality cannot be eradicated by merely talking or merely shouting in public meetings. What we want is machinery through which Government can identify these particular people and give them not only a warning but put them in a position where they will recognize the importance of freedom fighters as such. It is not an exception of human beings just because he happens to have fought. No. The fighting that was done by our people, as I may have said before, was sincerely to remove the colonial power in this country. That is what they were aiming at. I believe, of course, that many others who fought in one way or another did help quite a lot in removing the Colonial power from this country.

Sir, we get a situation where a man who once gave up his life, once gave up the pleasures of this world, once gave up everything, even his own family and his own possessions, is discriminated against, when what he was once looking for has been achieved. It really puts him into a situation where he thinks sometimes that life is not worth living.

Sir, I do not want to waste much time talking about this, but we do need this machinery whereby that what they were taught is wrong. They have to change with the wind. They have to come into a Kenya where everybody is treated fairly, equally and well. This is the machinery I would like to see introduced.

Mr. Speaker, Sir, I know the Government has been removing those people who have, for example, the status of chiefs, etc., those who were supposed not to be progressive, but I do not think it is only chiefs who are not progressive. I do not think it is only headmen. These gentlemen are a lot more public servants who are not progressive. There are a lot of them who are not in the present Kenya, who still live under the colonial Crown. I think teaching of our public servants should be initiated as quickly as possible.

I think there also needs to be a very strong campaign, particularly by our Government, to try and get these people to change their minds towards the treatment not only of the fighters but also at certain times towards hon. Members of

[The Minister for Justice and Constitutional Affairs]

First, I would remind the hon. Member that this subsection relates only to the suspension of judges, and not to the removal from office of judges. When the question of removal has already been referred to the independent tribunal, the President may suspend and only suspend a judge when the question of removal has already been referred to a tribunal as already referred to.

Secondly, the words "deliberate judgment" are used solely to distinguish the procedure to be followed in the case of the Chief Justice from the procedure to be followed in the case of suspension of Appeal Judge. In the latter case, the President acts in accordance with the advice of the Chief Justice. Where the question of suspending the Chief Justice himself is under consideration, obviously his advice cannot be sought. The President must act in his own deliberate judgment in that particular case.

I now turn to the much discussed question of alteration of regional boundaries. Many and varied were the criticisms of the proposed new section, but with the greatest respect to the hon. Members who spoke on the question, many of those criticisms resulted from an imperfect understanding of what is proposed. Let me say at the outset that this important question is a matter for Parliament. It is, however, also important that local points of view should be given free expression when considering any alteration of regional boundaries. The proposed amendment gives effect to these two principles. The principle of upholding the position of Parliament, and of taking into account the views of the local inhabitants.

The sequence of events where the question of altering the regional boundaries arises in future will be as follows: action will be initiated by the President. Doubtless, such action would follow representation from affected parties. Local opinion and the facts on the ground will be ascertained and reported upon, and deliberated upon by the independent judicial commissioner appointed under subsection (3) (a) of the new section 239.

The hon. Member for Nandi South was of the opinion that the section should state specifically who should be consulted by the Commissioner in the course of his inquiry. With respect, I do not agree with him in this regard. We consider it important that the Commissioner should be given a completely unfettered discretion as to whom he consults and what inquiries he makes on the ground. What is necessary in this regard

will largely be determined in the light of the conditions which are found to exist in any particular area. When the Commissioner has completed his inquiry he makes his report to the President. If he has recommended that the alteration should be made to the boundaries, it is then open to Government to proceed with a Bill to give effect to the alterations so recommended. Subsection (2) of section 239 is important in that it provides that the Bill cannot be proceeded with unless its provisions are in accordance with the commissioner's recommendation and the Commissioner's report has been laid on the Table of each House of Parliament. I hope hon. Members will now see that in every case we are bringing Parliament into the whole question, and Parliament and Parliament alone, takes the final decision.

The hon. Member for Embu South, for one, was troubled about the sequence of events when alteration of regional boundaries is under consideration. For his benefit and for the benefit of those who shared his difficulty, may I put the sequence in the simplest possible manner. The first thing that happens is this: the President considers the question of boundary alteration and he decides whether it should be investigated; secondly, he appoints a Commissioner who has to be selected by the Chief Justice; thirdly, the Commissioner so selected holds an inquiry; fourthly, the Commissioner makes his report to the President; fifthly, the report is laid on the Table of each House of Parliament and, lastly, a Bill may then be proceeded with in Parliament. I do not consider that the new section, as drafted, need cause any confusion as to this sequence of events.

The hon. Member for Kajjido expressed the view that in the proposed new section we have mixed the judicial with the political, but is that really so? The President and the Judicial Commissioner each have separate parts to play. In performing his part, the Commissioner is quite free from influence by the President or any other agency. When the Commissioner has made his report to the President his part is finished. The politicians then take over, but any Bill that is introduced and passed by Parliament must be in accordance with the terms of the report. In other words, it is only the Commissioner who makes the report. When he does not make a report for changes in the boundaries then nothing can be discussed in Parliament, and so there is no mixing at all. We are in favour of using a judicial commission in this matter as we believe that thereby we shall ensure that local opinion can best be obtained.

[The Minister for Justice and Constitutional Affairs]

The hon. Member for Baringo North made the suggestion that the passage of the Bill to amend regional boundaries should require more than a simple majority. The Government will take note of that suggestion. It cannot, however, be implemented in the present Bill. As hon. Members are aware, the procedure with regard to Bills for the purpose of amending the Constitution is a special one. Once a Bill such as this has been introduced, it cannot be altered except as regards to purely machinery matters. We must either pass it in its present form or not at all.

It is necessary that I now turn to the third matter which excited general comment from many hon. Members. I refer to the position which arises when Parliament is dissolved.

The hon. Member for Gichugu complained that nowhere in the Constitution is it stated that a general election will be held following the dissolution of Parliament. He foresaw a possibility that an unscrupulous President would dispense with an unco-operative Parliament by dissolving it and would then govern alone. There need be no fear on that ground. Following a dissolution of Parliament a general election is held. The time within which a general election must be held is determined by section 64 (1) of the Constitution which provides that each session of Parliament shall be held at such place within Kenya and shall begin at such time not being later than twelve months from the end of the preceding session of Parliament, has been prorogued for three months from the end of that session of Parliament, has been dissolved as the President shall appoint. I am sorry he was not here to listen to my reply. The important thing to note is that a fresh session of Parliament must begin not later than three months after the previous Parliament has been dissolved. So, the period is, in fact, static. Hon. Members will, of course, be aware that even during the period between a dissolution of Parliament and a general election the President does not govern alone. There is still a Cabinet of Ministers. Provision is even made in the Constitution for fresh appointment of Ministers during any period when Parliament stands dissolved.

Another matter which attracted comment from hon. Members was the allocation of the farms previously in the hands of Regional Assemblies which, as a result of the changes effected by the Bill, will in future be in the hands of the Central Government. The somewhat complicated provisions which govern regional finances were

previously contained in Parts II and III, Chapter VIII. They are not quite out of date, in view of the changed relation which exists between the Centre and the regions and have accordingly been repealed. Their repeal removed the necessity for the provisions of section 242 in the first Constitution (Amendment) Act, and that section it is proposed should be repealed in this Bill. As I remarked when I introduced this Bill, now that it is for the Central Government to decide what function each region should perform, it is necessary that the Central Government should decide what finances each region should have. Hon. Members may rest assured that finances will be allocated equitably among regions and that allocations will be related to the nature and extent of the functions which each region is called upon to perform. A number of unrelated matters remain to be dealt with.

The hon. Member for Butere drew attention to paragraph 5 of clause 6 of the Bill and sought an explanation of its provision. The purpose of this clause is merely to preserve the existence of the Standing Orders of this House and the Senate to make sure that their validity have not been impaired by the constitutional changes which we have made. The implications, adaptations and expectations which are referred to are simply those which are necessary to bring the Standing Orders into line with the constitutional position which will exist as from 12th December 1964. For example, if in those Standing Orders there is now a reference to the Queen, after 12th December 1964, that reference will be construed as a reference to the President and so on. The hon. Member for Embu South sought an explanation of the effect of the deletion of subsection 1 of section 240 of the Constitution. He asked the question whether the deletion of this subsection meant that in future the Senator could represent an area in two regions. Mr. Speaker, Sir, the deletion of subsection 3 of section 240 is merely a tidying-up operation. Hon. Members will note that the subsection has effect solely for the purpose that the subsection was repealed in the first Amendment Act, and, as a result, subsection 243 was meant. We could not remove it in the first Amendment Act since section 240 is specially entrenched. We were obliged to do the job in this Bill. The hon. Member will, I hope, now be able to see the simple little operation in its proper perspective.

The hon. Member for Elgon West was concerned with what would happen if at the end of Parliament's five years we were having trouble in the North-Eastern Region. He asked whether Parliament's life would be extended. The answer

[Mr. Kibuga] find that people are not working hard to produce wealth for the country. Is it right that a district or a region that works very hard and makes a lot of money, should send all its money to all the other regions which are not working? At the same time I do not support the idea that a rich region should keep all its money, but on the other hand the others should not be jealous if there is a large amount of money being produced in that region and which is being spent for developing that region because the people have used their energies. What we should do is, when it comes to the question of sharing it, the finances, distributing the finances to different districts and regions, consider the region that has a large amount of money, give it a large share, and part of what it has produced should go to the other regions to help them. We should at the same time consider the people who are working but through no fault of theirs, they cannot produce much wealth. The people in these poor areas will have to understand that they should at least be thankful to the rich area of the country which is supplying their revenue, rather than be jealous of it.

I would like to comment on the question of boundaries. Mr. Speaker, I would like to support the Member for Embu South in saying that in changing the boundaries we might consider changing them on an administrative basis, that is the way the different regions should be administered. You might find in some cases the boundaries of a region go in a zig-zag way whereas they should be put right, straightened. So when it comes to the question of altering the boundaries administratively, in that way, another thing which should be considered should be the tribal lands. Tribal land should not be taken away. I do not support the Member for Butere who argues that merely because we have decided to become one party, decided to have unity, all the land in the country should belong to everybody. The rights of the tribes should be safeguarded but at the same time we can hope that the tribes owning large amounts of land will not keep the lands and refuse to allow others to go and work with them, not to actually take the land from them but help them so that every land in the country is developed for the betterment of the whole country.

When it comes to the question of changing the boundaries and appointing the commission, some people have suggested that it would be a good idea if first of all the matter was brought in Parliament. Then after the Parliament has considered it it goes to the commission. The commission then goes into the details. I would like to say that this is wrong, to bring a matter that

is not investigated to be debated by Parliament, because there might come a time when the Parliament is not ready. Most of the people will not know the facts. When a commission is appointed, there is no reason why we should be suspicious that the President will appoint a member of his tribe as some people have suggested. What is said in the Bill is that the President, after seeing the need for such a commission, will approach the Chief Justice and the Chief Justice will make the appointment. So I do not see why some people are worried about this, those who are tribalists, because the Chief Justice cannot—Well, he may happen to be a member of a certain tribe but the very fact that the man who is to be appointed as commissioner must be a very experienced judge. I see no difficulty there.

I see no reason for objection, Mr. Speaker, in the suggestion made by one of the Members, I think it was the hon. Mr. Ojoiptip. He said a commission should be appointed, and after giving its views and considering them because they are judicial and it is independent, after giving its report, there is no need for Parliament to debate it and incite the people. But I suppose when it comes to the changing of boundaries, after the commission has gone into the details of everything and has given its report, it would be foolish for the Parliament elected by the people of this country to come and spoil the work of such a commission. I can only hope that when such a commission is appointed and then goes into the details, when the report comes to Parliament it will be passed without any arguments, or it will be the same as when the Government makes agreements with foreign Governments and when anybody objects then the matter is brought to Parliament. There is no reason why it should have to come to Parliament for debate. It is unnecessary.

Mr. Speaker, if we are to appoint the commission and if we agree that the imperialists who were here made a lot of mistakes in making the boundaries for the regions, the future provincial boundaries, we can hope that immediately this Bill is passed, when the President has started it to work, he should appoint a commissioner immediately. I think it would be wrong to appoint commissioners at different times. What should happen is that immediately the Bill is passed, next year the commissioners should go round throughout the regions and make recommendations where they feel it is necessary, rather than making recommendations and then bringing yet another Bill to Parliament, and perhaps after another three months, yet another Bill. This is unnecessary. One should be enough for the whole country.

[Mr. Kibuga]

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

The Parliamentary Secretary for Lands and Settlement (Mr. Nyagah): On a point of order, Mr. Speaker, I would like to move that the Amendment be now called upon to reply.

The Speaker (Mr. Slade): I think the House should consider that at this stage.

(Question put and agreed to)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I would like to comment very briefly on the various points made by Members who spoke on the Bill yesterday. When I introduced this Bill yesterday, I explained to hon. Members that its provisions were largely consequential in nature. The first amendment Bill, which is now law, contained the important changes which were necessary to make Kenya a republic. That Bill, however, could not deal with the entrenched provisions in the Constitution as explained at the time.

The measure now before the House does little more than make the amendments to the specially entrenched provisions of the Constitution which are necessary as a result of the alterations which were made by the Amendments Bill recently passed by this House. That being so, it came as something of a surprise that hon. Members should have found so much time to discuss this Bill. The matters which occasioned much comment were, in the first place, the appointments and changes of the office of judges. This matter, of course, is dealt with in Chapter X of the Constitution. The second one was the alteration of regional boundaries which is dealt with in section 239 of the Constitution, and lastly the Government of the country when Parliament is dissolved and an election is pending. I shall deal with these matters in the above order.

Firstly, the appointments and changes of office of judges. Several hon. Members expressed the fear that, as the result of the changes contained in this Bill, the independence of the Judiciary was in danger. But this, Sir, is despite the fact that I emphasized at every point that the independence of the Judiciary was to be maintained. I hope to be able to convince the hon. Members that such is not the case. The changes involved are no more than consequential upon the changes already made in the first Constitution (Amendment) Act. Let me explain what I mean here. Section 172 (1) of the Constitution in its original form provided that the Chief Justice should be appointed by the Governor-General, acting in

accordance with the advice of the Prime Minister, and before he tendered that advice, the Prime Minister was obliged to consult the Presidents of the Regional Assemblies, and obtain the concurrence of at least four of the Regional Presidents. Now, as a result of the Constitutional changes already sanctioned by the House, after 12th December 1964, we will have no Governor-General and no Prime Minister. The functions of those two offices will be largely combined in the office of the President. Therefore, we have to amend section 172 (1) to provide that the Chief Justice should be appointed by the President. At the question of advising the Head of State over the appointment of a Chief Justice no longer arises, the need for consulting the Presidents of the Regional Assemblies before tendering advice is now non-existent. In the matter of the appointment of Appeal Judges, the only change that has been made is to substitute the word "President" for "Governor-General" in subsection 2 of section 172. In future, appointments will be made nominally by the President, but in making those appointments, they will be acting in accordance with the advice of the Judicial Service Commission, which, as is already known, is an independent body. So much for the appointments of members of the Judiciary, and I hope the House is now convinced that we have, in fact, maintained the independence of the Judiciary as it was originally intended.

The chief fear expressed by hon. Members in regard to the security of the job of Chief Justice or puisne judge. Some hon. Members saw a danger that if a judge gave the decision which was not to the President's liking, the President would dismiss that judge. I am happy to be able to inform the hon. Members that such a situation could not arise under the Constitution. Section 173 (5) of the Constitution lays down the procedure which must be followed before a judge can be removed from office. His before a judge can be removed from office, is first case, the case of the judge concerned, is first referred to an independent tribunal consisting of judges of former judges. If that tribunal recommends that the judge in question be removed from office, but not otherwise, the President may then take further action. The important thing here is that the removal of a judge is not a matter which lies within the discretion of the President. It must be referred to a tribunal, and the tribunal must consist of judges or persons who have been judges.

The hon. Member for Ohaya-South Tetra was not happy about the introduction in subsection (7) of section 173 of the words "his own deliberate judgment". These words relate the President's power to suspend the Chief Justice.

HOUSE OF REPRESENTATIVES

—The Constitution of Kenya (Amendment) (No. 2) Bill 464—

464 Bill—Second Reading—

[The Minister for Justice and Constitutional Affairs]

I am sure they know as well as everyone in this House does that the Government has always given every attention to Private Members' Motions. The question of whether or not decisions arrived at when discussing Private Members' Motions have all been implemented is, in the first place, irrelevant to the Motion before the House. In the second place, the suggestion is itself untrue because it cannot stand serious examination.

Government specially convened the House in order that we might have a debate on this amendment Motion. We were not asked by the Members to convene the House; we felt it was necessary to do so before the 12th December, so as to finalize the business of having the Republic Constitution ready on time. The hon. Member for Majoge-Bassi is, I understand, the Deputy Chairman of the Back-benchers' Group, and it is felt that there was need to debate some of the Private Members' Motions, and he wanted the Government to set aside a day for that kind of debate, he made no effort to ask the Government to set aside a date for such a debate. I assure the House that if we had been asked by the Back-benchers that they specially felt that there were certain Motions that deserved debate during this session, either tomorrow or next Tuesday, the Government would have willingly considered, most sympathetically, such a request.

But, Sir, when the request is not made, and then we are accused here in the most ungenerous language of things we are not guilty of, then, Sir, I must say that if there is any guilty conscience at all it lies with the hon. Member for Majoge-Bassi and not with the Government.

Mr. Speaker, Sir, the whole country knows that the only reason why the House and the Members came to Nairobi on this occasion was so as to finalize the debate on the amendment to the Constitution. The whole country is waiting for us to finalize that debate; and I suggest that we go ahead with the business for which the country is waiting.

(Question put and agreed to)

BILL

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT)
(No. 2) BILL(Minister for Justice and Constitutional Affairs
on 25th November 1964)(Resumption of debate interrupted on
25th November 1964)

The Parliamentary Secretary, Prime Minister's Office (Mr. Nyamweya): On a point of order, Mr. Speaker, in view of the fact that the House has debated this Bill sufficiently, could I now move that the Mover be called on to reply?

The Speaker (Mr. Slade): Since this Bill is of such importance, as was the case with the previous Constitution (Amendment) Bill, we have to be very careful that all hon. Members have had a fair chance to express their points of view. The only test of whether all points of view have been exhausted is when one gets nothing but repetition. I thought yesterday evening we were getting near mere repetition, but Mr. Oduya had not been speaking very long, and I think I should allow him another ten minutes anyhow, and I think another hon. Member after that, before I entertain a Motion for the closure. If you like to move it again at that stage, Mr. Nyamweya, we will see about it then.

Mr. Oduya: Thank you, Mr. Speaker. I know my colleagues are worried; I think particularly the Minister for Justice was (Inaudible) my hon. friend who moved this, because he thinks he will get 98 per cent in this House.

Anyway, let me go ahead, Mr. Speaker. Sir, yesterday I was speaking on the Bill, but I also wanted to point out one thing, and that is about the voting procedure in this National Assembly. I thought that the voting system should be taken in the way that we are taking it at the moment, on the amendment of the present Constitution, that means we should have 75 per cent in this House and 75 per cent also in the Senate. On the question of boundary disputes, if the Commissioner makes a recommendation to this House and when the House is asked to approve, it should be 75 per cent. That has been my worry and I hope the Government will note this down.

I also wanted to question the Government on the future of the regions. It is true, Mr. Speaker, Sir, that the Regional Assemblies were elected by the people in the country; and since the Government has taken over all executive powers of the regions, I thought it would be a good thing for the Government to see what they can do now with the members of the Regional Assemblies, the present sitting members, because they have another three and a half years to go to complete their term of five years. Since the Government has already taken over all the executive powers of the Regional Assemblies, these members will have nothing to do there. So far, what I know will happen is that some Members will go to the public and

[Mr. Oduya] Mr. Oduya: I am just finishing that, Mr. Speaker. I will now move on.
I wanted to correct one thing yesterday; I think that one or two Members here, and particularly the Member for Butere, said that the Senate has now nothing to do and it should be crossed out. However, I wanted to register my personal feeling that we have experienced exactly the same important work the Senate is carrying out. I do not want the Government to make the mistake of listening to such statements which will create a misunderstanding. I hope the Senate will be given more responsibility and more respect and appreciation for the work it is doing. So many Bills have been referred back by the Senate which in fact have passed through by the House without us knowing exactly what tricks were hidden inside. The Senate happened to have discovered these. We therefore feel the Senate will have today is more capable in handling today's affairs and we hope the Senate will remain at the Second House in this country to maintain the correct justice. If only one House is left, like ours here, a lot of mistakes will occur and one day we will find that the public will look us inside this room and a revolution will start, which is not a good idea. The Senate, if it is here, I hope, will be able to save the Members of this House and the country from killings.

Therefore, the Government should ensure very clearly that those who are teachers should be given time to go back to teaching and—

The Speaker (Mr. Slade): Mr. Oduya, I doubt whether you are speaking on this Bill.

Mr. Oduya: I am talking about the future of the Regional Assemblies because, in fact, their executive powers have been taken away—

The Speaker (Mr. Slade): Yes, but I said two or three times yesterday that those powers were taken away by the (No. 1) (Amendment) Bill, not this one. We cannot come back on to the subject of that one again.

Mr. Oduya: Anyway, I made that point clear.

Let me move now to the question of funds. Now that the Government has taken over the responsibility of ensuring that the funds are controlled from the Centre and that they are going to be properly used, what is worrying me, Mr. Speaker, Sir, is this question of what will happen to the other projects which were established by the Regional Assemblies in the last eighteen months.

Let us say that the Regional Assemblies in some areas of Kenya have established things like schools, health centres, farmers' training centres, and what else they have to commend these through the various Ministries to be established. However, since the funds are going to be controlled by the Central Government, we want an assurance from the Government that these projects which were established by the Regional Assemblies will be taken over by the Government, and the money be used to fulfil these plans, without giving it out, as is done at the moment, because these projects were interrupted by the changes that have taken place at this time. So, I hope the Government will look into this very seriously because it is an urgent issue and we do not want to create confusion in the country.

The Speaker (Mr. Slade): I am sorry to interrupt, Mr. Oduya, but that point was made several times yesterday.

Mr. Oduya: I am just finishing that, Mr. Speaker. I will now move on.

I wanted to correct one thing yesterday; I think that one or two Members here, and particularly the Member for Butere, said that the Senate has now nothing to do and it should be crossed out. However, I wanted to register my personal feeling that we have experienced exactly the same important work the Senate is carrying out. I do not want the Government to make the mistake of listening to such statements which will create a misunderstanding. I hope the Senate will be given more responsibility and more respect and appreciation for the work it is doing. So many Bills have been referred back by the Senate which in fact have passed through by the House without us knowing exactly what tricks were hidden inside. The Senate happened to have discovered these. We therefore feel the Senate will have today is more capable in handling today's affairs and we hope the Senate will remain at the Second House in this country to maintain the correct justice. If only one House is left, like ours here, a lot of mistakes will occur and one day we will find that the public will look us inside this room and a revolution will start, which is not a good idea. The Senate, if it is here, I hope, will be able to save the Members of this House and the country from killings.

With these few remarks, Mr. Speaker, Sir, I beg to detain that part.

Mr. Kibaga: Thank you, Mr. Speaker. I have a few points to make while supporting the Bill. A few hon. Members have suggested that what we should have done was to have left section 219 altogether out of this Bill. This would have been altogether out of this Bill. This would have been a very cowardly action to take. Under the present Constitution, when it comes to the question of changing the boundaries, it is said that before any change is made the two regions must agree. In most cases the two regions will never agree, so we must give the Central Government the powers to control the whole country or to go round the regions and see where the mistakes are. I do not see the reason why we should not consider this amendment of section 219.

Another point I would like to make, Mr. Speaker, is on the financial powers of the regions, and the very fact that these powers have been removed and given to the Central Government. Some people have said—and I think they are very right to an extent—what other districts should be considered while considering the finances of the country. But there is one important thing which should be considered as well. Today in some county councils in some regions you may

[Mr. Anyieni.]

make out that if this House passes something then Government should not ignore it because if they do that, then it will be a waste of taxpayers' money to pass any 'Private Members' Motion.

Mr. Speaker, Sir, with these few words, I beg to oppose very strongly any idea of moving Private Members' Motions to another day.

Mr. Odjaya: Mr. Speaker, Sir, I stand to support my hon. friend, Mr. Anyieni, in putting this very strongly to the Government and also I take this opportunity, Mr. Speaker, to remind the Minister that it is not our mistake even if the Government is worried by time, this Constitution took twelve months, or nine months for the Government to work on it.

Now, if it came about three weeks ago to this House, that is not the mistake of any Member in this House, it is the lateness and mistake of the Government, not ours. So far we have, for our part as you can also recall, a few weeks back we have been very generous to the Government and we have rendered most of the time to the Government to do Government business, because we all felt this important. Although the Government has delayed this, we said, all right, we will give you time and we will suspend the Private Members' Motions and we did the Government business. Here we have completed one important Bill which, of course, even according to the Government, as we understood, was made clearer, even if this was moved at this stage Kenya would become a republic and that is why we gave all our time to the Government during, I think, the last few weeks. So that by that time I think that Government took advantage of the Opposition being in operation. But since we joined together last week, and I think the Government will not have any propaganda now to try to say that all—What I beg to tell the Minister is that

(Inaudible.)
The Members here will not be fooled that it is only today, but if not today, there will be no republic in Kenya. It will go through even tomorrow or Tuesday or Wednesday. Kenya will still be a republic on the 12th December. We are not children to think we do not understand all the time. We should think, Mr. Speaker, because we know that even the Members of the Government here are now very capable because we are now together. It is high time that some of them should cease to be Ministers and become Backbenchers and vice versa. I urge the Minister to peacefully accept this advice. I do not even say

anything, but I think it is advice from the hon. Minister, who is also Chairman of the Backbenchers' group, Mr. Anyieni moving this, and also I second him. We ask the Minister to accept this objection from the Government side, from the Members' side, that we would like to give the Government all this work tomorrow morning, finish it if the Government wants, to have any business done by 12 noon tomorrow. The Prime Minister, if he wants to become President tomorrow, we welcome that, and that means that at 12 o'clock tomorrow we will have given the O.K. So there is no argument about this. All we have to do is that we have three important Motions here because for the last three or four weeks the public have been wondering whether we are only concentrating on Bill or on other matters. So there are many important matters which we would like to discuss and tell the people about outside. So we do not just want the Government's business but the problems of the nation as a whole; the Members are the actual machinery of operation which will help the Government. So, therefore, Mr. Speaker, I think the Minister will take this and I hope all Members will support this idea. If the Minister declared opposition to the discussion, he would be doomed to failure.

Mr. Anyieni: Mr. Speaker, Sir, I thought that when Kadu was dissolved and we had only one party in this House the Members were allowed then to express their views freely in the way they thought and that no Members would try to create good names or any particular motives by trying to say that whoever differs from them is in opposition.

Mr. Lorema: By the two Members who are "Opposition speakers" I meant the two Opposition speakers, Mr. Speaker.

I think that most of the Members in this Chamber know that recently the House was adjourned *sine die*. Now that we have this very special occasion, the House was called by our Speaker to assemble again in order to pass this Bill. Mr. Speaker, we came back here and some of us thought that it was only to be one day's sitting, and Members must know that some of us have to carry on with development. Mr. Speaker, we are not here to stay in Nairobi to go about roaming with workers, speaking only words and performing no actions. We have to go home and work and teach our people and even to hold meetings in every constituency in order to teach our people the meaning of the republic. We do not have time because the days are very short and we do not want to stay in Nairobi for nothing.

[Mr. Lorema.]

So, Mr. Speaker, I strongly oppose the two opposing speakers that we should sit tomorrow continuously in the Chamber for this particular thing. We want to go through this Bill today, Second Reading and Third Reading possibly tonight and then tomorrow we can go off—some of us have business at home, we are not here to stay in Nairobi for Motions.

Mr. Ngala-Abok: Mr. Speaker, I do not see the point in trying to discuss anything other than the Constitution. I am very strongly opposing the view put forward by the opposing speakers. We know very well that we were here for almost three months—for almost four months—and we discussed the first part of the Constitution and then we came to discuss the second one, and in fact I think the public is more interested in having this Bill passed rather than in discussing Private Members' Motions. In fact I know, as well as my colleagues, that these dull Motions are not known to the public outside. The only Motion on the Order Paper which may be also important on the list here is Order No. 9, but then the rest of the Motions, as far as I can see, are not so important to the public. This does not mean that I do not wish these Motions to be discussed at a later date, I do not mean to say that these Motions should not be discussed at a later date, neither do I say that we cannot sit tomorrow to discuss the Motions provided the Government agrees to this.

Mr. Odjaya: On a point of order, Mr. Speaker, I seek your guidance on this. Is it a rule that every Member has to move a Motion in this House? Now that some Members have moved Motions already in the House and they have been accepted by the Chair for debate in this House, is it now in order for a Member to call some of these Motions "useless Motions" and, if they are useless, why have they been accepted for discussion in this House?

The Speaker (Mr. Slade): It is not in order for hon. Members to use any derogatory language about Motions of other Members, but they are entitled on an occasion like this to attempt to assess the comparative importance of Motions and I think that that is all that the hon. Member is doing.

Mr. Ngala-Abok: Thank you very much, Mr. Speaker. I think the most important thing to the country now is to pave the way for the Prime Minister and the President-designate to begin acting on this particular Republican Constitution. I do not see any sense in debating Motions such as the ones I have described. I see a lot of sense in concluding the Constitution and then,

if the Government wishes, we can discuss the Motions tomorrow. But, as you know, Mr. Speaker, on Friday many Members do not attend Parliament and from time to time—it depends on calling Members to come to Parliament—by ringing the Division Bell, hardly any Members come. So, I find it difficult to see—no need to interrupt—and no one should interrupt—

Mr. Speaker, Sir, when I am worried about a Motion of such importance and I am explaining my views I do not wish Members to take themselves to be so important.

Now, Mr. Speaker, as I am saying, Friday usually is a day when Members seldom come to Parliament in large numbers like today or like any other day, and this is a definite fact; many times Parliament has been adjourned on Friday morning, just because of lack of a quorum and, therefore, if anybody is just arguing for the sake of arguing, then it would be better not even to sit today, but if we want to listen to the reply of the Minister on the Constitutional amendment, which I think is most important, then this is what we should accept. I have seen the attempt today by some hon. Members in their efforts to try and force the Minister to go to the Private Members' Motions and then to leave this important matter. But, in fact, the claim was only that the Government was trying to ignore Private Members' Motions, I think this cannot be proved because, by the Government stating that we had not finished the Constitution it does not mean that it is trying to underrate or to ignore or to overlook the importance of the Private Members' Motions. Therefore—

Mr. Kilonga: On a point of order, Mr. Speaker, as I see that most of the Members are agreed that the most important item on the agenda for today is the Constitution of Kenya (Amendment) (No. 2) Bill, so I beg to move that the Mover be called on to reply.

The Speaker (Mr. Slade): I think that I will now allow that question.

(Question put and agreed to.)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I do not want to delay the House. I believe that the fifteen minutes which we have spent would have been very much better spent debating the actual Bill than what we have now uselessly discussed.

I know, Sir, that the hon. Members' private Motions are very important and I think it is most unfair for the hon. Member for Majoro-Bassi to have suggested that Government does not give enough importance to Private Members' Motions.

Mr. Nyamweya: As far as the functions and the composition of this committee are concerned, it is still a Cabinet matter and, as the hon. Members know, all Cabinet matters, deliberations and decisions remain secret until published by the Government.

Hon. Members: Membership. We want to know the membership.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Parliamentary Secretary tell the House when the committee was appointed and when the recommendations are likely to be published?

Mr. Nyamweya: Within a couple of weeks the recommendations of the Cabinet committee will be published, Sir.

Mr. ole Tiplis: On a point of order, Mr. Speaker, Sir, did not ask for the deliberation of the committee. What I did ask for is the membership.

The Speaker (Mr. Slade): That is not a point of order, you may repeat your question if you like.

Mr. ole Tiplis: My question, Mr. Speaker, is whether the membership of this committee is strictly a secret from the Members of this House? The Cabinet is ours and we would like to know who are the members of this committee.

Mr. Nyamweya: The Cabinet committee was appointed about a month ago. It consists of five Members of the Cabinet.

Mr. Anyieni: Mr. Speaker, would the Parliamentary Secretary agree with me that there is something sinister somewhere about the appointment of these Ministers and that is why the Parliamentary Secretary is unwilling to disclose the names of these Ministers?

Mr. Nyamweya: There are fifteen Cabinet Ministers in Kenya under the Prime Minister. The hon. Members of this House know the names of the hon. Ministers. Out of these, five of them constitute the committee.

Mr. Masinde: Mr. Speaker, Sir, out of the fifteen Ministers, could the Parliamentary Secretary tell us the names of these five Ministers, please?

Mr. Nyamweya: Mr. Speaker, Sir, I do not know why the hon. Members are interested in the names of the Ministers. What I would tell the House is that a lot of decisions and all decisions which the Government takes are taken by the Cabinet as a whole and if the Cabinet committee consists of five Ministers I will assure the House

that when the recommendation is published it will have been approved and agreed by the Cabinet as a whole.

Mr. ole Oloisiplip: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, it seems that there is something wrong in him mentioning the five people, the five Ministers in the committee. Could he tell the House what is wrong in his mentioning the names of the various people in the committee, Sir?

Mr. Nyamweya: Mr. Speaker, there is nothing wrong in what I have said, what is wrong is in the hon. Members who do not trust their Ministers.

MOTION

EXEMPTION FROM STANDING ORDERS: PRIVATE MEMBERS' DAY

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move:—

THAT the business of the Constitution of Kenya (Amendment) (No. 2) Bill be exempted from the provisions of Standing Order 23 in so far as it is necessary today, being Private Members' Day, to complete the Second Reading thereof and then, subject to the leave of the House, to take all subsequent stages.

Mr. Speaker: Members will remember that we have dealt with this amendment in this manner in the previous sitting. The main point is that we have to complete this business so as to enable us to designate in the next few days the date from which the operation of the Republic Constitution begins to operate and it is our intention that this date should be designated well in advance of the 12th December, the reason for this I explained when we debated the first amendment to the Constitution. It is intended that within the next few days we should designate a date when the Prime Minister should begin to operate as the President-designate to facilitate the taking of certain actions that are necessary to be taken before the 12th December in order that the machinery for the republic is ready on time for the 12th December. Members will know that we have only one other week if we are going to do all these things in time for the 12th December. We spent the whole of yesterday on the Second Reading of this Bill. It is our hope that today we can conclude the Second Reading of the Bill and do the Committee stage and then give enough time next week for the Senate to go through the Bill and have it ready for us to designate the date when the Republican Constitution begins to operate. I do not think there

[The Minister for Justice and Constitutional Affairs]

is need to say more than that. I regret, of course, that it is necessary to take some of the time of the Private Members' Motions in order to do this but I hope that we can conclude early enough to enable us to take some of the Private Members' Motions at least today.

Mr. Speaker, Sir, I beg to move.

The Minister of State for Pan-African Affairs (Mr. Koinange) seconded.

(Question proposed)

Mr. Anyieni: Mr. Speaker, Sir, I fully sympathize with the reasons given by the Minister to the House so that the House could exempt the normal business of this House for the discussion of this amendment. Mr. Speaker, Sir, there is a point of policy which Government must be able to declare openly.

Mr. Speaker, Sir, we have been given Notices of Motions in this House and I imagine that if we move at the rate we are moving now, some of the Motions of which we have given notice may never come to this Parliament until it is dissolved in 1968.

Now, Mr. Speaker, Sir, we know very well that Government cannot call Parliament to discuss Private Members' Motions and as such Private Members' Motions can only be included in the debates of this Parliament when Government has something to be discussed. Now, Mr. Speaker, Sir, Thursday was given as Private Members' Day and in the olden days we Members of the Back Bench were a little penalized because it was given to the Members of the Opposition to choose which kind of Motions ought to be brought forward for discussion. So many of the Motions which were given by Back-benchers who were then termed Kanu Back-benchers were not given a chance to be discussed. Mr. Speaker, Sir, I would like to know whether the idea of giving Motions in this House is a mere formality so that Mr. X may be known to have given a Notice of Motion. We thought, Sir, that up to this time we had given enough time to Government to discuss Government business by accepting the normal procedure of this House and therefore I do not personally see why it would be very difficult to have just one day when we would like our person to become the President-designate even tonight, but what difference will it make if he becomes that tomorrow because this what I feel is, that today we should take this day to discuss as many Private Members' Motions as we can possibly do and then tomorrow we can almost, I think, I will speak on behalf of

hon. Members, we will say tomorrow we can finish the Second Reading and even Third Reading. But then, we cannot accept Government taking the time of hon. Members. Now what business is this? The things which are produced by the Minister, are Bills which are produced by the seventeen Members of this House, and the rest of the Motions of which we give notice are, of the rest of the Members.

Now some of the things we want to be discussed by this House, and are going to get time to be discussed and Mr. Speaker, Sir, I would also like to give one particular objection to one other thing. It seems as if the Government does not take much notice of the Private Members' Motions because we know in this House where the Private Members' Motions have been introduced the Members voted, and the Members agreed. Government has done nothing to implement some of these Motions. From this we conclude, Mr. Speaker, that any time such debates are a waste of time because if Thursday is a day for Private Members' Motions and if Government does not think we should get a chance to discuss this, and when Government is made to allow us to discuss Private Members' Motions on Thursday, whatever decisions are reached by this Parliament, by the majority of the Members of this Parliament who represent the masses outside, those decisions are not implemented by the Government. Can we ask a question? Is the Cabinet an expensive body or an executive body to carry out the policies of the Government? Is the Cabinet an expensive body or an executive body to carry out the policies of the Government? Is the Cabinet an expensive body or an executive body to carry out the policies of the Government? So, Mr. Speaker, Sir, I very strongly oppose the idea of bringing this Bill of amendment to the Constitution for discussion today. Today should be Private Members' Motions and we believe that are Government must be able to know that there are some things which because some of the Members are not Members of the Cabinet are things that affect the electorate effect the masses of the people of Kenya. These things are brought in formal notices and questions in this Parliament. That being the situation Government has no talent, that all the Members of Parliament have to work to do except pass Bills, and this Parliament is here just to pass Bills brought by the Government. If this is so then we can see as to whether we ignore or refuse them. But if Government does not say this, then we must say that we must give Thursday as Private Members' Motions are one party, because the Members, because we have problems affecting their constituents who have problems affecting their constituents can bring these things and put them in front of the Members of this House, so that the Members of this House can decide what could be done. We urge the Government to

Question No. 770

LIVESTOCK OFFICER IN BOMET

Mr. arap Soi asked the Minister for Lands and Settlement:—

- (1) Why there was no Livestock Officer in Sotik or Bomet area?
- (2) Had the Ministry any plan for the extension of tea growing or coffee growing in the settlement schemes in Sotik?

The Parliamentary Secretary for Lands and Settlement (Mr. Nyagah): The answer to the first part is that there are two livestock officers in Sotik. One is a diploma holder in Animal Husbandry, and the other is an expert in artificial insemination recruited from the United Kingdom. Sotik, being more centrally situated than Bomet, serves the need of the district better by making it a centre for these two people. Therefore, these officers are stationed there.

In answer to the second part, the Settlement Board does not intend to extend coffee growing in the Sotik area, as on the advice of the Agricultural Department it is considered not a particularly suitable area for coffee. As far as the first part of 2 is concerned, tea growing in Sotik has been boosted up by a further allocation of 1,253 acres to the settlement schemes in Sotik over and above the national total development for tea of 12,000 acres.

Mr. arap Soi: Would the Parliamentary Secretary tell the House where the second livestock officer at Sotik is placed?

Mr. Nyagah: At Sotik.

Mr. Loreman: Mr. Speaker, Sir, will the Parliamentary Secretary tell the House for how long these livestock officers have been there in the Sotik area?

Mr. Nyagah: Mr. Speaker, Sir, the question is why is there no livestock officer in either Sotik or Bomet. The answer is that two of them are there.

Mr. arap Soi: Mr. Speaker, Sir, is the Parliamentary Secretary aware that some parts of the settlement schemes in Sotik are suitable for growing coffee?

Mr. Nyagah: I am not aware, but on the advice of the agricultural experts, that area in which my hon. friend would like to see coffee growing more extensively than now is not a particularly good area for coffee. That does not mean that it is no good, but tea is better.

[Mr. Anylen] be no cattle on the airfield or that there will be no children playing there as this is dangerous?

Mr. Koinange: Mr. Speaker, Sir, it is true that the majority of these air-strips are not fenced, but they are allocated in some areas and are cleared to a distance to allow any other person to keep clear of them.

Mr. Anylen: Mr. Speaker, Sir, the Minister has said that the Government has made arrangements for the clearance. Is there a place where a notice could be put up that any cattle around the field are to be removed before an aircraft lands? If not, then would the Government take measures to see that this place is fenced in order to make sure that animals will not cause accidents?

Mr. Koinange: Mr. Speaker, Sir, I did not say that the Government will clear the areas. I said the areas around the strips are usually cleared to such a distance when anything coming to the area is recognized and the people thereon should really keep off the strips.

Mr. arap Moi: Mr. Speaker, Sir, arising out of the Minister's earlier reply, would he draw his attention to all the districts which have air-strips and warn the people in the areas concerned to avoid driving cattle around these air-strips and show them the Ordinance which prohibits cattle or animals around the air-strips?

Mr. Koinange: That, I think, has already been done, Sir.

Mr. Kerich: Mr. Speaker, could the Minister tell the House the owner or owners of this aircraft?

Mr. Koinange: The answer is that they are actually civilian, but I do not have information here as to who was the owner of this particular aircraft.

Mr. Omweri: Mr. Speaker, earlier on the Minister said that the cause was roughness and the pilot's judgment was affected by animals around. Could the Minister tell us what the Government is intending to do to clear up this roughness which affected the aircraft? What improvements?

Mr. Koinange: I said that the landing of the aircraft, Mr. Speaker, was actually misjudgment by the pilot by the time he came to land. It is also true that all the strips are rough by the side but they have not been made permanent and as the country advances to make these things into air-strips permanently, no doubt those things will be taken into consideration.

Mr. Kerich: Mr. Speaker, is the Junior Minister satisfied that there are now two livestock officers there to serve that area?

Mr. Nyagah: I think the area should consider itself particularly fortunate in that it has two. There are bigger districts than that area which have none.

Mr. ole Tipis: Mr. Speaker, Sir, arising from the latest reply from the Parliamentary Secretary, is he aware that these livestock officers are not qualified veterinary surgeons, and as such, cannot even, according to the law, issue any prescription or diagnose the various diseases which affect the pedigree cattle in this area?

The Speaker (Mr. Slade): The question only concerns livestock officers, whatever their value or limitations may be.

Mr. arap Soi: Mr. Speaker, Sir, is the Parliamentary Secretary aware that the second officer, he mentioned is not really stationed at Sotik and at present the one who is stationed at Sotik cannot practically reach Bomet which is over forty miles away?

Mr. Nyagah: Mr. Speaker, Sir, I am not aware, but the hon. Member and the nationalist would do a good service to this country if he could tell us whether that officer is there or not.

Question No. 792

KENYA AWARDS AND DECORATIONS

Mr. Mbogoh asked the Prime Minister what the Kenya Government was doing to make awards of medals and decorations to its citizens or foreigners for—

- (a) saving the lives of others;
- (b) fighting for the cause of the country; and
- (c) rendering other services for the uplift and dignity of Kenya.

The Parliamentary Secretary, Prime Minister's Office (Mr. Nyamweya): Mr. Speaker, Sir, on behalf of the Prime Minister, I beg to reply.

The Government is doing everything possible to introduce medals and decorations of the Republic of Kenya. The Government decided that after independence the awards of any foreign medals and decorations should be discontinued and new Kenya awards and honours should be created in their place.

A Cabinet committee set up to look into this matter will make its recommendations soon, and the House will be informed of the honours and decorations that the country will have.

It is the Government's intention and policy to ensure that every person who renders outstanding service to Kenya and her people will be accorded suitable recognition.

Mr. Mbogoh: Mr. Speaker, Sir, could the Parliamentary Secretary tell this House whether after the republican award of Kenya has been attained, the decorations awarded by the colonialists, like M.B.E. and O.B.E. will be recognized in this country?

The Speaker (Mr. Slade): That is quite another question, I think.

Mr. Mbogoh: Mr. Speaker, Sir, I would again like to know from the Parliamentary Secretary whether after establishing the Kenya medals those Government servants in the service of the Kenya Government who hold other medals will be given the new Kenya medals in substitution?

The Speaker (Mr. Slade): The question of substitution of other medals is not raised by this question.

Mr. Agari: Mr. Speaker, would the Parliamentary Secretary assure this House when these medals are made whether they will be made artistically and qualitatively?

Mr. Nyamweya: That assurance, Mr. Speaker, is given.

Mr. ole Tipis: Mr. Speaker, can the hon. Parliamentary Secretary tell us who the members of this committee are?

Mr. Nyamweya: Sir, this is a Cabinet committee and I do not think it is necessary for the names of the hon. Ministers to be given to the House.

Mr. Mbogoh: On a point of order, Mr. Speaker, you have told me that my two questions are not relevant to this particular question, but I do not see exactly how they are not relevant because I see thought that after asking the original question one could ask supplementary questions?

The Speaker (Mr. Slade): The question asks what awards will be made by this Government but it does not really raise what happens to awards previously made by other Governments. That is a different question. You can put down another question at another time, but you cannot ask such supplementary questions out of this question. You cannot expect Government to answer that question right now.

Mr. ole Tipis: Mr. Speaker, can I know from the Parliamentary Secretary whether the membership of this committee is a secret to be kept from the Members of this House?

[Mr. Oduya] worry, but if it were left to the regions as it was before—it was left to the two to decide—the two would sit down (you may call them Regions, Provincial Councils or Committees; whatever you call them) and say, "Well, as we all belong to the country and we require a part of the country here, we will not actually take the land and leave the people there but just have some expansion for economic reasons." I think that kind of thing would help because I know that people are not very bad. Even in the case of Kiiale there was some kind of agreement, but the Government was worried that if that happened, there would be trouble and the Government would spend a lot of money on maintaining law and order. But even by having this Commissioner we do not say that we cannot have trouble. The people, of course, will express their opinions and the Commissioner will say that this area should go this way, but if other people are not satisfied on that level, they will still cause trouble and the Government will have to spend money on sending troops there.

Therefore, I say that in this question of a change in boundaries the local people should at least have a say through the bodies representing the local opinion in the areas, because it is not good to cut off completely from the regions and say that only the Commissioner will have to recommend and then, if it is not clear, the whole thing will come to this House. First it will have to go to the President and then when the President has given it his blessing, the Bill will come to this House, but if the President cannot give his blessing, it might not come to this House. So this is where I would say that the regions should be left to say at least a word or two or to give their opinion before the Commissioner makes the final report to the President. Also, I do not like the idea of the Commissioner passing all his findings to the President. I thought it was a wise idea for him to prepare his findings and forward them to this House for further discussion or final solution. However, as things stand at the moment, the President has been given too much in the previous amendment of the Constitution and now even on the question of land changes he is the man who is going to decide how much land will go to that area, and this kind of thing will not help.

The Speaker (Mr. Slade): Is that a good point at which to break off, Mr. Oduya?

Mr. Oduya: There are many other things, Mr. Speaker, that I want to mention.

The Speaker (Mr. Slade): Yes, but we have come to the time for the interruption of business

now, and you will be able to resume speaking when we come back to this debate.

ADJOURNMENT

The Speaker (Mr. Slade): As it is now time for the interruption of business, the House is now adjourned until tomorrow, Thursday, 26th November, at 2.30 p.m.

The House rose at thirty minutes past Six o'clock.

WRITTEN REPLY TO QUESTION

Question No. 766

CLASSIFICATION OF MINERALS

Mr. Omweri asked the Minister for Natural Resources to define which minerals were classified as common minerals and which were not common. What were the characteristics which were considered in classifying these minerals and how many classes were there.

REPLY

The Minister for Natural Resources (Mr. Sagini):—

(a) Common minerals are defined in section 247 (1) of the Kenya Constitution as "clay, mirrium, sand, soda (except soda forming part of the Lake Magadi soda deposits), limestone, sandstone or other stone (not being a precious or semi-precious stone) and such other mineral substances as may for the time being be declared by or under an Act of Parliament to be a common mineral".

Minerals, on the other hand, are defined in section 2 of the Mining Act which includes all minerals and mineral substances, other than mineral oil as defined in the Mineral Oil Act, and specifies metals, precious stones and non-precious minerals.

(b) The characteristics which determine whether a mineral is common or not are a combination of its comparative value and the rarity or otherwise of its occurrences in nature.

The law specifies four classes of minerals—

- (i) precious metals (e.g. gold and silver);
- (ii) precious stones (e.g. sapphires and rubies);
- (iii) non-precious minerals (e.g. asbestos and mica);
- (iv) common minerals (e.g. limestone and Kisi soapstone).

Thursday, 26th November 1964

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

SENATE AGREEMENT TO BILLS

The Speaker (Mr. Slade): I would inform hon. Members that I have received a Communication from the Senate that they have agreed to the Branding Stock (Amendment) Bill, the Veterinary Surgeons (Amendment) Bill and the National Flag, Emblems and Names (Amendment) Bill without amendment on 24th November 1964.

PAPERS LAID

The following Papers were laid on the Table:—

The Widows' and Orphans' Pensions (Amendment) Act, 1964—Commencement.

The Customs Tariff (Remission) (No. 11) Order, 1964.

The Customs Tariff (Remission) (No. 12) Order, 1964.

The Customs Tariff (Remission) (No. 13) Order, 1964.

(By the Minister for Information, Broadcasting and Tourism (Mr. Achieng Ouko) on behalf of the Minister for Finance and Economic Planning (Mr. Gituru))

NOTICES OF MOTIONS

ANNUAL ACCOUNTS: EXTENSION OF PERIOD

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, on behalf of my colleague the Minister for Finance and Economic Planning, I beg to give notice of the following Motion:—

THAT this House agrees that the period of seven months after the end of the financial year 1963/64 within which section 23 (1) of the Exchequer and Audit Act (Cap. 412) requires the Controller and Auditor-General to certify accounts relating to that year be extended to eight months.

GOVERNMENT LOAN GUARANTEE: TANA RIVER DEVELOPMENT CO.

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Speaker, Sir, on behalf of

my colleague the Minister for Works, Communications and Power, I beg to lay this Motion before the House:—

THAT this House approve the giving by the Government of a guarantee to repay a loan, together with the interest thereon, of a total sum of not more than £3,500,000 which it is proposed should be made by the Commonwealth Development Corporation to the Tana River Development Co., Ltd. for the purpose of carrying out engineering works and to cover local expenditure incurred in the construction of the Kiaduma stage of the Seven Forks Hydro-Electric Development Scheme.

ORAL ANSWERS TO QUESTIONS

Question No. 711

UNEXPECTED LANDING IN KISI AIR-STRIP

Mr. Omweri asked the Minister for Works, Communications and Power when the findings of the inquiry into the unexpected landing of an aircraft on the Kisi air-strip on 30th August 1964, would be published?

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Works, I beg to reply.

The Chief Inspector of Accidents from the Directorate of Civil Aviation of the East African Common Services Organization, submitted the findings of his inquiry on 12th October 1964. According to his report, the landing was not unexpected and although the aircraft received some damage, neither the pilot nor the two passengers were injured and no other damage was done.

Mr. Omweri: Arising from the Minister's reply, would the Minister tell this House what the main cause of the unexpected landing was.

Mr. Koinange: The information before us was that the aircraft was on its chartered flight from Kericho to Kisi and after the late touch-down the aircraft over-ran the strip and fractured its frame.

The aircraft was damaged by rolling off the end of the landing strip and into the rough ground after the error of judgment by the pilot and the result was that the aircraft landed too low on the strip. The pilot's judgment was affected by the presence of cables on the eastern end of the strip.

Mr. Anyikwa: Mr. Speaker, Sir, since this airfield is not fenced, what arrangements has the Government made to ensure that in the future there will

[Mr. Mbogoh] to the people of this country. Why I say this, Mr. Speaker, is because most of the words which have been used in this Bill are very prolonged. Something which could have been said in a few words has been said in this Bill with a hundred words and with all sorts of funny things put in. We do not know whether this was done to confuse people. Though this Bill is being repealed in small bits, I would like to remind the Government that after this Bill has been there for less than six months it should scrutinize it once again and try to scrap those parts which look funny and it should try to introduce more realistic points. That will ensue with the clearing away of any imperialistic enactments which are now in the Bill. At long last we shall have a comprehensible Bill which is workable. It will be workable and without mistakes and in this way it will be for the benefit of the people. Mr. Speaker, when we have a workable Constitution then we will be sure that our country will run without any difficulties or complications.

As my colleague, the Member for Embu South, said, section 239 which deals with land rights—I feel also that there is so much which seems to be missing from that section that it needs a thorough scrutiny before it can be passed, and if the Minister concerned could look into that I believe that we should have the wording of that section adequately adjusted.

Again, here, in the same section 239 if it was properly worded we would have a nice clause which would show that now instead of land belonging to the Regional Assemblies—formerly the President of the region—could go and discuss with another President and then pass the matter on to the region, after which it could be brought to the Parliament. To me it seems that that wording suggests that there would never be a change of boundaries because, according to the former method, boundaries were not changed but exchanged. The regions just decided that they wanted this and other regions wanted that and so there was mere exchange; there was no change of boundaries. I would like to see some day some person like myself living in Nyanza and owning a piece of land there because this land belongs to the Kenya Government. That would make me feel that I am not prevented by these boundaries or by tribalism from owning land anywhere in Kenya.

At the same time I would have thought that the county councils should have been given some authority to change ownership of land from one person to another. This would be better done—by county councils because they are

always dealing with land matters and they know exactly what is happening. What I am trying to get at here is that if a county council had jurisdiction over certain areas and found that certain people could not pay taxes and, at the same time, were not using their land properly, the county council could take the land away and give it to somebody who could work the land properly and would pay the taxes. Then the person who was lazy and did not work his land properly would be in the streets or would be sent to a detention camp because he did not pay his taxes.

What is most important to note here is that the Government should not open the way to some tribes who are used to stealing land to go and steal land just because they think they have the right to do that.

Mr. Speaker, under sections 172 and 173 of the Constitution where it says that the President appoints the Chief Justice, I would very much like to make myself clear here. It should not be something which would happen somewhere else, but if we have a President-designate, as we have at the moment, we hope that in future we shall not have a case where the President will discharge the Chief Justice simply because this man differs in opinion from him. If at any rate we suspect that in the future we will have a President who will be ruthless, then we must change this section and not give so much power to the President because the Chief Justice will be subjected to the dictates of the President. The law must be changed because we do not know what will happen in the future.

While taking away the powers of the regions I would mention here that during the time we had the regions—for example, with regard to education, there were some areas that went a step further than others and I would urge the Government, when taking education into consideration, to see that the mistakes which were done during the colonial time, as well as now since we have had independence, should be remedied. Even this Government has made many mistakes. For example, in this field of industry so many mistakes have been made and these should not be repeated, in the regions, in dealing with the subject of education. We should not put all the schools in one place and forget other places in the country. Fair distribution should prevail in Kenya and then everybody will be satisfied that our Government is looking into our grievances and not just concentrating on certain areas.

The Speaker (Mr. Slade): Mr. Mbogoh, that is not quite within the scope of the Bill. As I have

[The Speaker] already said, we cannot discuss in this debate matters which were settled by the previous Bill, such as the exercise of powers to be resumed by Government. You can, however, make comments on the use of the money which this Bill proposes to take back from the regions, without discussing the control of education in general.

Mr. Mbogoh: Mr. Speaker, I have finished with that point.

In this Constitution I thought it would have been necessary for the Government to make it clear to the people of this country that its international stand is to be non-aligned, but if it is to be left to the Government to state it in this House or just within Kenya and not to make it known to other countries what it thinks about everything else, I could not know here just now, but I hope the Minister will tell me whether that would have been in order when he replies.

Another point, Mr. Speaker, is that the Members of the Regional Assemblies have been elected by the people and they have worked as hard as possible, and as costly as they were, they should not be just left like that. The Government should know about these people, when elected, were really honest about that election and they have tried to work with all the honesty they have; and if the regions had stayed, they would have contributed as much as they could, although it would have been so costly. I take these Members, Mr. Speaker, to be just like nurses who were employed to look after children. They were the champions of *Majimbo* and they were put to look after the regions, and now that the regions have gone I think it is better to give these nurses something to do instead of just leaving them on the streets, looking so miserable because they have no work to do.

Mr. Speaker, I do not have very much more to say about that one, but I would like to speak about the dissolution of Parliament by the President. I have heard many people saying that they are worried about how the President will rule, saying that he will dissolve Parliament and then rule without a Parliament. Mr. Speaker, everybody knows that if the President does by all he will be declared a dictator straight away by all the other countries, and everybody here knows how a dictator is dealt with in many countries. It will be quite easy to deal with a dictator as he is dealt with in other countries.

So, Mr. Speaker, I beg to support this Bill unreservedly.

Mr. Odunya: Mr. Speaker, Sir, I also stand to say a word or two on this Bill.

I will start with the question of the term of Parliament. Although it is well known to us, as the Minister explained here, that the term of Parliament is five years at the moment, and as the House stands it will be dissolved in June 1968. However, the Minister has not stated fully what will happen if at that time—June 1968—when the House stands dissolved, there is trouble somewhere and the Government has declared an emergency. For example, the trouble we have in the North-Eastern Region may continue until that date and if it is known that an election is about to take place, one of our brother states there which is demanding this area may come in and say, "We will go to war." It is not stated specifically whether the Government will extend the term of Parliament or what will happen. This should be specified so that we know exactly what will happen at that time. Also, we should know, if it is to be extended, whether that extension will be for another five years, six months, one year, one week or twelve hours. This should be made known because it is in no way keeping us on the understanding that the House is to be dissolved at that time but in the case of trouble we will find that perhaps the House will have to go away and there will be no specific provision showing how long the country will stay without an elected House. That is one point, Mr. Speaker.

My second point, Mr. Speaker, is about boundary disputes. Of course, I know that the fear here has arisen from some of our colleagues and the Members, of course, are entitled to ask questions as to what will happen because recently the question of boundaries has been a very burning issue and still is. There is the matter of Kitale and of other areas like Kisumu, those who Kitale and of other areas like Kisumu, those who with expansion because it is thickly populated, as well as the Kikuyu question. Although it is stated well as the Commissioner will be a man who has that the Commissioner will be a man who has that knowledge and experience, and is a person who knows the area and its problems, and the rest of it, I want to question one thing. If, let us say, it is a question of the republic comes from an area which also may need some expansion and area which is very sure that there is land somewhere lying he is very sure that there is land and he wants, about which is not within his area, at least to see through the pressure of his people, at least to see that there is a piece of land coming in, what will happen? Will he really just appoint only this Commissioner to do the work for how shall we make sure that this President does not interfere with the work of the Commissioner by instructing the Commissioner that he wants so many acres to come to his region and saying, "If you don't do that, you will have it." How do we make sure that that does not happen? That is another

[Mr. Gichoya] certainly trouble, you are liable to be blamed for it. We shall make a commission for you to consider whether you will get such a portion of land." Therefore this clause I think is very confusing and it is very misleading. I ask the Minister to wipe it completely out of this amendment Bill.

Mr. Speaker, another point which I want to make on this Bill is that I do not see how two can work together. On one hand, we are told that the President will appoint a commission and a commissioner will be selected by the Chief Justice. That is one side of the story, Sir, on this Bill. The other side of the story is that we are told that after the commissioner has bipped his finding it will be brought here to the Parliament. How are we going to mix politics and judiciary? This is what I cannot understand, Mr. Speaker. It would have been right, if the Government wanted to tackle the problem rightly, it should have either limited it entirely to the political affairs or left it to be done, investigated by this judiciary, Mr. Speaker. But to say, "We want judiciary here and bring it to Parliament here," is wrong, it will not mix. I believe most of the Members here, I am very sorry to say so, are landless. When such a case appears here, the hon. Member, G. G. Karuki, will support me because he is landless and thus the Bill is forced in this House. So I think it is very wrong. Either the Government gives this responsibility of adjusting boundaries to the judicial inquiry or leave the whole matter to be political. If it is political and if anything happens, the Government will be responsible.

Mr. Speaker, this is a very hurting section of the Bill and to my mind I ask the Government to wipe out this particular clause because it is very dangerous. It reminds the people to claim for particular parts of land and it increases tribalism in the country and all this sort of thing which we do not want. We do not like to have one tribe here and one tribe here. Today in Masailand, Mr. Speaker, we have 1,000 Kikuyu living there. They are very happy living there. We have 1,000 Jalu living there, they are very happy there. I do not see any reason why—there are Kamba as well—if today the boundaries are there and Kamba can live anywhere in Masailand provided they are accepted by the local tribesmen, that is good enough. If I am accepted in Ukambani today or in Baluhya, I can go and live there and I shall be happy there because it is my desire to live there. The same thing applies to other people. The Jaluos can come and live in Masailand provided they are good people and accepted by the local people. But this question of boundaries

again, saying that boundaries must have the commission of inquiries, I believe is misleading the country. Either the Minister or the Government should give people a reply and if they cannot help they should tell us. I believe this is another colonial idea. They are trying to bring another colonial idea of divide and rule to the House, Mr. Speaker, and it is they who have been criticizing the British for posing these arbitrary lines and these boundaries.

Therefore, Mr. Speaker, the only clause on which I wanted to speak is this one. I believe the Ministers are here and I hope they will take note of what I have said. It is no good. This particular clause of boundaries reminds one people of boundaries, boundaries and nothing else. This is no good. I believe this clause should be wiped out of the Bill. If the Government is not prepared to wipe out this clause then I think it should be left entirely in the hands of the judiciary to deal with and the politicians should have no say at all in that. You cannot have a Judicial Department there and then again let them be dictated to by the politicians. This is very bad. This will mislead the judiciary and the people.

Another thing which I think is quite wrong is that the President is a politician. We are told that the President will be an elected Member from a certain constituency. If he is the person who is going to appoint the commission, nobody knows whether he will turn round and tell the Commissioner, "Look here, this is how I want you to mark the boundaries." Mr. Speaker, Sir, this is the thing which needs looking into. If there is any dispute at all among certain people, after we have heard about the dispute then the commission of inquiry should be told to go there and hear the matter but it should be left entirely to the judiciary to make a decision. However, the President should not interfere at all. This is very confusing, Sir.

Mr. Speaker this is the only clause which is hurting and I believe it is not right for us as politicians to poke our noses in. We should leave it entirely to the Judicial Department and the people should be satisfied with the ruling of the court. If they say that the politician comes again to interfere then I will tell my people to resist against this. This should be known. If the politicians are to have the final say then I believe that if I am not satisfied in this House as a political leader I will go back to my people and tell them, "Look here, this is a political thing and you must resist it, because it will only cause chaos." So, Sir, I believe that the only way of dealing with these boundaries is to leave it to

[Mr. Gichoya] because we are brought up to believe that if the court has ruled certain this it is all right because they know how to do it according to law. I see no reason why the politicians should interfere in this matter. Sir, the President is a politician and, therefore, I think the Attorney-General has the right to appoint a commission of inquiry and that should be carried out in the way that judicial matters have always decided.

With these few remarks, Mr. Speaker, I beg to support the Bill but this particular clause must be wiped out.

Mr. Seroney: Mr. Speaker, like the previous speaker I am not really satisfied about the necessity for amending section 239 of the present Constitution. There is nowhere in the world where you can find a perfect boundary, there is nowhere in the world where you can find a boundary which does not divide the people, whether racially or tribally, and to make provision in the Constitution for adjusting boundaries is simply to invite instigation and attempt to manoeuvre such amendments of the boundaries. I appreciate that the present position makes it virtually impossible for Regional Assembly boundaries to be adjusted. I agree, but then, so what? If we agree that we are all Africans, if we agree that as Africans we can all live everywhere and anywhere there is machinery called land boards which gives land or approves land transactions in all regions and if these boards do not give their permission there are appeal land tribunals which hear appeals. Some of the appeals are sometimes turned down and some are approved and I think that is sufficient. By simply making people boundary-conscious we are simply perpetrating tribalism. Let us take for example Region X where the people consider themselves over-populated. Then let us take Region Y where the people think there is an unfair distribution of land. The people from Region X may plan a concerted effort to occupy another particular ward in a particular region, they may get the service there and then they create an agitation they are in the majority they are satisfied. Since in order to draw the attention of the President to the fact that they want boundary adjustment.

Again, Mr. Speaker, the Bill is not clear as to who is the Commissioner—I see here it says "a commissioner"—is going to consult. It says people from the area or areas concerned. Now, I think the Minister should be more specific and say who are to be consulted. Are the members of the Regional Assembly, if we are going to retain them, going to have any say on it, or

from both sides, in addition to people actually living in the area? Of the people living in the area will there be any qualification for giving evidence? What credentials must a man or woman possess? Must it be length of residence, must it be occupancy of title, must it be being on a Voters' Roll, or what? But then, of course, that is colonialism. Mr. Speaker, Sir, what I have said is that any African can live anywhere but to annex boundaries arbitrarily is colonial-minded.

I appreciate some of the difficulties of the Government there are critical times but really this business of rushing through important Bills like this and giving Members little time and then introducing such Bills, I hope we shall have had the last of it. I realize it is section 23 of the Bill which was passed only a few weeks ago which has been repealed. That is the price we have to pay for passing hasty legislation and I hope that in future, Mr. Speaker, the Government will allow Bills to mature properly and will give Members time to consider them carefully so that there may be as few loopholes as possible. I know that there is no law in the world that can cover every eventuality but as far as is possible every foreseeable eventuality must be looked into.

In conclusion, Sir, coming again to this matter of the commission I would say that when we had such commissions the last time, I think they were not only very costly in terms of money but they were also costly in terms of human life. I believe to invite them again to deal with petitions, delegations, memorandums, all of them unnecessary, and also disturbances of the peace—

Hon. Members: Burning of houses.

Mr. Seroney: Burning of houses as well.

Mr. Speaker, if the country were told there would be no boundaries any more, then nobody would have any excuses and there would be no agitation.

So, I would like the Minister to take that into account and with these few remarks, I beg to support.

Mr. Mboogo: Mr. Speaker, Sir, I support this Bill and I have no quarrel with it except that I have a few points to make before I support it fully.

As our Prime Minister said here the other day, when our friends crossed the Floor, it was the last part of colonialism, which had been buried. I also want to make it clear that this Bill will never be a Bill unless it is all scrapped and we have a more comprehensive Bill brought

[Mr. Gichoya] Government, who were equally responsible by then, anyone would be shocked. Everyone would be shocked. People saying that we can never live together. If I may confess before this House, people in one particular region attack the other because of food, and continue attacking each other. Yet a situation was created whereby these people were made to look as if they were dead enemies and consequently we had wrong boundaries. Now, I think we as responsible people, elected directly, not nominated, with a bigger authority here in terms of one man, one vote without collective voting, are able to decide very reasonably as to the nature of our future country.

So, Mr. Speaker, Sir, I am endorsed on the idea of having this clause as it is within the amendment.

Another thing I would like to say is this. This should be taken note of by the Minister. We need immediately the establishment of this commission or the commissioner needs to be appointed, so that we have these things corrected immediately and are rest assured that we have a republican country, if it is possible, as soon as a republican status is obtained by this country. Hence early next year we should have a commissioner to go in to the problems of boundary changes.

Another thing I would like to say on this amendment is that here we have been told, and it is a fact, that the life of this Parliament will last, other things remaining equal, it will continue up to June 1968. Now under the Amendment No. 1 of the Constitution, a vote of no confidence could be passed by this Parliament and the Parliament is dissolved. But again we were not given the leave. As soon as this Parliament is dissolved or it dissolves itself, within these limits, there will be elections. We are made to believe that we can live without elections for quite a long time. A Member is saying, question. I would like to make it quite clear that I have gone through the Constitution, especially the Amendment No. 1, very carefully. There is no place where it is stated that as soon as the Parliament is dissolved, that within these areas the population must institute general elections. What is stated is that; when the Parliament is dissolved, the population will sit down and think of putting up the next date. Now the commission, Mr. Speaker, Sir, is appointed by the President and the President if he feels, "Well, this Parliament is a headache to me. I dissolve it and still rule for some time", then this commission itself would never work. The commission itself would

never elect sit and decide. "Well let's have the next elections on such-and-such a date." It is the President as the Head of State, not as Head of the Government, who will be a determining factor at the next general elections. The commission is an agent of the President will not have a fixed date, that the Parliament can remain dissolved for one month, two months. These are things which ought to be put in the consequential amendment of the Constitution. Otherwise we shall have a Parliament dissolved and for a year or two have the same authority like the Congolese Authority where the President of the Congo as the Head of the State does not think of the general elections in the country. There is chaos in the country.

Mr. Speaker, Sir, going back to the regions, I should thank the Minister for the work which has been done, particularly in the Central Region where in some of our districts the terms of education were very bad but people are rich in terms of money. The policy of the Central Government is that self-help projects should be initiated. The Central Region did something. It allowed people to establish their own educational institutions to cater for higher education, that is high school education. Consequently I feel that we have adequate, not fully adequate, but substantially adequate secondary schools. Now what I would rather like the Minister for Education to do after taking the powers of the Regional Education Committee into his hands is to see to it that these institutions established by the people themselves through their own sweat are aided.

Secondly, those institutions which serve particularly girls should have boarding facilities. These are the things which ought to be examined carefully, that through the efforts of the people some thing should be done by the Government so to see to it that the same spirit is maintained so that other things can be done within the same area.

Another thing, Sir, is the question of industries. The regions have the right to determine the value of a particular industry or recommendation to the Central Government that a particular industry should go to this place or that place. Now those powers have been taken, they are within the hands of the Central Government and of course we, as supporters of the Government, expect to do the maximum for the national good. But all the same it is the decision to establish these industries there, that industry there; it does not go to the National Assembly to be discussed. We never debate as to where this particular industry should go or who should build this industry. What we only say in this legislation

[Mr. Gichoya] in a particular area there will be perhaps an industry or an industry will be established by a particular nation or a particular company.

The Speaker (Mr. Slade): I think I must again point out in this debate that we cannot go back on matters which were the subject of the first amending Bill, because the first amending Bill actually took back to the Central Government the powers of the Regional Assemblies. By this Bill there is only a consequential provision to give Central Government the money. In so far as this Bill provides for Government to have money, previously held by the Regional Assemblies, it is all right to debate today the use of that money; but I am afraid we cannot otherwise discuss the exercise of powers which were resumed by the previous Bill, and debated on the Second Reading of that Bill.

Mr. Gichoya: Thank you, Mr. Speaker. Today I am allowed to speak without repeating myself as much as I can if I have the facts. Now the money—

The Speaker (Mr. Slade): This Bill does raise certain new matters, but many of its provisions are purely consequential.

Mr. Gichoya: Yes, Sir. Now so long as the money which was vested on the regions has been taken by the Central Government, I will say that the Regional Assemblies must have had before committed themselves to particular industries within the country. Those industries were to be established and run somehow by the money from the regions. Certain institutions too have been established by regions. The main thing is that the money that was bound to accrue within the regions was utilized there.

I would like to say this. Mr. Speaker, that whatever commitment for the national goods which are to be made by the Regional Assemblies should be honoured by the Central Government in terms of financial commitments.

Another thing is that, Sir, as one Member put it, some regions have money and we do not know where that money is going to be spent. My suggestion is this, Mr. Speaker, that whatever collections were made in one region and put to the regional authority, that money should be utilized for the betterment of that region. This I say in the light of what happened a few days back here, when we were establishing a national board, some regions found out that they had a national board. They found that they had more money to offer to the Central Government and consequently decided not to join. If that

was set as an example, a precedent, why does a Member of Parliament say today that in making those funds for the regions, those funds should be left to those regions only. Any region which never had a pride in its own co-operatives, should borrow the money or the Central Government should take care of it. This is my own suggestion so far as the best method of utilizing that money which is existing within the jurisdictions of regions is concerned.

I have finished with the boundaries, so, Mr. Speaker, Sir, with those few words, I support the amendment.

Mr. de Oludipipi: Mr. Speaker, Sir, I think most of what can be said has been said by the previous speakers and I do not think it is wise for me to repeat all of that which has been said here. There is only one particular clause or section of this Bill which is really hurting. That particular section of the Bill is section 239.

Mr. Speaker, Sir, to my mind it is very, very confusing. It does not show us the way clearly. First of all the question of boundaries. I do not see why this Bill was brought at all because the same Minister who introduced this Bill before we attained our independence, was the British very same person who was drawing the British Government for initiating boundaries, arbitrary lines all over the country, Sir. Yet again it is the very Minister who comes to remind the Kenya Government about boundaries so open up the old wounds again. So, Mr. Speaker, I fail to understand where we are heading to, I am very sorry that while I am speaking the Minister concentrated it out of this Chamber. But I believe he will see it in the HUSBAND.

They should tell us where we are heading, Sir, because last time they said it was not necessary to have an Opposition here. We should be one party, one country and one unity too. Then they said we did not want these boundaries. These boundaries were created by the colonialists, they were created by imperialists. They are lines which divide our people. Now is the very Minister going to repeat the same mistake? Instead of the word "colonial", will it be *Uhuru* or what? They seem to be forgetting about boundaries, leaving together the brothers. One of the tribe might say that it is his land, then they start quarrelling unnecessarily. This is another imperialistic way, Mr. Speaker.

Therefore I do not think that it is wise, this particular section of the Bill which has been brought, to have been brought to this Parliament. We are one Kenya, one united Kenya, and we should forget all these differences. We should forget reminding our people that, "If you create

[The Parliamentary Secretary for Lands and Settlement]

Mr. Speaker, Sir, I said this is a dynamic question. I say it deliberately, knowing that it is. I also say, Mr. Speaker, knowing that if the boundaries are changed arbitrarily in future, as they are likely to be because there is nothing that is human which is foolproof, I shall be quite happy to be represented by the Member for Butere if the Buterians can take me and let me have a little *shamba* where I and my family can live peacefully as Kenya citizen. On the other hand, I shall be quite happy to represent a citizen of Kenya from Luoland who cares to come and have a piece of land in what is known today as Embu South.

With these remarks, Mr. Speaker, I have made my point and I beg to support.

Mr. arap Moi: Mr. Speaker, Sir, many Members have spoken in support of the Bill, and so on, but I should like to repeat what I said before: that to speak with emotion either in support of or in support will not help the Government to carry out its duties responsibly.

I can recall what the Member for Butere said. Some Members may say, "Ya, ya", but the remarks he made with regard to some Members was, "Let some Members harvest the bitter fruits of their action." This is something which ought to be considered, that he was not genuinely supporting the things which might bring about a peaceful solution of the whole problem. However, I would like to draw the attention of the Minister to one point. If all Members in the House could speak with some reality, with some experience, I think the Government would be able to have the support of all of us in this House.

Mr. Speaker, with regard to section 239 in particular—I do not want to go into many sections—I should like to say that the Regional Assemblies, under the existing Constitution, must pass it with a two-thirds majority in both assemblies, and I should like the Minister to note that after these two assemblies have passed this, it then comes to the House of Representatives to be passed by a simple majority. If that is the case, I should then like to ask the Minister to consider very seriously, when replying, the suggestion that instead of passing it in the House of Representatives with a simple majority, it should be passed with 75 per cent in both Houses. This will, I think, alleviate some of the fears of certain Members, because this is a problem which does not affect one section or another but affects the whole Nation. I agree with the Member for Embu when he asks who is

the initiator of the whole thing. If the Government or the Minister would seriously consider this, I think most of us would be satisfied with it because it would look ridiculous if 51 per cent or 52 per cent were taken as an opinion expressed to cater for the needs of the whole country. If the Government will consider this reasonably, I will not hesitate to say that the Government is seeing the future of the whole problem.

With regard to the Senate, Mr. Speaker, I do not want to make many remarks about so many things, but I think it is wise to retain the Senate in future because it will provide us with a genuine public opinion throughout the country. I do not think we should minimize the status of the Senators or the Senate. It is not a question of prestige, but it is a body through which a democratic form of Government, though it is one party, will be able to assist the Government to get its problems through. I should like to say to the Government that in future whenever it wants to draft a Bill it should first of all associate it with its Members, so that when it comes to the House it will be passed within half an hour instead of us talking on it and expressing feelings with bitter words. I feel this should be a lesson to the Government when it wants in future to bring any Bill.

Mr. Speaker, Sir, I beg to note.

Mr. Gichoya: Mr. Speaker, Sir, I rise to support the second amending Bill.

With the present amendment and the previous amendment we have denied the regions the authority which they were given by the sixty-five Members of the former Legislative Council, and we have vested those powers in the National Assembly. There is one thing which I would request the Government to consider very carefully. Some of the Members of the Regional Assembly definitely had jobs and under the Constitution someone if he was a civil servant he could not maintain his position as a civil servant and at the same time be a Member of a Regional and at the same time be a Member of a Regional Assembly. With the new changes, Regional Assemblies will be more or less Regional Councils for advisory purposes only; in other words, without proper powers, which is very good because the National Assembly will have the powers. They should not have more meetings or even salaries as they are receiving today. I am referring to Members of Regional Assemblies, Mr. Speaker. What I feel should be done now is to allow these people to continue in their own positions as councillors of the Assembly, yet they should be allowed to be employed even by the Kenya Government as civil servants, if they have the ability to hold any position within the Civil Service. At the same time,

[Mr. Gichoya]

they should continue with the work of advising their own regions. That is a point I would like the Minister to consider in his day-to-day activities within the Cabinet: that something should be done for the Members of Regional Assemblies. As long as they have no powers, hence they have no duties and they should be given something to occupy them and, again, attend the meetings of these things.

Mr. Speaker, I have also risen to thank the Member for Embu South, the hon. Jeremiah Nyagah, for putting the case so precisely, so nicely, as far as case 239 of this second amendment is concerned. We are startled somehow that we do not know who is going to initiate the discussions which will lead to the appointment of a Commissioner. Secondly, it is the Parliament which ought to have discussed an issue first and, after deciding on it, send it to the President who should appoint a Commissioner and the Commissioner should put his own findings before the President. The practice is in the reverse order: the President appoints a Commissioner, the Commissioner prepares a document, that document is sent to the President and the President allows it to come to Parliament. There could be cases, Mr. Speaker, Sir, in which the President may think it not very necessary for alterations of a boundary to be made by his own will. I am not referring to our President-elect, I am referring to a President of the Republic of Kenya-to-be, the Republic of Kenya which is to come into being on 12th December.

Unless we omit to understand that there is going to be constituted a kind of machinery to go to every district, every region, and try to find out the cases where boundary problems have been existing, then it will be very difficult indeed for the President to know, unless we are told that we Members of the National Assembly should present these cases as petitions to the President; who will consider them. I think the method which is already here is not very clear to us.

Another thing I would say on this, Mr. Speaker, is that the boundaries, as they were made by the Commission which was here, were made on a spur of hatred. They were forced in certain places. Some people used to say, "We cannot live with these people," and I say here we are living like brothers, and I do not see any problem. A boundary was made, twisted this way and that way because people said, "We must go in this region because people said," "We must go in that region. We cannot live together with these people in the other

Now these are the problems that were posed by the then Elected Members of the former Legislative Council before a commission, which was very impartial and consequently blunders were made by the commission without their intention that this should be the boundary for this area, that should be the boundary for the other area. If I could quote a case, Mr. Speaker, Sir, I would give the case of the people from Ukiamba. The hon. Members from Ukiamba, by name Mr. Muli, Mr. Mwendwa, who is at present a Minister of the Kenya Government, Mr. Nibeage and others. They all stated clearly that they would not like to live together with the Kikuyu. Now, I am surprised, since the President is a Kikuyu and Mr. Mwendwa is a Minister in the—

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, Mr. Speaker, I do not want to interrupt the debate and I appreciate that the matter is such that people are bound to wander into discussing matters that are not quite clearly the main point in the amendment. The amendment deals with the procedure of amending the boundaries. There is the form that is provided in the Constitution now and the new one which is proposed. It has nothing to do with whether the present boundaries are right or whether there is any proposed boundaries in the future. It is whether this is the right method of carrying out amendments and so we are not really discussing at this stage whether this or that group should have been in this or that region.

The Speaker (Mr. Stade): It is quite correct. I have in fact already pointed out to the House, a little earlier in the debate, this distinction. I think it is in order for hon. Members to say what they feel it is important that the change in the boundaries should be made either than it is now, or should be handled by somebody else in a different procedure. As long as you are on that a different procedure, you are all right; but you must avoid discussing what particular boundaries should be altered and why.

Mr. Gichoya: Thank you, Mr. Speaker. What I was trying to ask was why is there a necessity for having this clause incorporated. This is exactly the point which I am trying to dwell on unless we expose the anomalies that are existing today as a result of a particular situation which arose, then how are we going to support it? amendment? How are we going to support it? On what grounds? So I say and I think I am within the limits of the Bill, that under the conditions that existed when we had the Regional Boundaries Commission—if I read a statement that was made by very responsible persons

[Mr. Warilili]

I was commenting on section 173, subsection 7. The amendment provided here, Mr. Speaker, deals with how a judge or a puisne judge can be replaced. In the Constitution as it now stands, it is provided that the Governor-General, acting in accordance with the advice of the Chief Justice in the case of a puisne judge, and in accordance with the advice of the Prime Minister in the case of Chief Justice may suspend the judge from exercising the functions of his office. Under the amendment in subsection 7, the first part of the amendment, to delete the word "Governor-General" and insert the word "President", I have no quarrel with that. The second part of the amendment is to substitute for the words "the advice of the Prime Minister" the words "his own deliberate judgement". What I said—I do not need to repeat the whole thing—was that I am a bit concerned as to why it has not been found necessary to give the President the powers to suspend a judge on his own deliberate judgement. I was saying that I would require an explanation as to why the Government or the Minister concerned has found this necessary. It may create in the minds of the people a situation whereby the President might, in certain circumstances, take decisions—political or for the interests of the country—and remove a judge from his office.

To continue, Mr. Speaker, I want to refer to the section dealing with boundaries. This I welcome and say that it provides machinery whereby the present situation where some of these boundaries did not take into account the existing relationship of the various regions in some cases where they were arbitrary, provided the machinery whereby a proper position and settlement could be found in removing the differences between the various regions. The regions themselves cannot be expected to solve the problem if the two regions are in conflict, and I think it is a good thing, and we hope that under this section the Government will remove all the differences which may exist between the various regions.

Finally, Mr. Speaker, I come to the question of the Regional Assemblies. In this amendment we have taken away most of the powers, and also the financial powers, and we would like to know the future of the Regional Assemblies; what functions they will carry out, what powers—if any—they will exercise. We have been told in the other amendment that if the Central Government feels that a certain region is capable enough to carry out such functions, it could be delegated to the regions. But then, even if that

is the case, what is to be their position? Let us say, in those areas where they do not have this power delegated, are they going to meet regularly, and things like that?

I say this partly because the members of the regional assembly are concerned and want to know about their future and also there is another aspect of this. It could happen that once we remove these powers of the Regional Assemblies, the national powers, we may strengthen the status or functions of the Civil Service. It is quite possible that although these people do not have the power they have to work through the Government, it has to be done through the Civil Service and the status of officers like civil secretaries and others, unless a proper safeguard is brought in, is strengthened by leaving a kind of vacuum as to who are going to exercise the Government's decisions to be put through the various regions.

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

The Parliamentary Secretary for Lands and Settlement (Mr. Nyagah): Mr. Speaker, Sir, I rise to support the Bill before the House.

First of all, I would like clarification of section 240, which I notice is to be deleted. It is a little section in subsection 2, to be deleted and this is a section that makes provision for the area of jurisdiction or area of representation of a Senator. I do not know whether by deletion of this little subsection it means that a Senator now can represent an area in two regions.

Mr. Speaker, if I may thing aloud on section 239 and make my observations mainly for the record in this House, I would like to inquire from the Attorney-General and the Minister for Constitutional Affairs some of the contents omitted, inserted and sometimes implied in section 239. To me the section would appear to be a complete inconsistency of sequence. I do not know who is going to be the initiator of a Bill which will call for the alteration of the boundaries of a region. I do not know who or which comes first in the sequence of discussion or debating in this House on the subject of alteration of boundaries; whether it is the appointment of the Commissioner or tabling and debate of the Bill. I am also, Mr. Speaker, not very sure why it has been found necessary for a commissioner to be appointed who then has to recommend in concrete terms his conclusions and findings to the President and not the Parliament.

Would it not have been better if the commissioner's findings were to be tabled first in the House and then let the House, as a result of its

[The Parliamentary Secretary for Lands and Settlement]

deliberations and consideration, arrive at a parliamentary decision which would be implemented by the President rather than the other way round? In the absence of knowing who is going to initiate that there is a need for an inquiry or a review of a boundary, I take it that perhaps some civil servants will prepare a Bill in the absence of facts, or perhaps in the presence of facts, best known to themselves and then present it to this House and perhaps get the President to appoint a commissioner selected by one of the judges, the Chief Justice, who I understand is going to be appointed by the President.

Again, is it not asking too much of an individual, Mr. Speaker, Sir, and now I am not thinking of our present President-designate, I am thinking of the future President or Presidents, to ask him to consider the question of making any alteration so that it can be brought to this House for debating? Mr. Speaker, Sir, I notice also that in subsection (3) (b), the appointed Commissioner shall inquire into the matter and hold such public inquiries in the area or areas likely to be affected by the boundary alterations, and investigations as he considers necessary. What gauge is he going to use to consider which area is affected and what gauge is he going to use to find out which is the area that is going to be necessary to be considered for boundary alteration? I know people will say, Mr. Speaker, it is all in subsection (5), but as the hon. Member will realize the opportunity for people to object as laid down in subsection (5) comes much later and that is why I started by saying that there is an inconsistency of sequence. I also see that the Commissioner will recommend directly to the President what alterations, if any, ought to be made to the boundary, so I presume that after the Bill will be prepared and another Bill that will be presented to this House, and in accomplishing will be presented to this House, and in the true spirit of our system it may be difficult to make any alterations even after speaking and debating it in this House.

Mr. Speaker, Sir, speaking from past experience, when there was a commission in 1933, headed by Mr. Carter, or Sir Maurice Carter, some parts of the country were not fully covered by what was going on. Publicity was not good enough. I point out, Mr. Speaker, that when the Carter Commission came, some parts of what is now known as Kirinyaga and Embu were not fully put into the picture and the result was that some parts were left included in the forest reserve which should have been part included in the rest of the country. Might it not

be that the same practice or same omission of the commission could be practised by this commissioner if publicity were not given widely and well enough, so that those people who are in an area affected may miss the opportunity of presenting their case fully?

Mr. Speaker, Sir, subsection (4) of that section 239, a Bill providing for any alteration of the boundary, between two regions, shall include such provision as may seem to Parliament to be necessary or expedient for the local government of the area. Who judges whether the provision will seem necessary to the Parliament, and whether the provisions will be expedient to a local government?

Finally on that point, Mr. Speaker, subsection (5), in view of what I have said about the inconsistency of sequence, will the Parliament really have any time to make any effective provision for the procedure to be adopted for public inquiries? I think something ought to be done. Mr. Speaker, which will put the sequence of events of the procedure in how to effect the boundary changes.

Mr. Speaker, I will hasten here to say for the record that I think this is a half-way measure by the Government. The time has come for this country to be really national and to think of Kenya land as national. I know that is dynamic but it has to come. It would be better, and I look forward to the day when this country will have a national land policy which will not demand a secession of this kind, and which will mean that Kenya boundaries will be administrative boundaries and not tribal boundaries only. After all, Mr. Speaker, the present regional boundaries which in some cases were arbitrarily drawn, had very much in mind the consideration of the tribes, and even with that consideration, the tribes in mind, they have not succeeded. I would say that the Government, instead of having a half-way measure provision like this one, should within the very near future consider taking a drastic step, such as they took in the previous Bill which we have just finished, section 30. With your permission, Mr. Speaker, I will quote it. It says something like this: "Notwithstanding the provisions of section 49 (4) of the amended Constitution the Electoral Commission shall before 12th December 1965 . . . and so on do its work. It will do its work ahead of the time that the Electoral Commission was supposed to work. I would say that the Government should initiate a move to try and review these boundaries as a whole, for the whole country, and put them on the basis of geographical convenience, administrative convenience and not on a tribal basis."

[Mr. Shikuku]

to the public and the world to decide according to the deliberations in the House and also outside this House what we are doing for the country. Sir, there are signs of people going round talking of this, that and the other, and now you are going to see what is going to happen. I do not think that we were Kadu or Kanu does not matter whether we were Kadu or Kanu does not matter any longer because we are now under one yoke and that yoke has to be lifted with the support of all. If our necks get bruised in the attempt of lifting the yoke then we shall all be bruised together and if they have to be rectified or attended to by a medical surgeon we have the Minister for Health who is a medical man and he can treat us all.

I can see no reason why this Bill should take up our time because we have done all we could; we have cut the main tree down, we have uprooted it, and these are only the branches which can be cut within a few seconds and we could then make charcoal out of those branches plus the trunk itself. We can then forget all about it.

Therefore, I have one point here to mention, Mr. Speaker, which I feel I should raise. That is the question of land. Sir, land and boundaries are something which in the past—I say the past because we are now under *umuja*, under one yoke—were very touchy subjects. There are people in this country who are landless and there are other people in this country who have more than enough. Since we now believe—

The Speaker (Mr. Slade): Mr. Shikuku, is this in the Bill?

Mr. Shikuku: Mr. Speaker, Sir, it is under section 239, regional boundaries.

The Speaker (Mr. Slade): It does not touch ownership of land.

Mr. Shikuku: If I may explain, Mr. Speaker, for example in this question of the Kitale issue. The people in the Western Region feel that Kitale should be included in the Western Region so that they can have a say in the land which is in the Kitale area. Actually it is land which is the source of all this trouble of the boundary, Sir.

Here, Sir, I do not see any reason why we should all quarrel about it now. Those who have no land should be settled in any part of Kenya under the *umuja* flag and they should forget being told they are from this area or that area. Those who are in Kitale or Trans Nzoia should remain there and those who have no land, be they from Ukambani or the Kano Plains which are flooded

with water, or any other part of Kenya. Such people who have no land should be settled on any land so that we can prove in practical terms what the *umuja* spirit is, what the *Harambee* spirit is. Those who have big pieces of land should see that their land is made full use of so that we can build Kenya economically. It is no use, Sir, talking in terms of *umuja* and *Harambee* when the people have land lying idle and at the same time there are people in Baluhya, Kalenjin, Ukambani or Kikuyu for that matter—

The Speaker (Mr. Slade): This is going too far from the Bill, Mr. Shikuku, and cannot be discussed now; because even if regional boundaries have a bearing on individual ownership of land, the case for or against alteration of any regional boundaries is irrelevant to this Bill. The Bill only provides how regional boundaries may be altered. It does not allow us to carry on a long discussion as to why they should be altered.

Mr. Shikuku: Thank you for your ruling, Sir, but I thought I was trying to clarify that point of land. Nevertheless, Mr. Speaker, I will abide by your ruling.

The question of regions, as it is now stated in this Bill, is going to be amended. On page 247 you find it says, "delete the word 'regions'". All this is to be deleted but I have not seen where it says what word will be replaced by which word. It does not say anywhere, delete the word "regions" and substitute in place thereof such-and-such a word. I think the Minister for Justice and Constitutional Affairs should tell us whether we should substitute the word "regions" with the word "province" or with any other word. All we have here is only the question of deletion.

Mr. Speaker, Sir, I would have liked to have spoken much more on this but in view of the fact that we have already amended the Constitution I think we should call these minor amendments the branches. Since the main tree, the main trunk has already been uprooted in the first amendments we have had—I feel that since amendments number two are the branches we should not waste time on them. We should quickly pass through the amendments, support them and move on to the *umuja* in the true sense so that those who crossed the Floor without the mandate of the people will now have to harvest the fruits of their own folly.

With these few remarks, Mr. Speaker, I beg to support the Bill very, very strongly and I call upon the Minister to bring the whole Constitution here so that it is scrapped.

Sir, I beg to support.

Mr. Warilthi: Mr. Speaker, Sir, I rise to support the Bill and in so doing I would like to congratulate the former speaker, the Member for Butere, for the wise words he has spoken in this House today. I hope that what he has said will be shared by other Members to bring about the true spirit of harmony, co-operation and oneness.

I would also like to say that a Constitution of any country can be changed or amended at any time and it can only remain a law or the governing document of a country as long as the people of that country are satisfied that it is people of the work it was meant to do. I am glad that our Government and our people in this country have realized that the Constitution which had was not the proper Constitution which could bring about development and happiness for our country. I hope also as Mr. Speaker in this country, our Government will find it suitable at a later stage to bring another amendment which will remove all those parts which are not in keeping with what we want to do.

I do not have much to say on this Bill except that I would like to refer to sections 129 to 156, in the Bill this appears on page 343, Chapter VIII, Parts II and III. This is where the parts dealing with that you will delete the parts of the Bill which will delete the powers of the Regional Assemblies and also the powers of these Regional Assemblies to deal with finance. It is quite true, of course, that once you take away the powers of Regional Assemblies you have at the same time to take away the financial powers to that whichever body or authority has the powers it will also have the powers to spend the funds formerly spent by the Regional Assemblies. Here, Mr. Speaker, I would like to have an explanation from the Minister like to have an explanation from the Minister responsible as to how, after doing this, how are these funds going to be spent or what procedure is going to be followed in allocating a certain amount of funds to various regions. Will that be related to the needs for development in any particular region or will it be related to the amount of revenue which comes from that particular region? I say this because we are quite aware that certain regions are more developed than others, and others which are less developed may require more financial assistance from the Central Government. Since here there is no explanation as to how this is going to be done, I would require an explanation as to how our Government intends in future to bring about distribution of national funds for the purpose of development. This is particularly important because of what has been said in this House before, that certain regions are ignored and more funds or more industries are set up in some

regions whereas others are left without proper treatment, as far as the spending of funds is concerned.

The other aspect of the Bill which I would like to touch on is section 173. Section 173 of the Constitution deals with the Judiciary.

Under the Bill it is provided that section 173— This comes on page 124, in subsection (7). It deals with the method of removing a judge from office. It provides, "If the question of removing a judge from office has been referred to a tribunal under subsection (5) of this section, the Governor-General, acting in accordance with the advice of the Chief Justice in the case of a puisne judge and in accordance with the advice of the Prime Minister in the case of the Chief Justice, may suspend the judge from exercising the functions of his office." After the amendment has gone through, it would mean that the President, if he has to remove a puisne judge, can take this step on the advice of the Chief Justice, but if he has to remove the Chief Justice, he can do it on his own deliberate judgement.

Here I would like clarification from the Government or the Minister concerned as to why this has been found necessary.

So, Mr. Speaker, Sir, I feel very concerned as to why it has been found necessary to give the President powers to act on his own deliberate judgement which I think may in one sense suggest that he could ignore all other circumstances and probably take a political decision which may not be in the interest of this country. I am not actually opposing this amendment, all that I am seeking is an explanation as to why this has been found necessary.

Section 239 deals with alterations of boundaries. This one, I think, has been most welcome to most Members of the House—

QUORUM

Mr. Maitiro-Inumbo: On a point of order, Mr. Speaker, Sir, do we have a quorum?

The Speaker (Mr. Slade): No, there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Speaker (Mr. Slade): We now have a quorum. You may continue, Mr. Warilthi.

Mr. Warilthi: To continue with what I was saying, Mr. Speaker, I think I will repeat a little of what I said earlier, since the Attorney-General is here.

[Mr. Ngala-Aboki] must have a timetable of work. They must know the boundaries of work, between the work allocated to the Ministers and the work that the Parliamentary Secretary is supposed to do.

Mr. Temporary Deputy Speaker, there is a tendency in our present Government to create more Parliamentary Secretaries than necessary. Consequently, you find a Parliamentary Secretary roaming all over Parliament, going anywhere he likes. There is no check on them when the Minister is not there, he can leave his office any time. You can ring there many times, you find he is not there. If you investigate later on, you find he was not on Government business. That is because there is not enough work and everybody must be checked, even the President himself will be checked. There is nobody going to consume public funds for nothing. Everybody must be responsible, must know what his time to start his duties and when to leave his duties. You must tell someone when you go out where you are going and you are not just simply going to take it easy. You must not say to yourselves, "We now have got Uhuru, we are big people in offices, we can abscond ourselves any time and go anywhere, the Prime Minister will not know." This kind of attitude must be stopped in the Kenya to come, because since we have Independence we are concerned with a lot of irresponsibilities from some of our, not only Parliamentary Secretaries, but even Ministers. Some of them take upon themselves that so long as the Prime Minister does not know where they are, they can enjoy themselves and use public money for whatever they want to do. This is a thing we do not want. We would like to get a Minister in his office and if he is not there his private secretary must tell us so-and-so has gone to such-and-such a place. This is where the colonialists were better administrators than the present people who have taken over power. You must be able to trace a servant of the people, a Minister as such, an Assistant Minister as such, and any person paid by the public is a servant of the public and people must know where he is at all times during office hours. So we are not going to use this Constitution for creating numbers of ministerial posts without proper portfolios which allow for Ministers and Assistant Ministers who go wherever they like and not leave any information in their offices. I think a thing of this nature will not help us and therefore I would not like to campaign for Assistant Ministers to be given more responsibilities when at the same time they are not

responsible and they do not attend to their office work, they are not even anxious to learn from the Ministers themselves. They want the Ministers always to come and attend to this or that. This attitude is not good enough. Any Parliamentary Secretary who wishes to co-operate will learn from his boss, anybody who wishes to be a boss like his boss will just be a boss of his relatives and parents, or wives and so on, but will not be helpful to the public, and as an Assistant Minister as such he must learn to respect his Minister and show a willingness to learn from him.

Mr. Temporary Deputy Speaker, what I do not understand is, and this is subject to correction, when the Prime Minister has appointed judges and as we know the President, I mean, will be a politician who will have his constituency and will be answerable to political statements made both in this House and outside—

QUORUM

Mr. Choge: On a point of order, Mr. Temporary Deputy Speaker, I wonder if we have a quorum in the House?

The Temporary Deputy Speaker (Mr. Waribithi): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Waribithi): We have a quorum now. You may proceed, Mr. Ngala-Aboki.

Mr. Ngala-Aboki: Mr. Temporary Deputy Speaker, I had just stated that it is most unfair to blame Ministers, that they are not given enough powers and enough chance to their Assistant Ministers. It is equally true that many Assistant Ministers are not interested in learning from their Ministers, they are not interested in following and studying their jobs. They leave their offices without leaving any information as to where they go and they are most irresponsible. They use public funds without particular reasons and therefore it would be most unfair to call for more powers to be transferred to these particular chiefs if they are not responsible enough.

We also know that when you know that you have a particular man before you as your Minister, you also tend to be treated big so that you want the people who call on you at your office to give you more respect than you need. I would ask anybody who may become an Assistant Minister to behave.

[Mr. Ngala-Aboki]

I also mentioned the appointment of judges by the President himself. I was saying that a President will be a politician, he will be within politics, will be answerable to many political matters, and if he is appointing judges, these judges will be passing judgments on certain cases and I was wondering whether another body could not actually appoint judges. This does not mean that I am opposing this particular section but I am just warning that we should not let a political President dictate to a judge as to a judgment because I know in many cases, in many parts of the world, the President's powers have been used sometimes to control cases that could otherwise be justified, but because of the political situation in the country the President may obstruct the judge's decision and the judge may make the decision in the interest of the President's ruling. So we would like our future President to be very considerate and to try to show the country, as he has tried to show the country already, that judges are not going to be influenced by his political wishes and his political thinking.

Also, the part I am querying is during election time—it is not explained very well and I am subject to correction—who will be ruling during that period? The President himself will go to the countryside to ask for votes and many events will take place during the elections. So I do not know who at that time will take over the Government. You see we know a country where there is a Prime Minister, the Prime Minister resigns with his Cabinet, go to the elections and the President remains ruling the country. During election time there are a lot of activities, some of which I think are permitted, like rudeness in public meetings and people's supporters trying to spoil the other opponent's activities and so on. At this time things may play up and many security risks may take place. So I do not see the light of who will be the most competent person to rule at this time. I do not know whether at the time the President will be fighting for elections he will be ruling the country. In this case he may be so biased that he will obstruct some people who he thinks are not going to support him to repeat his position as a President.

So, I would like the Minister for Justice and Constitutional Affairs to—I do not know whether he will blame me and say and I have not done a lot of reading—tell me exactly in very precise language who will actually take over the duties of the President at this time of elections. Some of the people may be so against their opponents that the security risks will be very alarming. I would like to know who will be ruling at this particular time.

I would like, before I sit down, to congratulate the Minister for Justice and Constitutional Affairs for the way he has dealt with regional boundaries. I also know that not many of us are interested entirely in many of these changes. I would like to appeal to some of my friends who feel very strongly that land has been taken by Central Government from regions or from county councils and that regional boundaries are going to be decided by the Central Government, to read these changes and see how much there is to be gained in getting these things to the Central Government.

I think that the people, the Members, who feel that the Central Government should not take over the responsibility for these decisions are passing a vote of no confidence in themselves, because if they are Members of this House, and in fact many of these matters will be dealt with in this House, then I do not see why they are worried about the Central Government keeping an eye on these lands, boundaries and so on. Moreover, I do not understand what these men mean by Central Government taking land. I do not think anybody could go and take land from somewhere and then put it in his pocket. The only thing is that the land remains where it is but then you have a competent body to look after it. A person who would finance you to develop your land and a person who would help you to make a proper assessment on what you have to do about land payment. This is the one thing that is all there is to it. I think in the question of boundaries it is well explained. First of all the regions concerned will be dealt with in boundary matters, and if both of them agree, then the Central Government will do very little to obstruct whatever changes are to be made. But of course where there is no agreement, the Central Government will come in very cleanly and neatly by a commission being appointed first of all, making recommendations which will be considered by the President, and this Parliament. Consequently a solution will be found.

So, it is unfair to pass a vote of no confidence in oneself when one knows very well that nothing will be done without being brought to his notice as a Member of this Parliament. Also it is a step to remove the pretext of the former way of manoeuvring and trying to put aside Members' questioning and queries about what should be done in regions, when Ministers used to say that this was a matter for the region and I therefore had no responsibility for it. So I do not think that these Members with the Ministers to continue to tell them that they have no responsibilities for these matters in any part of Kenya. We would like our Central Government to be responsible for

[Mr. Anytenj] the creation of anything which may require the maintenance of law and order. Here the Regional Assemblies were given power to go and create trouble. Then they go away, they leave people slaughtering each other and they expect the Central Government to put these troubles down. Now that the Central Government has taken these powers, the Central Government will be considerate and will make sure, that it will not, after this retired judge has decided, that this area should be given to that region— I hope that the Government will not precipitate a situation which will bring bloodshed to the country. This is the only guarantee, because I know the Members who may have this fear must also know that it takes Government a lot of money to put down a rebellion or a quarrel or a fight and, as such, hope that our Central Government will be a Government which will protect all our lives, even the life of a single child; our Central Government will not do anything, will not arbitrarily decide to move an area from the people to whom it belongs to different people as a result of bloodshed. We hope the Government will not do this.

With this good faith, we believe that after we have tried to take away powers from the Regional Assemblies, Central Government cannot leave powers on land to the Regional Assemblies because Kenya being an agricultural country, the Central Government must be able to decide what happens on the land. Here I support this particular clause, clause 139, most strongly. The Central Government, intends, according to this new Constitution, to be able to appoint a retired judge to carry out an investigation or an inquiry and then make recommendations to Government, so that after that the recommendations of this judge will not be implemented by the Cabinet, by the President, they will be brought to this House where the representatives of all the areas in Kenya will be able to voice their views. For those Members who fear that this should not be so, I would like to say that if I want anything done in my constituency and I want this House to help me to do it, I must be able to persuade the majority of the Members of this House to support me. If I do not believe that what I want to do can be supported by the Members of this House, then surely I should not even bring it to this House. So we say that this Government has done very well because this House will be able to decide where land should go, where there is a problem, and the Members from that particular area will be able to contribute something. They have access to Members and they can persuade them, so that

when they come to this House, they will be able to support them.

Mr. Speaker, with those remarks, I wish to support the second amendment.

Mr. Ngala-Abok: Mr. Speaker, Sir, I stand to support this Bill very strongly with very few remarks which are not in conflict with what the Minister said except that I would like to say something about the sections dealing with the powers of the Regional Assemblies. We know that during the elections we opposed the Regional Assemblies and we said that we could do something after the Government was elected to try and even abolish the Regional Assemblies. As far as my knowledge goes, this is what our party as Kanu stood for, because we felt that Regional Assemblies were going to be too cumbersome and financially too difficult to run, but since these Regional Assemblies were constituted there are a number of deliberations that have taken place, carried out by these Regional Assemblies, which in this particular Bill I would like to bring to the notice of the Government. We have seen out of these deliberations how we have been able to get certain secondary schools in various regions. I think that if these powers remained in the Central Government, the number of secondary schools that have now been proposed by the Regional Assemblies and which have eventually been accepted by the Central Government could not have been proposed by the Central Government, because we know very well that the Government sitting in Nairobi could not effectively take into account the various places considering the geographical position of a district or region that need these secondary schools, or various places that need certain health centres, or various places that need certain projects. But, it is the man on the spot at the Regional Assembly level to discuss these things and to bring them to the notice of the Central Government and because they have powers to decide on these things, they did so in a number of projects and secondary schools and now I think that there are a lot of things proposed, except the difficulty is that there has not been money to implement some of these projects that have already been recommended to the Central Government and even to carry out these secondary schools.

What is in my mind particularly are the secondary schools apart from other objects that have been proposed by the regions when they were still having the powers to do so. As far as secondary schools are concerned, I very much hope that when the new Government, or the Republican Constitution comes into force the

[Mr. Ngala-Abok] [Minister concerned with education will see to it that all secondary schools that have been proposed are provided with enough finance to maintain education of our children. I also would like to appeal to any other Minister who already has had proposals from, these regions to carry out certain projects in various districts, because if things come to the Central Government there is one fear, that the Central Government may look at Kenya more generally and may tend to forget certain areas because there will not be any power anywhere to put pressure on the Central Government to implement a certain project in a certain area because of the remoteness of the power itself. The power itself is going to be situated in Nairobi and Kenya is a very vast country with a lot of progress still to come, and so I wish to appeal to the Government more generally to take into account all those powers they have taken from the regions to see to it that we as Back-benchers shall not be brought to a position where we shall be able to demand powers to return to the regions, because this time I must say very definitely what my views are on the Regional Assemblies, that there will come a time when if we find that the Ministers apart from using this scarce Kapsapog language, that the President of the Regional Assembly has not recommended to us, this is a matter for the Regional Assembly. I know the Government apart from doing that during the Regional Assembly time, the Government this time will say that the Government has not enough money or that the Government is still considering it, or that the local people must work hard or that they will get a certain excuse that will tend to obstruct Members' progress and activities. I do not think that our Government is going to act in that manner and every part of the country will be attended to more vigorously and more efficiently so that we do not ask for the Regional Assembly powers to be returned there. I would like to support my respectable colleague, the Member for Majengo-Bassi, in saying that the Back-benchers are now in a greater majority and in the result to come we shall see to it that Ministers are effective and active and positive, so that we have a strong Government and that the Back-benchers will not be used as rubber stamps merely because we have a one-party system. One may look for a one-party system to be the best thing for implementing these policies, but we may find it more dangerous because opposition will have to develop from within and opposition developing from within always leads to a dangerous split which I do not think anybody would entertain.

Therefore, our Ministers are even now having a more difficult time than before because I know that before our Ministers used to persuade Members of the Government side to act in unity so that the Opposition did not secure anything, but now that we are all belonging to one particular organization, I do not think that the Ministers are going to take it easy and think that the whip is going to be applied for good. So I think that the Government will be more active when these powers are placed into their hands. Also, the justification for removing many of these powers is that the Government will plan more properly without any obstacle. This is a very logical view but I would appeal to the Central Government to take into account what I have just said, that a one-party system may turn to numerous parties where the Government may not be able to function, particularly when it is not used properly.

Mr. Speaker, Sir, again I would like to talk on the section dealing with Assistant Ministers. We know a number of Ministers who have given more responsibility to their present Parliamentary Secretaries. I would like to mention, for example, the Parliamentary Secretary for the Ministry of Agriculture who has been acting in this House very responsibly and his answers to questions have been very detailed and I think this particular thing should be treated more seriously, otherwise we have a Parliamentary Secretary has taken more interest in his Ministry's affairs. I would not like to blame the Ministers alone in this case like to blame the Parliamentary Secretary in this because every Parliamentary Secretary in this case as an Assistant Minister, must take an interest in whatever he is doing and must learn and in whatever he is doing and must learn the policy of this particular Ministry. There will be no reason for us suspecting that the Minister has not given enough chance for his assistant to act on his behalf, or to follow the policies of the Ministry, if an Assistant Minister feels that a Minister should treat him equally or like any other Minister or like a Minister's colleague, then that is a mistake.

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

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

So we want everybody to devote his time to the unity of Kenya and for the Harambee whether he is an Assistant Minister or a Minister he must learn to behave and he must learn to carry out his duties in his capacity as Assistant Minister and I hope that this time our Assistant Ministers are not just going to be people without defined responsibility. They

[Mr. Anyien]

Mr. Speaker, Sir, the Minister said that because Government has taken these powers, Government will collect not less than £12 million which will be used for development and that the Regional Assemblies which prove to be capable of planning Central Government will be given money out of this £12 million for specific projects. Mr. Speaker, here again we have to appeal—there were fears in the past that if money went to the Central Government these moneys might be channelled to particular regions, to particular districts—that we would like to have an assurance from the Ministers that when they have collected this £12 million it will not be divided up in the ratio which is even in our Six-Year Development Plan, where the money set aside for development in the rural areas is £3.4 million and of that, £1.8 million is to go to one district in Kenya and then £1.6 million is to go to all other areas in Kenya. We hope that this ratio will not be effected by the Central Government, because if that did happen, it would mean that one district here may receive £7 million and then all the other regions in the country and the other districts, four districts, will be given £5,000. If this comes, those people who are opposing the idea of Central Government having too much power will be able to prove that Central Government is even more parochial in its development outlook than the Regional Assemblies. So, we hope that the Government here will look to all parts of Kenya and give the money in that way.

Mr. Speaker, I would like to propose here that the best way for Government to use this money would be for Government to say, "Here we have forty-one districts, and we have, let us say, £41 million. Every district is to have £1 million for development." If this is not done, Mr. Speaker, some areas where the European stayed in the old days and where there was more development, those areas continue to have more development and as a result there will be imbalance in development. We hope, that the Government, which is an elected Government, will be able to do this. If the Government does not do this I want to warn the Government that now the Back-benchers are so great a majority that we shall be able to check any unfairness in the distribution of the national wealth.

I come now to the appointment of judges. Now, here again, the President will be appointing the judges. In appointing judges, Mr. Speaker, we have known of some other countries outside Kenya where—and here I am not attacking any particular country—some judges probably did not pass the judgment according to the wish of the

President. We hope that somebody is taken to court (I do not know who it will be) and when the judge says that this man is not guilty, I hope that the President will not say: "You say this man is not guilty, I say he is guilty, and so you lose your job." I hope that this will not happen in our country.

Mr. Speaker, this is very important because, in a country like Kenya, where the majority of the judges—practically all the judges—are people not of Kenya origin, if the judges will have the fear that they may be removed from their jobs at any time, they will be open to political corruption. In other words, they will try to judge according to the person, who is ruling the country at that particular time and we hope that the Government will give judges powers. Not only that but the Chief Justice, in the question of precedence at ceremonies, since he represents justice in the country, should surely have precedence. We hear that the Chief Justice will be after all the Ministers. I think that if we are to accept that justice is supreme, then the Chief Justice should have precedence. In other words, when there is a ceremony, the Chief Justice should be in front, to be ahead of the Ministers, because he represents the justice of the country. If a country does not recognize justice, then that country will have the law of the jungle, and I do not think that Kenya will introduce a Constitution which will bring the law of the jungle into existence.

The Minister has mentioned something about elections. He was giving hon. Members here an assurance that there would not be an election before 1968. This was an unfortunate remark. I call it an unfortunate remark because if in this House tonight there are Members who are afraid of election, then these Members should either resign their seats and give their chances to somebody else to serve the country or, if they cannot do that, they should not have any fear of an election.

Mr. Speaker, as the Minister has just said, we shall be having elections in 1968 and I would like to say—as one of the elected Members—that I do not fear an election. As a matter of fact, if there is an election, tomorrow, Mr. Speaker, some of the people who have now refused to represent their constituencies and who are representing themselves, will be able to go so far that we may have better people in this Parliament. As far as the question of election is concerned, at any time when the President might think that it was the time for election—if he said this tomorrow morning—I would welcome it. The only bad thing about it is that the Government may have to spend too much money, but I would also like

[Mr. Anyien]

to tell the Minister that the people whom he should have assured that there would be no election soon are the Ministers. We Back-benchers do not fear the next election because we always declare ourselves in this House, we always say the things which our people want us to speak about, but the Ministers are the people who have failed to act and it is they who fear election because the people may refuse to vote for them and they may never be able to come to the Front Benches and enjoy the large salaries which they are getting today. So, Back-benchers have no fear of election and I hope that the Minister who stands to speak will also say that, "We Ministers do not fear election, it can come at any time."

The Minister who moved this second amendment also mentioned the question of the election of Senators, but when he was telling us the importance of the Senate, the Minister did not even define the work of the Senate. We know in the old Constitution, Mr. Speaker, that before anything was passed 75 per cent of the Senate was required to pass it. Now, in the new Constitution, even in the election of a President, the Senate is not even mentioned. In a lot of things the Senate is not even mentioned. Why is it necessary to maintain a Senate for six years when their job is not clearly defined? We want the Senate to remain there, but we want the Senate to have some specific powers. What the Minister should have said is that the reason why we do not want the Senate to be dissolved, the reason why we want the Senate to continue all the time, is that when the House of Representatives has been dissolved, the Senate will help the President to rule the country between the time of nomination and the actual election. But if at that time the President is going to be given all the powers to rule without referring to the Senate, which will be the only elected House of the people remaining on that particular day, the Constitution is making a mockery of the presence of the Senate. So we hope, Mr. Speaker, that while this amendment is not the final amendment, the Government will make such an arrangement which will say that if the House of Representatives is dissolved and an election must take place within three months or one month, at the time when there is no House of Representatives the Senate will work with the President and the President will be able to take the Senate as being the House of Representatives for that small period awaiting the election of the Members to the Lower House. This will make the Senate a very important

body because right now, if the House of Representatives is dissolved, there is no mention in this Constitution that the Senate will help the President to rule the country.

Mr. Speaker, the Minister made a statement the other day, as sometimes a lot of Ministers do, and when the Senate met yesterday the Minister came under a lot of fire. There were a lot of bullets fired at him and there were even demands that he should be withdrawn from the Cabinet, and so on. There was even mention of O'Connell being brought here to overthrow Government so that the Senate may start. For this reason, Mr. Speaker, I think the Minister has gone to great lengths to try and say that the term used—for the time being—did not mean that the Senate is only important for the time being; for the time being may mean one year, six months or one month. So I would like to say before I sit down that the Senate, is a very important body and if for the time being works for the Senate, then for the time being should work for the Lower House, it should work for every article in the Constitution, but this term "for the time being" should not only work as far as the Senate is concerned. Therefore, we say that this was a very unfortunate remark and we hope that it was a slip of the tongue, and the Minister who has now explained will not have any more fire from the Senate.

Mr. Speaker, with those few remarks I would like to say just one thing more: that is, on clause 139 of the second Constitutional Bill. Here the Central Government has removed from the Regional Assemblies power to set regional boundaries. I know that some Members may stand up here and say that the Government should not have and say that the Government should not have this power. Mr. Speaker, I would like to say this power. Mr. Speaker, I would like to say that in the old Constitution it was stipulated that in the Regional Assemblies will be the ones that decide the boundaries and if two Regional Assemblies agreed, then there would be new boundaries. Mr. Speaker, from experience we know very well that the old colonial Regional Boundaries Commission did agree that in the areas where the hon. Member, the hon. Godia comes from there should be a new boundary and also where the Member for Trans Nzoia comes from there would be some changes. Mr. Speaker, from there would be some changes. Mr. Speaker, you know very well as I do that there has been a lot of problems. There has been destruction of these areas. There has been destruction of property in these areas, and so on. Mr. Speaker, property in these areas, and so on. Mr. Speaker, if the Central Government is held responsible for the maintenance of peace, then the Central Government also should be held responsible for

[The Minister for Justice and Constitutional Affairs]

The Senate is capable of making a very definite contribution in our Parliamentary system. I believe that it has already made some very useful contribution and I am myself quite confident that for our own system the Senate has a very definitely permanent place to play in our Parliamentary democracy.

Clause 7 applies to the provisions of section 19 of the first Act to existing offices which are specially entrenched so that now provision is made for the continuance of all offices notwithstanding the substitution of the Republic for the Crown as the Government which all officers will serve.

Finally, clause 8 is merely a technical necessity. The intention is to remove any doubt as to what existing ordinary law survives the various constitutional changes which have occurred in 1963 and 1964. We do not want a position where the Supreme Court and the Court of Appeal for Eastern Africa are in any doubt that they are to continue to apply the law as we know it today.

Mr. Speaker, this is not the occasion to make a long speech. As I have already explained, this instalment in the amendments that we are putting forward is of no more than a consequential nature. The amendments are technical in nature and in one or two respects they flow out of the amendments that have already been approved in the previous Bill.

I beg to move.

The Attorney-General (Mr. Njonjo) seconded.
(*Question proposed*)

Mr. Anyienj: Mr. Speaker, Sir, when the first part of the Amendment of the Constitution was introduced in this House, there were so many things that some of us disagreed with, but then after having agreed in our Parliamentary Groups that we would support, some of us thought it best not to say anything at that time. So since we must only deal with the things mentioned in the Second Amendment, I have a few remarks to make.

When the Minister was introducing the Second Reading, the Minister said that the post of Parliamentary Secretary will be changed to the post of an Assistant Minister. The post of Parliamentary Secretary has been a post which is very unfortunate for any Elected Member to hold, because he did not sit in the Cabinet, even in the absence of his Minister. Sometimes he was not given the papers which were exposed to the Minister's personal secretary and as such the post of Parliamentary Secretary was merely a job which

was given to people, I do not know whether to make them keep quiet or to make Government look representative.

Mr. Speaker, Sir, with the new Constitution where we do not have Parliamentary Secretaries where the Minister said we are going to have Assistant Ministers, we hope that the Government will think it fit to make them thoroughly Assistant Ministers and not rubber stamps, not Administrative Secretaries for Ministers because many of these Parliamentary Secretaries are people who have a lot of brain, many of them have more experience in their jobs than the Ministers above them. I do not have to quote the names because very many Members who will look back to these appointments will agree with me that sometimes you have a Parliamentary Secretary who is even more capable than the Minister, but this Parliamentary Secretary is kept in that office, frustrated, doing no work, just sitting! So, Mr. Speaker, Sir, with the new amendments we hope that the Government will regard Parliamentary Secretaries who are now going to be called Assistant Ministers as true, Assistant Ministers who have access to the secrets of Government, because they are also taking an oath, who must also be able to read what has happened in the Cabinet as far as the Ministry is concerned and who also should help the Minister in the planning of the development of anything that goes on in that Ministry. This will help widen the scope of the brains for the interest of the country.

Mr. Speaker, Sir, I am saying this because we have known a situation whereby, when you ask a Parliamentary Secretary about a Bill which is being introduced, the Parliamentary Secretary tells you, "I do not know about this Bill, this is just a matter for the Minister." But when he comes to Parliament he has to support the Bill, and we hope that while we have sixteen Ministers, the sixteen Assistant Ministers will also be more or less Ministers because they are now going to be called Assistant Ministers.

The Speaker (Mr. Slade): Mr. Anyienj, I think you cannot pursue this very much on this Bill because the substantive change was made by the previous Bill. The only way that it comes into this Bill is as a purely consequential amendment, following up on what was decided on the first amending Bill. If we allow every consequential amendment to take us back to the first Bill, it will get us into trouble, I think.

Mr. Anyienj: Mr. Speaker, thank you very much, I think I have already made my point.

The Minister said that Chapter 137 of Chapter 156 are to be deleted because of what we agreed

[Mr. Anyienj] on the first amendment. Mr. Speaker, Sir, these chapters deal mostly with the powers which were given to the Regional Assemblies and now those powers will be brought back to the Central Government.

Mr. Speaker, Sir, as you will remember, in this House the Members have been asking certain questions for developments in their areas and all the time the Ministers have made Regional Assemblies a scapegoat for the things that Government should have done for the people of the country. I must thank the Government, the Minister, for having introduced this because from the 13th December the Ministers will not stand up any longer and say this is the responsibility of the Regional Assemblies, these are the responsibilities of the President. The powers that were given to the Regional Assemblies in land settlement, in education and so on, have now been given to the Central Government and I believe the reason why the Central Government has done this is that it believes that the Central Government is fully competent to do something for the country in the field of economical development.

The Speaker (Mr. Slade): You are going back on what was done by the previous Bill, which removed certain powers from Regional Assemblies.

What this Bill is doing is taking back the money. You can discuss that, if you like. You must deal with such new matters as are raised by this Bill, but not the old Bill.

Mr. Anyienj: Mr. Speaker, Sir, I think you will be a little lenient because it is a bit difficult to know where the border is.

The Speaker (Mr. Slade): I will tell you.

Mr. Anyienj: Thank you very much, Mr. Speaker.

The Minister has also said that because responsibility has been withdrawn from the Regional Assemblies, Government has thought it necessary so to withdraw ones which, according to the old Constitution, went to the Regional Assemblies. This we support very strongly. Mr. Speaker, Sir, but then we want to give a small warning to the Central Government. Mr. Speaker, Sir, when Government said that they were going to withdraw powers from the Regional Assemblies, the Members of the Regional Assemblies started saying, "Look, when we were here we had planned to give you a school here, we had planned to do this for you here, we had planned to do this for you there", and now that Government

is going to take these powers, the Government must work in such a way that the accusations which were made by the Members of the Regional Assemblies will not be valid because they said now, "Look, we had planned to do this for you. Now the Central Government is taking the powers and the money. They are not going to be able to do it for you." We hope that the Central Government, after Central Government has money, Central Government being an elected Government, elected by popular vote of the masses, will be able to use the money for the interest of the people in all areas.

Mr. Speaker, Sir, I am saying this because that are a lot of things which need doing in the country, and the Central Government, which at that time did not even give the Regional Assemblies the money, all the time we asked those questions here, blamed the Regional Assemblies.

In the collection of taxes from the country-side, the Central Government should be able to say that they are collecting money from that area and to tell the taxpayers that the money is not any longer going to the Regional Assemblies, but that it is now the Central Government responsibility, because one of the reasons why it has been difficult to collect taxes in that in some areas people do not see the point of paying taxes because they do not see projects which the Government has in hand from the payment of their taxes. And so, Mr. Speaker, we hope that the Government will take care of the areas, and when I say areas, we have had Members, for example, from many areas, complaining that Government has not done this or that for them. This has been blamed on the Regional Assemblies, now that Government has all the powers, the collection of taxes and the provision of services, we hope that Government will be able to do something in every area, in every specific area, and this Government will have full co-operation from the Members of Parliament who are now—all of them—in one party.

Before I leave that, Mr. Speaker, I want to mention something about the secondary schools which the Minister says Government will have which the Minister says Government will have the money to run. In my own district, Mr. Speaker, we have about six secondary schools and these secondary schools have all been situated around the town, within a radius of about three or four miles. Some of these secondary schools are supposed to be spread throughout the country, have not been spread throughout the country as far as parochial as the Regional Assemblies have been and that Government will spread development in all areas.

[Mr. Mboya]

Because I know there is a great deal of interest on this particular point in the proposed amendments I should perhaps elaborate on it just a little bit more. In the present Constitution the only way you can amend the regional boundaries is by action initiated by the Regional Assemblies, and in each case it requires that Regional Assemblies, sharing a common boundary, should in the first place agree individually to such a change taking place. It requires that the agreement must be on the basis of two-thirds support in each of the Regional Assemblies. It is quite clear to us that this machinery cannot work except perhaps where it is possible for the two regions to trade one bit of land for another bit of land. It is, therefore, a situation in which it is quite easy to reach a stalemate and to continue an impossible state of affairs that would otherwise be resolved if we had an impartial, outside body involved in trying to bring about an understanding. We also believe that in a matter of this importance Parliament should have some very definite say in the matter. After all, Parliament is the voice of the people of this country and through their representatives, however difficult a problem, it should be capable of resolution within Parliament. The arrangement that has, therefore, been proposed is that a commission is appointed by the President, from a selection by the Chief Justice, of a person with judicial experience. The commissioner then makes his recommendation. If the commissioner does not recommend a change then Parliament cannot itself recommend a change. However, when he does recommend a change then Parliament may recommend or approve that change or, where it sees fit, it may not approve the change. We are bringing Parliament into play, but we are making quite sure that Parliament will only act where there has been a definite expressed view of the people in the area that the change is desirable and that it is accepted. In other words, if the people of the area, in the view of the commissioner appointed, have not accepted a change, then Parliament cannot itself initiate a change. That, Sir, is a very important principle, I think, to bear in mind.

Then we come to Chapter XV and section 247, the interpretation section for the Constitution. Here the amendments are consequential except for one. On page 249 of the Bill, hon. Members will see a change in the interpretation for the Constitution. Here the amendments are consequential except for one. On page 249 of the Bill, hon. Members will see a new subsection (1a) to be inserted in section 247. The purpose of this is to clarify what is meant

by all the Members of this House or of the Senate when the Constitution requires a special majority, such as 75 per cent or 90 per cent, for a particular resolution or Bill. The Government considers it logical that the 75 per cent or 90 per cent should be a proportion of the Members entitled to vote and not of all the Members, including the *ex-officio* Members. This, Sir, is a very important provision, because we have agreed in the Act already passed that the Speaker of the House will become a Member of the House by virtue of his office. Additionally, we have the Attorney-General as a Member of the House by virtue of his office. However, neither the Attorney-General nor the Speaker of the House will have a vote in the House, and I would like to correct those Press reports a few weeks ago which implied that the Attorney-General had a special vote in the House which he should have exercised when we were voting for the Constitutional amendments. The fact is that the Attorney-General sits in the House as an *ex-officio* Member of the House but without a vote at any time, only with the right to speak. Similarly, this will be the position of the Speaker, unfortunately, without the right to speak, except, of course, in the usual way. Now, we consider that it is a bit hard on the Government, or, for that matter, on the House to continue to hold that 75 per cent of the required votes includes the number of persons who are Members of the House on an *ex-officio* basis but without the right to vote. Therefore, we are proposing that when we say 75 per cent of the House it should be 75 per cent of those who have the right to vote in the House and not of all the Members including those who do not have the right to vote. That, Sir, is a very simple matter, but of importance because it could mean in some cases the difference between winning or losing by one or two votes.

There is little more to explain about this Bill. In the Second Schedule of the Bill a number of sections of the Independence Order in Council are repealed because they have been superseded.

Now, turning to the consequential provisions in Part III of the Bill, there are three clauses, clauses 6, 7 and 8, which require a little explanation. Clause 6 provides for the continuance of this House and of the Senate as if there had been no other Constitutional changes and removes any doubt on that score. The date of the dissolution of Parliament (unless sooner dissolved) is not changed. I would like to explain this a little because I understand that some Members were a bit exercised about the fact that we have provided in the Constitution that the House would

[Mr. Mboya]

be dissolved in June 1968. Some Members wondered why we did not just leave this open. Now, the fact is that the Parliament has a life of five years. This Parliament was elected in June 1963 and, therefore, it comes to an end in June 1968. I think there was just a slight misunderstanding in the minds of some Members as to what this meant. Some Members thought that we were trying to bring the life of the House prematurely to an end, but that is not the case. We are merely trying to confirm the fact that this Parliament continues in office for the full length of the time for which it was elected. Now, the reason why we say until June 1968 unless sooner dissolved merely means 1968 when Parliament may be dissolved by the President, or, for that matter, when Parliament itself may have passed a vote of no confidence in the Government and that might lead to a dissolution. So, it does not mean that there is any intention or trick on the part of the Government to deny the Members of the Parliament their full term in Parliament. It is merely a legal, technical wording of this kind of provision so that there is no ambiguity whatsoever as to what is meant. However, I assure the Members that they will be in office for the full length of time for which they were elected.

An hon. Member: We are not afraid of that.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I am very glad to hear the remark made because I was getting rather frightened that some Members might say that because we now have a one-party Parliament there is no need for elections.

Hon. Members: No, no, there must be elections.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I am glad to hear it confirmed that we all agree that although we have a one-party Parliament there must be regular elections. If we were to attempt to remove the provision for regular election we would deal a death blow to the whole principle of Parliamentary democracy. So, I hope the provision is now quite clearly understood.

The division of the Senators into three classes is provided. Hon. Members will recollect that this was necessary so that one-third of the Senate will be re-elected every two years. Provision has to be made to place the three North-Eastern Region Senators in the three classes. Again, I should explain here that immediately after the election last year Senators were informed that they would have to be placed into

three groups. This is because the Senate, unlike the Lower House, remains in office for six years, regardless of whether the House here is dissolved and, regardless of whether the Government resigns. The Senate is never dissolved. It is permanently in existence and, therefore, it works on the principle that there is at least a body of Senators who will always be remaining behind to provide at least the basis of experience in Parliamentary procedure and maturity that helps the House of Parliament to continue its work uninterrupted. Unfortunately, because this was the first Senate ever to be elected some of the Senators, through the ballot which has been carried out in the Senate, will only be able to stay for two years. The next lot stays for four years and the last lot stays for six years. However, thereafter all the Senators will be doing ever. This is not a point that is disputed because all the Senators know in what group they had already sorted themselves out and some Senators will come up for election in 1965, another group will come up for election in 1967 and the rest after the six-year period. What we are really doing now is to remedy the anomaly that arose when the Self-Government Order in Council came to an end and was not renewed by the Independence Order in Council. We are now making this into a legal provision.

Now, speaking about the Senate I would like to take this opportunity to remove what I understand has caused some apprehension and misunderstanding on the part of the Senators yesterday. It appears that in a remark which I made, it is reported to have made when speaking to the Chamber of Commerce the impression was given that the Government was retaining the Senate for the time being and that we might be considering abolishing it altogether in due course. I would like to make a categorical statement that in fact this is not so. All that I did say was, in reply to a question which we had retained the Senate when it was such an expensive machinery, that in each country there was a history behind the decision whether to have a uni-cameral or a bi-cameral legislature. When we decided to have a bi-cameral legislature we were merely trying to amend those parts of the Constitution which we found were illogical, unworkable or unnecessary. For the time being we had not found the Senate, therefore, illogical, unworkable or unnecessary, and, therefore, our stand was to retain the Senate while in this context, therefore, the Senators will understand the context in which I was speaking and will not read into what I said anything that was not actually meant in it at all. I believe that

[Mr. Mboya] rephrased. It is not possible under the present Constitution merely to strike out the word Governor-General as a result of the Act which has been passed. Such an Act or action is regarded as an amendment of the Constitution and this requires the passage of this Bill by 75 per cent in this House and 90 per cent in the Senate. So it will be seen that these amendments to the Constitution in the First Schedule are to a large extent merely consequential changes to the names and titles.

Then some of the amendments are removals of surplus words and cross-references which are no longer necessary or meaningful in consequence of the first amendment. In Chapter I on citizenship, there is no amendment of any substance apart from what I have already indicated, namely the substitution of President for Governor-General. The opportunity has been taken to change the reference to Tanganyika which appears in some parts of the Constitution to a reference to Tanzania and similarly with the Federation.

In Chapter II on fundamental rights, the changes are purely consequential and no amendment of substance has been made. Then we come to the sections in Chapter VI which provide for the regions to have a fixed share of national revenues, and those provisions dealing with the whole question of the financial structure and which provide for a review procedure of those financial arrangements. Here I am referring to sections 137 to 156 in so far as they have not already been repealed.

Members will recall that in the debate on the first Bill there was some discussion about this particular provision of the Constitution. At that time I indicated that we had already approached Professor Tress under the terms of the existing Constitution to come out and undertake a review of the physical structure with a view to amending it suitably so that it reflects the change in the area of responsibility as between the Regional Assemblies and the Central Government. However, in view of the fact that the Act has now been passed and Parliament has agreed in principle to the change in the status of the Regional Assemblies and in so far as their powers, *vis-à-vis* the Central Government is concerned, it does not appear to us necessary that we should continue to be saddled with the amendment procedure that was stipulated in Chapters 137 to 156 of the Constitution. Those provisions are now totally unrelated to the position of the regions. It is absurd that regions should receive large shares of the national revenue automatically and regardless of the task they perform.

Hon. Members will remember that we had to provide in the first Constitution (Amendment) Act

for a proper spending of this money. So it is provided in section 28 of this Act that this money shall be spent on proper services such as education, police and health facilities. That was necessary when we were not touching the specially entrenched clauses. Now that we have the whole Constitution under consideration we can and should remove the unnecessary and cumbersome provisions. If Central Government is to decide what function each region is to perform, it must decide what finance it is to have. So, as and when regions are given duties, they will be allotted public funds. Thus we propose to repeal Part 3 of Chapter VIII entirely. The review procedure under section 156 will be quite unnecessary, a needless waste of public time and money, and of course section 28 of the first Act will also go.

The elaborate financial procedure of voting money out of regional funds in Part 2, Chapter VIII, is also unnecessary and will have to go. These are further steps to the shortening of the Constitution. The *Encyclopaedia Britannica* is shrinking, as I would put it, to the size of a pocket dictionary.

Now, Sir, perhaps I should help hon. Members in understanding this particular part of the proposals by giving them an example of exactly what we intend to do and what is likely to happen. Under the existing Constitution, or rather before we passed the recent Act by which we have amended the Constitution, it was the arrangement that each region would undertake certain specific responsibilities under the Constitution. The regions would be responsible for education up to secondary level. They would also be responsible for health services except for the specified national hospitals. They were also responsible for all forms of secondary education except for a few schools that were called the national schools. They were also responsible for agricultural and especially the extension services in agriculture and the veterinary services, and they were responsible for a whole lot, a series of social services throughout the country. Because of these responsibilities it was decided that they should have certain specified revenues that they would use in carrying out these responsibilities and the result was that in the case of customs and excise duties 35 per cent of the total revenues collected in this manner were to be allocated to the regions and to be divided between them on a formula already set out in the Constitution.

Additionally, the regions would receive all moneys accruing from petrol and petrol consumption tax. This gave to the region an amount nearly

[Mr. Mboya] equivalent to £12 million, that only the regions could utilize and which was excluded from Central Government revenue.

Now with the amendment that we have now passed in this House these responsibilities thus become the responsibilities of the Central Government. If, therefore, these revenues are left in the hands of the regions, they would continue to have the revenues without continuing to have the responsibilities and it is therefore necessary, once the responsibilities have been moved back to the Central Government, that the revenues should also move back to the Central Government so that the Central Government is in a position to carry out its functions. It will then be for the Central Government as and where it delegates its responsibilities in any of these fields to the regions to vote such funds as are necessary to that region to carry out those delegated responsibilities. In other words, we are putting the entire responsibilities for revenue collection and allocation to the Centre.

We have also said that the elaborate financial procedure of voting money out of regional funds becomes unnecessary. Again this is the situation in which, because certain revenues were tied down to the regions, it was necessary to provide for the machinery by which the regions would allocate these moneys to the different functions. Since those functions are now the ultimate responsibility of the Centre, this machinery is no longer necessary. It is also laid down in the Constitution that the only way of amending or altering the financial structure is by having a commission appointed by the Governor-General and that commission consults with the Centre and also with Regional Presidents. It is advisory in its report and the report is then given effect to by the Centre which ultimately through an Act of Parliament. This decides the new financial structure. Unless we have now removed these would, even though we have now removed these functions from the regions, still have to give all this money to the regions until such times as we have gone through this very complicated machinery which will take quite a few months and a lot of money unnecessarily. It is for this reason, Sir, that this part of the Constitution, although entrenched, needs to be amended.

In Chapter X on the Judicature, the President has to take the place of the Governor-General in the appointment of the judges. The Government do not consider that the Constitution should specify that Chairmen of Regional Assemblies should be in a position to initiate the procedure for the removal of a judge. If complaints have

to be made, they can be made directly to the President. This is a serious step, the setting up of a tribunal to consider the conduct of a judge. It is not a step the President would take lightly and it is one he would take knowing that he would be fully answerable to Parliament. Again here in order to help hon. Members, because of the original arrangement in the Regionalist Constitution, the President did not himself appoint the Chief Justice. He was appointed after consultation and with the agreement of at least four Presidents of Regional Assemblies. The removal of judges required consultation with the Presidents of the Regional Assemblies. Now we have sought to simplify this machinery and also bring it in line with other Constitutions in Africa, and especially in our neighbouring countries. The Head of State who is the Head of Government, in our view should appoint the Chief Justice. The removal of the judges should be subject to a machinery that ensures they have security in office and ensures that they can in fact carry out their functions impartially. And we have sought to provide for this in the amended Constitution.

In Chapter XII on Trust Land the amendments are purely consequential. The amendment to section 208 stating that certain land in the Nairobi area is not Trust Land is not a new one. Section 208 was subject to section 205 which said the same thing but was removed from the Constitution in the first Act and was put into the ordinary law. Section 205 excluded the Nairobi land from the definition of Trust Land. Now, the terms of section 205 have to be included in section 208. This is merely as it were a mop-up operation to make the Constitution easily understandable, but it does not alter the main purpose or meaning of the Constitution itself.

And so we come to Chapter XIV on the alteration of regional boundaries. We propose a new machinery in this Bill. The alteration of regional boundaries is a matter of national importance in which the final decision should lie with Parliament, but it is of equal importance that local views and interests should be heard and respected. The new section 239 set out on page 347 of the Bill accordingly provides for local inquiries presided over by a Commissioner with judicial experience and for the publication of his recommendations to Parliament. Parliament does not intend to act if it does not see fit, but also Parliament cannot act unless the Commissioner has recommended a change after hearing all representations. This seems to the Government to provide a proper balance between the protection of local interest and the authority of Parliament. The remaining amendments to Chapter XIV are consequential in character.

Mr. Somo: Mr. Speaker, Sir, as a matter of fact we have so many leaves, particularly at Lamu and Batta, as well as—

The Speaker (Mr. Slade): What is your question, Mr. Somo?

Mr. Somo: What I want to ask, Mr. Speaker, is this. Is it the intention of the Government to lower the local industry of Kenya and to expand the local industry of India?

Mr. Osogo: Mr. Speaker, Sir, in fact, the hon. gentleman does not know that at present the people who have been planting this betel leaf in his own constituency have been planting it in small gardens behind their houses and this alone cannot supply enough leaves, but I have given an assurance that my Ministry is looking into the expansion of this crop and when we have organized the expansion and production of these leaves, we are going to consider restricting importation of such leaves from India.

Mr. Ngala-Abok: Mr. Speaker, Sir, when the Parliamentary Secretary talks about the expansion of this industry, does he mean to tell the House that steps are being taken to plant more, or how is the Ministry looking into the expansion?

Mr. Osogo: Mr. Speaker, Sir, that is exactly what I mean.

Mr. Somo: Mr. Speaker, Sir, could the Junior Minister set up a commission to go to Lamu and check up on these betel leaves, whether there are enough to supply the country or not?

Mr. Osogo: Mr. Speaker, Sir, there is no need to send a commission of inquiry. We know there are forty-five small growers in Lamu District and, as such, they have not been able to grow enough leaves to supply the consumers.

Mr. ole Tapis: Mr. Speaker, Sir, arising from one of the Parliamentary Secretary's replies, can he please tell us the quantity of betel leaves produced by the Lamu people and the quantity of betel leaves imported from India?

Mr. Osogo: Mr. Speaker, Sir, Lamu District produces roughly 3,500 bunches of betel leaves of fifty in each bunch. The importation from India is as high as 10,000 bunches in a year.

Mr. Ngala-Abok: Will the Parliamentary Secretary tell the House how much of these betel leaves have been planted since the Ministry took over the expansion programme?

Mr. Osogo: Sir, when I said that there was an expansion programme, we have made experiments to find what particular type would grow

well. The first experiments we have made have shown that the variety that is now planted by the local people in Lamu cannot stand for a long time before it goes bad. So, the research officers have recommended a particular variety and this is still in research stations, it is not being given to the farmers yet.

Mr. Somo: Mr. Speaker, Sir, is the Junior Minister aware that there is not a single Indian who is buying betel leaves from Lamu, they all buy it from their brothers in India?

Mr. Osogo: This could be true, Mr. Speaker. Just as I have said, probably the leaves that are planted in Lamu do not appeal to the consumers, but when I say that we are undertaking to plant the leaves which will be acceptable to the consumers, that is the time when the Lamu people will profit.

Question No. 704

REMOVAL OF CIVIC AMENITIES FROM BUSIA TO NAMBARÉ

Mr. Muruli asked the Minister for Local Government whether, in view of the fact that Busia town was right on the borders of Kenya and Uganda and that any civic amenities or facilities that might be established there by the Kenya Government would not be for the good of a large percentage of the people of Busia, the Minister would consider moving all such civic amenities and facilities to Nambaré?

The Parliamentary Secretary for Local Government (Mr. ole Konchellah): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply.

The Motion to transfer the headquarters from Busia to Nambaré was Tabled in the Western Regional Assembly meeting on 10th July 1963 and was defeated by an overwhelming majority of twenty-two to five. The same Motion was raised again in the regional assembly in May 1964, and the Local Government Administration Committee visited Busia to assess public opinion. Four local councils were consulted and eighty voted in favour of Busia and nine in favour of Nambaré. The same committee then consulted the Busia County Council and a secret ballot was held again. The result was fifteen in favour of Busia and three in favour of Nambaré. The committee's findings were referred to the full Western Regional Assembly who accepted public opinion as being overwhelmingly in favour of Busia and therefore did not proceed with the matter further. Since the regional assembly has investigated this question pretty thoroughly and public opinion seems overwhelmingly in favour

[Mr. Muruli] Bill. I therefore do not consider that further action is needed at present.

Mr. Muruli: Would the Parliamentary Secretary tell us what he means by public opinion? Who are these people who decided?

Mr. ole Konchellah: I think that if the hon. questioner was sometimes in touch with his county councils, perhaps he would not have brought this question here. Public opinion means that perhaps the four local councils in Busia District met and discussed and brought up the point that Busia was preferable to Nambaré, and on the other hand, the Regional Assembly also had to follow public opinion. That is what I meant by public opinion.

Question No. 759

AFRICANIZATION: PAYMASTER, NORTH-EASTERN REGION

Mr. Khalif, on behalf of Mr. Amin, asked the Minister of State, Prime Minister's Office when the post of Regional Paymaster in the North-Eastern Region was going to be Africanized?

The Parliamentary Secretary, Prime Minister's Office (Mr. Njamaanya): Mr. Speaker, Sir, I beg to reply.

The post of Regional Paymaster, North-Eastern Region, will be Africanized as soon as a suitable local officer can be found. This post will not, of course, be treated in isolation but will be Africanized along with other posts still held by expatriates.

Mr. Khalif: Mr. Speaker, Sir, arising from that reply, the Parliamentary Secretary implied that there is not a suitable local officer at present to replace the present Regional Paymaster.

Mr. Njamaanya: That is the implication the hon. Member has gathered from my reply.

BILL

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) (No. 2) BILL

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the Constitution of Kenya (Amendment) (No. 2) Bill (Bill No. 47) be read a Second Time.

The House has already passed the Constitution of Kenya (Amendment) Bill which dealt with the provisions of the Constitution which required

75 per cent support in this House and 75 per cent support in the Senate.

At the time, I said that the Bill did not in any way encroach upon the specially entrenched provisions of the Constitution and I also explained fully the implications of the Bill that was then before the House. Through that Bill we now have the instruments that will make Kenya a republic on the 12th December this year, in addition to the actual structure of the Constitution for the Republic. It will now be necessary to consider amendments that will bring into line some of the specially entrenched provisions of the Constitution in the light of the decision to establish a republic this year.

The Act which we have passed, as I have said, does not amend any of the specially entrenched provisions of the Constitution. The purpose of this Bill is to make the amendments to the specially entrenched provisions of the Constitution which are necessary in consequence of the establishment of the Republic, and the other amendments of the Constitution made by the first Act. Chapters of the Constitution referring to citizenship, that is Chapter I, the fundamental rights in Chapter II, the Regional Assemblies in Chapter VI and part of Chapter VIII, the Judiciary, Chapter X, and Trust Land, Chapter XII, are all specially entrenched and so are the provisions of the Constitution relating to the Senate. In those provisions we have to substitute the President for the Governor-General and Chairman and Vice-Chairman of Regional Assemblies for Presidents and Vice-Presidents. It does not seem right, Sir, to the Government that the Constitution should provide for eight Presidents and eight Vice-Presidents. It would be exceedingly to say the least and the ordinary man would find it very difficult to understand which President and which Vice-President they were speaking about. Then we have to follow up the change of title, from Parliamentary Secretary to Assistant Minister, which has been approved in the previous Bill. As in our law we talk about Acts and not Ordinances today, we want the Constitution to use the correct word, that is to use the word Act wherever the word Ordinance appears.

These, Sir, are technical amendments that are necessary as a result of the decision to have a republic and they would in effect merely mean that these specially entrenched clauses in the Constitution will have to be amended by substituting President wherever the word Governor-General appears. I would be ridiculous to have the word Governor-General appearing in any of these specially entrenched parts of the Constitution when we are a

Mr. Omweri: Mr. Speaker, Sir, arising from the Minister's reply, could he tell us when this survey, which showed that the quantity was not enough to guarantee economic extraction, was carried out and what is the actual quantity?

Mr. Sagini: Mr. Speaker, Sir, would the hon. Member repeat his question, so that I can inform him?

Mr. Omweri: I will make it shorter, probably in two parts, Mr. Speaker, Sir.

The first part is, would the Minister tell us when this survey was carried out? He mentioned that a survey was carried out which showed that these minerals do not exist in quantity and I would like to know when it was carried out.

Mr. Sagini: Mr. Speaker, Sir, that is a fair question, but I thought he laid emphasis on the existence of radium and uranium. If he wants the date, I will give it to him or he can come to my Ministry and get it.

Mr. Omweri: Mr. Speaker, Sir, the other part of the question is, would the Minister tell us the quantity of these particular minerals or the associated minerals which do not guarantee economic extraction?

Mr. Sagini: Mr. Speaker, Sir, that is a matter of detail. Very often when it comes to minerals, if something large is found there is a terrible rush, and this is known even from history. Once in Kakamega, there was something like a gold rush; people went there like lightning.

Mr. Anyleni: Mr. Speaker, Sir, will the Minister give an assurance to this House, since we imagine these explorations were done during the colonial days and Kenya is now independent, as to whether he is going to send his geologists to this area to find out if there are sufficient minerals?

Mr. Sagini: That is a very good question, Mr. Speaker, Sir. The Government, in conjunction with the U.N.C. Special Fund, is already conducting an investigation of mineral resources in the Lake area and the areas mentioned by the hon. Member will be included in the survey. The areas will, in fact, be given special attention by the geologists.

Mr. Ngala-Abok: Mr. Speaker, Sir, the Minister knows as well as I do that his answer in this House is probably going to discourage further survey of this area. Will the Minister assure the House that, regardless of his answer that there is not sufficient uranium or radium in that area, he will still emphasize the fact that it must be explored properly and the possibility of extraction is likely to be there?

Mr. Sagini: Actually, Mr. Speaker, Sir, my people with the little funds we have and the few experts we have, have carried out a survey and I was asked to give the results. I have given the results according to what they found. Now we have applied for more money and it will come. It will be a bigger survey and a thorough one.

Question No. 762

SUBSIDY FOR ROAD MAINTENANCE: SOUTH NYANZA

Mr. Ngala-Abok asked the Minister for Works, Communications and Power whether, in view of the damage being done by the Overseas Touring Company buses to county council roads in South Nyanza—which had been constructed for lighter vehicles—the Government would consider giving a subsidy both to the South Nyanza Regional Assembly and to the county council to maintain these roads for all-weather use?

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Speaker, Sir, on behalf of my colleague, the Minister for works, I beg to reply.

The question of the financing of secondary roads under the Republican Constitution is still under consideration by the Government and I expect shortly to be in a position to make a statement on the matter.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Minister tell me whether the Government will make a statement on this particular matter or on the general improvement of roads as the Minister originally stated?

Mr. Koinange: Mr. Speaker, Sir, I think that I have answered that it will be actually making the statement on the improvement and financing of the secondary roads under the Republic Constitution.

Mr. Ngala-Abok: Mr. Speaker, Sir, which particular roads? I am concerned with the question of these particular roads. Will the Minister assure me that he will make a statement on these, because the lighter vehicles cannot use these roads during the rainy season, and this even applies to bicycles and people going on foot?

Mr. Koinange: Mr. Speaker, Sir, we still stand on that very statement. A statement will be made on that and it is possible that his question will also be taken.

Mr. Anyleni: Mr. Speaker, Sir, I thought the hon. Member was asking the Government what steps were being taken for this specific period

[Mr. Anyleni]

when the Overseas Touring Company buses are using this road and they are spoiling it. We would like the Minister to tell us what steps the Government is taking to make sure that these roads will be made passable for all vehicles and not only Overseas Touring Company buses?

Mr. Koinange: Mr. Speaker, Sir, I think I have given that reply. Besides these particular roads that have actually been spoiled by the Overseas Touring Company buses, there are some other roads elsewhere which have also been spoiled by similar vehicles and consideration will be for the sum total of these roads.

The Speaker (Mr. Slade): I do not think hon. Members will get any more from the Minister on this question.

Question No. 765

SUGAR-CANE PLANTING IN MUHORONI

Mr. Nyallick asked the Minister for Agriculture and Animal Husbandry if he would state what means were available for the Minister to ascertain the following conditions before sugar-cane was given to the farmer for planting at the Muhoroni Settlement Scheme: (a) high yield and sugar content of the cane, (b) ability of the cane to resist disease?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply.

After several research trials for sugar-cane seed for planting, it has been found that the CO421 variety has high yield and high sugar content. The same CO421 is the high proven variety which is known to have an acceptable Smut resistance. This is the variety which is now being given to the farmers in the Settlement Scheme at Muhoroni.

Mr. Nyallick: Mr. Speaker, Sir, arising from the reply given by the Parliamentary Secretary to the House, is he aware that a certain amount of sugar, bought with money from the settlement scheme, was left to rot on the ground? If they were testing and found out the amount of the sugar content, why was that sugar left to rot?

Mr. Osogo: Mr. Speaker, Sir, I am not aware of what the hon. gentleman has just alleged, but the research did not start yesterday, the search for this variety, as I have just said, started some time back and this cane is the one that we are at present supplying to the settlers in Muhoroni.

Mr. Nyallick: Mr. Speaker, Sir, since the Parliamentary Secretary is now aware, could he tell

me, through the House, whether the farmers will not be debited with the amount of loss suffered by ploughing up their already-planted sugar because it was not of the quality required.

Mr. Osogo: Mr. Speaker, Sir, the hon. Member for Winam is not telling us that my Ministry—or the Ministry of Lands and Settlement for that matter—has said that sugar should be ploughed into the ground that has already been planted. If he is telling me this, we will look into the case, but he did not indicate that, Mr. Speaker.

Mr. Anyleni: Mr. Speaker, Sir, the hon. Member has informed the Parliamentary Secretary that there was bad sugar-cane which was given to the settlers and when they planted it, it did not grow. We would like the Parliamentary Secretary to tell us whether the new settlers are going to be given any help by Government which supervises the Settlement Schemes so that they can be enabled to plant more sugar-cane because the old kind was rotten?

Mr. Osogo: Mr. Speaker, Sir, if the truth of this allegation is found, obviously the Government will do something for the farmers.

Question No. 763

IMPORT OF BETEL LEAVES FROM INDIA

Mr. Somo asked the Minister for Agriculture and Animal Husbandry if he would tell the House why there were no measures being taken to restrict the importation of betel leaves from India when Lamu could produce better betel leaves than India?

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply.

My Ministry is now looking into the possibility of expanding the production of betel leaves in the Coastal Region and when this is done, measures will be taken to restrict the importation of betel leaves from India.

Mr. Githyo: Mr. Speaker, Sir, arising from the Minister's reply, is he prepared to enforce the regulations, pending the proper investigations, so that our local industries can thrive?

Mr. Osogo: Mr. Speaker, Sir, the Government is not prepared to do this because the consumption of betel leaves in this country is great and we do not have enough leaves to supply the consumers. Immediately we have enough leaves, we shall consider restricting importation of this.

Mr. Ogle: Mr. Speaker, Sir, will the Minister agree with me that the answer to the question, I mean what the Somali delegation really wanted was that special attention should be given to the North-Eastern Region in order that the standard of education should be— Mr. Speaker, Sir, could the Minister agree with me that the answer to the Somali delegation was that special attention should be given to Somali boys for the standard of education to be raised?

Mr. Otieno: Mr. Speaker, Sir, it was only very recently that the Somali delegation came here and during that time they brought in thirty applications for overseas scholarships. Already five have been placed and will be going away soon. Another ten will go later and if we can obtain admission to any other school in a Muslim country, they will be considered in the light of lower educational qualifications.

Mr. Ogle: Mr. Speaker, Sir, is the Minister aware that the Regional Education Officer who was recently transferred from there was in Kitui as just an ordinary T2 teacher and that reflects the Government's reluctance to do anything concerning education in the region?

Mr. Otieno: Mr. Speaker, Sir, I am not aware of an Education Officer being treated as a T2 teacher but the fact that he is a T2 teacher does not stop him from being an Education Officer. In fact, there are very many Education Officers in other areas of Kenya who are only T2 teachers.

Mr. Lorema: Mr. Speaker, Sir, arising from the Minister's reply would he tell the House whether it is the Government's policy to award scholarships to Northern Region by means of delegations and not by means of right?

Mr. Otieno: Mr. Speaker, Sir, it is not the policy. This was a special arrangement which was made by the Prime Minister when the loyal Somali delegation came down to see him a short while ago. It is only a temporary measure and is not supposed to be a matter of policy.

Mr. Khalif: Mr. Speaker, Sir, is the Minister aware that a close understanding of the educational needs of the Somalis is necessary, and that if the standard is put too high this could mean unnecessary delay on the part of the Government?

Mr. Otieno: Mr. Speaker, I am sure the hon. Member will realize that we cannot force a country to take the Somalis of whatever educational standards they are. Secondly, the award of scholarships was finished already when the

Somali delegation came down. If the hon. Member will be patient, early next year when there are many scholarships, he will be able to see that all his people go.

Mr. Kibuga: Arising from one of the Minister's replies and taking into consideration recent assurances that all parts of the former Northern Frontier District will be considered equally, could the Minister tell us what he has given to the other parts of the former Northern Frontier District?

The Speaker (Mr. Slade): No, I do not think that comes under this question.

Question No. 769

IN-SERVICE TRAINING FOR UNQUALIFIED TEACHERS

Mr. Omweri asked the Minister for Education whether, since Kenya had largely depended and continued to depend on unqualified teaching staff, the Minister would consider instituting an In-Service Training Scheme for all unqualified teachers to enable them to be instructed in language and methods of teaching during school vacations?

The Minister for Education (Mr. Otieno): Mr. Speaker, Sir, I beg to reply:—

My Ministry is considering instituting a programme of in-service training for unqualified teachers who have taught for sometime and who have shown ability and a desire to teach, with a view to issuing the successful ones teaching certificates.

We have begun doing this already and, in general, this is our new policy.

I would like to add that we are starting a new Teacher Training Centre at Kahawa base for bringing in all the qualified teachers for up-grading and also the unqualified teachers, if they are T.3, for up-grading to T.2. This is going to be a crash programme.

Mr. Omweri: Mr. Speaker, Sir, grateful as I am, would the Minister tell us whether it would be possible for these in-service training schemes to be conducted at each district, because it would be probably easier for teachers from one particular district to converge at a particular centre rather than having them in the existing training colleges which might be filled up?

Mr. Otieno: I should add, I think, Mr. Speaker, that during the holidays all teachers who want to be up-graded will attend lessons merely in their own districts and those that are

[Mr. Otieno] Now, the other thing that happens is that that year is not lost. It is counted as a year for increment and for every other purpose when these people come to be trained.

Mr. Oke Tipis: Mr. Speaker, Sir, is the Minister aware that there is a great disparity as far as the untrained teachers are concerned, due to climatic and geographical conditions and the remoteness of the areas in the various districts of this country, in that you have a big number of trained teachers concentrated in given areas, whereas you have some areas where there are practically all untrained teachers? What are the intentions of the Minister to try and remedy this situation?

Mr. Otieno: I am very well aware, Sir, that certain areas have too many unqualified teachers and we are dismissing all the unqualified teachers. Some areas have almost 66 per cent unqualified teachers. The plan for next year is this: areas that have a large number of unqualified teachers are to be given priority in entrance to this in-service training.

Mr. Choger: Mr. Speaker, is the Minister aware that the unqualified teachers of K.A.P.E. standard have not been up-graded since the beginning of 1963?

Mr. Otieno: Mr. Speaker, I am aware that very little up-grading has been going on during the last two to three years. That was because there was no policy at all, but when the Beecher Report was finished we were in a curious gap with no policy, and without any directions, and without policy we could do nothing. Now that we have a policy with the Republic coming on 12th December, I hope we will be able to go ahead.

Mr. Kamuren: Mr. Speaker, Sir, is the Minister aware that trainees who are being taken to training centres at the moment are first of all told to take this course for a year to get training experience and thus they will lose a lot on the academic side by being delayed outside for a year?

Mr. Otieno: Sir, it is a deliberate matter of policy that a man should show that he is capable, or he likes teaching for one year before he is taken into a college. We have had the experience of sending people straight from standard VIII to a Teacher Training College and the first thing they do is to run away after being trained. They should show that they have an aptitude for teaching before they are taken into a college.

Now, the other thing that happens is that that year is not lost. It is counted as a year for increment and for every other purpose when these people come to be trained.

Mr. Omweri: Mr. Speaker, Sir, since the Minister has already agreed that this in-service training is to be started next year, could he give an assurance that language and methods would be thoroughly taught because these are the greatest failures made by the unqualified teachers?

Mr. Otieno: Yes, Sir.

Mr. Masindi: Mr. Speaker, Sir, arising from one of the Minister's replies, it is aware that one of the reasons which makes the qualified teachers leave teaching is that the salaries are too low?

The Speaker (Mr. Slade): No, I do not think that is quite relevant; we are dealing with the in-service training of unqualified teachers.

Mr. Mbooga: Mr. Speaker, Sir, do I understand from the Minister that the Ministry has already awarded some certificates to teachers who have not gone to training, and if that is the case is he satisfied that their way of teaching is exactly the same as that of the teachers who have undergone training?

Mr. Otieno: Mr. Speaker, Sir, there are some very good teachers who have never been to a training college and after thorough inspection by three inspectors over a period of three years, and on the recommendation of those inspectors, we give them certificates and we normally find that they are what we call natural teachers.

Question No. 767

SEARCH FOR RADIUM AND URANIUM

Mr. Omweri asked the Minister for Natural Resources if the Minister would tell the House the result of explorations of the existence of radium and uranium in the Homa, Ruri and Gwasi Hills of Lake Region and if useful quantities of these minerals existed, what the Ministry was doing to exploit them?

The Minister for Natural Resources (Mr. Sigin): Mr. Speaker, Sir, I beg to reply.

Detailed surveys of the Homa, Ruri and Gwasi hills of the Lake Region show that radioactive minerals are not present in sufficient quantities to permit economic extraction. Neither uranium or radium have been identified as separate minerals in this area. There is an amount of small radioactivity in this area but this is derived from small amounts of thorium associated with oxides of niobium, iron and manganese.

WRITTEN REPLY TO QUESTION

Question No. 732

RACIAL BREAKDOWN IN MEDICAL SERVICE

Mr. Barasa asked the Minister for Health and Housing to tell the House:

- (A) How many doctors, on a racial basis there were in Kenya;
- (B) The racial breakdown of his Ministerial office of the following ranks:—
- (a) Assistant Director of Medical Services.
- (b) Deputy Director (Health).
- (c) Deputy Director of Medical Services.
- (d) Chief Matron.
- (e) Chief Personnel Officer.
- (f) Chief Health Inspector.

REPLY

The Minister for Health and Housing (Dr. Mungai):—

A. DOCTORS ON RACIAL BASIS IN KENYA

i) All Categories of Doctors:—

Africans	..	..	36
Europeans	..	..	39
Asians	..	..	83
TOTAL	..	..	158

ii) Medical Officer Interns Pending Registration:—

Africans	..	..	11
Europeans	..	..	—
Asians	..	..	25
TOTAL	..	..	36

B. BREAKDOWN IN THE FOLLOWING RANKS

- (a) Director of Medical Services.
- (b) Deputy Director of Medical Services.
- (c) Assistant Director of Medical Services (Health).
- (d) Assistant Director of Medical Services (Personnel).
- (e) Assistant Director of Medical Services (Medical).
- (f) Chief Matron.
- (g) Chief Health Inspector.
- (h) Senior Personnel Officer.

All belong to two races—African and Asian.

Wednesday, 25th November 1964

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

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 718

RENAMING OF LAKE VICTORIA

Mr. Ngala-Abok asked the Minister for Natural Resources whether the Kenya Government had consulted with the other East African Governments concerned on a suitable name for Lake Victoria?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, Sir, I beg to reply.

I am very pleased to note the hon. Member's keen interest in the projection of the African personality, and I can assure him that this interest is shared by the independent Kenya Government. It is, of course, the intention of our Government that colonial relics should gradually be removed, especially after Kenya becomes a republic. But this cannot be done overnight.

The hon. Member will no doubt be aware that we Ministers have had a very busy time in the past few months, and we have not had the time to consider alternative names for a number of our lakes, towns, waterfalls and other features. As a result, a large number of colonial names are still used, such as Lake Rudolf, Lake Hannington, Thomson's Falls, Mackinnon Road, and so forth.

The Government is, however, prepared to take this matter up and I would welcome any suggestions that hon. Members in this House may wish to make. I must, however, point out that I cannot accept for considerations any suggestions which smack of tribalism or regionalism, or which may tend to ignore the feelings of the neighbouring territories where they also are interested parties.

Mr. Ngala-Abok: Mr. Speaker, Sir, would the Minister tell the House whether he is inviting Members to suggest names to be used instead of Lake Victoria, and if so, my question was concerned with the three Governments? Would the Members of Parliament for Kenya alone suggest names which would be acceptable to the three East African Governments for the lake?

Mr. Sagini: Mr. Speaker, Sir, this will come, and when the time does come for considering Lake Victoria—which touches three territories

Kenya, Uganda and Tanzania—they would be most welcome. Probably when we meet in the future, we will have a meeting with the Back-benchers and they will give me the names to send when we meet the other East African Governments.

Mr. Ngala-Abok: Will the Minister tell the House whether he will address the Members to receive the names and what would be a convenient occasion, because each Member suggesting a name privately in his office would not be the best way of doing it?

Mr. Sagini: No, I think I will choose you as the Chairman when we meet next time.

Mr. Maiti: Mr. Speaker, Sir, arising from the Minister's original reply, does the Minister agree with me that in the process of erasing colonial relics, the Governments of East Africa must be careful not to erase relics which might be of historical importance?

Mr. Sagini: I think when the Back-benchers meet or when they help the Minister, that it is myself, this will be taken into consideration.

Mr. Choge: Mr. Speaker, Sir, is the Minister aware that some of these names are historical names and, therefore, some of them should be left in existence?

Mr. Sagini: We will have to choose. I think in our Parliament there are quite a few intellectuals so they will have to examine and see which are of historical importance and which will be retained, and I think there must be a very good reason to retain them.

Question No. 758

ASSURANCE TO SOMALIS ON SCHOLARSHIPS

Mr. Ogle asked the Minister for Education what was the outcome of the assurance given by the Government to the recent Somali delegation from the North-Eastern Region that special attention would be given to Somali boys for scholarships?

The Minister for Education (Mr. Oriode): Mr. Speaker, Sir, I beg to reply.

As a result of the Prime Minister's direction, special attention has been paid to the North-Eastern Region. Three teachers from this area have been recommended for studies abroad, two to the United Kingdom and one to Australia. Negotiations are also under way in several countries overseas where it is hoped that substantial places may be available for the applicants.

The Speaker (Mr. Slade): May I remind hon. Members again there is only one person in this House who answers points of order.

I have no positive control of where hon. Members sit. I think it will be more convenient for hon. Members if representatives of the Government all sit together, so that we may know where to look. Certainly, I found it somewhat confusing when the Parliamentary Secretary was answering from this side of the House on one question and from that side on a later question. I should add that, though it may not seem consistent with the condition of one party only in this country that the representatives of Government should sit on only one side, there are only two sides to this House and no third place. We are considering remedying that in the seating of the new Chamber of the House of Representatives, if possible. I think, in the meantime, it would be better if all Government representatives sat on my right.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 768:
MAKING OF ATOMIC AND HYDROGEN BOMBS

Mr. Anjleni: On a point of order, Mr. Speaker, I, Sir, in view of the fact that the Parliamentary Secretary has said that I am ignorant of all African Independent States policy on nuclear weapons, may I be allowed to raise this matter on adjournment, so that the Minister may be able to explain to the House the policy.

The Speaker (Mr. Slade): You can raise any matter on adjournment if you give due notice.

MOTION

REDUCTION OF BILL PUBLICATION PERIOD: THE
CONSTITUTION OF KENYA (AMENDMENT) (No. 2)
BILL

The Minister for Justice and Constitutional
Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to
move the following Motion:—

THAT this House agrees that the period of
the publication of the Constitution of Kenya
(Amendment) (No. 2) Bill be reduced from
fourteen days to seven days.

The House has already debated and passed the
Constitution of Kenya (Amendment) Bill which
make us a new Republic on 12th December 1964,
this year. As a consequence, it is necessary,
before the Republic comes into being, to have
certain amendments carried out so as to have the
Constitution ready for Republic Day on the
mentioned date.

This is more or less a matter of consequential
amendments that follow from the Bill that has
already been approved by the House and what
we are now asking is that the period be reduced
to facilitate this debate. I am not going to discuss
at this point, the merits or demerits of the actual
provisions in that Second Bill. That I will do
when we come to the Second Reading.

I beg to move.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)
(Question put and agreed to)

BILL

First Reading

THE CONSTITUTION OF KENYA (AMENDMENT)
(No. 2) BILL

(Order for First Reading read—Read the First
Time)

(Proposal to take Second Reading on same Day
as First)

The Speaker (Mr. Slade): As hon. Members
are aware we cannot take the Second Reading
of a Bill the same day as the First Reading with-
out the leave of the House. Hon. Members can
object. I therefore propose that we have the
Second Reading of this Bill today unless any hon.
Member has any objection.

Mr. Choge: Thank you Mr. Speaker, for
giving the Members of this House their chance
to air their views about the Second Reading of
this Bill. I feel the Bill is not for the Members
of this House only, nor for the Ministers only;
it is for the whole country. It is very important
that it should not be steam-rollered right through
the First Reading, Second Reading, Third
Reading and Committee of the Whole House in
one day. Since some of the Members found the
Bill in their pigeon-holes today, I think they
should be given an opportunity to go through
it today and have the Second Reading tomorrow.
I therefore oppose the Second Reading today.

An hon. Member: I think if we have the Second
Reading it will give us time to go through the
clauses, clause by clause and we shall have an
opportunity to study the Bill.

The Speaker (Mr. Slade): Hon. Members are
entitled to insist on the Standing Order, and to
see that there is at least a lapse of one day be-
tween the First Reading and Second Reading.
Hon. Members can always object to the Second
Reading on the same day. However, the House
can do so if it wants, when the business is merely
formal, or is very urgent and cannot wait an-
other day.

[The Speaker]

If hon. Members continue to object, though,
we cannot proceed today.

The Parliamentary Secretary, Prime Minister's
Office (Mr. Nyamwaya): Mr. Speaker, Sir, in
view of the fact that the Bill before the House
is a very short Bill—I agree this is a very im-
portant document—and it has only eight clauses,
any hon. Member in this House will only take
about five minutes to go through it, including
the first section, the only thing I would ask is
whether it would be in order, in view of the fact
that this Bill deals with purely consequential
matters which have arisen from the amendment
of the Constitution which we dealt with in the
House some weeks ago, for the hon. Member
from Nandi South to consider it necessary for
the interest of the nation that it is going to cost
the country about £600. If we sit on this again
tomorrow it will cost another £600. Because of
that expenditure, I am quite sure, Mr. Speaker,
the country or the public is entitled to question
that.

With these few remarks, Mr. Speaker, I would
very respectfully and in all humility request the
ex-Chief, the hon. Member for Nandi South, to
withdraw his objection.

The Speaker (Mr. Slade): I cannot allow more
than one other Member to speak on this. It is
then up to Mr. Choge to see if he withdraws his
objection, but if any hon. Member is not satis-
fied, then the House does not give its leave.

The Minister for Justice and Constitutional
Affairs (Mr. Mboya): Mr. Speaker, Sir, as I am
sure the hon. Members fully understand, the
only reason the House was called today was so
that we could discuss this Bill. There is no other
business on the Order Paper today. If therefore
the hon. Member persists in his objection, the
House adjourns without having done any business
today.

The second point is that the Bill was published
on 16th November and not today. It was even the
subject of comments in the Press late last week.
It was published on 16th November.

I cannot stop the hon. Member from making
his objection, but I am sure it will reflect rather
badly if we have only been able to meet for some
forty minutes and adjourn on a matter which is
only technical and consequential and which does
not include any new policy for discussion. Some
of the things we have to discuss here are merely
things like removing the word "Governor"
in a clause and replacing it with the
word "President". It contains no contentious
matter at all and that is why we assumed that,

since it arose from the Bill which the House has
already approved, it would not require the same
sort of treatment we have had before. In any
case, in the Second Reading, hon. Members will
have the opportunity to air their views as fully as
possible.

I would strongly appeal to the hon. Member
that he does withdraw his objection at least to
save the taxpayers' money and to give this House
some business to do.

The Speaker (Mr. Slade): I cannot allow this
to go on into a debate. The hon. Member accepts
this appeal or not. Unless he does so, we cannot
embark on the Second Reading of this Bill. I
might, however, make one suggestion: that we
start the debate on this Second Reading on the
understanding that if, at any stage, any Member
moves that the debate be adjourned until
tomorrow, that adjournment will be accepted.
Perhaps if Government would give such an
assurance to the hon. Member, he might change:
because he would then have an opportunity of
seeing, as the debate progresses, whether or not
there is any point which really requires further
time for consideration.

Mr. Choge: Will you state your decision now?

Mr. Choge: Mr. Speaker, Sir, I do not actually
think that I stood to oppose the Second Reading
without having thought about it twice. My
wonder is that you one day stated in this House
that we cannot discuss about anything or amend
anything in one day. In the Committee stage
and Third Reading, no one is allowed to speak
on the Motion very much and I feel that even if
it means spending a lot of money today and
tomorrow because of my having opposed the
Second Reading, we will not be wasting this
money because we are amending this Constitu-
tion and I am not doing it for my own good.
It is for that reason I have stood up today and
refused the Second Reading today. We can have
it tomorrow.

I therefore oppose this very strongly, that it
should be left until tomorrow.

ADJOURNMENT

The Speaker (Mr. Slade): The House does not
give leave to proceed with this Second Reading
and there being no other business on the Order
Paper, the House is now adjourned until to-
morrow, Wednesday, 25th November at 2.30 p.m.

(Bill ordered to be read a Second Time
tomorrow)

The House rose at twenty-five minutes
past Three o'clock.

[Mr. Amlo]

Assembly and the Minister went to the region without the knowledge of the representatives?

Mr. ole Konchellah: Mr. Speaker, Sir, I am quite aware that Wajir is being represented in Parliament and I am also aware that the Cabinet also has representation—I mean that they look after Wajir as they do other parts.

On the other hand, in my reply I said that the Civil Secretary, Garissa, invited the Minister so I thought that the Civil Secretary, Garissa, would have invited the Members of the area.

Mr. ole Otlotilpilip: Mr. Speaker, Sir, is it the Government policy not to entertain Members from the various areas when the Ministers want to visit them?

Mr. ole Konchellah: Mr. Speaker, Sir, I am quite sure that various Ministries in our Government have been submitting invitations to constituency Members.

Mr. Khassikhala: Mr. Speaker, Sir, is the Junior Minister aware that Members of Parliament are representatives of areas and, as a result, when any Government Minister visits a place, he should consult the Member so that he has his co-operation?

Mr. ole Konchellah: Mr. Speaker, replying on behalf of my Minister and my Ministry, I hope that we will put this forward and we will be inviting Members to attend the various meetings attended by Ministers.

Mr. Khalif: Is the Parliamentary Secretary aware that when this happened, I was the only Member representing Wajir and that I was informed beforehand of this visit?

Mr. ole Konchellah: Mr. Speaker, Sir, there have been some Members at present denying that there were any invitations when Ministers visited their constituencies or their districts, but I am very grateful that Mr. Khalif has given the correct position.

Mr. ole Otlotilpilip: Mr. Speaker, Sir, arising from one of the Junior Minister's replies, is he aware that his Minister is visiting one of the county councils in Narok on the 1st and so far no invitation has been extended to the elected Members of that area?

Mr. ole Konchellah: Mr. Speaker, Sir, although this is a different question, for his information he is not visiting on the 1st but the 3rd, so you

are collecting wrong information, but we are going to invite the Members of that area.

Mr. Amlo: Mr. Speaker, I feel very strongly that it is wrong for Ministers to visit any area of the country without consulting the elected Members of that area.

The Speaker (Mr. Slade): You should be asking a question now.

Mr. Gichoya: Arising from one of the Junior Minister's replies, Mr. Speaker, that one Member from Wajir was invited, could we know the circumstances which led to the failure of the other Members being invited?

Mr. ole Konchellah: Mr. Speaker, Sir, I think that Wajir is a constituency and Mr. Khalif says that he, as the Member for that constituency, had an invitation, he could have invited other Members from the North-Eastern Region to be present.

Mr. Seroney: Mr. Speaker, Sir, after the assurance given by the Parliamentary Secretary that consideration will be given in future to informing Members in good time, will he also consider asking the Minister, not to arrange visits in such a way as to conflict with our duties in this House?

The Speaker (Mr. Slade): That is getting too far away from this question.

Mr. Loreman: Mr. Speaker, does the Minister agree with me that it is wrong for a Minister to visit a place where he is not required, and leave a place where he is required?

Mr. ole Konchellah: Could the hon. Member give a definition of a place where a Minister is required and where a Minister is not required?

The Speaker (Mr. Slade): I do not think we will ask him to either.

Question No. 768

MAKING ATOMIC AND HYDROGEN BOMBS

Mr. Omweri asked the Minister of State, Prime Minister's Office, whether the Government contemplated making its own atomic or hydrogen bombs or even trying out nuclear tests by using local or imported materials.

The Parliamentary Secretary, Prime Minister's Office (Mr. Nyanweya): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply, No, Sir.

Mr. Anyieni: Mr. Speaker, Sir, in view of the fact that the more advanced countries like America, Russia, China, France and so on are a

[Mr. Anyieni]

threat to African independence everywhere, will the Parliamentary Secretary consider establishing this now for the preparation of the formation of an atomic bomb for the safety of our independence?

Mr. Nyanweya: Apart from the fact that the process of making nuclear weapons would cost the Government a lot of money, the Government believes in the policy of complete disarmament of all nuclear weapons.

Mr. Omweri: Mr. Speaker, Sir, is the Parliamentary Secretary aware that these atomic or hydrogen bomb experiments carried out locally would create an attraction, especially for our scholars so that they may try to learn more science instead of going for political affairs?

Mr. Nyanweya: Mr. Speaker, Sir, there is nothing to prevent Kenya scientists from studying nuclear science. What the Government does not want to embark on is the manufacture of nuclear weapons.

Mr. Oduya: Mr. Speaker, Sir, would the Parliamentary Secretary assure the House that as Kenya is one of those countries which are neutral, Kenya should therefore now try to utilize the material which is available for bringing more people into the field of science to learn more about atomic and nuclear weapons as in the case of the Congo?

The Speaker (Mr. Slade): No, I am sorry, Mr. Oduya. Sit down.

Mr. Mbogoh: Mr. Speaker, Sir, does the Parliamentary Secretary agree with me that if we exploded one hydrogen bomb, interference by foreign countries would cease straight away?

Mr. Nyanweya: Mr. Speaker, Sir, I do not think that the testing of the atomic bombs is in answer to the interference of foreign powers in this country. The Government as I have already said, believes in utilization of atomic power for peaceful purposes and for anything which can produce atomic power for peaceful purposes, the Government is prepared to explore those possibilities but not go into the adventure of producing some nuclear bombs.

Mr. Gichoya: Mr. Speaker, Sir, arising from the Junior Minister's reply, that Kenya believes in disarmament, does he believe, with me, that a weak nation has no effective voice whatsoever?

Mr. Nyanweya: Mr. Speaker, Sir, I do not agree with what the hon. Member for Gichugu has said. I think what the country needs is the moral power more than the military power.

Mr. Wamuhesa: Mr. Speaker, Sir, arising from one of the Junior Minister's replies, will he tell us if we do not have atomic power will we not be attacked by our neighbour, South Africa?

Mr. Nyanweya: Mr. Speaker, Sir, I did not understand what the hon. Member said, whether we meant automatic power or atomic power?

Mr. Wamuhesa: Mr. Speaker, Sir, atomic power.

Mr. Nyanweya: Mr. Speaker, Sir, as far as I am aware, our friendly neighbours and the ones which may be described as hostile to Kenya do not possess atomic weapons.

Mr. Makokha: Mr. Speaker, Sir, could the Parliamentary Secretary give an indication what it would take this country to manufacture one hydrogen or atomic bomb, especially in relation to our National Budget?

Mr. Nyanweya: Mr. Speaker, Sir, unfortunately I am not an economist, but from what I have read in papers as to what it costs the United States, the United Kingdom and the Soviet Union to produce atomic weapons and nuclear bombs, I should think that to produce one atomic bomb and to carry out tests successfully would cost this country the budget of two years.

Mr. Anyieni: Mr. Speaker, Sir, in view of the fact that the Parliamentary Secretary has said that it would be too expensive for Kenya, will the Parliamentary Secretary tell us that Kenya will take the initiative of getting in touch with other independent African states to contribute some money for the construction of a hydrogen bomb to safeguard the independence of the African people so that Africans are not ashamed as we are now ashamed in the Congo?

The Speaker (Mr. Slade): The Parliamentary Secretary has already stated the policy of Government very clearly on this.

Mr. Nyanweya: Mr. Speaker, Sir, for the first time I have seen my friend, the hon. Member for Mwingi-Bassi Constituency is not content with the policies of the African countries. Most of the African countries do not subscribe to the idea of defending their rights by nuclear or hydrogen bombs. At the same time, all African Governments do work together to exert whatever pressure they can on the nuclear powers for the destruction of all nuclear weapons.

CONSIDERED RULING

SEATED IN THE HOUSE

Mr. Jamal: Mr. Speaker, Sir, is the Parliamentary Secretary in order in replying from this side of the House?

(Dr. Kiango) original reply I stated specifically that the income earned by the family would be taken into consideration.

Question No. 754

EXAMINATION FOR PUBLIC SERVICE

Mr. Theuri asked the Minister of State, Prime Minister's Office, if he could tell the House whether the Government was planning to introduce an examination for the Public Service in: the Administrative Service; Judicial Service; and Foreign Service?

The Parliamentary Secretary, Prime Minister's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply.

Recruitment into the Administrative and Foreign Services and the Judicial Service is the responsibility of the Public Service Commission and Judicial Service Commission, respectively. Candidates who are qualified academically or who have the necessary experience are interviewed by the relevant commission and selected in accordance with their performance at the interview. This method has proved very satisfactory. The commissions have no plans for introducing examinations for recruitment into these cadres.

Mr. Theuri: Mr. Speaker, Sir, is the Parliamentary Secretary aware that many people who come from overseas and who have qualified with various degrees are not easily accommodated and they stay for a long time because of this. If there is an examination, they could be easily accepted in various departments according to their wishes.

Mr. Nyamweya: I do not think, Mr. Speaker, that any Kenya citizen who has been properly qualified abroad has found it difficult to get a job with the Kenya Government.

Mr. arap Moi: Mr. Speaker, Sir, arising out of the previous Parliamentary Secretary's reply, in view of the fact that some of the Ambassadors have never had any training at all and sometimes make a mess of things, they should at least be trained to cope with the problems they are undertaking in the countries in which they are posted.

Mr. Nyamweya: Mr. Speaker, Sir, could the hon. Member for Baringo repeat his lengthy question?

Mr. arap Moi: Mr. Speaker, Sir, I think the Parliamentary Secretary was talking to some

other Members, which he ought not to have done.

I said, Mr. Speaker, Sir, in view of the fact that some of our Ambassadors overseas are making a mess of things, particularly in the statement made in Peking, would the Parliamentary Secretary consider allowing those who are posted to overseas countries to be trained at least so that they can be responsible to these countries?

Mr. Nyamweya: Mr. Speaker, Sir, the hon. Member for Baringo is aware that when Kenya became independent, it was necessary that we should have some people to represent this country abroad, and most of our diplomats abroad who are representing the Government in various countries abroad are doing very well. It is the Government's intention to train all the officers who are going to work in the Foreign Service, within the Service or in other Commonwealth countries as it has been in the past.

Apart from that, Mr. Speaker, all I would add is that at the present time the Commissions have no intention of introducing any other method of selecting the students. It is a suggestion which the Government is prepared to welcome and consider.

Mr. Odoya: Mr. Speaker, Sir, the Parliamentary Secretary has said that the Government is not aware of the fact that there are any Kenya students who are qualified and who have just come from abroad and who do not have a job, but is he aware that there are today two Teso students who have come from Holland recently, having qualified in social services after at least two years' study, and they have not been considered up to date, although they have tried to get in contact with the Ministry concerned as well as the Public Service Commission?

Mr. Nyamweya: I am not aware, Mr. Speaker, of the two gentlemen from Holland, but I think if they apply for the jobs for which they are properly qualified, no doubt the Public Service Commission will look into it.

Mr. Anyleni: Mr. Speaker, Sir, the Parliamentary Secretary to the Prime Minister's Office has said that if there are people qualified they can be absorbed by the Government. Will the Parliamentary Secretary give this House an assurance now that if we can produce some names of people who have degrees or different qualifications, he and the Ministry will do something definitely to give these people a chance, so that their brains can be exploited by the people of Kenya?

Mr. Nyamweya: Mr. Speaker, Sir, the Prime Minister's Office does not just distribute posts to people who return from abroad. What the students who have just qualified should do is to apply for the jobs which have been advertised.

The Speaker (Mr. Slade): I would remind hon. Members that the question here is whether or not there should be an examination for the public service, we are getting a little far away from that.

Mr. Gichoya: Arising from the Parliamentary Secretary's reply, Sir, is he now prepared to accept that the number of specific cases which have been mentioned by the hon. Member here could be fairly treated if there was an examination, whereby one could prove himself a failure or a success, rather than being subjected to the feelings of the members of the commission, as far as a particular institution or country is concerned?

Mr. Nyamweya: Mr. Speaker, Sir, if I may make a little qualification of the original reply, the possibility of introducing examinations for the people who want to enter the Kenya Civil Service is being considered by the Government, but this does not mean that the Government is going to introduce examinations for the people who want to enter the Civil Service. Secondly, Mr. Speaker, a lot of people who come from abroad, according to hon. Members, are qualified, but I was talking about people who are properly qualified. For instance, it would be absurd for someone who has qualified or is trained as an economist to seek a post in the Ministry of Health and Housing as a Medical Officer of Health, or to seek a post in the Ministry of Justice. So what the people who are properly qualified from abroad should do is to apply for jobs for which they are properly qualified and where their knowledge could be useful.

Mr. Theuri: Mr. Speaker, Sir, could the Parliamentary Secretary tell this House what are the proper qualifications?

Mr. Nyamweya: Mr. Speaker, Sir, there are very many ways of qualifying. A doctor qualifies by reading medicine in a university; a lawyer qualifies by reading law in a university or school of law; an economist qualifies by reading economics in a school of economics.

Question No. 757

SHOOTING INCIDENT IN WAJIR

Mr. Ogle asked the Minister for Internal Security and Defence what steps the Government was taking with regard to the incident

on the 18th September 1964, when the security forces killed seven innocent people in Wajir Township?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I beg to reply.

This matter has been the subject of an investigation by the Criminal Investigation Department. The file has been passed to the hon. Attorney-General for his directions. He has asked for further evidence to be obtained and he will, in due course, no doubt, direct that an inquiry be held. The answer is that the due processes of law regarding unnatural deaths are being followed and a public hearing will take place as far as can be seen—in Wajir—in the near future.

Mr. Ogle: Mr. Speaker, Sir, it will be recalled that when this ugly incident took place in Wajir there was a statement from the Prime Minister's Office deploring the act. Could the Junior Minister assure the House that the Government will see to this matter being put on a charge of murder and, if found guilty, hanged?

Dr. Waiyaki: Mr. Speaker, Sir, I said that the matter has been the subject of an investigation by the Criminal Investigation Department; it is the Criminal Investigation Department's job. That is as far as I can go now.

The Speaker (Mr. Slade): The matter is the subject of an investigation with a view to possible court proceedings, so I do not think hon. Members can expect to get any further now.

Question No. 760

MINISTER FOR LOCAL GOVERNMENT'S VISIT TO WAJIR

Mr. Amin asked the Minister for Local Government what was the purpose of the Minister's recent visit to Wajir in the North-Eastern Region?

The Parliamentary Secretary for Local Government (Mr. de Koochellah): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply: The purpose of the Minister for Local Government's purpose to Wajir on 20th September this year, was to visit to Wajir County Council Offices. By tele-gram the Civil Secretary, Garissa, invited the Minister to perform the opening ceremony.

Mr. Amin: Mr. Speaker, Sir, I now understand the purpose of the Minister's visit to Wajir in the North-Eastern Region, but is the Junior Minister aware that Wajir is represented in the National

Tuesday, 24th November 1964

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:—

The Custom Tariff Act—Amendment.

The Price Control (Nyeri District) Order, 1964.

The Customs Tariff (Dumping and Subsidies) (Mineral Dyed Khaki Drill) Order, 1964.

The Exchange Control (Authorized Depositories) Order, 1964.

The Exchange Control (Authorized Dealers) (Amendment) Order, 1964.

Statistical Abstract, 1964.

(By the Minister for Education (Mr. Otiende) on behalf of the Minister for Finance and Economic Planning (Mr. Gichuru))

Ministry of Education Triennial Survey, 1961-63.

(By the Minister for Education (Mr. Otiende))

Game Department Annual Report, 1963.

(By the Minister for Natural Resources (Mr. Sagini))

ORAL ANSWERS TO QUESTIONS

Question No. 750

POSTAL FACILITIES IN MARSABIT

Mr. E. D. Godana asked the Minister for Works, Communications and Power whether the Government would take steps to make available a telegraph money order system at Marsabit District Post Office H.Q.

The Minister for Education (Mr. Otiende): Mr. Speaker, Sir, on behalf of the Minister for Works, Communications and Power, I beg to reply.

The Member for Rendile has asked what steps Government is taking to up-grade the post office at Marsabit.

The extension of money order business to post offices of Marsabit's status is being studied but difficulties of accounting prevail, which will have to be overcome before the services are extended. At present, ordinary money order and telegraph money order business is only transacted at post

offices staffed by East African Posts and Telecommunications' own trained personnel.

Restriction of services to departmentally staffed offices is due to the complicated yet essential nature of the accounting procedures for money orders. Telegraph money order procedure is made deliberately more difficult in view of loopholes that could exist if the set-up was simplified below the present standards. For this reason, only the most experienced officers handle telegraph money order traffic at both ends and the possibilities of extending it to sub-post offices are still very remote, even if the Postal Administration could overcome the difficulties and extend ordinary money order services to these smaller offices.

Mr. G. Godana: Mr. Speaker, Sir, arising from the Minister's reply, is he not aware that in the Marsabit area we have quite a number of civilians and also civil servants who work there and work normally ceases during the rains for three months. If they are not going to make this arrangement, does he not agree with me that it causes great inconvenience to all?

Mr. Otiende: Mr. Speaker, Sir, I agree that great inconvenience is caused during the rainy months in that area when there is no way of teaching people in Marsabit. I also agree that life would be made more easy for the civil servants there if they could transport things more easily. But at the same time, I must point out that there is very little traffic of business at Marsabit. It has not reached the standard which is required to upgrade this post office. The question is, however, being studied to see whether it is possible to introduce money orders, telegraphic money orders at Marsabit in spite of all these difficulties.

Question No. 753

EXEMPTION FROM INCOME TAX

Mr. Theuri asked the Minister for Finance and Economic Planning if he could tell the House whether the Government, in consultation with the other East African Governments, could introduce legislation for exempting those families who had more than five children from paying income tax?

The Minister for Commerce and Industry (Dr. Kiako): Mr. Speaker, Sir, on behalf of my colleague, Mr. Gichuru, I beg to reply.

No, Sir. It would be quite wrong to exempt a very rich man from income tax, however many the number of his children.

Mr. Theuri: Mr. Speaker, Sir, is the Minister aware that in the Development Plan there was

[Mr. Theuri] mentioned that there shall be free education as such in this question we can try to exempt those people who have more than five children from paying income tax as he did not implement what he said during the elections?

The Speaker (Mr. Slade): That is more of an argument than a question, I think.

Mr. Anyien: Mr. Speaker, would the Minister agree with me that this law of giving some allowances for children is very imperialistic: it is not in keeping with the African way of living and as such, will the Minister take the initiative of urging the Government to introduce legislation which will be in keeping with the African way of life?

Dr. Kiako: Mr. Speaker, Sir, I think sometimes we overplay these words of "African way of life." I do not know how many children an African is expected to have and how many children an imperialist is supposed to have.

Mr. Anyien: Mr. Speaker, Sir, the Minister who is an African himself and knows very well that we Africans can have up to twenty children because we marry more wives than the Europeans. The imperialists do not marry more than one wife. Would the Minister take this into account and introduce legislation which will give some allowances to the Africans who have more than four children which is allowed today, and also in the exemption it is said a child who is nineteen years of age is not exempted. The Minister is also aware of this, Mr. Speaker.

The Speaker (Mr. Slade): I think you have asked the question.

Dr. Kiako: Mr. Speaker, Sir, it would be very helpful if the hon. Member would indicate the maximum number of children he has in mind as a suggestion to the Minister.

Mr. Anyien: Mr. Speaker, Sir, I think I will ask the second question first, if I may. Will the Minister take into account the fact that the law only allows an exemption for children up to the age of nineteen and in view of the fact that very many Africans are not able to take their children to schools because of the cost of schools before they are about seven or eight years old or ten years old, will the Minister consider giving an exemption to a parent who has children, even if they are twenty years old, even if they are twenty-five years old, if they are still at school and dependent on the father?

The Speaker (Mr. Slade): No, this question does not concern exemption for education, it

only concerns exemption for the number of children.

Mr. anyi Moi: Mr. Speaker, Sir, arising out of the Minister's previous reply, would he consider asking other East African Governments to amend the present legislation to allow a person who has more than five children, and not less than ten, to be exempted from income tax, the present law?

Dr. Kiako: Mr. Speaker, Sir, I will take note of that constructive suggestion, but I would also remind the hon. Member that income of the particular individual concerned should also be taken into account when thinking in terms of exemption, because there may be some very wealthy people who can afford ten children without any exemption whatsoever.

Mr. Gichoya: Mr. Speaker, Sir, arising from the Minister's reply, could he agree with us that we as a Government, a one-party system, agreed during the polls that we were going to introduce gradually free facilities as a matter as African socialism and hence tax exemption for those with five children as a step towards free everything, free education, free medical attention, and this could be one of the steps forward in implementing the Kapu Manifesto?

The Speaker (Mr. Slade): I cannot allow speeches and propositions in the guise of a question. It is all right for hon. Members to ask the Minister to agree to one simple proposition but not to a long argument.

Mr. Anyien: Mr. Speaker, Sir, the Minister has said a little bit friendly and he has said the suggestion to him by the hon. Mr. Moi will be taken into account. Would the Minister then give an assurance to this House that next time when they meet, when this committee which supports this meets, he will present this case for an allowance for more than five children?

Dr. Kiako: Mr. Speaker, Sir, I think the hon. Member did not quite understand what I said. I said, while taking note of the constructive suggestion, we shall also take into consideration the question of the income earned by the parent. That is as far as one can go.

Mr. Mborogh: Mr. Speaker, Sir, in view of the fact that the Minister has stated that the Government is not prepared to exempt those people who have about five children from paying their income tax, would the Minister then consider exempting the same after two of their children have started paying their taxes?

Dr. Kiako: Mr. Speaker, Sir, I am sorry I did not quite understand, but the point is that in the

[Mr. Wamathanya]

From here, I would like to go on to the tea-growing in Mathira Constituency. The other day, I received a report from people that the Agricultural Department had said that no tea will be grown on slopes, because it will not grow well there. Previously, they have allowed tea to be grown on sloping land, and they said that because tea is a long-term crop, the fertile lands could be used for growing other crops which would provide the people with food. Now they have started saying that tea must not be grown on sloping land. I want to ask the Minister for Agriculture to see that the old system of growing tea on the slopes is allowed to continue and that it should not be stopped.

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

Mr. Oduya: Thank you very much, Mr. Speaker. Because of the short time, I want to rush quickly. I am sorry that the Chairman of the Maize Marketing Board is not here, because I wanted to tell him that although the public will respond to growing more maize, they will need to provide better prices, and I am sure the member for the Maize Marketing Board who is here, the hon. Mr. Anyieni, will know that unless you give more prices to the grower, I can assure him that in my own constituency, I will not talk my people into selling their maize in any part of the country, unless they can get a higher price. In Uganda the price of maize is Sh. 42/50, whereas in Kenya it is only Sh. 25. Now, how do you expect a grower in my area, just next to the border, to sell his maize for Sh. 25 a bag, when on the other side of the border there is plenty of money waiting for him.

I want the Maize Marketing Board to increase their prices. At the moment, the Europeans in the Rift Valley area, where they are responsible for almost anything, the price of maize is a bit higher than the other regions, so the prices must increase. If the Chairman of the Maize Marketing Board, and his committee are not willing, I assure you that all the growers in my constituency will always go to Uganda. I say this because we are not going to subject our people to this. This will not be tolerated.

Another thing, Mr. Speaker, that I want to speak about is the Organization of African Unity. There has been a lot of interference from foreign organizations which have interfered with the functions of this. Just recently our own Prime Minister was made the Chairman of the Congo Conciliation Committee. That is a well known thing in this country. The Prime Minister had

to send his own representative to the United States to request them to stop supplying arms to the Congo. This was a very serious offence committed by the American Government, which must be noted, and recorded. We are not going to tolerate nonsense of anyone coming here to pretend that they want to make friends with Africa, when they are only coming here for their own interests.

Mr. Speaker, Sir, let me say something about Busia District. A lot of questions have been asked about Busia District. Now, the Ministry has indicated on many occasions that the Government has them in mind, but this district has a population of over 300,000 people, and they do not have one single hospital. This is a very serious thing which I would like the Minister for Health to consider seriously. We, in Busia, are suffering. With regard to health treatment in Uganda, the Uganda people say that the people in Kenya are not paying their taxes to Uganda, so as we are also an independent state, they have to treat themselves in their own country. Then our people will be left with a lot of difficulty in meeting the services. So, at the moment, we understand that one of the foreign governments has agreed to put up two wards in Busia, and one of the doctors has offered to do the services free. I think the Ministry should be able to give us one doctor by 1965.

The Speaker (Mr. Slade): We only have seven minutes left, and I have to allow five minutes for the Mover to reply. Do you want five minutes to reply, Mr. Odinga?

The Minister for Home Affairs (Mr. Odinga): Yes Sir.

The Speaker (Mr. Slade): I will call upon you to reply now, then, or you will not get your full time.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I am very pleased to have this opportunity to comment on some of the points raised by the hon. gentlemen. I should say, before I actually make any comments of a similar nature, that I was most gratified by the spirit with which all Members spoke, and the clarity and reasonableness which was shown by the House this evening. I think this is the beginning of a real move towards unity, which is necessary for the development of our country.

Mr. Speaker, I should say one thing, and that is in connexion with a very serious charge which was made by one hon. Member, that we should never adopt the method of adjourning the House *sine die*. Well, I should say this is the normal

[The Minister for Home Affairs]

practice in all Parliamentary institutions, particularly after a long debate on the Budget speeches and so on and also discussions of Bills. It is normal practice for the House to adjourn in order to give the Members a chance to go back to the country, to go back to their constituencies. The work of hon. Members is not confined to the four walls of this House. Their work, their duty, is in the country among the people, and we cannot go on passing Bills after Bills without them having a chance of communicating our activities to the people who are our electors in the country. Under normal circumstances, we must give the hon. gentlemen time to go and discuss some of the questions which we have and also meet the people in the country, and as such, I think that the hon. gentlemen should not take it that we are doing something which is unusual or not normal in other countries. I quite agree with one of the hon. gentlemen when he charged us with adjourning the House for six months. Well, if we did, Mr. Speaker, there was a good reason for it, and I do not think that it will ever happen again, because things are now beginning to follow the normal course, and as such, the adjournment will only be for a reasonable period which gives the Members a reasonable time to discuss the problems with their constituents.

Mr. Speaker, Sir, I should not take up much time of the House because I think the events of yesterday were a turning point in the history of this country, and we have actually got over one hurdle. We have got over the intrigues which were left by the imperialist forces which were fighting us before. We are now coming to face issues together. After all, there never were any serious differences warranting two parties. What we want is to build the strong and formidable economy in our country. We want to give our

people education. We want to free ourselves of all the diseases which killed so many of our people, and this is the aim of all the nationalists in Kenya, and as such, there is no need for splitting, because if we split where do we get? As such, Mr. Speaker, Sir, I am glad that wise counsels have prevailed and now the country has come together to follow one road, and I hope that when the hon. gentlemen go back to their constituencies, which I think will only be for a short time before the republic to celebrate our republic, I am sure they will come back with fresh memories and be reasonable to carry on into the republic and also make history again in our country.

Thank you very much, Mr. Speaker.

(Question put and agreed to)

ADJOURNMENT

The Speaker (Mr. Slade): Before adjourning the House, I would like to comment on one point, and that is the practice of adjourning *sine die*, and Mr. Odinga said just now that it is common practice to adjourn *sine die*, and the former common practice of this House and the former Legislative Council, but it is not actually the common practice of the House of Commons, where, to the best of my knowledge, a date for the next sitting is always fixed before the adjournment. That is because hon. Members are wanting to know when they are coming back again, but the Government can always change the date. However, hon. Members have been given an assurance from Mr. Odinga that the House will only be in recess for a reasonable period.

The Speaker (Mr. Slade): The House is now adjourning *sine die*.

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

[Mr. Kase] constituencies. The Parliamentary Secretary said that the Game Ordinance allows me to kill an animal in my farm, but two weeks ago one person went and found an animal in his farm and he killed it, and then he reported it. But this man was then imprisoned for one year because he killed an elephant. Mr. Speaker, when I questioned the magistrate at this place, he said he did not care whether there was any Game Ordinance or not, all he minded about was that this man killed an elephant. But he could see the elephant was rotting in the farm. We are wrong or the Parliamentary Secretary is wrong or the magistrate is wrong. Whoever is right, we should be told. Mr. Speaker, this is a very touchy thing. The Parliamentary Secretary is smiling, but one day these animals will be killed in the real manner. We are just waiting for the floods now; we know that the police will not move, so we can do our work.

The other thing, Mr. Speaker, I would like to talk about is — I see the Minister for Home Affairs is not present—that we have lived for five months now without chiefs in some areas. How long are we going to wait? We have some of these areas where some local people declare so-and-so to be their chief. They do not mind whether somebody else is appointed. These are things which are making these people appoint their own chiefs because the Ministry has been rather slow. I know of a few sections who have decided to appoint their brothers to be their chiefs. The Government must do something about this.

The administrative centre of our district does not have a chief up to today. This is very serious. They must do something about this. They must appoint these chiefs. Whether they are my supporters or supporters of anybody else, I do not mind, all we want is a chief in these areas.

Finally, Mr. Speaker, I would like to turn to the Tana Basin Survey. I know we support this thing going on, but we would like to know what is happening. We are always kept waiting, waiting. Until when are we going to wait? We want to know the details because we understand from the people in the field that some villages will be but we cannot because we fear what they say. Then some towns will be destroyed. We do not know because some towns want to be developed. Some of them have gone as far as saying that Garissa will be destroyed. We do not know. If these people in Garissa are building their houses and yet these surveyors are saying this, we would like to know, so that these people can expand

their towns in the proper place. We would like to know where the animals will be taken where these surveys are taking place, because we would like to have the villages in one place and see these animals go to another place. These are things we would like to know, Mr. Speaker.

I can see the Minister is here. I would like him to take this into consideration because we would like to know, as it would at least give us an understanding of what is going to happen in future, but if we are all kept in the dark about the survey, this thing is going to be a little worrying and one day it will cause a lot of damage.

One member of the survey, Mr. Speaker, told us that Galole, too, will be out of the question. We want to build our villages, we want to build good houses, but if we are told it is going to be out of the question, what are we going to do? Are we going just to wait and wait? We want the Minister to reveal these secrets, whether they are true or untrue, so that we can know what to do. I am not saying that we do not support this survey, we support it fully, but when it comes to the question of settlement we must have first priority. This is not a question of tribalism, but I think it is right that those people there in the area must have the first chance. I remember the Minister replying that the people will not be given first chance. This is very serious, Mr. Speaker, because if people are going to benefit from our own land, why should we not benefit first? Why should we be left in poverty?

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

The Speaker (Mr. Slade): Mr. Khalif.

Mr. Kase: *Shifja*.

The Speaker (Mr. Slade): Did I hear an hon. Member say "*Shifja*"? I have had to warn hon. Members about that before. I am sure you heard my warning, Mr. Kase, and so you will leave the Chamber, which means you will leave the precincts of the House until the House rises; the whole building. You are free to return to the building when the House rises at half past six.

(Mr. Kase withdrew from the Chamber)

Mr. Khalif: I would like to point out two of three very important matters, Mr. Speaker.

I would like to submit that in the North-Eastern Region and especially in my constituency, Wajir, there have been two General Service Unit platoons who have revolted and in their revolt they killed two in the first incident

[Mr. Khalif] and seven loyal Somalis in the second incident. Mr. Speaker, Sir, although the commanders of these platoons ordered them not to kill these loyal Somalis, these people revolted and have killed nine loyal Somalis up to date. The first platoon, Mr. Speaker, was taken to court and most of the constables were discharged, but I would like to submit that the second platoon was not taken to court and they are still operating in the North-Eastern Region, in Wajir District.

Mr. Speaker, Sir, the second platoon killed seven loyal Somalis because they revolted in spite of the instructions from their commander, and I would like to submit that they should be dealt with according to law. The Wajir District Commissioner intervened in the last incident and told this General Service Unit platoon not to kill the loyal Somalis, but they did not comply. The District Commissioner, Mr. Speaker, went down to the army and told the army that the General Service Unit had revolted, despite his instructions, and the army intervened with armoured cars and the army had to tell the General Service Unit that unless it stopped killing loyal Somalis, then it would have no alternative but to fire at the General Service Unit and possibly put all of them under arrest. It was only then, Mr. Speaker, that the General Service Unit stopped firing and killing the loyal Somalis, but then it was too late because nine loyal Somalis had already been killed—

Mr. G. G. Karuki: On a point of order, Mr. Speaker, the hon. gentleman who is speaking has made a very serious allegation against the Kenya Army, that seven loyal Somalis were killed by our army. Could he substantiate how he knows that they were loyal Somalis?

Mr. Khalif: Yes, Sir. I will substantiate this by evidence. The first time that the General Service Unit revolted and killed two loyal Somalis, they were brought to court in Nairobi and it was in the Press and also on the radio. The second time, Mr. Speaker, I submit that the General Service Unit platoon which revolted were not brought to court. Therefore, the only way I can substantiate it by telling the hon. Member who wanted me to substantiate that two months ago a platoon of the General Service Unit revolted and the Prime Minister said in the Press that he regretted the incident which took place in Wajir.

Going on, having substantiated this—

The Speaker (Mr. Slade): That is not quite substantiation unless he acknowledged that it has resulted in the deaths of loyal Somalis.

Mr. Khalif: Mr. Speaker, Sir, although I do not have the papers here now, I would like to submit that both incidents were reported in the papers—

The Speaker (Mr. Slade): As resulting in the deaths of loyal Somalis?

Mr. Khalif: That a total of nine loyal Somalis had been killed in both incidents.

Going on, because my time is very short, I would like very strongly to oppose the detention order which was signed by the Prime Minister on 30 October 1964. Mr. Speaker, Sir, I reject this on the grounds that detention without trial should never be implemented in independent Kenya, because we must understand, although there are a lot of shouts from both sides of the House, detention without trial has been denounced in the past by Kenya leaders, one of them now our Prime Minister, Mr. Kenyatta, and many other leading politicians. If the hon. Prime Minister denounced detention without trial in the past, he should never now agree to the implementation of detention orders.

With those few words, Mr. Speaker, I would like to support.

Mr. Wamunthya: Mr. Speaker, Sir, I rise to support the Adjournment Motion.

One of the things I would like to mention is that the other day I brought a question about the Karatina Government Hospital. The reply given by the Minister for Health and Housing was that this hospital cannot be extended, because of the existence of the Thumuthu Mission of the existence of the hospital and the Government is completely modernized and the Government should be in the position to give financial assistance to assist the mission in rebuilding the present dilapidated buildings. One of the things the Medical is falling down and when I asked the Medical Officer in Charge, when it is going to be rebuilt, he told me that mission didn't have enough money to meet this expense. All the bedding and utensils require replacement, and I would like to know the explanation that, unless this mission is assisted financially, this hospital will not be able to continue taking in the many patients—the numbers of which are rising due to the population growth in the constituency. With these few remarks, I call upon the Government to support this hospital with all the necessities which the mission cannot supply itself.

[Mr. Warithi] says because he is the opposition. I strongly believe Mr. Speaker, that the effectiveness of the Back-benchers will be felt even more. One will be free to speak his mind, criticize without being mistaken that he is the opposition, or that he is against the Government. So I would like this to be made quite clear and be known throughout the country that it will actually strengthen our position.

Further, Mr. Speaker, I believe that now is the time for the President, who is going to be Mr. Jomo Kenyatta, to build the nation under one party, one Central Government and I believe in a former Government we will be representative of the entire country. Mr. Speaker, Sir, the machinery is there to make everybody in Kenya feel that they are part and parcel of the Government.

To go further, Mr. Speaker, I would like to say that we were told in this House almost a year ago that a committee was formed to go through the statutes of the laws of this country and to recommend which of these laws should be amended. I am referring to the Discriminatory Laws Committee and I know for certain that a report was produced by this committee, and I would therefore like to know why up to now this report has not been implemented. A Member has spoken earlier in this House referring to the Trespass Ordinance which has been the subject of criticism for a long time and I personally feel that some of these laws which are still part and parcel of the Statute Book should be repealed to be in keeping with our independence. Ordinances like the Trespass Ordinance, which are not of our own making, and which were imposed upon us, should not be allowed to operate.

To go further into the question of education. I would like to say that our system of education—of course there is a committee which is discussing this question—but I think it should be remembered, if you listen to the radio these days—lessons to schools—you will find that the lessons given, through the radio have no relevance at all to what is happening in this country. If the idea is to teach the schoolchildren through the radio, I do not see why they should be taught about the London streets, the museums and what you see when you go to London. They should be taught what can be found in Kisumu, Nairobi, Mombasa and places that have a meaning for them. I think whoever is responsible for putting on these school lessons over the radio should consider what is relevant to our nation.

Now to come to my constituency, I would like to say that part of my constituency, Othaya, is a tea-growing area and I understand..... (Inaudible)..... has applied for increasing the growth of tea and I believe my area is considered. Colton is also being grown in my area, they have already been given 200 acres in which to plant cotton and I request the Government to increase this acreage so that next time we discuss the question of forming a board to be in charge of cotton we are not told that we do not grow cotton.

The other aspect is the question of health centres. In my constituency you have a health centre in one division that is not central, and you find that some people walk for more than twenty miles from their homes to go to the nearest health centre and I see, from what the Minister says, that—

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, yesterday afternoon in the debate on the adjournment, the Mover of the debate on the adjournment, stood up when I was speaking and asked me to substantiate that there were co-operative members of co-operatives from his area who were forming co-operatives to buy farms under the guise of the co-operative movement. I said, Mr. Speaker, that I hoped to be able to substantiate this with the name of a co-operative today. Mr. Speaker, Sir, I am afraid that I have not been able to substantiate this with one co-operative but with three co-operatives from that area and I will now name the three co-operatives.

These three co-operatives have just been registered and have intimated to the Commissioner of Co-operatives, both in discussions and in their applications, that they wish to purchase farms. One is the Nyaminde Co-operative Society which I gather means everlasting or eternal. The second one is Muramaji which means, I gather one, who takes care of, if, my knowledge of Kikuyu is any good. The other one is a very difficult one to pronounce. I think it is Irigatha, which means the first born. This is also another co-operative society. What I would like to explain, Mr. Speaker, Sir, is that all the members of this co-operative society do not come from his constituency. Each of these have people in his constituency, so I am informed, as well as people from other constituencies, but they are all from the Kirinyaga area. Thank you Mr. Speaker.

Mr. Agar: Thank you, Mr. Speaker, we are supporting the Motion for the adjournment *sine die*, but we have a few things to point out. The latest developments have plunged this country

[Mr. Agar] into almost a one-party system. I do not know—my friend Anyieni was whispering here, that he may form an opposition. I do not think he was serious, but, Mr. Speaker, if this is true we would say in this House that the Kanu Party, the Kenya National African Union, must be reorganized. We have not had a party election for the last three years.

Mr. Anyieni: The hon. Member has said that I was whispering about forming another party. This is not true and would the hon. Member withdraw?

The Speaker (Mr. Slade): Yes, well if he was misrepresenting what you were whispering I would like him to withdraw.

Mr. Agar: I will withdraw that, Mr. Speaker.

Mr. Speaker, Sir, we want this party to be reorganized properly so that if it is going to be the sole party to lead the country in Governmental affairs, it must be a party which follows its constitution. We demand that this party should hold annual conferences and annual elections as it is still in the constitution. It is too elections as it is still in the constitution. It is too much to see the party continuing without election. I do not even understand why the Registrar should not de-register this party. Mr. Speaker, Sir, as I only have a short time to speak I want to know from our Government why they have not been able to defeat the *Shifaa* menace in the North-Eastern Region. We have advised the Government to follow certain tactics, certain strategies, so that the *Shifaa* will be defeated. They are just a handful of people roaming about in guerrilla bands, and the Government cannot expect the regular troops to defeat them. It is surprising to see our Government so weak, we are going to become a republic which is torn by a group of people roaming about our borders and who are killing brave soldiers and loyal civil servants.

Mr. Speaker, Sir, I want to know what our Government is doing about East African Federation. The other day after we voted in this House that we should have federation immediately with any willing partner, the Government pledged that they were going to pursue this matter energetically. Now, I am surprised to see that this matter has become so silent that nobody knows what is happening about it. Tanganyika has said that they are still willing to federate. We want to see federation immediately. If Government does not start doing something about it, we will not be happy with it at all.

Lastly, Mr. Speaker, Sir, when we have a republic we want to request the Prime Minister to look again into his Ministries and find out whether he ought to have a Cabinet resign and replace certain Ministers who have not really done their best so that we can see that better brains are introduced into the Cabinet.

Lastly, Mr. Speaker, the Nyanza cotton growers—am talking to the Minister for Agriculture—want to expand their acreage, but we have been unable to expand our acreage of cotton because the Nyanza cotton growers have never been given any Government assistance at all as has been given for other crops.

Mr. Speaker, Sir, the Kenya Government must find out how we in Kenya can, in our international projections, see whether we can support the struggling African nationalists in Angola, Mozambique and Southern Rhodesia. The Kenya Government has been so silent. We congratulate the British Government on the stand it has taken and we want in Kenya, as people who have suffered under imperialist domination, white domination, to take a specific and prominent stand to see that we help to crush the Portuguese imperialism in Africa.

Mr. Speaker, Sir, again in this country now, as we are moving towards a mature African Government, after one year of independence, we want the Government to clean up the Civil Service. It is obvious that some of our civil servants in the Administration, in the police and in the Ministry of Settlement are not doing their best, they are not working properly. They are the sort of people who appear to perpetuate discrimination, laziness. Why is there not a dynamic Government direction from each Ministry that its civil servants should fulfil certain obligations, to show that there is a difference between imperialist civil servants and the African civil servants, a standard that will justify the struggle we had for freedom?

Finally, Mr. Speaker, we wish our new republic comes. We wish that the day when the republic comes Kenya will be a united nation which is not tribalistic which is not torn with any internal bickering or things like that, a nation which is neither committed to the east nor the west.

Mr. Kasei: Mr. Speaker, Sir, I have only one thing to talk about. I can see the Parliamentary Secretary to the Ministry of Natural Resources smiling.

Mr. Speaker, Sir, while we are going into recess, I would like this Ministry to abide by its amendment to a Motion, that they will find ways and means to control wildlife. Mr. Speaker, we will look like lions in the eyes of our

[Mr. Ochwada]

gentlemen who are at the moment leading the trade union movement cannot be as brave as our brothers formerly in Kadu, and do what they did yesterday, namely: to come together and decide that they have agreed to follow one policy one trade union movement and one Government.

Mr. Speaker, Sir, I understand one gentleman saying—I was defeated—but he will be surprised to find that I was the first one to draw the attention of every worker in this country to the misguided policy of the trade union movement in this country and I still feel that even up to now that this has not yet been corrected, and I believe that the trade unions themselves, left alone as they are at the present moment, Mr. Speaker, will not be able to come together and agree on a given policy, and it is high time the Government took a very firm stand and told them: "We have decided on this and you have got to follow this or you are nowhere in the trade union movement."

Mr. Speaker, Sir, we have also in the political field the so-called easterners and westerners. Mr. Speakeg, we are now going to adjourn, when we reassemble here we will be a republic. Mr. Speaker, we had better know now from our Government whether these two groups are going to be broken up and that we are going to continue to pursue one policy and that is the non-aligned policy, or are we going to continue with the division we have at the present moment? Unless this is made clear, Mr. Speaker, perhaps we are going to get into our republic a confused country, a country which does not know whether we are coming or going, standing or sitting, living or dying.

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

Mr. Komora: Mr. Speaker, Sir, I have one or two observations which I would wish to point out to the Government. The first is, without wasting any time, during the campaign the Government had to say this with regard to land consolidation. To this end every farmer must be sure of his land rights. Consolidation and the registration of titles will be encouraged whenever the people so desire. The existence of such titles and security will facilitate the granting of loans by governmental and private agencies. The following words are the ones which concern me most. The Government said: "We recognize some areas have a communal system of land ownership and will devise means of giving credit security facilities even in such cases."

Now, Sir, in the Tana River District—and I believe in some other places—most people do

own land in this manner, they do not have land titles and therefore it is evident everywhere in this country that the staff in the Ministry of Lands and Settlement are inadequate to cope with the desires of the people, and as the staff is not adequate the Government should use these means that they have stated in their Manifesto to provide those people who do not have land titles with some other means of security, so as to enable them to exploit their land properly.

Another thing I want to point out to the Government is the existence of fire services in this country. The training the firemen receive in this country is different. For instance, the training that the firemen in Mombasa receive is not equal to the training that is received by firemen at Kisumu, Eldoret, Kitale, or Nakuru for that matter, or even Nairobi. This so happened, Sir, that during the colonial days a European who did not hold any diploma in fire service was given the post of chief fire officer, but nowadays a fireman who has been working experienced, is not promoted to take up the job. Therefore I wish to ask the Government to see that fire services are provided with a standard sort of training all over the country, and the Government should send out one or two people who should go abroad to take up training and then come back, but our desire of Africanization in the fire services is not adequate at all, because we need these people now. There are a lot of industries opening in this country now and if we do not have an adequately trained fire service to deal with any great fires which may break out, this is very dangerous for the properties of these people who operate industry in this country.

Lastly, Mr. Speaker, Sir, I would wish to differ a little with my hon. colleague, Mr. Khasakhala, when he said that tribalism must be abolished completely. Tribalism, Mr. Speaker, Sir, is something natural which cannot be removed overnight. I only agree with him that we encourage ourselves not to use tribalism in a bad manner. It is almost the same as a person having a knife in his pocket. If he uses that knife in a bad way, then he had it, but if he uses it in a good way then it is well and good.

Therefore, Mr. Speaker, Sir, I beg to support the Motion.

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Okogoo): Mr. Speaker, Sir, I would like to support this Motion by making a few remarks.

Mr. Speaker, Sir, I wish to follow up from what our great Prime Minister said yesterday

[**The Parliamentary Secretary for Finance and Economic Planning**]

That yesterday was a great day and a day that should be remembered as the day when our Kenya nation is going to move ahead once more. Kenya nation is going to move ahead once more, Kenya nation is going to move ahead once more, Kenya nation is going to move ahead once more, Kenya nation is going to move ahead once more, Kenya nation is going to move ahead once more. At one and I think, Mr. Speaker, Sir, that this is an appropriate time for us all to have another re-examination of our position as it is since our independence. When we started the fight for independence in this country, we wanted this country to be free so that it could progress and so that the people that live in this country can have the facilities of life and enjoy whatever can be produced by this lovely country of ours. Mr. Speaker, Sir, there are certain ways to be free. There is political freedom which we have already got and now we have our own Government and then there is also social freedom which we have also got to some extent, because these days there are no places where anyone is barred from entering just because of his colour or his race. Anyone can go into any hotel or into any place that he wants to, or into any school, so we have got that. Now, what we are moving on to is the economic freedom and we have expressed ourselves with regard to the aims of the Government in helping our people to gain our political freedom so that they can be free from want and free from hunger.

Mr. Speaker, Sir, it is necessary for our people to realize that in obtaining this freedom we shall need exactly the same type of discipline and the same type of vigour that we had when we were fighting for political independence. As we were fighting for political independence, all the youths matter of fact this is the time that all the youths must get together again and all the women's wings, the *Maendeleo ya Wanawake* and every-body else so that we can fight and obtain our economic freedom. It means that our people have to work and, of course, just working without guidance or system, will not get our people anywhere. This is why the Government is attempting to have the people organized in co-operatives—agricultural co-operatives—as well as consumer co-operatives and to assist Africans who want to start up in business and to start industries and other enterprises. To this extent our Government has established financial institutions that will lend money at low interest rates to people that have organized themselves into co-operative farming and those who have organized themselves in a co-operative for doing business. To this extent the Government is organizing and importing an organization that will enable African co-operatives, or any co-operative here, to be able to buy goods at wholesale prices, so that they can get something out of their business. This being the case, Mr. Speaker,

it is important for our people to realize that they have a part to play and the part they have to play is that they have to keep up with the same spirit that they had when they fought for independence and when they got the Kaniu Party into this Government and now that we have only one national party and all our people are together, the most important thing now that we have to direct our attention to is to get rid of poverty, disease and ignorance. I think that for this we ought to know that the responsibility for this is not only on the Government but is on them and they will have to work much harder than they have ever worked before and we would encourage them to take the advantages of the things that the Government will offer.

Those people who are just going to wait and think that because we have got independence things should be brought to their door and get rich in their own villages, they should know that this is never going to happen, even when we get our republic. But only those people who are going to work, organize themselves into co-operatives, are willing to do hard work together, those are the people that are going to benefit from the fruits of Uhuru and from the fruits of our republic that we have established and from the fruits of the unity that we established yesterday, of which our Prime Minister reminded us very carefully, Thank you, Mr. Speaker.

Mr. Warishi: Mr. Speaker, Sir, I rise to support this Motion to adjourn the House *sine die* and in doing so I would like to say that we have had a bit of intercession which has seen the birth of the republic of our nation and also a one-party system and a constitution which, I believe, is going to be workable, and has removed the *MaJimbo* set-up that we had to hindrance towards our progress. I would like to say, Mr. Speaker, that as the Chairman of my Back-benchers I would like to welcome all my colleagues and friends. They are welcome to our meeting will be very fruitful, and we shall be working together as one party.

I would like to comment, Mr. Speaker, on what appeared in one of today's papers that, as a result of having one party, it may weaken the strength and effectiveness of the Back-benchers. I would like to say that this is not the case. When you are one party you find that a Back-benchers matter from which side he comes, he belongs to one party which is the Government and he will be free to criticize the Government, so long as he criticizes the Government he will not be taken to be anti-Government or taken to be what he

[Mr. Khasakhalu]

Kenya to be given to special tribes. We want all the jobs in Kenya to be given to everyone equally to all Kenyans.

Secondly, Mr. Temporary Deputy Speaker, I would like to criticize the present Government policy on education. The K.P.E. should go because very soon, Mr. Speaker, we are going to have many young children sitting for K.P.E. and then they will leave school at the age of eleven, and who in this country can employ a child of eleven years of age in any office? I would urge the Government to amend its educational policy immediately so that instead of having K.P.E. we shall have a ten-year education. By this I mean that we should not have K.P.E. but instead the old Junior Cambridge Certificate at Form IV level. This will help the young children at school at the moment. They could not be employed because they are very young, and they could not even be taken into training centres when they leave after K.P.E. I would also ask for an amendment of the present training centres. Instead of having P.3 we should have P.2 and it should disappear in three years' time when we amend our educational policy.

Also, Mr. Temporary Deputy Speaker, I would like the Government to increase technical schools. We are wasting a lot of good brains in the country. Taking the Western Region, out of 100 children who sit for K.P.E. we have only about one out of 100 taken for secondary schools and training and 99 out of 100 are left. That is why we have increased theft and increased crime in the country. These people could be used by the Government by training them in technical schools. I therefore, feel very strongly that the Government should increase the number of technical schools in the country to train the young men.

A few weeks ago, Mr. Temporary Deputy Speaker, if I am allowed to say so, a kiss caused the Senate to adjourn, simply because we have no African girls dressed as stenographers. Unless we have a proper scheme to train them, I think we will be at a loss.

With these few remarks, I beg to support.

Mr. Gichoya: Mr. Temporary Deputy Speaker, to start with, I will say that during the colonial days my district which was non-existent, but attached to Embu, did not have adequate institutions for educational facilities, but presently when the national Government came into power we had a number of secondary schools, but we lacked boarding facilities, even for girls. The Minister for Education should consider helping us to set up at least one boarding secondary school out of

the boarding schools we have, and we are prepared to put those we already have under the control of the Central Government. The Minister for Education should examine this, although we used to have very inadequate facilities.

The other point I want to mention is that we have been suffering from attacks by the animals, and this is as a result of our own people not being recruited as wardens in the forest. I think the Ministry should reconsider how we could recruit people as wardens from the local people, and not always from outside. With those we are attacked, and these officers look completely helpless, and they are not serving the area or the people they are serving.

The other thing I would say is that, as the Prime Minister said, we have already established a National Youth Service. Yesterday, one national party was established, so what is wanted is a national Government. I believe, time being the factor, before the President-designate takes over the Presidency, there will be some changes conducive to the changed atmosphere.

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

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

The other point, Mr. Speaker, Sir, is that the Minister for Commerce and Industry said that he is setting up a textile industry in Thika. I think that that industry should go to Sagana. I have reasons for thinking that.

The other thing is with regard to the starch industry. The raw materials for it are cassava, maize and rice. The maize comes from Meru, Embu and so on. Therefore, with all due respect, I would like to see a starch factory at Sagana. I would say Sagana is well situated with a railway line.

The other thing is that the Kenya Planters Co-operative Union must consider establishing a factory at Sagana for the simple reason that we have godowns to serve the people who grow coffee there. That is a very central place.

I beg to support, Mr. Speaker.

Mr. Ngeli: Mr. Speaker, Sir, I want to say a few words about the situation at the moment, about the maize, because we have been—

Hon. Members can laugh, but I can tell them that without anything in their stomach they could not be in the House.

Today, in the newspaper it has been reported by some agents of the Maize Marketing Board, or people working on behalf of this very important national industry, that there is a shortage of maize in Ruiru, Thika and Nairobi.

[Mr. Ngeli]

I would like to state very clearly that this is a false report, purported perhaps to indicate that the situation is out of hand and cannot be handled by these very able national statutory boards. During my two successful tours in Nyanza and the Central Region which I completed yesterday, I had discussions with the Government authorities of various regions and did put to them the importance of growing maize and the importance of maize in Kenya. Today I want to ask Members when they go on recess to impress on their constituents that we need maize not only as an economic aspect but also for internal consumption. It is a very important thing that the Members should go back to their constituencies and ask the farmers to take advantage of the new type of seed, the hybrid seed which is giving us much more production than the normal two to three bags which we have been getting in the past. I also would like to ask, Mr. Speaker, Sir, the hon. Members in their constituencies to try and impress upon their own constituencies to cut illegal activities, the black market, the profiteers, to tell them that the law will take its course. If these people do go on profit making and expecting double profit from the normal traders commission which is laid down in the Kenya Maize Ordinance.

Mr. Speaker, Sir, another aspect which I would like the hon. Members to go and tell the constituents is about the theft which the commercial growers are experiencing. The commercial growers in the main grain areas like the Trans Nzoia are facing a very serious situation because it is very easy to pick a maize crop and put it in a bag and send it to Nairobi than picking. Let us say something like wheat. Therefore, I would like to ask the hon. Members of this House that when they go to their constituencies, to tell their people that they should tell us who these people are who are really troubling this national industry by taking the maize from the commercial growers.

They should also tell them about the new type of hybrid seed which I just mentioned which gives a yield of twenty-eight to thirty-two bags per acre. I have seen an African farmer in Nyanza, during my tour who got thirty-two bags out of an acre. In Fort Hall and very yesterday and in Nyeri I saw some very progressive farmers, and I congratulate them for having been able to grow the normal two and having a higher yield than the normal two or three bags per acre. Therefore, I was told that these farmers did plant the hybrid seed and got a much higher yield than they have ever witnessed before.

For this reason I would like the hon. Members to tell their constituents that it is very important to take advantage of the good husbandry that is being shown by the district agricultural officer and the news of the new seed which is a hybrid seed.

Mr. Ochwada: Mr. Speaker, Sir, I understand that a team of Ministers and others are leaving the country next week for New York and I would like to tell them one thing. They should keep the Kenya name where it belongs, right at the top of the list. We have our brothers in Africa at the present moment who are being prosecuted by some people who still have a colonial mentality and criminal minded characters. For instance, South Africa, Rhodesia and the Portuguese former territories, the Congo and others. I want to make it clear to this delegation which is going to New York, to make it quite clear to the General Assembly of the United Nations body, that we want these people freed immediately or else we will take the African way to free them; and that is by action, and that way it will apply this. Furthermore, the time has come when the British Government should stand very firmly and tell Mr. Smith and his minority Government in Rhodesia that the time they used to play about with Africa is gone, and unless he changes his mind now, he is only digging the graves of his own brothers and sisters, mothers and fathers, and the Africans will not be to blame.

Mr. Speaker, Sir, coming back to our national affairs, we have a six-year economic plan already laid down and we believe that this economic plan will be implemented within the six years, but one wonders how it is going to be implemented within the six years, if we are only told that in the Nyanza Region or West Kenya as a whole the amount of roads which have been tar-maced is so small and that there is no traffic justifying more tar-mac roads in that area.

Economic development depends on better communications and unless better roads are established in West Kenya where we have in fact two-thirds of the population of the whole of this country, I think our economic development plan will not be able to go through within the next six years, and it is no good and I think the time has come when the Government should take a very firm stand and tell us which way exactly we are facing. We have some very nice-looking gentlemen who are power hungry, under the guise of advocating non-alignment international policy for our trade union movement when in fact on the other hand, if you examine them carefully, they are just as much involved as those whom they blame. I am quite sure, that these

[Mr. J. M. Kariuki]

Another thing is that we have been told by the Minister for Commerce and Industry for quite a long time about some promises for starting industries in various parts of the country, but the time has come now where we should not have a lot of talk but a lot of activity. There has been so many promises in connexion with industry to be established, one in Sagana and another in Kisii, but we are wondering whether these industries will be established at all, because what we are saying at the moment in the country, is that we are having plenty of talk in every centre but we do not have the material being put into reality and this is what we would like the Government to consider and the Minister for Commerce and Industry be told that the time now has come to an end of talking. What we want is real activity.

The other point I would like to put across is about foreign affairs. During my two-day visit to Washington, I learned that our embassies in foreign countries do not have the real materials to explain and show to the foreign Governments what we really do in Kenya, and I would appeal to the Government to consider very strongly giving our embassies in foreign countries more materials to enable us to explain to the other foreign Governments what we do in Kenya, what sort of development we are embarking on so that they also understand that we are determined to emerge from foreign domination, that we can do things ourselves, without intervention from foreign countries. This is the sort of thing I want to put across to the Government so that other countries understand what Kenya is and what we are doing.

Another point, Sir, is the point which was touched on by the hon. Mr. Anyieni. He was pointing out that in the settlements, people are being asked to provide quite a lot of money. I would like to know the Government policy in this connexion because we find that in some places instead of being charged a colossal amount of Sh. 1,700 by the same Ministry, they are paying Sh. 170. I wonder whether the figure was contradicting or whether it is the Government's policy that in some settlement schemes they should be charged more money than in any other settlement schemes and if that is so, we would like to know why there have been so many different policies within the Ministry of Lands and Settlement. Also, if I may say so, we would like to know the position in the way the outgoing settlers, farms are being valued, because there have been so many complaints that if you do not belong to this club you are liable to be devalued, and the

members of that club will get a better price than the member who does not belong to that club. Sir, if a person is not of British origin then he is not considered the same as a person of British origin, and this is affecting, adversely, our good name outside Kenya. If a person comes, let us say, from Czechoslovakia, Spain or Germany, he must be considered equally. So, before this matter is debated in the House of Commons, in England, we would like this matter rectified quickly and some sort of consideration made here in Kenya, because I learnt this as a result of a few days in Europe: that our name in Europe is being spoilt by those people who leave this country under the impression that it is the Kenya Government which is doing that whereas we know it is the Central Land Board who are responsible for this. With these few words, Mr. Temporary Deputy Speaker, Sir, I beg to support very strongly this Adjournment.

Mr. ole Olotiplip: Mr. Temporary Deputy Speaker, Sir, I support the Adjournment of the House *sine die* and I think, Sir, the country must have enjoyed our sitting here as fruitful and we tried our level best to work for the benefit of the country. I believe the public, Sir, will have learned and will appreciate, from yesterday, that Kenya is newly born to one party and we are going to work together and they must also be very happy indeed that the Government is supported all over the country. Mr. Temporary Deputy Speaker, Sir, last time here when I crossed the Floor I said that all my colleagues this week will do so and I am very glad and I congratulate those who opened the door for them and they followed what I really tried to start. I said, Sir, that I was going to join the forces of Africans who fight for African unity, whether it comes today or tomorrow, and I am glad that my friends have now followed suit and the country is one, so the Ministers can rest assured now that they are there to lead the country the way they want and they have no worry. If they go back to their homes they will see that Kenya is one and it is up to them now to try and build a new Kenya altogether.

Mr. Temporary Deputy Speaker, Sir, there is one thing I would like to put to the Ministers. The differences between the parties have now ended. Therefore, we are brothers from yesterday and they should treat us as their real brothers and any time we bring the complaints to them, they should not regard us any more that we were a small group of enemies against them. Mr. Temporary Deputy Speaker, Sir, I am glad the Minister for Home Affairs is very attentive to this and to the rest of the Ministers and to the

[Mr. ole Olotiplip]

rest of the colleagues on the Government side. They should regard us as their brothers because we were brothers and now anything we want from the Government, the Government should really admire from us and treat us well, just as their own true brothers.

Mr. Temporary Deputy Speaker, Sir, before I sit down, because I know that much has been said by most of my friends, there is only one thing I want to say, and that is about the Masai. The Prime Minister visited Kajjajo, as did most of the Ministers, and he has given promises to the people. I know that he was going to fulfil his promises, even before we joined and supported the Government, but what about today? He will all the more fulfil the promises because the Masai are backing the Government very strongly and, of course, we support the Kuu Government. Therefore, the Prime Minister should really fulfil the promises he gave to the Masai, such as developing their country and giving them an extra hospital in Kajjajo District, at the same time building them a high school and supporting the county council because we suffered a great deal during the last drought.

Mr. Temporary Deputy Speaker, Sir, all I want to emphasize is that I am very grateful that the Africans in Kadu are with us today. I hope that most of the countries that are newly independent will be able to follow an example from Kenya, that we are one country, and we shall all look forward to building a new nation together.

With these few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support the adjournment.

Mr. G. G. Kariuki: Mr. Temporary Deputy Speaker, I rise to support this Motion of adjourning the House *sine die*. Mr. Temporary Deputy Speaker, I would like to tell the Government that all areas which have been neglected by this Government because of party differences should now be considered because in the Rift Valley now we have not been considered by this Government simply because our region has been led by Kadu men. Mr. Temporary Deputy Speaker, we know very well that in the Rift Valley all applications that have been made to the Government have been neglected, because we were on the side of the Government. Therefore, I would suggest to the Government that if they do not want to see another party being formed, they must consider seriously those areas which have been neglected.

The other thing is this evictions order. I consider this to be a very wrong Ordinance and it

must be suspended and I will feel satisfied when the Parliament will sit again because we have so many European farmers saying that they are going to evict many more people. I would request the Minister who is now present to see that nobody will be evicted without proper reasons.

Another thing I want to say is that somebody from the Opposition, the dying Opposition, that—

An hon. Member: No.

Mr. G. G. Kariuki: Mr. Temporary Speaker, I want to make that very clear. One Member of Parliament, Mr. Shikuku, has decided not to cross the Floor. I would request the Government not to allow any more licence for Kadu. It will be seen in the paper tomorrow that somebody has declared that he is President-designate for Kadu, but I would like the Minister not to allow such meetings in any areas.

The other thing is about *Shifita* activities. *Shifita* activities have gone too far now, because recently they killed two local tribesmen in my constituency, and we have appealed to the Government to try and have these people restricted, and the Government does not seem to respond to our call. Now, this is very serious, particularly in the areas where my fellow Somali are few. Those who are holding jobs in that area are accidentally beaten up when such an incident occurs. I did not support the idea of beating them up, but the Government is taking so rightly the idea that the *Shifita* are not doing any harm. They will come to realize that *Shifita* activities are becoming serious, and one day an M.P. or a Minister might even be kidnapped.

Mr. Khasakhal: I wish to join my colleagues in thanking the hon. Members who have been sitting in the Opposition for having come together with us, but I would like to warn the House of one danger that is taking place in Kenya today, and that is the disease of tribalism. Before we can get rid of tribalism in Kenya, one Before we can get rid of the question, because the party will not solve the question. I know major danger in Kenya today is tribalism, and that tomorrow we shall go back to tribalism. We must do all we can now in Kenya. We must see that the tribes are not tribally minded, and see that those who are completely thrown out or that those who are completely destroyed. Tribalism would be more completely destroyed. Tribalism than a party system of a danger to Kenya than a party system, because tribes do a lot of harm to the country. I, therefore, would say that the Government should take strong measures to see that there is no more tribal feeling in Kenya. It should be completely eliminated. We do not want jobs in

The Chairman (Mr. Slade): Will some Minister please move that we report to the House the consideration of these two Bills and their approval with amendment in the first case and without amendments in the second case.

The Minister for Labour and Social Services (Mr. Mwendwa): I beg to move that the Committee do report to the House its consideration of the National Youth Service Bill and its approval thereof with amendments; and its consideration of the Detention Camps (Amendment) Bill without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

Reports, Consideration of Reports and Third Readings

THE NATIONAL YOUTH SERVICE BILL

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, I beg to report that the Committee has considered the National Youth Service Bill and has approved it with amendments.

The Speaker (Mr. Slade): We do not usually take an amended Bill for Consideration of Report on the same day as the Committee, but I think that we must do so today because of the impending adjournment. So will you move that the House do agree with the Committee in the said report.

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

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo) seconded.

(Question proposed)

(Question put and agreed to)

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

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo) seconded.

(Question proposed)

(Question put and agreed to)

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

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

THE DETENTION CAMPS (AMENDMENT) BILL

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered the Detention Camps (Amendment) Bill and approved the same without amendment. Therefore, Mr. Speaker, I move that the House do agree with the Committee in the said report.

The Parliamentary Secretary for Finance and Economic Planning (Mr. Okelo-Odongo) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, I beg to move that the Detention Camps (Amendment) Bill be now read the Third Time.

The Minister for Labour and Social Services (Mr. Mwendwa) Seconded.

(Question proposed)

(Question put and agreed to)

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

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

MOTION

SINE DIE ADJOURNMENT OF THE HOUSE

The Speaker (Mr. Slade): That has finished the business on the Order Paper, but I understand a Minister wishes to move the Adjournment of the House. It is a question of moving to another sitting day other than tomorrow. I do not know whether the Government has determined the date on which the House should sit again. If so, that should be mentioned in the Motion, otherwise it will be a Motion that the House do adjourn *sine die*.

The Minister for Home Affairs (Mr. Odinga): Mr. Speaker, Sir, we have not actually determined a particular date, but I should move that the House do adjourn *sine die*.

The Minister for Labour and Social Services (Mr. Mwendwa) seconded.

(Question proposed)

The Speaker (Mr. Slade): I would remind hon. Members that in these debates each Member is free to speak about almost anything for five minutes, but the whole debate is limited to one and half hours.

Mr. Anyien: Mr. Speaker, I very strongly oppose the idea of adjourning the House *sine die*.

[Mr. Anyien]

We have known in the past when this House has adjourned, and we went home and stayed for about three to six months, and this was going on and the people who elected us to this House were wondering whether we have any work to do in Parliament. That being the case, Mr. Speaker, I hope that with the advent of a President before we meet again, the Government will not keep the Members away for too long.

Mr. Speaker, I would like to say a few things but I have only five minutes.

I would like to say something about the Organization of African Unity. Our country here has been given these foreign affairs, has been given a great responsibility towards the African Continent and towards the peace of the world. And the Prime Minister, our President-designate, was appointed the Chairman of the Organization of African Unity. Mr. Speaker, we are wondering what is happening because we understood that Mr. Mburumbi went to the United States to try and persuade the American Government to stop and supply Tsombe troops with planes and ammunition. Up to this moment, we do not have anything, and we would like the Prime Minister to be here to answer some of these questions: If, under the Chairmanship of Mzee Kenyatta, the Organization of African Unity has failed, then a meeting of the Heads of State should be convened by the Prime Minister himself so that they can plan another strategy on what they can do in the Congo so that our people will not be slaughtered by the American planes in the Congo, by their friend, Mr. Tsombe.

Mr. Speaker, the other thing I would like to say since time is short is that I support very strongly the Tanganyika Government, which is helping our people who are suffering, who are running away from South Africa, Rhodesia and Malawi and who are being harboured in Tanganyika. I wish, on behalf of my constituents in Tanganyika, to give very strong support to the Tanganyika Government for the stand they are taking. We Government for the western imperialists who are trying to warn against the Tanzania Government. We know that this is not because of anything else and we know that the imperialists have their interests in the heart of Africa. They would like to capture it and they know that with the nationalism that exists in Tanzania there is a threat to the imperialist world. We warn the imperialists that we have no planes or rockets, but we have moral support to behave like men in Africa.

Mr. Speaker, I know my time is now going so I will shorten my speech.

The other thing I would like to say is with regard to buying land. The Kenya Government is making a very serious mistake. In our own settlement schemes, they have decided that about ten acres are intended for the poor people and the poor people are supposed to pay Sh. 1,700 as the first instalment. Mr. Speaker, this is unreasonable of the Government, these people have no money and they should be asked to pay just a minimum, just a little money to enable them to settle. I hope the Minister sitting here will take note of this.

I also wish to thank our hon. Members from Kadu who have crossed the Floor and I would like to warn our hon. Members in Kanu not to think that they are superior to the hon. Members of Kadu who have crossed. They are our brothers and as we go to the field we must stand together and I would like to say that I am willing to go with these Members, address meetings with them, and not refer to them as Kadu or Opposition.

Mr. Speaker, with those few words, I think my time has gone.

Mr. J. M. Kariki: Mr. Speaker, Sir, I am very pleased to have this chance of talking during this adjournment debate, but, at the same time, I would like to point out a few things. It is very important that we go into recess for a while and refresh our minds, but I would like to put across a few points to the Government before we adjourn. First of all, I would like to say that on the side of hospitals I have learnt in a few weeks that some of our graduates from university are afraid of taking doctorates because the conditions which are given by the Government do not warrant them doing a doctorate. They are put in very small houses when they finish their university course.

The Speaker (Mr. Slade): Sorry to interrupt you, Mr. Kariki. I hope hon. Members will allow Mr. Mail to take the Chair, during my short absence, in the absence of the Deputy Speaker.

[The Speaker (Mr. Slade) left the Chair]
[The Temporary Deputy Speaker (Mr. Mail) took the Chair]

Mr. J. M. Kariki: Mr. Temporary Deputy Speaker, Sir, in that case I think I will get back to my few minutes. What I was saying is that our students in university are afraid of taking doctorates because of the poor conditions and the salaries that they are getting in this country. I would like to ask the Government to reconsider the situation so as to encourage the young men in university to take medicine and consider their conditions very seriously, also of those people who are leaving university.

[Mr. Kamau]

know exactly what amendments should be made to the Bill.

The reason why I say that, Mr. Chairman, Sir, is that for the Minister to stand and say "five years" and we agree on it, the argument will still stand that political changes take place and somebody may come into power and may overthrow the whole youth wing service and imprison them for a period so as to enable him to form a new youth wing service which will suit the conditions. To this effect I think that the time is too long and, in my opinion, I think it would be a disservice to the country to imprison a young man for a period of five years. If I was to decide I would ask the Minister to reconsider the position and put the years to "at least two years" and that would serve everyone. Therefore, Mr. Chairman, those are my views.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, I think that hon. Members are now going a bit too far. They are judging before an offence has been committed. This, as I said, is the maximum—as I said before, if it is Onyango who takes part in a mutiny, he may even go in for one day. But the judge must have a free hand because it may be more serious and if the youths use weapons or guns, something like that, to overthrow the Government, then a serious sentence must be given. This is the reason why, Mr. Chairman.

Mr. G. G. Karuki: Mr. Chairman, I also was not disagreeing with clause 19 before it was amended by the Minister. I would suggest that if the Minister thinks that it is fair to do so and it seems that the clause states that somebody who commits such crimes would be liable for life imprisonment and I would suggest—because mutiny is one of the most serious offences that you can have in the country—I disagree with five years and I would only advise the Minister to see whether he can agree to amend his amendment and say "not less than" five years.

Mr. Gieboya: I would like to support the language used by the Minister in amending this particular clause and totally reject what the hon. Member just now put forward that it must be "at least". To be at least—you see this thing must be understood. In the first place this is a new experiment and we are implementing it with very good material, namely youth wingers who have worked for the national cause, and they will never, under any circumstances, think at any time of overthrowing the national Government. If they overthrow the national Government they are overthrowing their own Government. I say as a

Member who has worked politically for a number of years along with hon. Members here, it is very difficult indeed for them to think about changing over the present Kenya authority and substituting it with another authority, they will, on the other hand, defend it to the last man so say at least, at it is put, "not more than" five years. It means somebody misunderstanding his own camp and he might be conditioned to a situation of mutiny by the interpretation of this thing. Again, bearing in mind the background of the youth who is now in the army or in the youth, service and he is going to the youth service of tomorrow, the judge or the Court Martial, whatever the case might be, we will have to give them the maximum power allowed to them and this is five years. Anything from five years below, maybe two hours, three hours, one month, three weeks or one year for that matter, if it is a very serious mutiny, so I say I strongly reject the question of "at least" and accept what the Minister has put forward because it is for the national good.

Mr. Oduya: Mr. Chairman, I stand to congratulate the Minister for seeing this argument and also amending the part that has brought some unanimity to the House, but one thing that I would like to correct is that we Members here, some of us, are trying to go a little too far away from the facts. To suggest even that the youth can be bought by anybody so that they mutiny and overthrow the Government, this is I think going a bit too far. Members know how they are bought, and they think that even the youth can be bought so cheaply. Mr. Chairman, if an hon. Member in this House thinks that the youth, who one day, some of them, will be in the police force and the military, are going to be bought, then he is telling the House and the nation that even our own army can now be bought and also that the police force in the country can be bought. So to suspect the youth, who also come under the same channels, I think it is going a bit too far for the Members to suggest these things.

Mr. Khalif: On a point of order, Mr. Chairman, the hon. Member who just sat down was suggesting that some of the Members who spoke were bought.

The Chairman (Mr. Slade): I did not understand anything of the sort.

Mr. Khalif: In implying that some of the previous speakers—

The Chairman (Mr. Slade): No, no, I do not think so. I think you are jumping to conclusions, Mr. Khalif.

Mr. Oduya: Mr. Chairman, now I think the Members can see what is happening. I must say that it is up to us to be sincere and not to try and suggest things that are not going to happen. As we are standing here, Mr. Chairman, we might say that tomorrow may be someone happens to have a lot of money and then they can corrupt the youth, that to me does not work at all. These are the political youths, because at the moment they are not recruited by any army officer or any police officer, they are recruited through political channels.

The Chairman (Mr. Slade): You are going rather far now, Mr. Oduya. We are discussing the maximum period of punishment. I really do not think there is much more to be said on it.

Mr. Oduya: Yes, but the fact is that what I was suggesting here is that some Members are expressing their views on their fear that five years should be a bit less, but I say that since these are political youths I think they have confidence in the Government, since they have confidence in their own Members who have recommended them to this office, because at the moment the youth leader asks each Member to give at least two names of members for the youth service. So I do not see any—

The Chairman (Mr. Slade): Mr. Oduya, really I do not see how this is relevant to the clause we are discussing now.

An hon. Member: Out of order.

The Chairman (Mr. Slade): It is not relevant.

Mr. Oduya: Yes. The maximum of five years I think is all right, I agree with it and I congratulate the Minister in appreciating our argument in this House and I also say that those Members who have seen that they can be bought are already seen here, because one of them is—

Mr. Khalif: On a point of order, Mr. Chairman, is the hon. Member who has just sat down in order to imply that I am one of those Members who were bought?

The Chairman (Mr. Slade): I did not hear what he said when he sat down. What did he say?

Mr. Khalif: He said, point blank, that I am one of those Members who were bought. Can he either substantiate or withdraw that allegation?

The Chairman (Mr. Slade): What did you say, Mr. Oduya?

Mr. Oduya: I did not say that.

The Chairman (Mr. Slade): What did you say?

Mr. Oduya: I just said that if some Members think that they can be bought and if there are some of them who are willing to express their personal views then they can be known in the House here, if they have such a fear. That is what I said, Mr. Chairman, but I did not mention the name of any Member here.

The Chairman (Mr. Slade): Did you suggest that any particular individual indirectly—

Mr. Oduya: No, I did not, Sir.

The Chairman (Mr. Slade): Very well, and if you were understood to suggest that I take it you withdraw it?

Mr. Oduya: Yes, I did not suggest any speaker here.

The Chairman (Mr. Slade): Very well, we have finished that.

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

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

(Clause 19 as amended agreed to)

(Clauses 20, 21 and 22 agreed to)

(Clause 23 agreed to)

(Clauses 24, 25, 26, 27, 28, 29 and 30 agreed to)

(First Schedule agreed to)

Mr. Gieboya: I would like to say something on this. The first sentence. Now, I would like to know from the Minister and get clarification from him what would be the qualifications for the director, deputy director, assistant director and also unit commandant, senior training officer, training officer, assistant training officer. That is the—

The Chairman (Mr. Slade): I am sorry, you are on the First Schedule, are you?

Mr. Gieboya: Yes, Sir.

The Chairman (Mr. Slade): Oh! No, we have passed that. No, it is too late, we are on the Second Schedule now.

(Second Schedule agreed to)

(Third Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE DETENTION CAMPS (AMENDMENT) BILL

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

[Mr. Mankohla]

(b) to disobey any such authority in such circumstances as to make the disobedience subversive of discipline". I feel these are not mistakes which warrant life imprisonment for any of the people in the service who have committed any of these. I would like an explanation from the Minister.

Mr. Anyieni: I would like to move an amendment about what I said yesterday. So far Mr. Chairman, I would like the Minister to explain to us about mutiny.

Let us suppose for a moment, according to this description of mutiny, the youth have already mutinied, but then I do not know whether it was because this clause was not included and that is why these youths were regarded as not having mutinied. I am quoting an instance where one of the commandants used abusive language against the youth and they demanded that he should go. It was very wise for the people to have said "If you cannot work with the youth, you must go." That could have been taken as mutiny. I am sorry I was not able to move the amendment earlier, but I should ask the Minister kindly to think of limiting the time, because if these people are not armed Mr. Deputy Chairman, I do not see why a person who has been unarmed should get life imprisonment. His services should be terminated instead but if he has a gun, then he mutinies and of course then he is like any other soldier, from a disciplinary point of view.

The Chairman (Mr. Slade): The position with regard to amendments to Bills in Committee is that no amendment can be considered unless notice of that amendment has been given before the sitting of the House, except that a Committee consideration takes place, except that the Minister may move an amendment without previous notice, so Mr. Anyieni will be too late to give notice of any amendment of his own, but he can still ask the Minister to move an amendment, if he feels so disposed.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, I think again it is merely a misunderstanding. This Bill's provisions which are shown here are exactly in line with those in the police, army, and any other force. I want the Members to realize this, and no officer or even Government will take this lightly if there is a disagreement between a member of the service and another member of the service and a youth, for that matter if there is a mutiny. In fact, in the police and the army the punishment is the death sentence, but here we say life imprisonment, and nobody will ever

be imprisoned for life, this is the maximum, and we feel that the judge should be given a free hand so that he can perhaps put him in for two years, one year or even six months. That is why this is put here, because if you say five years, then if he has a gun, for example, if they mutiny and use weapons, the charge cannot go over five years, no matter how serious it is. Therefore, the reason why we say "life imprisonment" is to give the judge a free hand so that he can move his judgment between one hour to life imprisonment. It would be up to his discretion to see how much punishment he can award.

Mr. Anyieni: Mr. Chairman, we would like the Minister to give us an explanation on what is written here. If we can define it. Even the youth who are in the camps today and who are not armed and could not be armed, we were told, if they thought that the food was no good and they would not eat it, somebody might say they were mutinying or if, for example, if one of the commandants who is in charge would be a bad man and they would say "this man is no good" this could also be taken for mutiny.

Mr. Chairman, I wish the Minister to consider, stating clearly, that they have been transferred, because the Minister says that they can be taken for emergencies and can be given weapons to which we have no objection. As a matter of fact if they are given weapons they can be subjected to any punishment, even death. But when they are merely playing around, I do not see that it is necessary, if they go against authority, for the Minister to put them in life imprisonment. I do hope that the Minister will do something, if not now then at a later stage to move an amendment which will make this more reasonable.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, I think it is better to tell the Members that today we have just over two hundred in the Youth Service. Now this service is going to grow and our intention is to have 7,000 youth, and this would be a dangerous number to play about with.

Mr. Anyieni: On a point of order, is the Minister in order in disclosing the strength of our force when in this House, when we have asked questions before and the Government told us quite clearly that they could tell us the number, as that would display the man power in the field, and could I ask the Minister therefore to withdraw what he said?

The Chairman (Mr. Slade): The Minister was quite in order in saying what he said. Whether it is in accordance with Government policy is not my affair.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman I did not say how big our army was but I said it was just too big to repeat that anyway. What I am saying is that we have to take into consideration the time when we are going to have 7,000, and this is why we have stated clearly that in the case of mutiny any members who have taken part in the mutiny are going to be given life imprisonment, but as I said before, we do not have any fear at all. It may even be only two years or five years, but it is to give the judge a free hand so that he can move his punishment as far as he wants, and I think this is quite clear.

Mr. Khasakhalu: Mr. Chairman, Sir, I think the Minister is becoming a little difficult or hard on our request. The youth are young people and as such to be imprisoned for life I think is very unfair for the youth of this country. If we are to effect a Bill here now and tomorrow we have these young people who are only about twenty-three or thirty years old imprisoned for life, what do we think we do with them in prison when we require their services? They may not know what they are doing at that age when they mutiny, but the question is, Mr. Chairman, could the Minister specify a period which would be justified or perhaps put another clause with a little word which would give a period of five or such-and-such a number of years, instead of life imprisonment because it is very, very unfair for a young person of twenty years to be imprisoned for life. After all, some of these boys have never even helped their own parents, they have been in the country, helping our political struggle and the parents would like to see the fruits at a later stage. So if the Minister could only indicate a fair period and where such incident occurs where a person should be imprisoned for life, then the judge should be given that proviso in the Bill, but just to leave it to plain life imprisonment Mr. Chairman, I think is very unfair.

The Chairman (Mr. Slade): There is no amendment to this clause before the Committee. We have had full discussion of this point at the Second Reading as well as now, and I think I must put the question now.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, it is not my intention that we should be quarrelling with Members here in Parliament for something, although not simple. I have tried to put the position very clearly, but I would not mind Mr. Chairman, putting in additional words just to help. I therefore propose, Mr. Chairman that

clause 19 be amended by leaving out the words "life imprisonment" which appear at the end of subclause (1) and inserting in place thereof the words "a term of imprisonment not exceeding five years".

The Chairman (Mr. Slade): You are, therefore, moving an amendment are you, Mr. Mwendwa?

The Minister for Labour and Social Services (Mr. Mwendwa): Yes. The other point which the hon. Members must know is that a Bill is subject to amendment if it is unworkable because this is a Bill which has not even started working. We may find even within a short time that there are clauses which cannot work and therefore I would be bound to bring this Bill here for amendment.

The Chairman (Mr. Slade): I will propose the question of the amendment. I think the correct wording according to the form of drafting in this Bill is that the words "life imprisonment" be left out and there be added in place thereof "a term of imprisonment not exceeding five years".

(Question of the amendment proposed)

Mr. Khalif: Mr. Chairman, Sir, I would like to congratulate the Minister on the reduction of the sentence of life imprisonment to five years. However, Mr. Chairman, I feel, and I think I am justified to feel that five years is still too much. I hear "no" from Members on both benches. However, I feel five years for a youth is too much because after undergoing five years in prison he might as well come out of prison an old man. Therefore, although the Minister suggested five years as the maximum period I would ask him to have mercy and leniency on the youth and see that the period of imprisonment is decreased to say, two years or eighteen months.

Mr. Anyieni: Mr. Chairman, I must thank the Minister for having proposed this amendment. The only thing I would like to say is that what the Minister means is that this period is the maximum sentence. The judge can send him to prison for a day or even not imprison him at all. I would also like to make it very clear that when these people are transferred to the army or the police then of course they are subjected to the rules which are in force in the police or the army rules and I wish to thank the Minister for that.

Mr. Kamau: Mr. Speaker, I have nothing very much to say on this Bill and the amendment thereto, but I wonder, in my opinion I was thinking that wherever a Bill is brought into this House, if at all there is an amendment to be made, that it is not for the Minister to do this straight away; it is for this House to debate, and

[Mr. Ghehoy]

I would say that this is very dangerous, because we do not make laws for the sake of an individual, but for the national growth today, tomorrow and the following day. In other words, those for today and those for the future. There is no point in telling us that we are not bound to get a young man, and suspect that the man is a favourite of an official. I am putting it because the way it was presented was the very principle which brings this Bill, that there is a fear that the whole of this office may not come to the Parliament tomorrow. We are making this law for the youths of this country, for the young men in this Parliament, and if a person is young enough he could be the youth leader, and the President as well.

But, let us take the statement in good faith which was given by the Minister in the way he took it, but refuse it and maintain the clause as it is.

The Minister for Labour and Social Services (Mr. Mwendwa): On a point of clarification. Unfortunately, I think the hon. Member got me wrong when I said, for the sake of continuity, I think nobody had in mind the person who is now the leader of the national youth. All I am saying is that anybody who is the leader of the youth at any given time, if he has experience, he is the one man who knows what to do, and he should be allowed to continue. If he is not returned in an election, then there would be a breakdown in the service. This is what we had in mind.

But, Mr. Chairman, without wasting time, I have no quarrel with this amendment at all. I would like it to be noted because the National Youth Leader is a Member of Parliament. If it is the feeling of the Members that he should always be a Member of Parliament, I have no quarrel with this. When I say I have no quarrel it should be clear.

The Chairman (Mr. Slade): You are agreeing to the amendment?

The Minister for Labour and Social Services (Mr. Mwendwa): Yes.

The Chairman (Mr. Slade): In that case, I think I can propose the Minister's amendment as an amendment of the amendment.

(Question of the amendment to the amendment proposed)

Mr. Anyeni: Mr. Chairman, I do not waste any time, except I want to thank the Minister for having accepted this. We wanted to move

an amendment to the question of the gentleman who has been called the National Youth Leader, but when we discovered that he is an Elected Member, we thought then surely he is a leader, and we did not move an amendment, and I thank the Minister for having accepted that the National Youth Leader will be a politician who has the mandate of the country, by having won an election to come to this House.

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

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

(Question of the amendment to the amendment put and agreed to)

(Clause 4 as amended put and agreed to)

(Clauses 5, 6, 7, 8, 9 and 10 agreed to)

Clause 11

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, having heard what the hon. Members said yesterday, I think the hon. Members were of the opinion that the director (if some of the members of the service decided to leave the organization) would take all their clothes and they would go home naked.

Having considered that, Mr. Chairman, I thought it was better to have additional words to cover that, so that no one will have no fear of going home naked. Therefore, I intend to put in additional words, Mr. Chairman:

"Provided that the director at his discretion"—of course, when I say director he will have to consult the National Youth Leader—"may authorize a member to retain items of clothing on leaving the service."

(Question of the amendment proposed)

Mr. G. C. Kariki: Mr. Chairman, I would like to know what sort of clothes the Minister is referring to, whether it is uniform, because I do not see the reason why somebody should be allowed to go home with a Government uniform because he can easily misuse it.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, I am quite sure the Members are not quite clear why we have put these things in. This is to enable us to arrest or file a case against somebody who may decide to run away with the clothes. This is just for the sake of protection, nothing more. This means if somebody comes today and is given a uniform and before he does anything else, tomorrow morning he decides to go home and he has a

[The Minister for Labour and Social Services] uniform which he has not even put on, then that uniform can be taken. Unless we have that protection, we will find that we cannot protect Government property. Now that we have said that the director will have the authority to say, "You can keep that, you can retain this." I think it will satisfy the hon. Members.

Mr. Anyeni: Mr. Chairman, Sir, once more I want to thank the Minister for having listened to the speeches which were made by hon. Members.

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

(Clause 11 as amended agreed to)

(Clauses 12, 13 and 14 agreed to)

(Clause 15 agreed to)

Clause 16

Mr. Ghehoy: On clause 16, Mr. Chairman, Sir, I would like to have some clarification from the Minister. My problems arise from the debate we had previously or objections which we put forward: that presently our youths are not being trained or they are trained to deal with military work. They are just made to work as very good civil servants, disciplined schoolboys—

The Chairman (Mr. Slade): I am afraid, Mr. Ghehoy, I cannot allow hon. Members to go right back on what we had repeated many times in the debate on the Second Reading. Unless there is an amendment under consideration here or really some new point which we did not have in the debate on the Second Reading, we must move on, I think. This point was made several times.

Mr. Ghehoy: Yes, Sir, I will put a question.

I would like to know from the Minister whether he has taken into account the objections which were put forward by the Members here when we were debating this particular provision: that training aspect of the youth service.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, it is not that I will take those into consideration; we had already taken these into consideration. I know the feeling of the Members is that these youths whom we are taking into the Service, instead of being just taught how to drill and play about with football and so on, should be trained in important things like shooting or police work. I agree with them entirely but we have to be very careful because we are now considering the Bill. These are things which can be done administratively.

We are getting assistance from different countries and we do not want to be accused by one country of our youth being trained by another country in military work. We are careful about this. This is why we said—because we want assistance—that we are training them for national buildings. It is we who translate what we mean by national building.

Mr. Ghehoy: There is another point, Mr. Chairman, I want to be clarified.

In view of the fact that these wingers are going to be trained properly as responsible citizens and taking also into account the spirit of the day, that people are not very happy about the Tribal Police who take care of the chiefs' offices or the security of the chiefs' camps, would the Minister tell us that he is going to examine this issue and see to it that we get youth wingers sent trained from the camp to those places to replace the Tribal Police?

The Minister for Labour and Social Services (Mr. Mwendwa): That is a good question, Sir, but if I say now that youths, after being trained, would be going to take up Tribal Police work, I would actually be treading on somebody else's ground and I do not want to be accused of that by the Minister for Home Affairs. But I may assure the hon. Members that after these youths have been trained, we shall be in a position to know who are qualified for certain jobs. Some of them may be in fact injected into the police; some will be injected into the army; some may be told they are good for Tribal Police work, although I am not saying they are going into that. However, it would be up to the Minister for Home Affairs to come to me and say, "I want twenty well-trained, disciplined young men," and I will tell the National Youth Leader that the Minister for Home Affairs wants twenty chaps who are well trained and disciplined, and he will get them I am quite sure. I can see him nodding his head.

(Clause 16 agreed to)

(Clause 17 agreed to)

(Clause 18 agreed to)

Clause 19

Mr. Makokha: Mr. Chairman, Sir, when I spoke yesterday I said that I thought in clause 19 the fact that any member who takes part in a mutiny shall be guilty of an offence and shall be liable to life imprisonment was far too harsh, and I would like the Minister to convince me that it is necessary for the Minister to convince me in this Bill, say to have such a harsh measure in this Bill. The definition of mutiny in the Bill is "to overthrow or resist lawful authority in the service;

[Mr. Oduya]

He should not be more in the kitchen and overlook this factor, because any woman of the kitchen, you know when a woman is in the kitchen she does not know what is going on outside. That is why I say that the Minister in the office is like a woman in the kitchen he knows nothing of what is happening in the street. So he is never in a position to advice the Government that there is a danger tomorrow.

Mr. Ngala-Abeki: Mr. Chairman, is the question open for the Members to speak to the Minister, or is the Minister replying?

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, Sir, we do not need to quarrel with the Members, nor do I need to be threatened at all, because of this amendment. The main object of this Bill is to see that the National Youth Service is carried, and carried well for the interest of the whole country, but there are very few interesting points which I might raise which were raised by the hon. Member, Mr. Oduya, but I do not think I will raise them, because he seems to mix the executive officers and the National Youth Leader, who is a man in charge of policy matters and he does not interfere with the executive matters. If, for example, the hon. Member is asking that the National Youth Leader should interfere with promotions, he is giving him a free hand in which case as an elected man who wants to attract votes from his constituency, he would naturally promote all the people from his constituency. This is what we want to protect, and see that the promotion is carried out on the basis of nothing but merit and one is not promoted because he comes from a certain constituency. However, that is not the question. If, Mr. Chairman, Sir, the hon. Members listened to me very carefully yesterday when I was explaining the duties and the powers of the National Youth Leader, they would have heard me say then when we talk of a Minister in that document all that we are saying is Minister with all other political persons working under him. For example, a Parliamentary Secretary, if you read the Kenya Constitution, you will never see a Parliamentary Secretary given powers because he works under a Minister. So here in this Bill when we say the Minister, we automatically mean the Minister and his National Youth Leader because he is politically appointed and he is a Member of this National Assembly. Mr. Chairman, Sir, if I may tell the hon. Members, the present national leader is one of the busiest people today. He goes to the office at eight and finishes almost at six. Does that mean that he has not enough work to

do or does it prove that he has a lot of work to do? Surely it clearly proves that he has a lot of work to do. If he has no powers, he himself should have come to this House and tell Members that he is wasting public money but I can tell the hon. Members at present the National Youth Leader is the busiest man we have today. The hon. Members did actually admit, although they did not say that they were admitting, the circulars which they receive every day informing them to bring youths are written by him. He does not come to my office to get an order to write these documents, because he has the power to do so. If, for the sake of clearness, we now write in the Bill that the duties of the National Youth Leader are, a, b, c, and d, in fact we are creating a situation where if another Minister who may not be friendly with the National Youth Leader will tell him these are your duties a, b, c and d, you cannot go further, and then the National Youth Leader may actually start fighting the Minister, saying these are my powers and they are shown in the law and, then we will have the whole organization in jeopardy because of the fight. We all hope that any Minister whoever it is, who will be in charge of the youth organization will be wise enough and careful enough to give the National Youth Leader enough powers and this actually is shown in section 23. You will see there that the Minister is empowered to make regulations and these are some of the regulations which are for the youth leader. But, Mr. Chairman, Sir, I do not need to quarrel with these hon. Members. In order to satisfy them I propose to make an amendment which I think will satisfy them. This is the amendment which will show clearly the exact duties of the National Youth Leader section 4. Mr. Chairman, Sir, Annotation to section 4 should meet the first amendment proposed by Mr. Gichoya in that he clarified the duties of the National Youth Leader in the following words:—

“The duties of the National Youth Leader shall be to advise the Minister on the exercise of his powers under this Act and his general responsibilities for the service.”

The Chairman (Mr. Slade): Do you have a copy of this for me in writing, Mr. Mwendwa? Under Standing Orders it should have been handed in beforehand.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, Sir, I apologise for this.

The Chairman (Mr. Slade): If you have only one copy then I will have to work on it after you have moved it.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, Sir, I will read it again in case hon. Members did not get the words.

The Chairman (Mr. Slade): Will the Minister kindly note another time that Standing Orders require delivery of a written copy of an amendment before it is actually moved.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Chairman, Sir, this is to section 4. Just below (3), the duties of the National Youth Leader shall be to advise the Minister on the exercise of his powers under this Act and his general responsibilities for the service. In fact, it means the same thing as you put it, because if he has to liaise it means that whatever is happening he has to keep me informed and these mean exactly the same.

That is that, Mr. Chairman, Sir, I think that will satisfy the hon. Members. As I said, I do not want to quarrel with the hon. Members.

There is another point, Mr. Chairman, I have checked this, and I have no quarrel with it at all, in saying that the National Youth Leader should be a Member of the National Assembly, but I think I would advise the Members that I have checked this with the Attorney-General and the Prime Minister and they think for the sake of continuity that the National Youth Leader should not necessarily be a Member of the National Assembly as we may make difficulties for ourselves because for one reason or the other the House may be dissolved or the Member may die, or the Member may fail to be returned to Parliament. This is something I have no quarrel at all with the Members about, but I am advising them that a youth leader should be left free, although we would normally elect somebody from this House.

The Chairman (Mr. Slade): Could I have the amendments? I would just like to make out what this amendment means. This paper which you have, Mr. Mwendwa, is referring to annotations. You definitely want to put these words in as a subclause?

The Minister for Labour and Social Services (Mr. Mwendwa): Yes, Sir.

The Chairman (Mr. Slade): So the amendment that you wish to move is that the present clause becomes subclause 1, and that the second subclause should be in the words you have read out?

The Minister for Labour and Social Services (Mr. Mwendwa): Yes, Sir.

The Chairman (Mr. Slade): I think the best way to deal with this is to dispose of the present

amendment first, and then come on to the amendment proposed by the Minister.

Mr. Gichoya: On a point of order, Sir, I wish to say that I would like to—as I have said to the Minister—that our amendment we do not want replaced by the words put forward by the Minister, and that the National Youth Leader should be a Member of the National Assembly.

Mr. Chairman, Sir: I still maintain that the advice given to the Minister by the hon. Attorney-General is somehow personal and not very legal. Legally, even the Minister himself, including the President or the Prime Minister, is here by virtue of being put in by the people or by virtue of being a person living. So the question of whether the youth leader, if he is a Member of the National Assembly, resigns or loses his seat, and the position remains vacant, does not convince us that the youth leader shall live for ever more. One may die tomorrow, whether an Elected Member or not. One may live as an Elected Member for a number of years. As long as the President—and I am talking of the future because we have elected our President-designate—feels that the youth leader should maintain his service, being within the National Assembly, he will do so. If the youth leader, during the period of being a Member of this House or the other House, proves that he is not capable of executing his duties as the rightful adviser to the Minister, or the President or President-designate, he will be put out of duty and dismissed, and another person will be appointed. It is a kind of presupposition that this House will never have capable people to this House will never have a youth leader. If at all take up the position of a youth leader, within the Bill, I think by so thinking it is very wrong, because the nation is growing and in the way it is growing we are having younger people coming to the House, and a youth leader must not necessarily have a limited number of years. He could be forty years of age, and he has to have the energy to work as a youth leader.

Mr. Chairman, Sir: I know the Minister for Labour and Social Services is actually a youth leader on a very small scale, because he puts on the uniform of the youth wingers at times. As a man he is mature, elderly, and if he could be a youth leader, then why is it that we cannot get a National Youth Leader from this House to have, and perhaps those of other Members, to have, and perhaps those of other Members, that the Attorney-General was not considering the position of the National Youth Leader, but more particularly interested, unfortunately, in a particular person to hold the present office.

[Mr. Anyiel]

mysteriously from outside being appointed to be youth leader of this scheme.

So, Mr. Chairman, we would like to say as Members of this House that it is very important for a person with such a great responsibility to be a person who is a Member of this House. Therefore, we support this and hope that the Ministry will not think it unfit, because it does not take any powers from the Minister; it does not take any powers away from the director; it only specifies the work of the youth leader.

With those few remarks, Mr. Chairman, I support the amendment.

Mr. Oduya: Mr. Chairman, I am glad that the Minister is here to hear us giving him some opinions which I consider to be very important. I think the Minister will not be very arrogant and refuse to accept this advice which we are giving him.

The main issue here, Mr. Chairman, is that we have a National Youth Leader by name, but when you read the document here the duties are not specified. There is nothing actually showing what the duties of the National Youth Leader are. That is why we Members feel that we do not want the Government to spend public funds unreasonably. We would like to see public funds spent on something which is concrete. At least must be certain duties assigned and must be specified here because at the moment the youth leader is only mentioned in one clause, that is clause 4. It says that he is being appointed by the Governor-General on the advice of the Prime Minister, but what he is going to do as a youth leader is not shown in this document. That is why we Members are worried. We are not going to have an individual being paid from the taxpayers' money without specified duties. We would like to see duties assigned to the youth leader and directed by so-and-so, but at the moment there is nothing shown on this.

I must warn the Minister that the country is suffering and we are not going to allow the creation of such posts in the country just because the Government is trying to please individuals. I know that the Member at the moment, who is the youth leader, is my hon. friend and I like him. He has the ability to discharge the duties provided he is given certain specific duties in this document to discharge, but to give him an office somewhere and to say that he is a youth leader and then when the Members in this House sit in a Parliamentary group meeting and question him and he has nothing to tell them, I think we will find that the Government is only trying to create

such posts to please individuals or friends. For that matter, I must warn the Minister that we are not going to allow any single payment of the taxpayers money in Kenya to be wasted like that. So we would like to ask him to accept the amendment.

As was suggested by my two hon. friends here, particularly the Mover, the hon. Mr. Gichoya, that the youth leader should be a liaison officer between the Minister and the director of the service, this is very reasonable and I think the Minister—being such a dignified, reasonable man—would accept this. So, the main purpose, Mr. Chairman, is that this Member of the National Assembly whom we are suggesting should be the liaison officer between the director and the Minister in that his main duty would be if there was something which has been decided by the Parliamentary group meeting of this Government, the Members of the National Assembly, then the Member will go and discuss this with the Minister and the director, telling them exactly the opinion of the Members and how they feel that certain things should be run. There should be something to confine both the Civil Service section and the political side of it. Also, before the director takes a decision to direct certain things in the service, he must contact the youth leader and the youth leader should give his opinion. That means that the youth leader, before the director does something, must see the file. He must have access to the files of this department and give his opinion and, before the file goes to the Minister, it must go through the youth leader because the creation of this post, Mr. Chairman, was by the Members of this National Assembly and I hope the Minister will accept that. It is we Members of the National Assembly who wanted this thing to happen because we found that our youths were frustrated all over the country so we want them to have something; we want them to be directed properly and make them the leaders of tomorrow. So, in order to make them a success in their duties, when they are tomorrow, we must have the Elected Member who is the National Youth Leader having at least a big say in this organization. We do not want just to keep this post there, for pleasing only the Members of the National Assembly and Members of the Regional Assemblies outside. The National Youth Leader is an Elected Member of the National Assembly. We want this Member to be also heard, both by the Minister and the director of the service. He can also, as a member of the National Youth Service, reject something which is decided by the director. He must have authority to say "this is not good" or "this is good" and let them discuss and agree or disagree. This will

[Mr. Oduya]

and also he should have help. Mr. Chairman, and also he should have access to the Minister and to be able to tell the Minister that this and that could be done and he should also be in a position to agree or disagree with the Minister, because on this one we do not want just an individual to be kicked around, to be used as a stooge. I am sure no Member of this National Assembly happening to get an appointment as such would ever accept being dictated 'to be anybody when he already knows his duty and what he should do for his country. He should not be kicked around and made the stooge of a particular Minister or a director. So we must also have a say in between because I consider, Mr. Chairman, that the youth leader is equivalent to the post of a Parliamentary Secretary; he is just equal according to his salary. I think he is even more than a Parliamentary Secretary, and why he should be kicked around, just being mentioned only here that he will be a youth leader, only that. But as to what he should do—nothing is shown. That is why I urge that the Minister should consider it and not reject because, by rejecting it, we reject the whole lot.

On the question of promotion, Mr. Chairman, because it is this youth leader, an Elected Member, who knows exactly the feeling of the public outside. The civil servant is a person who sits in the office. He does not know anything and has no contact with anybody and therefore the man who has authority with the public is the man who is elected to this National Assembly, and also who has been appointed to hold the office of National Youth Leader. He must maintain contact with the Members and if there is anything that happens in the services there, maybe—let us say—tribalism is being organized, or practised somewhere else in the services, Members of the National Assembly will always direct their opinion to the National Youth Leader. The National Youth Leader will go and check if there is any trouble somewhere, he will have to stop at that. That is why it is important that also, on the question of promotion, the youth leader must know who is going to promote him, because if we leave it to the director alone, the Minister might one day use the director of the service—my brother is there, he must be the commander in such a section. My brother-in-law and all Ministers will be approaching the Minister, and say that "we are colleagues in the Cabinet, therefore you must see my man. I have brought my youth leader, so he must have a position as sergeant or be a commander in one of the sections." This kind of thing must be stopped. In order to stop this we must have the youth leader given positive responsibility at least

to look into these files and also to give his opinion before a man is promoted in the service. I know this because just recently some promotions have taken place somewhere and even chaps from Busia District were not promoted just because there was tribalism.

Coming to the question—because I do not want to prolong this, Mr. Chairman—I think I have made these few remarks which I think the Minister has noted with great concern and I hope he will not overlook this, because if he happened to overlook the advice given in this House he is going to regret in a few moments because I think this will lead to a Division and will vote in favour of these things. So, we must accept this now and stand with this amendment.

The second point I am coming to is the Member of our National Assembly, that is amendment "B", that is subparagraph "B" which is added. Also, this is very important, that once in this position should become a Member of the National Assembly because at the moment he does not show that he should be a Member of the National Assembly, so I think this subsection also is important—that the officer to be appointed as the youth leader must always be a Member of the National Assembly, because he will always have to gather the opinion of the people, the opinion of the Members of the National Assembly here, and also the opinion of the masses: he was elected by the people, whether he is elected from the Coast or from Busia, or from Kuria or from the North-Eastern Region, but he is a Member of this National Assembly. I am sure, Mr. Chairman, he will have contact with the Members in man, he will have contact with the headquarters just this House and also the party headquarters near here. He will always visit the party and I think will have gathered enough information to help him in assisting in discharging his duties as a youth leader, and also the information obtained from the party headquarters will help him to advise the Minister whom I know is always busy in his office, and he has no time to meet an ordinary man in River Road, an ordinary man in Nairobi, an ordinary man in the Coast, and an ordinary man in the N.F.D. He has no time to even visit Kanu headquarters. So the only person who has time to visit headquarters is the National Youth Leader and also the only man who has the ability to meet the Members of the National Assembly is the youth leader. For that matter, this youth leader must be given responsibility to be in between the director and the Minister.

With these few remarks I have made, I think the Minister will now see sense of the argument.

[Mr. Shikuku]

so that I do not have to mix because I might be overswarmed, and you just will not know where the hon. Independent Member is.

The Speaker (Mr. Slade): As long as hon. Members know that you are independent, I do not think it matters very much.

Mr. Towett: Mr. Speaker, Sir, is it in order to have an Order Paper which is full of mistakes, such as the one we have today? We have had the last in the last page, "people" instead of "people", and so on.

The Speaker (Mr. Slade): No, it is most regrettable. We shall try to do better next time.

Mr. Mbogoh: On a point of order, Mr. Speaker, I am seeking your advice on this. At the times when the Speaker came into the House when there was an Opposition, he used to bow to the Government and then to the Opposition. Does the Speaker have to do the same even now?

The Speaker (Mr. Slade): You had been here when I entered the Chamber you would have seen. Another day, you might like to be here at the start of the proceedings and you will see what the Speaker does.

Mr. Anyieni: On a point of order, Mr. Speaker, I was here when you came in this afternoon and you bowed to that side and then this side. In view of the fact that now we are one, would it not be more proper if you bowed straight facing the House?

The Speaker (Mr. Slade): No.

Mr. Shikuku: On a point of explanation, Mr. Speaker, I was just wondering whether, in view of the fact that I have established the fact that I am independent, am I not going to be able to exchange bows with you, Sir?

The Speaker (Mr. Slade): Next order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairman (Mr. Slade) took the Chair]

THE NATIONAL YOUTH SERVICE BILL

(Clauses 2 and 3 agreed to)

Clause 4

Mr. Gichoya: On clause 4, Sir, I will put forward my amendment because I have something I

want to be done, so that we do not have a person employed by the President of this country and yet with no responsibility. I put forward the amendment as follows:—

THAT clause 4 of the Bill be amended by renumbering the existing clause as subclause (1) and by adding two new subclauses as follows:—

(2) The National Youth Leader shall liaise between the Minister and the director of the service.

(3) The National Youth Leader shall be a Member of the National Assembly.

Mr. Chairman, Sir, when I was listening very carefully to the clarification which the Minister for Labour and Social Services was trying to give to the House yesterday, as to the role of the National Youth Leader, and the position of the Minister, I was made to believe that the Minister was mistaking the serviceman and political forces. The Minister referred to a position where he is given power to appoint persons, whereas under the Bill the National Youth Leader is not appointed by the Minister but by the Head of the State on the advice of the Prime Minister. Of course, in future it will be, as I see it, by the President-designate, with the advice of his Cabinet, that the youth leader will be appointed. This being the case, the Minister himself as a personality does not count; he counts as a Member of the Cabinet to advise the President-designate and, in future, the President.

In moving this amendment I thought one thing was certain, that we are trying to bring to the people collaboration between the experts in this youth service and the political spirit in the country. Unless and until we have a political boss somehow who is, of course, not over and above a Minister, but very, very closely connected with the youth movement, we are bound to have a youth group trained by foreign experts to examine things on the basis of the countries from which these seconded experts come. So advice to guide us or to prevent our youths becoming agents of a foreign power, whether America, Russia, China or, for that matter, Ghana or even Tanganyika, we have a person who is supposed to deal with the political aspirations of the youth: that is, the youth leader in collaboration with the Minister. I suggested, Sir, that the National Youth Leader should liaise between the Minister and the director of the service. In other words, it should be stipulated in the Bill and the youth leader must know his duty, that his boss is the Minister and his colleagues are the officers who are employed by the Kenya Government working in the service. Hence,

[Mr. Gichoya]

before the Minister even gets the information from the director, the director should brief the youth leader and the youth leader brief the Minister, and both come together with our well-educated Minister in the sense of getting first information before he meets the servicemen rather than being confused when he meets the experts who talk in a very expert way, and the Minister of course, being a political boss, will accept the advice of the experts. But the youth leader has more time to discuss these points which need expert knowledge with the director, with the other commanders wherever they are, and the Minister gets more or less a raw deal to a certain extent, but he puts his own questions and the questions are replied to by the youth leader. That is the reason why I said that here throughout we have a man paid by the Kenya Government having no responsibility and he should either have some responsibility specified within the Bill or he should be completely removed. Instead of removing him, there is a duty he is supposed to carry out; namely, the political aspect of our youth movement.

The other thing I said was that the National Youth Leader shall be a Member of the National Assembly. The reason is very simple. We have a political Minister surrounded by expert civil servants, and for one reason or the other this Minister is very busy and may not be able to attend to every-day problems which are supposed to be attended to by a political boss, and if the youth leader comes from outside the National Assembly, we are bound to have conflicting views put forward within the Ministry, but if he comes from within the National Assembly, the obvious fact remains that here, whatever is discussed about the youth service, whatever is written but through expression in Parliamentary group meetings in this National Assembly, that goes to be executed exactly in the youth service.

So, Mr. Chairman, Sir, without wasting much time, I must make it clear that the name of the member as put in the preliminary "member" in relation to the service includes a gazetted officer, a subordinate officer, an under-officer, and officer, a subordinate officer, any person for a serviceman, and includes any person for a time being seconded for services in the service. Then when do not apply to the youth leader. Then when do you go the end to find out the members of the service, they are gazetted, of course, and put clearly, and their roles as well; we have the ranks of officers of the service in order of seniority. Apart from the youths who have been trained and come up to be non-commissioned officers or ordinary persons within the service, the youth

leader is not in the gazetted officers or subordinate officers or under-officers, nor is he within the members of the service.

For these reasons, Sir, I believe that we will abdicate our responsibility as Members of the National Assembly and make a law which will make the youth leader a laughing stock in the service, and so I move the amendment.

The Chairman (Mr. Slade): I will propose the question and I think I ought to alter the form slightly, Mr. Gichoya. The question is that the present clause be numbered subclause (1) and that the clause be amended by adding two new subclauses as follows:—

(2) The National Youth Leader shall liaise between the Minister and the director of the service; and

(3) The National Youth Leader shall be a Member of the National Assembly.

(Question of the amendment proposed)

Mr. Anyieni: Mr. Chairman, Sir, I stand to support this amendment to the original clause and I hope that the Minister will take this as a good suggestion which will help him and the National Youth Leader, so that they can do their work well.

Mr. Chairman, in clause 4 we have a mention of the National Youth Leader. After that I have not seen the actual work which has been entrusted to the youth leader. Therefore, what we are actually saying is that we are trying to make sure that the Minister, who is a politician, and the National Youth Leader, who is going to be in charge of these youths, should be a man who is politically-minded, because most of the youths we are bringing are politically-minded and the only person who can understand them is the National Youth Leader. So, Sir, in them is the National Youth Leader, so Sir, in the first case this gives some definite work to the National Youth Leader.

On the second part of the amendment—that the National Youth Leader should be a Member of the National Assembly—I will not say much because, for example, now the National Youth Leader is doing very well; he is asking us to bring two youths every one, two or three months. I think that if he was not a Member of the National Assembly we might have had some difficulties in getting in touch with him. Since these youths who are coming are known very well to the Elected Members and since they were nominated and their names have been kept at home awaiting their time to come to Nairobi, we want to include this clause, so that tomorrow we shall not have the chance of somebody

Question No. 737

INTENSIFIED MEASURES AGAINST SHIFTA

Mr. Kase asked the Minister for Internal Security and Defence if, in view of the increase in *Shifita* activities in the North-Eastern Region, Tana River and Lamu Districts, the Government would intensify its measures against them by:—

- Closing all Somali *manyattas* and putting all Somalis into villages?
- Issuing passbooks to every Somali?
- Punishing all *Shifitas* and their associates publicly?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I beg to reply.

Villagization is not a practicable solution to the security problems created by *Shifita* gangs in the former Northern Frontier District and northern areas of the Coast where the population, in a region of vast deserts and semi-deserts, comprising about half of Kenya, is primarily nomadic, and depends on water and the grazing for livelihood and survival. In certain limited areas, the concentration of the population in villages might be both practicable and useful. The Government's security advisers have the situation under constant review and will take all such steps as are necessary, practicable and useful at the appropriate time.

The answer to part (b) of the question was given in reply to question 689 to the Senate where it was said that it is not only Somalis who were engaged in *Shifita* activities. Some persons belonging to other tribes such as Boran and Rendille are also known to participate. There is a considerable difference between those Somalis of the North-Eastern Region who are settled indulging in banditry and the respectable settled Somalis resident in other parts of the country who have no connexion with such activity and will not constitute a security problem. In any case, it is also expected that the recently promulgated Public Security (North-Eastern Region) Regulations, 1964, and the Public Security (North-Eastern Region) Detention Camps Regulations, 1964, will play a part towards containing the situation.

In answer to part (c) of the question, it is no, Sir. The Government will proceed in accordance with the law and with established convention.

Mr. Kase: Mr. Speaker, Sir, in view of the fact that some Somalis live where water is, it is not wise that in these areas they should be villagized?

Dr. Waiyaki: Mr. Speaker, Sir, it is possible to villagize the Somalis who live next to such rivers as Tana, because the livestock they have with them will soon eat up all the grass and then we shall have to move them in no time at all.

Mr. Khalif: Mr. Speaker, Sir, in view of the fact that all Somalis are not participating in the *Shifita* activities, would the Parliamentary Secretary tell the hon. questioner, point blank, that the suggestions with regard to part one—

The Speaker (Mr. Slade): Order, order, No, that is, in no sense, a proper supplementary question. Hon. Members cannot use the form of a question to ask a Minister to tell hon. Members something.

Mr. Khalif: Mr. Speaker, Sir, on a point of order, I did not know that it is out of order for a Member to tell a Minister or a Parliamentary Secretary to tell another Member that what he asked was in fact answered, but I would like to renew my question in the proper manner, Mr. Speaker, Sir.

The Speaker (Mr. Slade): It will have to be very different from that one. You can ask another one, yes.

Mr. Khalif: Mr. Speaker, Sir, in view of the fact that all Somalis in Kenya are not participating in the *Shifita* activities, will the Minister agree with me that the suggestions in part (a) of the question are not only vague but actually discriminatory?

Dr. Waiyaki: Mr. Speaker, Sir, the part (a) of the question is not vague, but it could be discriminatory, I agree.

Mr. G. Godana: Mr. Speaker, Sir, arising from the Junior Minister's reply, although I agree with him that not all Somalis are working with *Shifita*, as he says there are some tribes such as Rendille and Boran also getting into this matter, could the Junior Minister agree with me that the Government should make a proper investigation of all Somalis who live in Kenya whether they be in Nairobi or the Coast, or whether they are even in Nyanza; they should be examined wherever they are?

Dr. Waiyaki: Mr. Speaker, Sir, that is a different question.

Question No. 741

LEATHER TANNING INDUSTRY FOR NYANZA

Mr. Nyaliek asked the Minister for Commerce and Industry when the Government would consider establishing a leather tanning industry in Nyanza.

The Minister for Commerce and Industry (Dr. Kiako): Mr. Speaker, Sir, I beg to reply. The Industrial and Commercial Development Corporation are already investigating the possibilities of establishing a tannery in Kisii, which is in the Nyanza District. We are now studying the possibility of schemes to ensure that we get regular supplies at reasonable prices and also to see whether we should organize a co-operative to handle the purchases of the skins directly from the producers. The first point that is being studied by the Industrial and Commercial Development Corporation is ways and means of providing a few skinner in the tannery business which take certain of those skins and this in fact we do hope that arrangements be made to enable a few persons from Kisii to attend the Nakuru Industrial Training School as soon as it is established early next year.

Question No. 742

UGANDA SUGAR ESTATES: SETTLEMENT OF LABOURERS

Mr. Nyaliek asked the Minister for Lands and Settlement what steps the Government was taking to provide a settlement scheme for resident labourers who had lived on the land now known as the Uganda Sugar Estates at Muhoroni since 1918.

The Parliamentary Secretary for Lands and Settlement (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. The Government cannot provide a settlement scheme for resident labourers on farms or any other such person. The decision on who should settle on land purchased for settlement schemes is entirely a regional responsibility. It is, however, the policy of the Government that people who have been living as labourers on farms for a long time, and therefore, know no other home, and possess no land elsewhere, should be given priority on settlement schemes. Presidents of Regional Assemblies are, therefore, we have parcel of the Government and, therefore, we have no reason to believe that they should not adhere to this policy. I believe that if the hon. Member for Winam present the case of the labourers on the Uganda Sugar Estates at Muhoroni direct to the right authority, who is the President of the Regional Assembly, I am sure the latter would no doubt give the matter due consideration.

Mr. Nyaliek: Mr. Speaker, Sir, is the Junior Minister aware that these people living on Uganda Sugar Estates are giving headcases to the owners of the farms? By that, I mean, these people wait until the owner of the farm cultivates

the land and then sow their own crops without the permission of the owners of the farm? What lesson is he giving these people to apply to their regional authority, which is Nyanza Region, for settlement?

Mr. Nyagah: Mr. Speaker, Sir, I am not aware, but the lesson I am giving to the hon. Member is good enough to transmit transfer it to these people who are in his constituency.

Mr. Muliro: Mr. Speaker, Sir, would the Parliamentary Secretary not consider it fit for his Ministry to urge the Nyanza Region to see that these labourers be sent to the settlement scheme in Nyanza region?

Mr. Nyagah: Mr. Speaker, Sir, one part of the reply which I gave to the House did give the Government policy, that priority should be given to the resident labourers who have no land elsewhere and this is the communication that is passed in the form of advice to the Presidents of each region, and I am sure the President of the Nyanza Region is well advised to follow that policy.

Mr. Ngala-Ahoki: Mr. Speaker, Sir, now that this information has been given more clearly to the Parliamentary Secretary, would he undertake to instruct the President of the Nyanza Region to get the petition from these labourers immediately so as to be settled?

Mr. Nyagah: Mr. Speaker, Sir, it is the duty of every constituency Member to approach the right authority directly and I am sure the hon. Member from that area would be doing their work properly if they were to approach the President directly.

Mr. Choge: Could I have an assurance from the Parliamentary Secretary that the Kalejini who have been living there for quite some time, will be considered?

Mr. Nyagah: It does not matter whether the residents are Luos, Kikuyus or Kalejini. They are just residents in that place.

Mr. J. M. Kariki: Will the Parliamentary Secretary agree with me that when the labourers cultivate the farm where they are living today for their own food, it is not illegal until they are given plots by the Settlement Board?

Mr. Nyagah: Mr. Speaker, Sir, I would like to consider it at another question of illegal squatters, rather than settling people who have been resident labourers on a particular farm.

Mr. J. M. Kariki: I think I had better make it quite clear. Is it legal or illegal for those

Mr. Masinde: Mr. Speaker, Sir, with regard to the reply to part (c), of the question I do not know what is meant here by renewing a passport. I personally had a Kenya passport and lost it and when I went to get another one I had to pay Sh. 30. Was that not renewing, and why did I pay Sh. 30?

Mr. Odlinga: Mr. Speaker, Sir, that, in the strictest sense, is not renewal.

Mr. Gichoya: Mr. Speaker, Sir, understanding that somebody owning a British passport and changing it to a Kenya passport does not involve more cost, why on earth then should we be charged Sh. 30 for the renewal, because I take it as a renewal, when we get our own passport in exchange for the foreign passport?

Mr. Odlinga: Mr. Speaker, Sir, it is not considered to be a renewal. Kenya passports are issued under Kenya conditions and terms and the regulations are now different from those under which British passports were issued. You may have a British passport, but it does not follow that you will get a Kenya passport.

Question No. 725

ITIERO HEALTH CENTRE: EXPANSION OF

Mr. Omweri asked the Minister for Health and Housing whether, in view of the attraction Ilerio Health Centre had for maternity cases throughout Kiisi and South Nyanza, the Minister would be prepared to give a grant for the expansion of this health centre in order for it to be able to extend its good services to those who needed them.

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

My Ministry is prepared to consider the giving of a grant to Ilerio Health Centre along with other applications from health centres and health subcentres in Kiisi District. This particular health centre has been doing very good work and very good service to the community around and right now the authorities are proposing to build another maternity wing costing about Sh. 30,000 and to use the old wing which they have been using in the past for another ward.

Mr. Omweri: Mr. Speaker, would the Minister tell this House whether in the proposed wing the Ministry is going to subsidize anything out of the cost of Sh. 30,000 cost?

Dr. Mungai: Generally, with mission hospitals, we do. In this case, we will have to wait for an application. If it comes, it will be considered along with the others.

Mr. Omweri: Mr. Speaker, Sir, the applications have already been sent twice and recently there were discussions with the regional officers and his Ministry; is he now prepared to take it from his representative in Kisumu that the application is already with his Ministry and he should give a direct answer?

Dr. Mungai: Mr. Speaker, Sir, we have the right machinery to handle these things and that application, plus any others, will have to go through the right machinery and to reach a conclusion.

Mr. Omweri: Will the Minister tell me the machinery because I am not aware of it and I hope the hon. Members will be interested to learn the machinery?

Dr. Mungai: The missions have set up their own machinery, one of them a Protestant, the other a Catholic and all applications go through them and then they come to us. They just indicate the priorities which they want and then we make our grants accordingly.

Question No. 721

FREE MEDICAL TREATMENT

Mr. Omweri asked the Minister for Health and Housing whether, in view of the party manifesto's promises of free Medical Services, the Minister would introduce a Grant-in-Aid system whereby not only hospitals got Government grants, but also all health centres, dispensaries and clinics got these grants to subsidize, either wholly or partially, the charges and fees paid by people who received medical attention at these places.

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

My Ministry has a Grant-in-Aid system to assist many non-Government hospitals, and it is constantly examining the possibility of extending this aid in order to reduce the cost of treatment to the patient.

My Ministry is also seeking additional funds in order to implement Government's desire to provide free medical treatment. At present, Government pays more than $\frac{2}{3}$ of the cost of treatment in a Government institution.

In the forecast Estimates of 1965/66, we are looking into the possibility of admitting and treating all children who are admitted to children's wards in all Government hospitals, so that they can get free medical attention, starting in the 1965 financial year; and also, at the same time, we are finding out the possibility of having the in-patients' fees for all adults who will be admitted,

[Dr. Mungai] remitted, starting from that year, and this will bring us to what our party promised: that in the future we shall work out a system whereby we shall have free medical treatment for all. We shall start this in 1965.

Mr. Omweri: Mr. Speaker, Sir, bearing in mind that there will be very few people benefiting from the Government institutions and hearing in mind that most of our electors use the rural clinics and the rural dispensaries, would the Minister consider that this money which the Government pays to Government institutions is spread throughout the country rather than concentrating it on a few Government institutions?

Dr. Mungai: Mr. Speaker, Sir, I do not agree that very few people profit from the Government hospitals and institutions. We have already declared another policy: that we are going to take modern medicine to the people in the rural areas rather than concentrating it in the cities and, therefore, the benefit from now onwards will be in creating in the rural areas and, besides those rural health centres, clinics and institutions belong to local government and local governments come directly under Central Government and therefore they are not divorced from us.

Mr. Anyieni: Mr. Speaker, Sir, while I am thanking the Minister for his intention to introduce free medical attention, as was promised, may I ask the Minister also to extend this to the mission hospitals, though not free, but to be able to give them a few shillings, so that when people go there they will pay a little less than they are paying today?

Dr. Mungai: Mr. Speaker, Sir, we are exploring ways and means of extending our grants to mission hospitals, so that the hospitals will be able to lower their fees, but we are only exploring it.

Mr. Gichoya: Arising from one of the Minister's replies, that he intends first to deal with the hospitals in the rural areas and also he asserts that more patients go to hospitals rather than dispensaries, would he agree with me that dispensaries, health centres and clinics are the basis of getting rid of the diseases in the rural areas and hence these areas should be given first priority rather than hospitals?

Dr. Mungai: Mr. Speaker, Sir, I see that the hon. Member is trying to quote my speeches in the past. However, this I am very aware of and we are doing the best we can. But you must remember that a person who goes to a hospital for an operation cannot be treated in a health

centre as such and he may require this treatment and he is out of work for a long period of time and it costs more. Since we have to take the first step toward free medical services, we have decided that this is the best way of doing it.

Question No. 730

CHANGING THE TIME SYSTEM

Mr. Shikuku: Is it not in order if one of the hon. Members is not attending at all or is not aware of the question for another hon. Member to read the question number for him?

The Speaker (Mr. Slade): We might be driven to that if we have to wait much longer.

Mr. G. Godana asked the Minister for Works, Communications and Power whether he was aware that most people did not understand the time-system and whether he would consider changing to the Swahili time-system, e.g. seven o'clock being one o'clock?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply.

The use of Swahili time-system, which I think the hon. Member wants us to introduce in reckoning our times according to day and night divisions of two hours each would present quite a lot of difficulties in a number of organizations such as the East African Railways and Harbour Administration, East African Posts and Telecommunications Organization and many other organizations whose system of timing is related to other world systems.

Although it is not possible to list immediately the difficulties that would arise, at a glance the adoption of the Swahili time would put us into difficulties resulting, for example, in respect of the following aspects:—

- (a) Timing of telegrams to all places outside Kenya, including our neighbouring countries such as Tanganyika and Uganda.
- (b) Timing of telephone trunk calls to all places and accounting procedures for calls originating in East Africa.
- (c) It would not be possible under the system contemplated by the hon. Member for Marabiti-Moyale to indicate clearly to the public the days of the week on which train schedules in the period sunset to sunrise operate.

The system of dividing days from midnight applies throughout the world and it would not be practicable for Kenya to be at variance with the other parts of the world.

Mr. Anyien: Mr. Speaker, Sir, has the Minister tried to investigate and find out how much money will be required to make better bridges in this area?

Mr. Mwanjumba: Mr. Speaker, Sir, we have had reports in the Ministry of exactly how much money will be required to improve these bridges but I do not have the figures right now. If the hon. Member wants the figures I am prepared to give them at a later stage.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 746:
BRIDGES ON ISIOLO-MAHSABIT ROAD

Mr. Khalif: Mr. Speaker, Sir, on a point of order. In view of the very unsatisfactory replies to this question, I would like to raise this matter on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 747

REDUCTION IN ROAD LICENCE FEES

Mr. E. D. Godana asked the Minister for Works, Communications and Power whether the Government would consider reducing the road licence fees by 50 per cent for people in his area, on account of the roads being impassable every rainy season for three months?

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply.

The existing Traffic Law allows vehicles to be licensed either for a four-month or a two-month period commencing any month during the year.

Also a refund can be obtained in respect of any unexpired portion of a vehicle licence.

Any licensed vehicle is entitled to use all the roads in Kenya and no vehicle is confined to any particular area.

There appears to be no merit in the suggestion put forward by the hon. Member for Rendille.

Mr. Khalif: Mr. Speaker, Sir, is the Minister aware that there is no justification whatsoever in charging users of roads in these areas 100 per cent road licence fees when Government does not take the initiative to improve the conditions of these roads?

Mr. Mwanjumba: Mr. Speaker, Sir, these licences are not awarded because of the conditions of roads in any particular region. Therefore, the question put by the hon. Member does not arise.

Mr. Khalif: Mr. Speaker, Sir, would the Minister not consider that licences are issued on the conditions of the roads used by the road licensees?

Mr. Mwanjumba: I would not, Mr. Speaker.

Question No. 752

PEOPLE KILLED BY ETHIOPIANS SINCE 1958

Mr. E. D. Godana asked the Minister for Internal Security and Defence:—

(a) If the Minister would tell the House how many Rendille, Gabbra and Boran had been killed since 1958 to date by Ethiopian armed raiders in Marsabit District?

(b) How many sheep, goats, camels and cattle had been taken by these raiders?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I beg to reply.

(a) Police records show that since 1958 six Rendille and eighty-two Gabbra in the Marsabit District of the Eastern Region have been killed by armed raiders from Ethiopia. From records held by the police, no Boran are shown as having been killed by Ethiopian armed raiders in Marsabit District during this period.

(b) Police records show that since 1958, in the Marsabit District 19,650 head of stock consisting of cattle, sheep, camels and goats were stolen. Of these, 11,160 were recovered.

I would like to say, Mr. Speaker, Sir, that since independence, there have been extremely friendly relations between the Government of Kenya and the Government of Ethiopia and it is hoped from our friendly contacts there will be a diminution in this trans-frontier raid.

Mr. Anyien: Mr. Speaker, Sir, is there any arrangement which the Kenya Government has entered into with the Ethiopian Government to make sure that when anybody comes from Ethiopia and commits a murder in Kenya, the Ethiopian Government will be able to do something in the form of compensation, and vice versa? Also, Mr. Speaker, will the Parliamentary Secretary tell us as to whether, when livestock is stolen, there is any arrangement whereby the Ethiopian Government could aid the Kenya Government in getting these animals paid for?

Dr. Waiyaki: We have held discussions, at some of which I have been present, about this

[Dr. Waiyaki]

with the Ethiopian problem. We are co-operating with the Ethiopian authorities, and our police are co-operating with the police on the other side of the border, as also are our administrative officers and their administrative officers. The question of compensation and the payment for all these animals stolen by their nationals from our nationals is in the process of discussion right now, and I would not like to prejudice the discussions by making any pronouncements in Parliament today.

Mr. Khalif: Mr. Speaker, Sir, in view of the fact that the Ethiopian Government has signed a Defence Pact with Kenya, could we be told how the Ethiopian Government has failed in its duty of preventing its armed tribesmen afflicting Kenya tribesmen?

Dr. Waiyaki: I want to know what this question has to do with the Defence Pact?

Mr. E. D. Godana: Arising from the Junior Minister's reply, has it been agreed to stop the trouble makers, these raiders between Kenya and Ethiopia? At the moment, what is being done to stop these raiders coming from Ethiopia to Kenya? Would the Parliamentary Secretary agree with me that it is better to have a local security committee operated by the Kenya Government and the Ethiopian Government, to make a programme on this border in order to stop this?

Dr. Waiyaki: Mr. Speaker, Sir, I have just said that our police and our administrative officers were co-operating with their opposite numbers in Ethiopia. The question of labelling the group that they use there as a security committee, will not, I think, help the situation. Security committees, alone, can not solve the problem.

Mr. Khalif: Mr. Speaker, Sir, is the Junior Minister aware that the only remedy for this problem is to arm the Rendille, the Boran and the Gabbra?

Dr. Waiyaki: No, Sir.

Mr. Pifano: Mr. Speaker, Sir, would the Parliamentary Secretary agree that local committees consisting of the District Commissioners from both sides or of the residents on both sides of the border could be of use, and would he investigate the possibility of such committees being established?

Dr. Waiyaki: I said, Mr. Speaker, that they are already co-operating. Whether we call them a committee or not, we are already co-operating as a result of our discussions in Addis Ababa. We could, of course, call them a security committee, but the problem will still remain.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 752:
PEOPLE KILLED BY ETHIOPIANS SINCE 1958

Mr. Khalif: On a point of order, Mr. Speaker, I feel that these answers to the question are very unsatisfactory and I would therefore like to raise this matter on adjournment.

The Speaker (Mr. Slade): You will probably have to wait quite a long time.

ORAL ANSWERS TO QUESTIONS

Question 754

REDUCTION OF PASSPORT CHARGES

Mr. Lorema asked the Minister for Home Affairs:—

- (a) If the Government would consider reducing the cost of renewing passports from Sh. 30 to Sh. 20.
- (b) Also, would the Minister tell the House why the Immigration Department took so long to issue passports to some of the citizens of Kenya.

The Minister for Home Affairs (Mr. Odunga): Mr. Speaker, Sir, I beg to reply. The cost of renewing passports for a further period of five years is in fact Sh. 20 and not Sh. 30 as the hon. Member thinks and, therefore, there is nothing to be considered by Government.

Mr. Lorema: Mr. Speaker, Sir, is the Minister aware that there are people who have already paid Sh. 30 when they renewed their passports, and not Sh. 20 as he said?

Mr. Odunga: Mr. Speaker, Sir, I am not aware of anybody paying that.

(Mr. Kiprotich: Mr. Speaker, if I approach the Minister, is he prepared to refund me Sh. 10 because I paid Sh. 30?)

Mr. Odunga: Mr. Speaker, Sir, probably the hon. gentleman is confusing the issue of the Kenya passport with renewal; in that case, it is a new passport and you must pay Sh. 30.

Mr. Khasakhalu: Mr. Speaker, Sir, I am sure the Minister did not answer part (b) of the question. Could he give a reply to that?

Mr. Odunga: The Immigration Department does not take a long time to issue passports to citizens of Kenya at all. On the contrary, people new receive their passports much quicker than they used to do in the past.

[The Minister for Agriculture and Animal Husbandry] grateful. But it is no good quoting to us in this House Mr. Speaker, something which happened many, many months ago and which Government has since taken the initiative to stop. I just want to end up by telling the hon. Member that perhaps there is a way in which these co-operatives that he is worried about can get round the difficulties. This is that, under the by-law, there is no reason why a co-operative society, which has a hundred people interested in it and wants to buy a farm which will only absorb forty people, cannot set that co-operative up as forty people and the other sixty people, with permission of the Commissioner of Co-operatives, can lend that co-operative society that money at a set rate of interest which gives them an interest in that co-operative. This is another way of getting round it.

A further way, if they wish to get around it, to borrow money from the Land Bank is to form themselves into a simple company, and all hold a shareholding in the company.

These, Mr. Speaker, are ways which people can get round, but I would like to warn the hon. Member that I am now setting into motion, ways and means of stopping people getting round these ways because what we want are true co-operative societies to own these farms.

ADJOURNMENT

The Speaker (Mr. Slade): We have now had our time. The House is adjourned until tomorrow, Wednesday, 11th November, at 2.30 p.m.

The House rose at fifty-five minutes past Six o'clock.

Wednesday, 11th November 1964

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

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 739

KIBOS-SONGHOR ROAD: TARMAC

Mr. Nyallick asked the Minister for Works, Communications and Power when the Government would consider tarmac-ing the Kibos-Songhor road.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. The road in question referred to by the hon. Member is at present a secondary road and therefore it is a regional authority road. I have been well informed of the importance of this road and I have asked my regional engineers to make investigations as to what can be done at present. I have advised that this section of the road between Kibos and Miwani should be brought to gravel standard. I have also asked the Regional Assemblies to give priorities to the roads they want to be developed within this development period.

Mr. Nyallick: Mr. Speaker, Sir, is the Minister aware that during the rainy season farmers around this area cannot easily move their sugarcane to the existing Miwani Sugar Factory?

Mr. Mwanjumba: I am aware of this problem Mr. Speaker, and this is why we are trying to raise to gravel standard that section of the road to which I have referred.

Question No. 746

BRIDGES ON ISILO-MARSABIT ROAD: IMPROVEMENT OF

Mr. E. D. Godana asked the Minister for Works, Communications and Power to tell the House what plans Government had in hand to improve the present condition of the main road bridges from Isiolo to Marsabit and Moyale.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I beg to reply. Under the Independence Constitution, the road from Marsabit to Moyale, which is a secondary road, is a regional responsibility.

I must regret that in view of urgent works required on the more highly trafficked roads, it is not likely to be possible to find money for the improvement of these bridges in the immediate future.

We are, however, considering, together with the Ethiopian Government, the question of the main Nairobi/Addis Ababa road. No decision has yet been reached on the exact route this will follow and I am therefore unable to say at present whether these deliberations will have any effect on the Isiolo to Marsabit road.

Mr. E. D. Godana: The hon. Minister said that the road is under the Regional Assembly constitution. I think this is a main road, not a secondary road isn't it?

Mr. Mwanjumba: I do not know what the hon. Member means by saying "main" road, but in our classification if a road is a secondary road it is a secondary road and, although it may be a main road in that particular area, it is still a regional responsibility.

Mr. Khalif: Mr. Speaker, Sir, in view of the fact that not even one road in what was formerly called the Northern Frontier District has been tarmac-ed, would the Minister agree to tarmac, not improve, but tarmac, this road?

The Speaker (Mr. Slade): Well, not today because this question concerns bridges.

Mr. G. Godana: Arising from the Minister's reply, is the Minister not aware that this road between Isiolo and the Marsabit/Moyale road, having now a lot of *Shifia* movement in these areas, as such, we have often had ambushes by *Shifia* because of lorries travelling slowly? As such, could the Minister consider this a special case, not a normal requirement for other parts of the country?

The Speaker (Mr. Slade): You are talking about bridges, are you?

Mr. G. Godana: Mr. Speaker, about the condition of the road, bridges go over the roads or are on the roads.

The Speaker (Mr. Slade): This question relates to bridges.

Mr. G. Godana: That is what I mean, Mr. Speaker.

Mr. Mwanjumba: I am well aware of the conditions in this particular region and I take the point which the hon. Member has raised for further consideration.

[Mr. Mboogoh]

that? I think the Minister when replying could tell this House exactly how the Government is helping to raise these loans for the societies so that we can eliminate this landlessness and dissatisfaction among our people.

Mr. G. K. Kariuki: Mr. Speaker, I rise to support the hon. Mr. Gichoya on this Motion on the adjournment.

Mr. Speaker, Sir, it is known very clearly by everybody in this Parliament that the Government has issued a statement asking the people of this country to form co-operative societies, and due to the fact that people of this country know that the land which we have in Kenya will not be available for everybody free of charge.

Mr. Speaker, many people, especially people who had no money before, have gathered to form co-operative societies probably in all districts of the country. In my area, Mr. Speaker, Sir, we have many co-operative societies which have been formed, and some of these societies are registered. Now, when these people apply for loans their application is being turned down in a very simple way, that there are many, and they are being regarded by the Minister concerned as an uneconomic unit. For example, Mr. Speaker, if there are about three hundred people and they are aiming to buy about 600 acres, the Minister tells them that if they are allowed to buy, or if they are given loans, they all will stay on that farm because they have no other employment. This is true, but it is not the mistake of these people, but the mistake of the Government because they have accepted to register all co-operative societies which are already formed. They have collected a lot of money. For example, we have a co-operative society in Molo, which has collected about Sh. 110,000, and they have applied for a loan of Sh. 200,000. Now, the application has been turned down. How are we going to tell these people? What are we going to do about it? We are the people who told them to form these societies. Mr. Speaker, if the Government knows that those societies are no longer economic, it is up to them to tell people in no uncertain terms that this is not going to be economic, and therefore, they are going to dissolve the co-operative society, and the Government will prepare to get into the proper way of forming co-operative societies.

Now, Mr. Speaker, since this matter has been listened to by the Minister for Agriculture, I would like to give him time to reply.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, it is unfortunate that all three speakers do not understand or appreciate what the co-operative movement in the form of socialism means. They obviously have not made a study of socialism.

Now, Sir, one of the speakers said that we ought to hire people who understand the co-operative movement, which is exactly what we have done. We have obtained experts from the socialist countries who have worked co-operatively in farming successfully. Mr. Speaker, every one of them, from Yugoslavia to Poland, and from Israel, tell us that there is one basic law in the co-operative movement in agriculture which you cannot alter, and that is in the world co-operator. But every member must be a working member of a co-operative society on that farm, and must work on that farm. Every person on that farm has to be in proper employment. Therefore, the membership of that farm or that co-operative cannot be greater than the people who can be employed on that farm as an economic unit. This is the point, Mr. Speaker.

Now I want to tell the hon. Members who have spoken in simple words exactly what Government policy is, so that they will understand. It is Government policy to give preferential treatment to the people who are working on the farm at this moment to form themselves into a co-operative society and take over that farm. They have preferential treatment, and the problem at the moment is not with the people on the farms, but with people all round the country, some of them with big farms already in the areas, who are attempting to form themselves into co-operatives and buy these farms, and I have no intention as long as I am Minister to take away the first preference of the man who is working on a farm.

An hon. Member: Give us an example.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): We can give plenty of examples, and the hon. Member knows them very well indeed, because a number of them are people from his own area, who already own land, who are forming co-operatives to go and buy land in the old European areas, and the people who are working on that farm then become landless.

Mr. Gichoya: On a point of order, Mr. Speaker, the Minister alleges very nicely that in my own area people owning land are the people who are buying or pretending to buy the land in the former European areas. Could he give an example of this, or substantiate it?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, I will give them the names in this House just as soon as I have been able to get them, but there is no area in the whole of the Central Region that has not come to me. I can easily give him the names. Mr. Speaker, and will do so.

The Speaker (Mr. Slade): I think you will have to do that tomorrow.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Yes, Sir, I will do so.

Sir, under Cap. 490, subsidiary legislation of the pioneers of the co-operative movement, part 4 (4) (i), reads as follows: In accordance with . . . of a collective farm for the benefit of all the members of the society. That is our law at the moment, which is mixed with socialism. It is exactly as I have said, that every member of the co-operative must be fully employed on that farm.

Now, Sir, it is the intention of the Government to operate these farms as economic units and not just put them up. Therefore, the number of people in a co-operative to buy a farm must equal the number of people who can be employed on that farm. The example which the hon. Member gave of 310 people thinking that they can work on a 500-acre farm is not acceptable to the Government.

Sir, as I said in answering the question the other day, at the present moment, the co-operative society can form itself and make application to the Land Bank for an 80 per cent warrant. The co-operative society can then go to the Agricultural Finance Corporation and put in for finance up to a maximum of £3,000 for working capital to operate that farm. This does not mean to say that the Land Bank would accept every application, because they want to know that there is somebody in that co-operative who can farm that farm, manage it and be the leader on an economic unit.

Also, if hon. Members had listened when I answered the question the other day, they would have heard me say that we are negotiating at this moment with the British Government for 100 per cent finance so that the people who are on the farms at the moment can be formed into co-operatives and operate those farms under Government supervision. But, Sir, I think every hon. Member must fully appreciate what the Government intention is, and that it is that the people on the farms have first priority, and not the people who are not on the farms, because all that happens then is that we have a vicious circle, because the co-operative society that is

formed at one end of the country then comes on to the farm, gets rid of all the labour, and operate themselves, and they become landless. Some of them will have been on those farms for many years.

An hon. Member: What about mismanaged farms?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Now, Mr. Speaker, they raised the point of mismanaged farms. Here again, Mr. Speaker, it is very easy for an hon. Member to put his head up and say what about mismanaged farms, when he has not taken the trouble of approaching either myself or the Assistant Minister, or anybody in my Ministry, to find out what is happening about them.

So, I will tell him what is happening. These farms are being taken over by the Government and operated nationally until we have rehabilitated. At that time, when they are rehabilitated, and are a working business, we then intend organising the labour on that farm to take them over as co-operatives. This has always been our policy. It is no good the hon. Member sitting there throwing his head back saying, "What is happening to these farms?" We know full well what is happening to them. Instead of us wasting the time of this House, if he came to us saying he would find out in fact there is one farm not in very far away from his constituency which is in the throes of being discussed so that the people can take it over as a co-operative. If he comes to me outside I will tell him.

Now, Sir, I think I must remind hon. Members that it is not only the Land Bank or the Ministry of Agriculture which has a say in this. There is such a thing as the Divisional Land Board and the Divisional Land Board are not prepared to allow farms to go to co-operatives where the number is greater than what can be employed on the farm. They do not have the power of turning them down. Over and above that, Mr. Speaker, on the Land Bank there is a member from the hon. Member's region whom he knows and whom he can speak to about the affairs of the Land Bank.

Now, Sir, I just have two or three minutes left. One point which was raised by the hon. Member was the same old cry that people sell farms and buy others. If he knows of anybody who has done this since it was made public by the Government that they were not supporting this, I would be very obliged if he would let me know, because all I can tell him is that since early this year, as far as the Land Bank is concerned, this has not happened. If he knows of any case he can bring it to my notice and I will be most

[Mr. Gichoya]

adjourn the House, at least to correct some misconceptions that were made or some—I would not call it "misconceptions" but "contradictions" of our national policy, in terms of solving the problem of land.

From the speech of a Minister, the Minister for Agriculture and Animal Husbandry, his speech on the Estimates on 13th October 1964, that Minister put it to the House that when people come together and form a co-operative society, those people should be equal to the number of acres available for cultivation. This appears, Mr. Speaker, Sir, on page 3,439 of the National Assembly Report.

The Minister said then that 500 acres—which he gave as a very good example—could not be occupied by about 310 people. Why biggest problem, Mr. Speaker, Sir, is this. When land consolidation took place, particularly in the Central Region, we had people who had point something of an acre and they were supposed to live, on that point something of an acre with their own families, as landless, for that matter, and again we have got people who have not even got as much as point something. It is true we cannot provide employment for everybody so we can never provide land for everybody; but there are chances whereby people, grouping themselves together, seeking a home for tomorrow, could form a co-operative society, and that co-operative society should be encouraged by the Government in terms of buying land in the former White Highlands, the lands today which are nationalized, in a way, by the Kenya Government.

Now, the contradiction of our policy on land lies in the fact that we have accepted the principle of socialism in the country, and basically, socialism is not going to be implemented—the philosophy itself, in political fields—but actually, in the economic field, Land is the answer to it and we have got a legitimate weapon or tool with which to implement it: that is the land which is available through the national Government or the State, since the State today and the Government and the party—as we have seen this afternoon—are one. The three groups are one.

Now, Sir, I wanted to calculate the number of acres and I divided it by 310 people, and I found that these co-operators, who are given to us as a very good example, but are people who are refused money by the National Land Bank, would have had 1.5 acres of land. This is bigger than the point something of an acre which was given to the people in our villages. So I believe that if

these people had been given the opportunity to go on these 500 acres and had been told that it was the national policy that they had to work on the land, and it was not a question of employing people to work on it, because it was believed that they did not have anything, I am sure these co-operators would have farmed that land very nicely, and when Government, by chance, happened to get some more land—perhaps even adjacent to that first land—they could have got it and made it into a big estate with a very good labour force, a labour force, belonging to the same people, who would have found their own labour, who would have sweated on the land and who would be enjoying the fruits of their labour when they had harvested their crop.

That is exactly what is meant by co-operative farming: that people work with their own hands, that they do not employ others, and consequently, whatever may be the proceeds from the land, they are divided among themselves.

The Minister here objects—and the Land Bank objects—to people amounting to 310 occupying 500 acres. But if that Minister had already worked it out and found that all these people—and for that matter, Sir, when the Minister comes to reply, I would like to know from him how many among the 310 people had their own land elsewhere or had been in business elsewhere, so that we can know for certain that this number could not constitute what should be known as a co-operative farming society.

The other thing, Sir, I want to say in this connexion is that even after so many people out of this lot who wanted to buy this 500 acres of land have business, others do not have business. I would like to know from the Minister why he did not tell those people who owned land that they could never be members of a farming co-operative society. But he should allow those people to try to borrow money from anywhere and then come and occupy this land. These are the questions the answers to which, the Minister should be able to give. This was, Mr. Speaker, Sir, the speech given by the Minister on the policy of our Government.

We come again to the question which was put by the Member for Kandara, question No. 658, which necessitated my putting this Motion for Adjournment.

We have been facing a situation whereby the policy of Government is to encourage the rich to be rich, instead of considering those landless who are bothering us now and then, that they have nowhere to go, whereas, politically, we have been already told in times past that: "You people who have nowhere to go please gather together,

[Mr. Gichoya]

contribute some money and we as a Government, in the sense that we are supporters of Government, we who really have made the Ministers, will show you where to get the money from." The Government has a bank, the Land Bank. After these people have already collected the money, whether by borrowing or begging for that matter, to reduce unemployment in the country, in order to give them a place to live in, they are told—for Heaven's sake—"The land which is to be bought costs so much and we cannot give it to you as long as we do not recognize you as a group which should be settled, we recognize money, somebody with ready money, an individual coming and buying that land." The vital question is this: a European settler—I am not situated in this; a European settler—I am not biased against any particular community—after selling his own land goes to the Land Bank, gets money and goes and buys other land. A period of famine and then he buys more land and the Minister says, that is all right as long as productivity is maintained. My question is if these farmers who have put together these landless people, these people without employment, after co-operating and collecting money, they are put into that particular piece of land with the assistance of the Government, can they maintain the same rate of productivity? If the squatters on that particular farm had collected money from their own earnings I would say, "All right, we want to be the future settlers on this land which has been sold to the Government, or perhaps it has been abandoned." Why does the Government not come to their aid? My problem, Mr. Speaker, Sir, which forced me to raise these matters was that the Ministry is not doing what it should do or for that matter the Government.

Mr. Mhogozi: Mr. Speaker, Sir, though I did not want to speak on this question of the banks not giving the co-operative societies loans. I am forced to raise this one, because I have seen through experience and I find it a little difficult to believe that the Government has allowed such things to continue in a free Kenya, and which did not happen in the colonial times. Due to the fact, Mr. Speaker, that we used to have a co-operative society and a loan was raised to start the factories and also to start the running of a society, and this loan was repaid in quite a number of years, but today when the money to society goes and says, "We want the money that buy a piece of land here", we always find that they are told, "Well, look—unless you register your interests with only one person, then you cannot be given a loan as a co-operative society because this liability must fall on somebody."

Mr. Speaker, Sir, when the Minister for Lands and Settlement visited Embu at one time, he came and told us, "Now look, if you can join together and form and register a co-operative society and raise some money which would be security for the money you would be given by the settlement scheme, we would be prepared to give you some farms which you will buy." The people did this, only to come to the Ministry and be told, "If you have to buy this land, you must give it to one person to manage as a unit or come and live on it, whether or not this land might have a sufficient acreage to take everybody in or you buy it and then you demarcate it and give a few acres to each person, though it is not often you find enough people with sufficient money to buy a large enough amount of land for it to be demarcated. It will be impossible." So there was another possibility of having these people buying this land and sending a manager there and then the manager would stay there and manage the farms, but that would not work because what we wanted to do was to eliminate the question of landlessness. While they are far away and the land is being managed by a manager there, you find that it is useless to buy such land.

Mr. Speaker, I would like the Government seriously to note that the present settlement plan is not the best we can have. Although I quite respect the work done by the Ministry of Lands and Settlement, I feel that it is not the best and there is still room for improvement, because if we come to co-operative settlement today and have a farm and farm it on a co-operative basis, I think the people of this country can do it, as easily, as long as they have, let us say, a small portion of land where somebody can plant in a crop and feel himself like somebody in a settlement. Then, after that, the other land can be given to the settlement to be worked communally and you will find that this will work more easily than just giving the farms to big capitalists to run, so that our people suffer in the villages without any land and when they try to form co-operatives you find that nobody allows them to buy this land.

Mr. Speaker, I do not have much to say about that, but what I feel is that this Government, could easily hire some experts from other countries who know what co-operatives mean. The policy of this Government, as stated is to increase the role of co-operative societies in this country, but is this increasing the role of co-operative societies, Mr. Speaker, when co-operatives are formed and they try to raise finance from the Government and then nobody takes notice of

[The Minister for Home Affairs]

Therefore, Mr. Speaker, Sir, I beg to move the Second Reading of this Bill.

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

(Question proposed)

(Question put and agreed to)

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Deputy Chairman (Mr. Warriithi) took the Chair]

QUORUM

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

The Deputy Chairman (Mr. Warriithi): We do not have a quorum, ring the Division Bell.

(The Division Bell was rung)

The Deputy Chairman (Mr. Warriithi): We now have a quorum.

THE FOREIGN INVESTMENTS PROTECTION BILL

(Clauses 2 and 3 agreed to)

Clause 4

The Minister for Commerce and Industry (Dr. Kiano): I just want to add in clause 4, between paragraphs (a) and (b), a new paragraph as follows—

(b) In any case where an interest in the enterprise passes to any other person on the death of the holder.

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

(Clause 4, as amended agreed to)

(Clauses 5, 6, 7, 8 and 9 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE MOTOR VEHICLE COMPONENTS AND ACCESSORIES BILL

(Clauses 2, 3, 4, 5, 6, 7, 8, 9 and 10 agreed to)

(Clauses 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 agreed to)

(Clauses 21, 22, 23, 24, 25 and 26 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 of the whole House report to the House its consideration of the Foreign Investments Protection Bill and its approval thereof with amendment and the Motor Vehicle Components and Accessories Bill without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

Reports, Consideration of Reports and Third Readings**THE FOREIGN INVESTMENTS PROTECTION BILL**

Mr. Warriithi: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report their consideration of the Foreign Investments Protection Bill and to report their approval thereof with amendment.

The Speaker (Mr. Slade): In that case, we will take consideration of the report tomorrow.

The Minister for Commerce and Industry (Dr. Kiano): On a point of order, Sir, I seek your guidance if there is any possibility of taking the Third Reading today, with the leave of the House, of this Bill, which has been prolonged for such a very long time.

I gave notice of this particular amendment more than four weeks ago, so I assume that Members of the House are very much aware of the nature of it.

The Speaker (Mr. Slade): I do not like to take the consideration of the report on an amended Bill the same day in the ordinary way, even with the leave of the House, because there may be some hon. Members who are not here to object. But if there is any particular consideration of urgency and the amendment is small, as I gather it is on this occasion—

The Minister for Commerce and Industry (Dr. Kiano): It is just a technical one about what happens if somebody dies, if any one inherits this particular property, he receives the same treatment as the original owner; it is a technical point only.

The Speaker (Mr. Slade): Well, with the leave of the House—if there is no hon. Member here objecting—we will take consideration of the report now.

Will you move the consideration?

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, I beg to move that the Foreign Investments and—

The Speaker (Mr. Slade): You will have to move a Motion that the House do agree with the report.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

Mr. Warriithi seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, Sir, I beg to move that the Foreign Investments Protection Bill, 1964 be now read a Third Time.

Mr. Warriithi seconded.

(Question proposed)

(Question put and agreed to)

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

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

THE MOTOR VEHICLE COMPONENTS AND ACCESSORIES BILL

Mr. Warriithi: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report their consideration of the Motor Vehicle Components and Accessories Bill and to report its approval of the same without amendment.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I beg to move that the House do agree with the Committee in the said report.

The Minister for Commerce and Industry (Dr. Kiano) seconded.

(Question proposed)

(Question put and agreed to)

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I beg to move that the Motor Vehicle Components and Accessories Bill be now read a Third Time.

The Minister for Commerce and Industry (Dr. Kiano) seconded.

(Question proposed)

(Question put and agreed to)

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

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

THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL

The Speaker (Mr. Slade): It should be reported to the House that the Committee approved this Bill with amendment, and consideration of the report, was deferred to another day.

Mr. Warriithi: Mr. Speaker, Sir, I beg to move that the House considers the report of the National Flag, Emblems and Names (Amendment) Bill.

The Speaker (Mr. Slade): I think this should actually be moved by a Minister.

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, Sir, I beg to move that the House do agree with the said report.

Mr. Warriithi seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Commerce and Industry (Dr. Kiano): Mr. Speaker, I beg to move that the National Flag, Emblems and Names (Amendment) Bill be read a Third Time.

Mr. Warriithi seconded.

(Question proposed)

(Question put and agreed to)

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

MOTION FOR THE ADJOURNMENT**LOANS TO CO-OPERATIVE SOCIETIES**

The Speaker (Mr. Slade): Hon. Members, I have discretion given to me by Standing Orders, to interrupt business a little earlier or later than the time fixed by Standing Orders if I think it is for the convenience of Members. I am sure it is not in the interests of Members to start the resumption of the next debate on the Order Paper for only six minutes. I think we will interrupt business now, and since there is a matter to be raised on the adjournment, I will call on a Minister to move that the House do now adjourn.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the House do now adjourn.

The Minister for Commerce and Industry (Dr. Kiano) seconded.

(Question proposed)

Mr. Gichoya: Mr. Speaker, Sir, I am very happy that you have given me a chance today, before we

[The Minister for Labour and Social Services]

Mr. Speaker, one or two Members have said that recruitment is based on tribalism and so on. I have said, right from the beginning, that it is one organization which would like everyone in Kenya to feel that has no tribal feelings, that it is not even based on political parties, although now we are one party. It is because of this, I decided to have every hon. Member elected to this House taking part in the sense of recruitment to the organization. The youth leader likes the hon. Members to bring two from each constituency. This is something which can be considered. This is the reason he has done that, Mr. Speaker; to make the Members in this House feel that they are a part of this organization. What happens in the constituency when somebody goes to select his people according to allocations, is not my fault, it is not for me to be blamed.

Another Member, Mr. Speaker, did say that he had thirty-two youths. He selected thirty-two youths who have not been taken even up to today. It is true, I selected twenty-five youths from my constituency. Only four have come. I would like the whole lot of them to come in immediately, but as I said before, Mr. Speaker, we have to move slowly because of the facilities, food, accommodation and everything and we want to keep these youths happy, if possible. I urge and assure the hon. Members to go round to these camps and see what is being done by the youths and the conditions under which they are working. I am quite sure, Mr. Speaker, when they come back afterwards, that they will speak another language. These people are happy, very happy indeed and this is something which we want.

Now, Mr. Speaker, the hon. Member who was speaking when I stood last, did say that he would like to get assistance from all over the country. This is what we have said. We want all other nations to feel that they are free to give us assistance, but we have said quite clearly that the assistance which we get from any country must have no strings attached. If any country is not ready to give us assistance without strings attached, it is the fault of that nation. Mr. Speaker, the gate is open and I tell the Members now that all the countries, Russia, China, America, anywhere, are welcome. I say the gate is open to come and negotiate with me. In fact, Mr. Speaker, if I may say so, I am surprised to hear Members speak on something which is only dealt with at Ministerial level. The matter of deciding whether we are going to accept assistance or not, is a matter which is discussed by the Ministers in the Cabinet. I am surprised to hear Members say that some countries have

given us assistance and we have rejected it. This is completely wrong. Mr. Speaker, because I have said and I even told the Members here, that we are prepared, completely prepared to accept assistance from any country in the world so long as that assistance has no strings attached. We would like to feel free and that is why we have a National Youth Leader who is a politician, who is empowered by me to see that the policy which is carried on in this organization is completely non-aligned. The director of youth today, who is directed by the youth leader, is a Kenya citizen, a man of Kenya. He is not a man who has been seconded, he is a Kenya citizen, a man who knows the Kenya policy and this is what I wanted to assure the hon. Members.

Now, Mr. Speaker, my friend the hon. Mr. Abok did say that he disagreed with mutiny but not in the Bill. I hope the hon. Members here will realize that we are quite happy with this organization but it can be a disease to us. It is a very intelligent weapon; one day we may even wake up and find that the whole of our organization is completely in the hands of the youth. If we will not have these clauses in the Bill, which will make them feel that they are like the police and are under control. We may wake up one day and find that the everything is completely in the hands of the youth. What would we do next? This is why we have to bring these provisions so that they know, the moment they come to the organization, they are bound to keep discipline, they are bound to behave, they are bound to keep their mouths shut.

Mr. Speaker, I think the hon. Members will agree with me that this is a very intelligent group of people we are training and we have to be very careful. I am telling the Members here so that they know that these youths must be kept under very strong discipline, disciplinary action. These are the provisions in the Bill which I have suggested and I hope the Members will support me in this.

Now, Mr. Speaker, one Member said, and I agree with him, that he would like this training to be taken on a district basis. Yes, he has my sympathy. I sympathize with him. But as I said before, we cannot do it because, one, as we do not have enough officers. That is why we are keeping these youths here to be trained so that they, when they go out, can go and train other fellows when they come in. Secondly, finance is limited. At the moment there are some nations which are giving us food, but all the finance is limited. Kenya cannot afford to distribute this training to other districts because how many districts do we have? We have forty-one districts

[The Minister for Labour and Social Services] and the Members only think of training as such and forget to remember that the moment you talk of training you are talking of building staff, all the facilities possible, and food and so on. If we do that, we are going to have over 20,000 youths training at one time which we cannot afford financially.

Now, Mr. Speaker, a friend of mine is telling me to hurry up and I agree with him. Mr. Speaker, one Member did say that after these youths have been trained he does not know what they are going to do. I want to make this point clear to this House, that after these youths have undergone a training for one year which consists of very many various kinds of training; these youths are going to be trained how to farm, the modern ways of farming, by farming I mean cultivating, keeping cattle, keeping poultry and other things, we expect them to go back to this. This is where we quote the Prime Minister when he said, "Go back to the land." This is what it comes to. We expect these youths to go back with that education because they will have enough training to be able to farm properly. It is shown in the Bill that some of the youths who prove that they are intelligent, that they are capable, may easily be appointed for another extra year. That is one thing.

Secondly, some of these fellows may be taken into the army or to the police because they could have preliminary training and so on, and this is why I have to assure the Members that there need be no fear at all as we are trying our level best to see that these people are put into employment, whether it is self-employment or otherwise.

Mr. ole Tipsi: On a point of order, Mr. Speaker, since the hon. Minister seems to be repeating himself, can we now put it to the vote.

The Speaker (Mr. Slade): There is no procedure for applying the closure to the Mover replying. If an hon. Member, when replying at length, does repeat himself too much it is for me to tell him to go on to something else or to sit down; but I have not yet noticed much repetition here. Mr. Mwendwa, do go ahead.

The Minister for Labour and Social Services (Mr. Mwendwa): Thank you very much, Mr. Speaker, Sir. I did not think that the Government is aware of what may happen after this issue of having them trained. As one Member said, they can be very dangerous because even I, myself, feel as the Minister for Labour, that after their training they will be coming to my

office and say we have been trained, give us kazi. We are trying our level best to see that they are employed in one way or another.

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

(Question put and agreed to.)

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

BILL

Second Reading

THE DETENTION CAMPS (AMENDMENT) BILL

The Speaker (Mr. Slade): I am afraid it has been put under the wrong Ministry on the Order Paper, Mr. Odinga.

The Minister for Home Affairs (Mr. Odinga): That is true, Mr. Speaker, and I hope that this will later be corrected.

Mr. Speaker, I beg to move the Second Reading of the Detention Camps (Amendment) Bill.

In moving this Bill, Mr. Speaker, I do not intend to speak for a long time, because it is a very small Bill, and it really intends only to amend the law so as to facilitate better working of the detention camps. I do not think, therefore, that I will take up the time of the House in discussing it.

At the present moment under Chapter 91, the provision is made for these offenders, such as tax defaulters to be detained and given light duties commensurate with their offences. Mr. Speaker, I think that some of the detainees take advantage of the lesser control in detention camps, and some of them run away from the detention camps, and when they are caught, they are brought or sent to the courts for trial and they may be taken to the prison. When they have served their sentence in prison, at present, they are then required to come back to the detention camp in order to complete their term in detention. This, I find unsatisfactory, both to the detainees and also to the Government, and as such this provision will make it possible that anybody who is sent to the detention camp, will be sent to a prison where there is a more strict control and better arrangements are made so that he cannot escape again. We get it that his remaining days of his detention sentence should be served in prison and if there is any further punishment he is to get from the court, that also should be served in prison. When he comes out, then he comes out once and for all, and no consideration is given to sending him back to the detention camp. That is all that this Bill is trying to do.

The Speaker (Mr. Slade): As the Motion was moved by Mr. McKenzie, informed, he should reply. However, he has struck me that he wishes to cede his right to reply to the Minister. Strictly, he should state that in this House, but something has prevented him from coming here to say so. I am sure hon. Members wish to hear the Minister reply, and so I think we should waive that formality on this occasion.

The Minister for Labour and Social Services (Mr. Mwendwa): Mr. Speaker, Sir, before I get down to the details of trying to dispel some of the worries which seem to be in the minds of some Members. I would like to extend my appreciation to the Members who have contributed so much to the Bill, and also to the Minister who, on my behalf, moved this Motion.

Mr. Speaker, I regard this as a very important Bill and, therefore, I would like to clear all the points one by one so that the Members will know where we stand. In fact, Mr. Speaker, most of points which have been raised by the Members are exactly explained in the Bill, if only the Members would read clearly all the sections in the Bill.

Mr. Speaker, generally, I would like to clear the matter of the provision for the youth leader. When we spoke of a youth leader, I hope the Members were not speaking, having in mind the present leader of youth as a person. I hope they were actually speaking about the office as such, and if that is so, then they are right, but if they are talking about the present person as a person, I would like to correct that and say that this Bill does not have in mind any person at all. The Bill is written regardless of who is in the office today.

The Speaker (Mr. Slade): I think I can reassure you on that, Mr. Mwendwa. I have heard no personal reference to the hon. Member throughout this debate.

The Minister for Labour and Social Services (Mr. Mwendwa): If that is so, Mr. Speaker, I would like to tell the Members that if they look at section 5 of the Bill, they will see what that section says: "That the service should consist of such a number of members as may, from time to time, be published in the Gazette as being described by the Minister."

Mr. Speaker, there is a point here which I want to clear with the Members. When we talk of the Minister, we talk in terms of the Minister who is in charge of this organization, together with the political persons who are under him. For example, the Parliamentary Secretary acts

on behalf of the Minister, and it is said in the Bill that I can make provisions, or even regulations. This is a matter of terminology. I do not want to tell the House that I was very good in terminology, but I think a leader can be used on many occasions.

Mr. Speaker, this Bill has been brought here by people who are legally minded, and they say that as far as they are concerned, the Bill is all right. I can assure the Members here that the Bill has been really looked at by the Attorney-General's Department and they think it is all right.

Mr. Speaker, the leader of youth is a man responsible for the policy, for seeing that the policy is implemented. He is not an executive officer. We have the director of youth as the executive officer, and when the youth leader sits in his office, he sits on my behalf. Whatever he does in the office, he does on behalf of the Minister, and that is why in the Bill they cannot show the power of the youth leader, because the moment they start showing the powers of the leader, the provisions are going to become a bit embarrassing, because they may be given to the youth leader, hoping, of course, that the Minister will act in good will. Of course, I am quite sure the hon. Members do not doubt me personally. At the present time, I say this because I am in charge of youth, Mr. Speaker, and if I may tell the hon. Members, it was only yesterday that I was speaking to the present youth leader and cleared some of the points which he himself did not have clear, and he is, at the moment, very versatile.

The other thing which I want to tell the Members is that the National Youth Leader would act on behalf of the Minister. He is just like a Parliamentary Secretary. In the Kenya Constitution, the Parliamentary Secretary acts under the Minister, directly under the Minister, and he is in the same position as a youth leader. I think this will clear the points. If the Members will look at section 23, those who have the Bill, this section gives me all the powers I need, or any other Minister who will be in charge of this organization. It says: "In addition to the powers to make regulations or those provided in the foregoing provisions of this Act, the Minister may make regulations generally for the better carrying out of the purposes of this Act." This, Mr. Speaker, gives me all the necessary powers so, at any given time, I can make regulations which will be followed up by all the executive officers and the youth leader will see that these regulations which have been made are carried out. So, Mr. Speaker, there is no fear at all of

[The Minister for Labour and Social Services] the youth leader being completely a paralysed and disregarded man. I think that covers this provision.

Now, Mr. Speaker, if I may turn to other points which were raised by the Members. I want to deal with this point by point.

Mr. Speaker, the hon. Mr. Kaggia did explain worry that officers seconded for service are not subject to the form of discipline. This is true. Mr. Speaker, We have to be very careful. If, for example, an officer is seconded to an organization overseas, this officer, because he has been seconded, is paid by one country. Now, if he is subject to being asked why he is late and so on, and that he is going to be fined, this officer is going to be withdrawn, and we are not going to have any other seconded officers from other places. If Mr. Speaker, the hon. Members will look at the Bill, the officers who are seconded to this organization are under the direction of the Minister. If I find that any seconded officer is not doing the work which is given to him by my Ministry or by myself, then the only thing we can do, Mr. Speaker, is write to the person concerned, and he will tell them to withdraw the officer concerned. Then, whatever happens, when the officer goes in their *shauri*, but I think it would be very unfortunate.

We do not hope to get any assistance at all from any country. If these seconded officers are subject to disciplinary action, we feel within the organization, this would be very unfortunate. The same thing happens, not only in this organization but other organizations too where we have officers seconded to this country and there are such men in other departments. I think this makes it quite clear to other Members.

Mr. Speaker, the hon. Member did express his criticism of the date of expansion. Well, it is here with him. I would like to see this National Youth Service expand, even within a week, but the speed at which it can move is limited. Firstly, it is limited by finance, and secondly, by the officers. We are training people now in the National Youth Training Centre for the others who will come later. Although we would like to move as fast as possible, we cannot do that. It must be appreciated by Members in this House that the moment we start enlarging too quickly, there will be chaos.

Mr. Speaker, if we take these youths, as hon. Members would like to see and even I myself would like to see this, the whole thing may collapse simply because we have to give them the facilities. These people must have clothes, must

have food, and not only food, but clean food, food which we are quite sure will maintain their health, will keep their health in good condition. That is why we have to move slowly and with caution. Swahili says, "*Huraka, huraka, hazina Azwaka*," and it is a good saying, Mr. Speaker. Therefore I urge hon. Members to think perhaps again and watch, and I am quite sure that this service is going to prove to such officers that a little patience is necessary.

Now, Mr. Speaker, the hon. Mr. Muliro did say that the promotions, and even other hon. Members today said that the promotions are based on tribalism. Mr. Speaker, this is very untrue. Unfortunately it may be that in an organization one or two members or youths from certain tribes have been promoted and the proportion is not the same. This is unfortunate, because even in Nandi, you find promotions are not in proportion. I have the list of all the chaps who have been promoted and if the hon. Members would like me to read the list, I have it and I can read it for them.

Hon. Members: There is no need.

The Minister for Labour and Social Services (Mr. Mwendwa): It is a long list and I am prepared to read it. If the Members would like to have the list, I can give them the list at any time.

Hon. Members: There is no need.

The Minister for Labour and Social Services (Mr. Mwendwa): Thank you very much.

Now, I will move 62. Mr. Speaker, Education. One hon. Member did say that certain youths had been turned down because of lack of education. May I tell the hon. Members here that whether a youth has education or no education, it makes no difference to us. We take a youth who is brought by any Member so long as he has fulfilled all the conditions which the hon. Members know already. If you look at those provisions, if you look at the list, you will find that there is no place which says that education is required. For your information, Mr. Speaker, for the information of the hon. Members who has here in the organization there is a chap who has already been promoted to a sergeant, but this chap is illiterate, completely illiterate. He is the man who led the successful raid on the Nairobi Police Station at the beginning of the Emergency. I do not know whether you remember. He was the chap who led the raid and he is completely illiterate. Him a sergeant and he is completely illiterate. This shows that a promotion does not depend on whether somebody has had education or not. It depends entirely on merit.

[Mr. Ngala-Abok] present country training our youths offered the facilities but other countries wanted to place a condition, but there are now worse conditions on the present arrangement than the conditions that were there before the arrangements were made.

I remember, Mr. Speaker, Sir, the first person—and I must congratulate him—to say that whatever assistance you get from whatever country, there must be strings, was the American Ambassador to Kenya. He said that the United States assistance abroad is having strings attached and no amount of deceiving or cheating should be placed on that. So from that time many countries also stated that their assistance also had strings attached. Having seen this, and having agreed that we are pursuing a policy of non-alignment and neutrality, we must have these centres in various regions helped by various countries who are willing to help, and so I am not going to be convinced by anybody telling me that we will approach this country, they placed these conditions, we approach that country, and they placed these conditions. If we are going to be helped with different industries and by different finances to finance different projects, why should we not be assisted by a ruthless programme assisted or organized by various countries in this country, because this problem is going to be quite pressing. If there is doubt between the youths of my constituency, as doubt remains about training, then I am going to be in trouble definitely and this is the same as any other politician here, unless there is a programme for recruitment into police, army and self-help projects, but when you look at who they recruit people in the army and police you find it terrible, I would like to say ridiculous, but it is unfair indeed because they place a lot of conditions there and the military chaps coming to recruit them are so biased that many people run back home saying they were denied the chance to be examined and that they only examined the people who were taken to them by some other clover people and they were not getting enough in terms of youth training. I can only appeal to the Ministry to reorganize the entire training and make sure we get assistance from any country.

Thank you very much, Mr. Speaker. I wish to express those few views, but with the Bill I reserve my decision.

The Speaker (Mr. Slade): We are getting quite a lot of repetition in this, Mr. Omweri, I hope that you can think of something new, beyond what other hon. Members have said.

Mr. Omweri: Mr. Speaker, Sir, thank you. I know this Bill as it is, attracting people and hon.

Members in this House to talk together more or less on the same lines because we have the clauses in the Bill and every Member tries to follow up what each clause is saying. I may not go on repeating what has been said, but I would say that the National Youth leader should be more responsible than the Bill contains and I feel in the same Bill where it says that the appointment will be made by the Governor-General, in consultation with the Prime Minister, that I think is out-dated and the Minister should consider putting it in a better and more up-to-date way.

I would also talk about aid, but I will say instead of we, as a country, depending on the aid, we should rather use this particular service to be self-reliant, self-dependent. We should have our own service which has projects whereby we can raise our requirements whether those requirements are financial or in a material form or in any other form, they must be projects which can maintain the youths while in the camps and while they are outside. If we have the director and the leader of the National Youth Service planning properly, we should have these projects already in hand and probably this time will be the last time we have received aid from here and there, and then there would be no question of we being tied with Government strings from the countries giving us aid.

Should this be possible, then I think our youth service will be on the right line. I would also say that the Ministry should consider not only the 500 youths per region which was announced, earlier but we should look more widely, for example, today we are having more than 100,000 people doing Kenya Preliminary Examination and very few of them will be taken into secondary schools, training places or will be given useful place to say, and in this case the Ministry is faced with a lot of responsibilities, it is the same Ministry which is in charge of labour, and these school-leavers are going to come up and say we want employment, because we cannot give them all the facilities for making a livelihood.

In this youth service a wider programme should be brought in to cover what other Members have said about the women's section, but the youths as a whole are increasing in number day after day.

In these camps, Mr. Speaker, I would also like to say that the National Youth Service should give proper education. The present intake was collected and a number of them might not have had a proper education to acquire professional training, but I would suggest that those who are catered for to absorb proper professional or technical training should be attached to this training and

[Mr. Omweri] should be turned out more useful than when they came in, not only to come and after one year to be told that they cannot fit anywhere, so they should go back. I know the Ministry has already planned some proper technical education for them and I hope this will be widened and will be properly instilled in the youths, so that they can be more useful outside.

I would comment on one other thing which has been spoken about time and again in this House, and that is enrolment. We feel that the contract as included in the Bill is not very attractive and might be repulsive and instead of inducing the youths to come up and join the youth service, we might find that this is not a very good way of taking in the youths, and they may stay away. So, I feel in the youths, and they may stay away. So, I think the contract as included in the Bill should be put, if not exactly in Civil Service terms, in such a way that it is made a little longer so that they can realize that they are going to be in a service which is pensionable, which is in itself a service which is pensionable, which is high office, not speaking about those who come for a year or for necessarily the youths who come for a year or for a shorter time. But there are some people who are doing a proper, good job as commandants or section commandants or other officers and who should be given proper terms of service, whereby they could feel secure and not feel that they are temporary and may be turned out at any time.

I would also say something about the purpose of our youth. I feel many of our hon. Members who have spoken here seem to have concentrated on those who are teaching our youth and what they are teaching them, I believe that the purpose of our youth should be mainly defence. There are a number of ways in which we can look at defence, I would like to divide defence into three categories, on which I would like our youths to be taught and to be qualified, not only during wartime but peacetime.

The first type of defence is civil defence and here the youths should be taught how to help the people in times of crisis, in times of shortfalls, civilians in times of crisis, in times of disasters and we may have floods or other disasters and civilians should be helped out of these troubles.

There is also the type of defence which I think most hon. Members have not properly put forward in this House, and this is psychological defence. In this particular section we should have our youths who are intelligent and who can be taught how to neutralize the propaganda from west, east, north or south; I do not know from which direction propaganda might be coming. This should be taught properly to neutralize this propaganda and make it suitable for our civilians

to absorb and realize what this particular propaganda means is what they define to them. But we should not have us here. Members here saying that our youths are being indoctrinated from west or from east, but what we should be proud of is that our youths are a good shield, a good defence line whereby when this propaganda comes from whoever is indoctrinating them, they are able to neutralize that doctrine and to transform the propaganda into useful information which will help our country to grow and to prosper.

The other line which has been spoken of in a different way—and I would like to include it in defence as I have said that this youth service should mainly be used for defence—is economic defence. Economic defence, as I said earlier, is whereby you can have these youths carrying out productive, economic projects which would raise not only finance but also other requirements whereby the service itself would be self-maintaining and would have enough savings to help nation building, which would help our country to grow much faster than just to say we have youths going out to wait until there is a war or there is a crisis when they will be used for fighting.

When we talk about this defence, if proper selection is made, these youths should be properly trained and given lessons whereby this defence line and defence decisions are given to the youths so that they know that they are not only going to wait until they are called to help in a crisis but that they are always used for these three purposes and for other purposes for which at the moment they are intended. If we have these purposes being used, then there will be no problem of youths going back and saying, "We have no employment because there is nothing for us to do." But if they are kept in this particular way, they will have something always in their hands to be done and in this case they will need to be given something to keep them going and there will not be the problem of unemployment as the situation is today. I feel if the Ministry considered these lines of using our youth, then the purpose of having the youth service would be a good one.

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

Mr. Oman: On a point of order, Mr. Speaker, in view of the fact that all the speakers have repeated almost the same thing, may I move that the Motion be now called upon to reply?

The Speaker (Mr. Slade): I think it would be reasonable for the House to consider that question now.

(Session put and adjourned.)

[Mr. Anyien] account, because we may have these people being indoctrinated by the wrong side, and therefore what we say is, that neutrality, non-alignment, must be maintained.

I see that the Parliamentary Secretary is trying to speak at the same time as me, but I hope he will understand what I am telling him, because one day he will start realizing what I am telling him today.

We are completely non-aligned, and if we are going to have help we should be able to have help from each side. But we must understand and hear the Youth Leader and the Minister give us an assurance now.

We understand that there is a rumour that the Government could only receive help from Israel and from the United States on condition that they will not accept help from anywhere else, that they will not accept advice from anywhere else. If this is the position, we would like to be told; and if it is not, I hope, when the Minister speaks on this, he will be able to tell us what is going to happen.

Now, Mr. Speaker, I come back to the question of the director and leader of youth. The leader of youth, any leader, should, in a democratic country, be a person who is elected, who has got the mandate of the people whom he is leading. We are not going to have a leader in whose position nobody has got a say except the Governor-General and, in future, the President. In that case, he must not be called leader; the word "leader" is wrong. It should be changed; I do not mind how the Government changes it, whether it calls him Parliamentary Secretary, who will be charged with the duties of the youth, only, or something else, but the question of "leader"—it is a wrong word to use, because the hon. Member who is facing me now, Mr. Speaker, has got no right to be called a "leader", because he has not been elected by the youth of this country. To be a leader, you have got to be elected. So I say that the name must be changed: They can call him "youth commander", they can call him "youth general", but they cannot call him "leader" because the question of being a leader arises from some acceptance by those who are going to work under you.

Now, Mr. Speaker, since my time may be short, I would like to say that the youth leader who is answerable to this Parliament, I mean, as I understand it, who is for the time being a Member of this Parliament, and who, I understand, will continue to be a Member of this Parliament, this youth leader should be above the

director-general; the youth leader should be like a Minister and the director should be like a permanent secretary, so that the youth leader under the Minister can formulate policies for everything; the director should not be given too much power. If possible, he should be made even a Minister. I do not mind, that is all right, but I disagree with the idea of "youth leader".

Now, Mr. Speaker, we would like to warn those concerned very strongly that when they give promotions they must be very careful. If promotions are not fair promotions, it will create jealousy in the youth, and if it creates jealousy in the youth, it will bring mutiny, and, as a result, you will have life imprisonment. Now, Sir, whoever is concerned must be able to see that a person is given promotion because he is fit to be given promotion; and it must be given so that other people will agree that this man surely is fit to be above them. In that, I hope there will be no other consideration.

Now, Mr. Speaker, the National Youth Leader is not a public officer. Why should this be? If this man has got access to a project of the Government, this man should surely be a Government officer. If he is not a Government officer, he must have some way of being bound. It seems as if the Youth Leader is a free man, he can do exactly what he likes. If he is not a public servant, he is not answerable to anybody. This is a very unfortunate situation, so we would like the Government to look into this, either make him a Government servant, a public servant, or make him a Member of Parliament. That title should be given, so that even in this House he can answer some questions.

Now, Sir, the other thing I would like to say is about remittances. These boys are being given about Sh. 20 or Sh. 25 a month, and after some time surely there will be some discontent. I mean, even the Minister must realize this. If you say that if these trainees probably go on strike or they do anything, they will go to jail, they can be imprisoned for life, it means that actually we are bringing these youths to put them in detention camps. Mr. Speaker, even the people who are imprisoned in jail, they get per month about three or four shillings. Now, if our youths are going to be taken for training and they are not given enough pay, then if they complain they are imprisoned for life: this is a wrong thing. They are not armed, therefore, life imprisonment is too harsh a penalty.

Very recently, Mr. Speaker, some youths were going to be imprisoned for life. We understand that some of the commandants started abusing them, using abusive language to these youths.

[Mr. Anyien] and the youths protested, they said, "We cannot have this man." As a result, they said, "We cannot do anything until this man is kicked out." The Ministry did a very good thing; the youth leader did a very good thing; they kicked out this commandant, they said to him, "If you cannot work with the youth, you cannot maintain your job."

Now this is fine, but if this is the power we are going to give to the Government now, the Government could turn round and say, "This Government is right and all the youths are commandant and all the youths are to undergo wrong, and so you are going to undergo imprisonment." This is something we have got to understand, and I hope that the Ministry do something about, some of these things, will take this into account, some of these things, so that when I bring my youths from home, I am not bringing them to a detention camp.

Mr. Speaker, on the question of education, one hon. Member mentioned education. It should be remembered that this scheme was set up because of the pressure from the youths particularly, who had contributed towards the struggle for independence. And during those days we did not tell the youths that they must have education before they could join the struggle. That being the situation, the question of education is immaterial. I have got, for example, some of the youths I know who are there and who have done better than the so-called educated chaps and they have been given promotion. So I would like to tell my hon. friend that if his boys were discriminated against, it must be for some other reason, but not for the reason which he tried to indicate.

So we see here, Mr. Speaker, that the question of education is immaterial. We know that some of our people went to the army, and even I, with all the degrees which I may have, and education, I cannot understand the terms, the words used. When they are told, "Attention" and when they are told, "Turn round", I do not understand. There is a special language for these people and therefore the question of education here should be immaterial and a youth who is accepted from home, as being a youth who could go out and be trained for the interests of the country, should not be barred for the reason of education.

Now, Sir, here is the question of these students being given some political teaching. This being the case, Sir, I would like to say this is very important, because, after all, these youths are politicians, the majority of them. If any hon. Member went home and picked youths who have never been in politics before, youths who were

at school, youths doing some other work, and they left out the youths who were politicians and who helped us to win elections and helped us in the attainment of independence, this Member would be making a mistake. I believe the majority of Members brought these youths who had struggled, Kanu or Kadu, it does not matter. That being the case, we would like to have continuity in this training. We would like these students to be given some political lectures, which will give them love and make them have some understanding of nation-building, some love for their country, some national unity. And for that reason, Mr. Speaker, I say that if we agree that the youths should be given some political training, then here is where going to be given some political lectures, what kind of political lectures are they going to be given. On the Eastern pattern or the American pattern, on which pattern? We would like to know, because we are not going to bring our youths to Nairobi and then allow them to be indoctrinated by the western, capitalist camp.

We say that the Ministry must be able to make sure that people who are going to give political lectures to our boys will be people who are completely loyal to the Kenya Government, who understand the policy of our Government and lecturers who will teach our people, not about America, Russia, not about China, not about India. To do not about Israel, but about Kenya people. That that you have to have the right people. That being the situation, I think the Ministry should do something to make sure that the Ministry is not going to behave as they have behaved in the Trade Union Movement, where they have refused to be non-aligned by identifying themselves with the K.F.L., which is controlled by western countries, which is itself, controlled by western countries. In our youth movement we would like the Ministry to make sure that our youths are trained to be loyal to nobody but their own soil.

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

Mr. Ngala-Aboki: Mr. Speaker, Sir, I think it is most helpful to see our youths organized in some training and in doing this I know that we are going to satisfy the country as to what plans we have for improving the standard of our youth and for providing some forms of employment. It is very tempting when there is no direction, a place, particularly when they should do after they have as to exactly what they should do after they have had some training in some camps. It is just the same as someone taking his education up to

[Mr. Waridih]

Under section 16, it is made quite clear that it is to train young citizens of the nation and such employment is to be of national importance. If that is the case, Mr. Speaker, I believe that these young men, for the period they are in the National Youth Service, should be trained in such a way as to become examples to other people in the country. They should be made to realize what the country requires, what is the meaning of *Harabee*, and as it is now with the one-party system I believe they should be taught about politics and the party system, a form of indoctrination as to what the country requires, what we want to build, and how best they can serve the nation. Realizing what we are up to and what we want to create in this country. So, I think the Minister will take note of this and among the subjects which should be taught to these young men I think there should be included something like civics, party organization or things of that nature.

Under section 17 it is provided that these young men could be called upon in cases of emergency. If this is the case, we should be told what programme is laid down for their training in the use of military weapons. I mean it is no use drilling with spades and shovels. We do not think there is anything to be afraid of. We do not have a very big army in this country. We realize the shovels are important but if they are being called upon to join the army in case of trouble, they should know how to use machine-guns, etc. The shovel and the spade are important they help and it makes them realize the importance of working in the *Shambas*, but then that should be the main emphasis.

To go on, Mr. Speaker, Sir, I believe another important aspect which should be considered is that in these camps or youth service centres, there should be a place where we could train our people to feel that they are one. Under the present set-up the plan is to have centres in every region and the young men and women from that particular region to be in that particular camp. I would like to propose to the Minister that these centres should be a place of experimentation, to make these people forget whether they are from Kisumu, Mombasa, Taita, Machakos or any other part of the country. To do this I would suggest that we should have camps all over the country, let us say to have a camp at the Coast. The people to be in that camp should not only come from the Coast but from all over the country, so that they will live, work, talk and understand each other and after completing their period of training, they stop thinking in terms of the

regional areas where they come from. I would suggest further Mr. Speaker, it may be that it is the intention of the Ministry to utilize these young men in these various fields but during my short stay a few weeks back in Yugoslavia I noticed how that nation is making use of its young men and, apart from this work of being put on a piece of land and cultivating it, they could be utilized in building roads, bridges, hospitals and houses. In fact the House of Parliament in Yugoslavia has been built by the young men in the Youth Brigade and I believe that it would be of very great significance if, let us say, our youth service had been established and contributed in the building of our new Houses of Parliament which are being built at present. I think this is something that the Ministry could consider and, in future, such projects of national importance could be given to the National Youth Service.

Finally, under section 18, subsection (4), it is provided that a person seconded to the service from another country shall not be subject to the disciplinary court. I would like some explanation here as to why it is found necessary that a person seconded from another country, by this it probably means an officer or maybe a trainee from a neighbouring territory or whoever he may be, but I would like to be enlightened as to why it has been found necessary to exclude him from the disciplinary court. The court, I believe is meant to guard the training, to discipline of the young men, but if, for instance someone who is seconded is at liberty to do anything that he likes and not subject to what is provided in the Bill, it may set very bad precedents.

Now, there is one thing that I would like to mention before I end, Mr. Speaker, and that is that we have been told that recruitments to the youth service is based on constituencies and every Member is entitled to the same number of persons. There are allegations that at the moment there are some Members who have more than four recruits. We would like a further assurance that the rule, which we have already been told, will be applied to the extent that every Member will have the same representation. It may be that some Members are more influential than others, but if it is going to be left for everyone to have a part, it will be a bad precedent and it will affect the importance of the service. It may probably be necessary if, at a later stage, we find that some Members may be more established than others that we demand a list to be produced of the areas where these numbers are being recruited. With these words, Mr. Speaker, I beg to move.

Mr. Anyieni: Mr. Speaker, when Government announced their intention to take into account the feelings of the majority of the Members of this Parliament, who were fighting for the youths who were fighting for the realization of independence in our country, we said that our youths should be given a chance, not for indoctrination purposes, but to be trained to be loyal to our own country. Mr. Speaker, I know that we have our own youths who have been in a camp for three months and when I asked them what they were doing they told me that all the time they had been doing nothing but drilling, drilling, drilling for the last three months. I do not know whether the intention is to train these people to be soldiers or whether the intention is to train them to be policemen or to be a reserve for the police force or the army.

Now, Mr. Speaker, when the whole thing was introduced we thought it was a way of training our young people so that they can be better people to face the difficulties that exist in the world today, but this drilling, drilling for the last three months and the amount of money which has to be spent on that drilling, makes me wonder whether the two extra youths who are being brought back again are also going to be subjected to the same thing. There is a problem which arises now and that is that after training we understand these youths will be asked to go back to their homes and look for employment. I thought that the Ministry would have recognized the fact that today we have certain people who have been overseas and who have a certain amount of education, but who cannot obtain employment and if Government is going to start a scheme to train youths, then after a year they turn them away to the countryside. I warn my Government very strongly that these youths could bring trouble to our country, because we have been told that while they are in these camps, incontinuity, the punishment will be life imprisonment. Now, if they can wait for one year and then go home, surely after they have been trained in everything, and if the scheme is going to continue year by year it is going to have about after some time we are going to have about a hundred, thousand youths trained, plus the fact that they will be unable to get employment. If that they will be unable to get employment, if the Ministry is preparing some people for a bloody revolution then the Ministry should be so. But, Mr. Speaker, these youths should be trained and after their training the Government should set-up schemes whereby these youths can continue to serve the countryside to look for their way into the country, but not to look for employment and we would like an assurance—

see the youth leader is nodding his head and I hope he is in agreement with me that after training, these youths will be given some work to do—if this assurance could be given the youths would then work with all their hearts but they are afraid, all of them that after one year they are going to be thrown into the countryside and it has been said, Mr. Speaker, that they are going to leave their uniforms here.

Now, Mr. Speaker, as the hon. Member said, some of them came in rags, they have thrown away their rags. What is their position going to be with the pay that they are being given of about Sh. 20—they cannot afford to buy any clothes, and it seems to me that these youths may be stripped nude before they leave the camps and this should be taken into account. Therefore, all the uniforms and all the shoes that these youths have, when they leave the camp and go away, they should be allowed to leave with them. Mr. Speaker, the pay that these youths are getting—though we have been told that they should not be under 30 years old—but the Ministry should also recognize one fact that some of the African young men get married when they are about sixteen; twenty or twenty-five years and some of them obviously have families and if the programme is to employ these youths in a profitable trade then they should be given a bit more pay. We are not saying that they should be given Sh. 200, we are saying that they should be given something like Sh. 60 or Sh. 70 to be able to help them, since they cannot go away and send money to their families at home. Not only their wives but also to their parents.

Now, Mr. Speaker, this is what the youths understood because after they suffered for a long time they hoped that after these schemes they would be given something to help them and their parents.

Mr. Speaker, there is a very dangerous part of the training which will cause concern to the country at large. The other day, Sir, we heard that the Tanganyika Government had hired some Chinese to come and train their people, and they were to receive ammunition from there. This caused a hue and cry from the western Press. All the western countries complained very bitterly about this, they said this was indoctrination. But, to our surprise, we have discovered that the youth of Kenya, the young men of Kenya, all the youths who fought to help get independence for our country, the future leaders of our country, are now being trained by one side. They are getting help when you meet them on the streets, they look like American service boys, with American uniforms. Now we have got to take this into

[Mr. Gichoya] party system. The National Youth Service should be made part and parcel of the national party which has been built up here by the President of Kanu and the former President of Kadu.

With those few words, Mr. Speaker, Sir, I suggest that the Minister will be reasonable enough to make the necessary alterations, otherwise in a one-party system, until these things are not clear, I will not be easy.

Mr. Makokha: Thank you, Mr. Speaker.

Mr. Speaker, Sir, although I support this Bill generally, I feel that this Bill cannot go through without amendment, because as one reads through the Bill, one feels that it has given too much power to the director, who is the civil servant, and very little either to the National Youth Leader or to the Minister, who are answerable to this House.

To go to various section of the Bill, first of all section 7, which regards enlistment of these youths in the service.

SUSPENSION OF BUSINESS

The Speaker (Mr. Slade): Order, order. I am sorry to interrupt you, Mr. Makokha, but I have just had news that Mr. Mboya has started to reply to the debate in the Senate on the Second Reading of the Constitution Bill. The business of this House is therefore suspended for three-quarters of an hour, until twenty-five minutes past four. We shall resume then.

(Proceedings were suspended at forty minutes past three o'clock)

(The House resumed at twenty-five minutes past four o'clock)

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

BILL

Second Reading

THE NATIONAL YOUTH SERVICE BILL.

(Resumption of debate interrupted by the suspension of business).

The Speaker (Mr. Slade): I think the Clerk ought to begin by reading again the Order we are on, to remind hon. Members where we are. (The Clerk read Order No. 6—The National Youth Service Bill)

The Speaker (Mr. Slade): Mr. Makokha, you were speaking.

Mr. Makokha: Mr. Speaker, Sir, I think I will have to start all over again. I was saying that

this Bill cannot go through unamended because too much power in the Bill is given to the director and not to people answerable to this House. If it must go through as it is, then probably the National Youth Leader must resign because I do not even know what he will be doing.

I will go section by section, Mr. Speaker, Sir. Section 7 talks about enlistment in the service. Subsection 2 (a) gives the director power to enlist or to re-enlist. Mr. Speaker, Sir, my fears here are that if we do this, knowing that in Kenya although we now have a one-party system, tribalism is not yet dead, we may have this director enlisting from one area or from one tribe only. Therefore, Mr. Speaker, Sir, I would like the present system to continue whereby these youths are recruited through Members of different constituencies.

The National Youth Leader the other day when he spoke, blamed us Members for not responding to his request to bring youth wingers to Nairobi. Now, Mr. Speaker, Sir, the fault is not ours. The fault lies entirely with the Government because the announcement was made about six months ago and these youths although we have their names here, have been waiting all this time and some in my own constituency have given up, some have even gone to Uganda and it is a problem to ask them to come back.

Section 7, subsection 3, in the Bill says: any youth winger who is enlisted will have to declare some kind of oath. Subsection 3 says, he will do this either in English or in any language which he can understand. Now I am wondering, unless the Minister tells me otherwise, whether this allows a youth winger to declare either in English or Kisomali or Swahili or Kithuya or Kiteso.

The Speaker (Mr. Slade): I do not think the Bill refers anywhere to youth wingers.

Mr. Makokha: Mr. Speaker, Sir, personally, I should have thought that they should declare either in English or in Swahili only.

Section 8, Termination of Service, Mr. Speaker, Sir, here again this Bill gives the director a lot of powers. It is entirely in his hands to say whether he requires anybody's services or not. My fears are, it is very easy to misuse his powers here and he may get rid of those people he dislikes, particularly we may have a danger where women are concerned. People, being human—We may have this director getting rid of women for some other mysterious reason, not because their services are not required at all. That is why, Mr. Speaker, Sir, from the very beginning I have thought that the Bill must be

[Mr. Makokha]

amended to give some powers, either to the Minister or to the National Youth Leader who are politicians so that they can have some control over the director, or vice versa, unless it is amended, get rid of the National Youth Leader altogether and have the director run the job.

Subsection 11, Mr. Speaker, Sir, the Bill talks about returning property, service property, especially uniforms. According to this section, all in the National Youth Service will have to return their uniforms. Now I remember some of these young men came to Nairobi almost in rags; and when their services are over, to return them home in the same rags, I think, Mr. Speaker, is very bad. It will discourage people in future to join the service. Therefore I would urge the Minister to amend this and at least when these people leave the service they should be provided with at least one uniform so that when they go home they are an example to the others who remain and they will also attract the others.

Section 16 talks about the functions of the service, Mr. Speaker, Sir, I believe that the functions of service should be mainly nation building. I would especially like to see the people in the service helping us in the constituencies. Personally I am entirely against the stipend. Personally I am entirely against the use of these young men on various farms away from our constituencies. We have self-help groups in each of the constituencies and I believe that here these young men after training could be of tremendous help to us in building the constituencies. Therefore, Mr. Speaker, Sir, I would urge the Minister concerned to train these people with the aim of their going back to help us Members in the various constituencies, although I believe that when it comes to emergency, as the Bill says, they should be able to fight along with our *askaris*.

Section 19 must be changed because section 19 talking about mutiny says, "Anybody in the National Youth Service who commits certain wrongs will be liable to life imprisonment." Mr. Speaker, Sir, I think this is far too harsh because these young men whom we are training to help in the building of the nation and the wrongs listed in the Bill, I personally believe do not warrant life imprisonment at all. I would urge the Minister to look into this and change it. Life imprisonment should be the highest punishment for a very serious crime.

Lastly, Mr. Speaker, Sir, I would like to speak about those in the national service at the moment. I remember in September when we were asked to send in some youths, the National Youth Leader told us that amongst these he was

going to train corporals, lance-corporals and sergeants who would train future recruits. Mr. Speaker, Sir, some of us were really disappointed because we brought young men with Kenya preliminary certificates, very smart young men, and I believe they responded to training extremely well. We were disappointed because later on some other young men were recruited, some of them without even a primary leaving certificate and for some mysterious reason those who were brought in a first most probably because they belong to a certain tribe were not promoted and some people from various tribes who did not even know how to read and write did get promotions. I would like to have an explanation from the Minister as to how this happened because we must not allow tribalism to creep in amongst our young men, because these are the future citizens of this country.

With these few remarks Mr. Speaker, Sir, I support, with the belief that the Minister will see it fit to amend various sections of this Bill.

Mr. Warithi: Mr. Speaker, Sir, I rise to support this Bill and in so doing I would like to say that the establishment of the National Youth Service has been welcomed by all the people in this country. It is a realization that we have young men who helped greatly in the struggle for independence and that it is necessary to contribute towards nation building. I would like to support what the two previous speakers have said. In saying that the question of the National Youth Leader, I take it, is very important. This person is to be appointed under our present set-up by the President of the State as I think it is by very high appointment. A former speaker has stated that it should be made clear in the Bill or in the regulation that the National Youth Leader should be the sole person to decide on major issues affecting the National Youth Service. As it is, I do not want to repeat what has already been said, in fact one fails to understand what exactly his position is. We have learned of late that since the formation of the Kenya National Youth Service, there have been promotions, there have been enlistments, and all these were done under the director, without the knowledge or consultation of the youth leader. I think it is very important, Mr. Speaker, Sir, that the position of the National Youth Leader should be made quite clear and he should be the person to be the guiding spirit and guiding star in the formation and training of this service. The fact that it was felt necessary that there is a political consideration in the way the National Youth Service is to be formed.

[The Prime Minister] team, working for the sake of Kenya alone, and I think that now with one party leading the country the fruit of our victory will be seen very soon.

With these few remarks, Mr. Speaker, I wish to welcome *Kabwiri* and his colleagues and ask him that the *Kabwiri* which he used to carry all the *Kabwiri* with him should now belong to the nation and not to the Coast people alone.

So, Mr. Speaker, thank you very much.

The Speaker (Mr. Slade): The next step is for me to ask the Sergeant-at-Arms to complete the work that hon. Members have begun in removing the arm that divided hon. Members on my left.

Mr. Murgor: On a point of order, Mr. Speaker, could I ask the Prime Minister now, because my whistle has done a great job, to hand over the whistle to me?

(The Prime Minister handed Mr. Murgor his whistle)

NOTICE OF MOTION FOR THE ADJOURNMENT

LOANS TO CO-OPERATIVE SOCIETIES

The Speaker (Mr. Slade): Before we go on to the next Order, I will remind hon. Members that on adjournment today Mr. Gichoya is to pursue the question of a reply to question No. 688—Loans by Commercial Banks to Co-operative Societies.

BILL

Second Reading

THE NATIONAL YOUTH SERVICE BILL

(Minister for Agriculture and Animal Husbandry on 4th November 1964)

(Resumption of debate interrupted on 6th November 1964)

Mr. Gichoya: Mr. Speaker, Sir, one other time when I was speaking on this Bill, I pointed out certain anomalies that exist within the Bill. One was that the position of National Youth Leader is not defined, yet the National Treasury pays for this character within the National Youth Movement.

Mr. J. M. Karinki: On a point of order, Mr. Speaker, can the hon. Member substantiate what "this character" means?

The Speaker (Mr. Slade): I think the hon. Member is in order. He is entitled to refer to a

holder of an office as a character. If he is referring specifically to an hon. Member, he must refer to him as an hon. Member. Here the hon. Member is obviously referring to him as the holder of an office whoever he may be, rather than to the incumbent of today.

Mr. Gichoya: With all due respect to the holder of the office of youth leader today as a person, but I am dealing with the position itself, not the person, and I do not mind—today may be his time, tomorrow might be my time—but I am referring to the character, the office created uniquely with no responsibilities. What I am saying, Mr. Speaker, is this, that the youth leader should not be below the director of the youth service. Under the Bill, apart from the appointment which is made here, there is nothing given to the youth leader. He is appointed a youth leader, no more.

Everything is done by the director plus the Minister, two people, the Minister in collaboration or the director in collaboration with the Minister. What I would like to be done is that the youth leader's position be deleted from the Bill or else we have a youth leader with a specific duty, who should actually be a liaison officer between the director and the Minister. This must be clearly put under the Bill so that we do not have to worry as to what is the position of the youth leader, legally with responsibility or not. What I suggest to the Minister is to put it amongst this Bill so as to give a place to the youth leader when it comes to organizational responsibility. It is just a question of having a person with as responsibility or duties, yet from the ordinary man's category.

The other thing I was saying, Mr. Speaker, was that already under the new set-up there is a discriminatory organization which is operating today. There is only one section of the community that is taken, and those are the males. The females are put aside. I do not think that we can practise sexual discrimination when we say that men and women are equal. If we are equals, why can they not be made equals in the Youth Service? I feel for certain that they are of a mature age, not to be married, but mature to reason, and are able and capable of being disciplined inasmuch as a boy is capable of being disciplined.

QUORUM

Mr. Kiprotich: On a point of order, Mr. Speaker, is there a quorum?

The Speaker (Mr. Slade): No, there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Gichoya: Mr. Speaker, Sir, before I had so many interruptions that I did not even complete three or four minutes of my speech, so I wonder if I can be allowed more time to finish my speech?

The Speaker (Mr. Slade): You mean even in the absence of a quorum?

I am afraid it is entirely out of my hands. As long as hon. Members say nothing about it, I disregard the lack of a quorum; but under Standing Orders, indeed, under the Constitution itself, the moment my attention is drawn to the lack of a quorum, I have to adjourn the House unless a quorum appears within a limited time. And I have to adjourn it until the next sitting day, and not just for an hour.

Mr. Omweri: On a point of order, Mr. Speaker, as the dramatic incident which took place in this House, and the attraction in the Senate which you mentioned earlier, might have attracted a number of our Members, I wonder whether it would be appropriate for the House to adjourn until a later time today.

The Speaker (Mr. Slade): It is too late now. From the moment a lack of quorum is pointed out, I give a limited time to call in Members, and if they do not come in, I have to adjourn the House until the next sitting day.

Mr. Gichoya: Suppose we constitute a quorum within a few minutes, and because of the attraction in the other House, would it be in order for the House to adjourn for a time, and then continue later?

The Speaker (Mr. Slade): I have already told the House that I intend to suspend business when I hear that Mr. Mboya comes to reply to the Bill in the Senate. I do not intend to adjourn this House for the whole duration of a debate in the other House. I think hon. Members should have more responsibility than to require that.

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

(Resumption of debate)

Mr. Gichoya: Mr. Speaker, Sir, what I was saying was that we should not practise sexual discrimination in the youth service. A girl is a discrimination in a boy's youth. If it means youths as much as a boy is a youth. If it means youths, having separate camps for these youth wingers, that should be the objective for the Government, and the Bill should provide a place for recruitment of the youths.

The other thing, Sir, is that the youths we recruit, we are, in a way, training them to believe, look or seem to look like the National Cadet

Corps. I think this is so because we were told that whenever there is a state of emergency, we have to use these youths for military work. I think we should be creating a place where all our youth should be butchered, because they lack one simple thing, and that is military training.

I have been very depressed to hear that a youth winger is being called an officer because he has done very nicely in the camp. Unless he is taught to use a weapon, he would be butchered. What I would like to say, Mr. Speaker, is this. Let us not have to spend the national money twice. We should only use it to train these people how to use a panga, a shovel, a hoe, and so on. But simultaneously with all these things, which I believe are very necessary during peace-time, we should train them to handle simple rifles, if not automatic weapons. Those who can learn these things are those who prove capable of being absorbed into the army, and I believe we are expanding the army, starting a navy, and we are already started an air force, and these people can all be absorbed in these. In a place like India, all in every high school, in every college, you have in every government employee trained as national cadet corps. I understand, and I believe I am correct, one hon. Member of this House is qualified as a military man, trained as a student in the National Cadet Corps, Institution in India. That shows that if today we embark on a war, I believe we cannot be in a position to handle weapons, but he could be a good instructor for that. Now, what I am trying to get at is this. When we have an opportunity to train people, then that training should be introduced in the legislation. We are trying to defend our nation, economically, in trying to build our economy, defend it politically as we have done now, by having a one-party system, through people's willingness, but not through legislation.

Now, Mr. Speaker, Sir, I take the opportunity to thank the Prime Minister of this country for his leadership which has convinced the Opposition to join the Government. Secondly, I thank the Leader of the Opposition for being wise enough to come and work for the national building. If the nation is to be well built, we need these young trained men.

Mr. Speaker, Sir, I feel a little unconvinced as to why we should use military, disciplinary measures for the youth wingers when they have no attachment to the military.

To allow the other people to speak, I will say that the National Youth Service should be part of Kenya, which would be completely divorced from the Government if we continue with a one

Mr. Odinga: Mr. Speaker, Sir, as soon as they have it.

Question No. 696

ORIGINAL PRICE OF LAND IN NANDI HILLS

Mr. Muruli, on behalf of Mr. Choge, asked the Minister for Lands and Settlement if the Minister could tell the House how much money the European settlers had had to pay per acre when they first bought the land in the Nandi Hills.

The Parliamentary Secretary for Lands and Settlement (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply.

In those cases where land in the Nandi Hills was sold by the Government to the European settlers, they were charged Sh. 2 to Sh. 3 per acre, but where, in order to open up the country and to encourage the agricultural development of those parts of the country which were still covered by dense bush, no purchase price was charged, an annual rental of 10 to 20 cents per acre was levied, and the lease was not issued until certain minimum development conditions had been complied with: in general, these development conditions, covering clearing of bush, ploughing of the land, planting of crops and erection of farm-houses and other farm buildings, provided for development expenditure of a minimum of 20 times the rental, within the first two or three years; in some cases, the conditions were those provided by the Crown Lands Act namely Sh. 6,000 worth of development for farms of 300 acres or less, plus Sh. 4 per acre for every acre over 300.

The rents have been revised over the years so that in some cases the rent is as much as Sh. 1/70 per acre, including of course, those parts of the farm which owing to steepness of slope, rockiness or other cause, cannot be utilized for farming.

Mr. Mulroo: Mr. Speaker, Sir, does the Parliamentary Secretary agree with me that we must reduce the present price which Africans are paying for these farms to the original price at which these farms were bought?

Mr. Nyagah: Mr. Speaker, Sir, much as we would like to do so, the 1964 economics would not allow us to do so. The value of money has gone down, sometimes as much as ten times. What used to cost one shilling in 1900 would cost ten shillings today.

Mr. Anyieni: Mr. Speaker, Sir, would the Parliamentary Secretary tell this House why the African people who are buying land today have to pay more for the undeveloped land, that

remains as it was in the past, when it was first bought, than the Europeans who bought it in those days?

Mr. Nyagah: Mr. Speaker, Sir, the value of money from 1900 to 1964 has depreciated. It does not matter whether it is 1964 that somebody is buying an undeveloped piece of land, the value of money has gone down.

Mr. Anyieni: Mr. Speaker, Sir, would the Parliamentary Secretary then tell this House, and the whole nation that three shillings in 1940 is equivalent to, let us say, Sh. 5,000 in 1964?

Mr. Nyagah: Mr. Speaker, Sir, I did not hear the question.

Mr. Anyieni: Mr. Speaker, Sir, the Parliamentary Secretary has said that the reason why the price was originally two to three shillings per acre, and the reason why the price has gone up, is because the value of money has decreased, and I was asking the Minister to tell this House, and the whole nation that, economically speaking three shillings in 1940 is the same as Sh. 5,000 today.

Mr. arap Moi: Mr. Speaker, Sir, arising out of the Parliamentary Secretary's earlier reply, is he aware that the Nandis used to stay in this place and that for the last ten years I have been hammering this House that the land should go to Nandi because this is the land where Samoi was murdered and this area should go back to Nandi?

The Speaker (Mr. Slade): Order, order, this question is concerned only with the price paid for land, and not with any other regrettable incident of the past.

Mr. Kaggia: Mr. Speaker, Sir, arising from one of the Junior Minister's replies, and in view of the fact that all the money now paid for this land is going out of the country, and in view of the fact that the Africans are now buying land which originally belonged to their forefathers at high prices, how does the Minister justify these high prices now being paid for land?

Mr. Nyagah: Mr. Speaker, Sir, I cannot agree with the contention that all the money is going out of the country. There are a lot of people being employed in these settlement schemes who are Africans of this country, and the money is ploughed back into this country.

Mr. Speaker, Sir, I have said in my original reply that the reason why the land costs more than it did in 1900 is because the value of money has gone down. I have given an example of what an article which cost one shilling in 1900 would

(Mr. Nyagah) about ten shillings. Perhaps in 1810 one could buy a dozen boxes of matches for twenty-five cents. Today one buys one box of matches for twenty-five cents, and therefore, in 1964 one must expect to buy land at a relatively higher price than it was in 1900.

Mr. arap Soi: Mr. Speaker, Sir, it seems to me as if the Parliamentary Secretary has been reading what was written by a European, so will the Parliamentary Secretary tell us who wrote this answer for him?

Mr. Nyagah: Mr. Speaker, Sir, I did not hear a word of what was said.

The Speaker (Mr. Slade): I do not think it was worth hearing.

NOTICE OF MOTION FOR ADJOURNMENT
UNSATISFACTORY REPLY TO QUESTION NO. 696:
ORIGINAL PRICE OF LAND IN NANDI HILLS

Mr. Anyieni: Mr. Speaker, Sir, I would like to raise this matter on adjournment because the answer was very unsatisfactory.

PERSONAL STATEMENT

DISSOLUTION OF KADU AS OFFICIAL OPPOSITION PARTY

Mr. Ngala: Mr. Speaker, Sir, on behalf of the Official Opposition in the National Assembly and of all its Members and supporters throughout of Kenya today, I would like to make the following brief statement; that, in the interests of Kenya, I have full mandate to declare today that the Official Opposition is dissolved, and Kadu joins the Government under the leadership of Mzee Kenyatta. The Opposition today will vote with the Government for the new Constitution in the Senate and we hope that the regional powers that have been whittled away will be delegated to the regions. I have taken Kadu into the Government fully aware of the challenges that are facing us in Kenya and East Africa today and in future, but we intend to face the national issues with one voice and one purpose. This must include strong resistance to neo-colonialism in any form and strong adherence to the policy of non-alignment as already stated at the Organization of African Unity Conference in Addis Ababa. I would like to urge Members of the National Assembly to forget the past hostility between Kadu and Kanu Members in the true spirit of building the nation, and that whatever differences there exist among ourselves in matters of social and economic developments, defence or foreign policy, are discussed and settled among ourselves to project the

African personality and unity of Kenya today, and outside the borders of our country.

For the Members and the supporters of Kadu and Kanu in the country, I would urge them to regard themselves as one, brothers and sisters, and citizens of Kenya who must now work together to build our nation, socially, economically and politically. We shall endeavour to unify our country in its social and economic programmes. Our efforts will also be worth achieving freedom of expression and true African socialism and democracy for our people.

As I take Kadu into the Government, we have no grudge against Mzee Kenyatta or any of the Kanu leaders; in fact, the reunion of old 1952 and 1957 Members, is a great joy to us. This is an historic moment when we have to overlook our personal political dignity, gain or losses in favour of the Kenya cause, and the presentation of a united front to the world. Tribal and racial conflicts must cease and should have no meaning to us in order to build a united nation.

Finally, Sir, I would like to wish every luck and success to my friend the President-designate, the Rt. Hon. Mr. Kenyatta.

PRIME MINISTER'S STATEMENT

WELCOME TO THE OPPOSITION PARTY

The Prime Minister (Mr. Kenyatta): Mr. Speaker, Sir, I wish to make only a few remarks to welcome our brothers wholeheartedly for realizing that Kenya needs greater unity than we have had until now. I regard this day as a great have for the Kenya African Union, but for day, not for the Kenya African Union, but for the people of Kenya as a whole. When we came from the last Lancaster House Conference, I said the victory was not victory for Kanu but victory for the people of Kenya. Today, I wish to re-affirm that statement and to say that this day I think we have broken the last chain of colonialism and imperialism. It was through a device of these imperialists that we, as Africans had to be apart; it was something that was engineered by some of these ingenious imperialists to divide us and continue to rule us. It is for this reason I say that today is a great day and I hope that from now on we will work as one team; we will work under the spirit of Harambee to build a new nation.

As we said, the wrangling the opposing for opposition's sake, have now died forever and never, Amen. We shall be able to go ahead, to plan for the future of our country. We shall go ahead, find what is good for Kenya, we shall go ahead, find what is good for Kenya, we shall go ahead, find what is good for Kenya, we shall go ahead, find what is good for Kenya. We shall work as one for individuals. We shall work as one

Mr. Gichoya: Mr. Speaker, Sir, arising from the Junior Minister's reply, is he saying that on a project like this one, the Roka Settlement, the Government of Kenya does not know how much it will cost them?

Mr. Osogo: There are several settlement schemes which are run on a regional basis at the Coast and this particular one comes under Kilifi Settlement Schemes among which there are settlement schemes like Gedi, Madunguni and Roka, and an estimate was sent to our Ministry catering for all these. The breakdown was not given when applying for the amount of money required and we gave the amount of money. It is up to the regional authority to allocate money to the settlement schemes as they require it, but this has not been sent to us as yet.

Mr. Mbogoh: Will the Parliamentary Secretary assure this House that he is going to undertake to provide the breakdowns when he has investigated from the regions?

Mr. Osogo: Mr. Speaker, Sir, it is not necessary, because I have said that these are regional settlement schemes, and the Central Government does not want to put its hand in regional settlement schemes until, of course, the mandate to do so is given in the new Constitution.

Mr. Gichoya: Mr. Speaker, Sir, arising from the reply, does the Junior Minister agree with me that failure to know how much the Kenya Government is committed to in this scheme, or to what extent, means that his Ministry is not working?

Mr. Osogo: Mr. Speaker, Sir, I do not agree with that. In fact, I know how much money was allocated to these settlement schemes, but it was the regions' responsibility to allocate how much money should be given to individual schemes and it is not our responsibility to know how much went to which scheme.

Question No. 722

INCREASED TARMAC FOR NYANZA REGION

Mr. Omweri: Mr. Speaker, Sir, before I ask my question, I want to make some corrections to it. The word "road" should be "roads"; the word "any" should be changed to "in Central Region"; and in the last line, it should read "this financial year".

Mr. Omweri asked the Minister for Works, Communications and Power if he would tell the House why the mileage of bituminized roads in Nyanza was so small as compared with, say, the Central Region, and what was

he doing to increase the mileage under tarmac and what was going to be the quota for this financial year in Nyanza.

The Minister for Works, Communications and Power (Mr. Mwanjumba): Mr. Speaker, Sir, I will answer the question which was put to my Ministry; the corrections which have just been put may or may not be answered in my reply.

Mr. Speaker, Sir, I beg to reply

Priorities for the bituminization of roads financed by the Central Government have been and always will be determined on a national basis rather than on a regional basis. The chief consideration of this factor is the volume of traffic on the roads, although attention is always paid to confirmed development programmes in addition.

One result has inevitably been that the roads in the vicinity of the capital towns, especially Nairobi, have tended to receive high priority for bituminization, since these roads carry most traffic (including long-distance traffic from regions and from rural areas), and most people, therefore, benefit from these road improvements.

Traffic volumes on roads in all parts of the country are, however, kept under review by my Ministry and, as a result, the bituminization, for example, of the Kisumu-Kisiani road is already in hand. Bituminization of the Kisiani-Yala section of the same road has been included in the World Bank Loan Programme. Negotiations for this loan have already been satisfactorily concluded and I am glad to inform the hon. Member that details of this loan will be announced as soon as the necessary formalities have been completed.

I would also draw the attention of the hon. Member to the fact that road improvements to a proper gravel standard also bring great savings to traffic, and are, of course, an essential preliminary to bituminization.

The following trunk road schemes in Nyanza will start in the current financial year: completion of bituminization between Kisumu and Yala, making a total of twenty-three and half miles, and reconstruction to gravel standard of the following roads: Assawa to Nyakoe, forty-one miles, and Kijaur to Sotik, thirteen miles.

Mr. Omweri: Mr. Speaker, Sir, would the Minister tell this House, when the new bituminized road mileage is added to the previous one, whether this total brings Nyanza into line with other regions?

Mr. Mwanjumba: Mr. Speaker, Sir, I do not know exactly what the hon. Member is trying to say here, because already the Nyanza Region has

[Mr. Mwanjumba]

that the number of roads which are tarmac-ed than more mileage of roads which are tarmac-ed than many other regions in the country. Therefore it is not fair for the hon. Member to try and ask the Government what mileage of road is tarmac-ed in Nyanza as compared with the Central Region.

Mr. Anyien: Mr. Speaker, Sir, would the Minister inform this House how many miles of road are tarmac-ed in Central Region and in Nyanza Region? How many miles of each?

Mr. Mwanjumba: Mr. Speaker, Sir, I do not really see why the hon. Member should ask me to tell him what roads are tarmac-ed in Central Region and in Nyanza Region. Of course, I know the answer to the question but is he relevant in this matter?

The Speaker (Mr. Slade): Oh, no, Mr. Mwanjumba, if you read the question again you cannot say this is irrelevant.

Mr. Mwanjumba: Mr. Speaker, Sir, I accept your ruling; I would like to assure the hon. Member that if he wants the answer in detail I would be prepared to give it to him in writing.

Mr. Anyien: Mr. Speaker, Sir, it is a very simple question. We hear that there is a difference between the miles under tarmac in Central and Nyanza Regions, and I am asking the Minister, not to say a lot of things, but to say how many miles of road are tarmac-ed in Central Region and how many miles of road are tarmac-ed in Nyanza Region. It is a simple question.

Mr. Mwanjumba: Mr. Speaker, Sir, I have also answered and said that I will give this information in writing to hon. Member. I do not know why we should only compare the Central Region and Nyanza Region; why do Members not compare Nyanza Region and the Coast Region and the North-Eastern Region?

Mr. Mbogoh: Mr. Speaker, Sir, arising from that reply, would the Minister assure this House now that no road will be tarmac-ed according to its region but because the volume of traffic on that road warrants it?

Mr. Mwanjumba: Mr. Speaker, Sir, this is precisely what the Government is doing and as I have said in my original reply, the Government plans tarmac-ing of roads on a national basis. Therefore, if a road is of benefit to this nation, it will be tarmac-ed, no matter whereabouts in Kenya it is.

Mr. Ochwanda: Mr. Speaker, Sir, would the Minister tell the House whether he is satisfied

that the number of roads which are tarmac-ed in Nyanza Region is sufficient; and secondly whether the amount of traffic in some parts of Nyanza Region does not justify tarmac-ing the roads?

Mr. Mwanjumba: Mr. Speaker, Sir, I have said that the tarmac-ing of roads in any region normally depends on the volume of traffic. According to our figures, therefore, from Nyanza, on many roads now, we are satisfied that the volume of traffic on those particular roads which the hon. Member is probably referring to does not justify Government's spending so much money in bituminizing the roads.

Question No. 726

HOUSING AND OFFICE ACCOMMODATION: MUTITO DIVISIONAL HEADQUARTERS

Mr. Mwalwa asked the Minister for Home Affairs why his Ministry had not provided housing facilities and office buildings for the staff of Mutito Divisional Headquarters to facilitate closer administration and faster development of the division.

The Minister for Home Affairs (Mr. Odunga): Mr. Speaker, Sir, I beg to reply.

The Regional Government Agent, Kitui, has already put in a bid for £10,000 with which to build a divisional headquarters for Mutito Division.

The Mutito Divisional Headquarters is included in our development programme and as soon as the finances are available, the work will be put in hand.

Mr. Mutiso: On a point of order, Mr. Speaker, is it in order for the Minister to revert his previous reply. We understand that he has changed his mind and tried to give a different answer from what he gave before.

The Speaker (Mr. Slade): It is quite in order, if in fact he did so.

Mr. Mutiso: In that case, Mr. Speaker, would the Minister then tell the House whether he has been aware of the inadequate facilities for his divisional headquarters before the Regional Government Agent submitted his estimate to him?

Mr. Odunga: Mr. Speaker, Sir, I have been aware and that is why he submitted the estimate.

Mr. Margot: Mr. Speaker, Sir, would the Minister tell this House when it is likely that the Treasury will release the money for building this centre?

[Mr. Mongare] boundary is in the wrong place, this House urges the Government to introduce legislation to make it possible to move the boundary to River Sodu as it was originally before the implementation of the Regional Boundary Commission.

ENTRY TO CIVIL SERVICE: REMOVAL OF RESTRICTIONS

Mr. Anyleni: I beg to give notice of the following Motion:—

THAT this House urges Government to remove the unnecessary restriction imposed upon new potential entrants to the Civil Service.

The Speaker (Mr. Slade): I understood that the Minister for Finance wanted to give notice of a Motion to approve a guarantee, and today is the last day for doing so, since the House is likely to rise tomorrow. However, I may have to ask the House to accept notice the same day that the Motion is moved. Perhaps I may be regarded as giving informal notice on behalf of the Minister.

ORAL ANSWERS TO QUESTIONS

Question No. 749

POLICE REFUSAL TO SHOOT SHIFTA

Mr. E. D. Godana asked the Minister for Internal Security and Defence if he was aware that on 22nd September 1964 in Marsabit township a Somali Kenya Police corporal in charge of an ambush patrol with five other constables, armed with Sten guns and rifles, refused to shoot at about fifty *Shifita* who were passing by.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, I beg to reply. It is true that a party of six police, led by a corporal, failed to fire on a large gang of fifty *Shifita* at Marsabit, although it is not correct to say that the corporal refused to open fire. Being in charge of his patrol, he had to take the decision whether to attack the gang although they very greatly outnumbered his force; rightly or wrongly, he decided the risk was too great. An inquiry is being made into the matter and should it be found that the corporal was negligent in the performance of his duty, disciplinary action will be taken.

Mr. E. D. Godana: Mr. Speaker, Sir, the number of the *Shifita* were not fifty as put in the Order Paper, but there were between twenty and twenty-five.

The Speaker (Mr. Slade): But you put fifty in your question.

Mr. E. D. Godana: The Somali Corporal did refuse to shoot at these *Shifita* while he was on patrol, and I would like to know what steps Government has taken over this Corporal?

The Speaker (Mr. Slade): The subject of your supplementary question should go beyond the original question. He has answered the original question.

Dr. Waiyaki: I have answered, Mr. Speaker, that an inquiry is being made.

Mr. Rurumban: Mr. Speaker, Sir, does the Parliamentary Secretary not think that this matter was serious, and as such, what action does Government take on this particular person?

The Speaker (Mr. Slade): You have had the answer that an inquiry is being made. I do not think you will get more than that.

Mr. G. Godana: Mr. Speaker, Sir, arising from the Junior Minister's reply, when he said an inquiry was going on, I would like to know how long this inquiry will take because it has been long enough now.

Dr. Waiyaki: Mr. Speaker, it so happens that our police in the North-Eastern Region are burdened with a lot of work as the hon. Member from that area knows, and therefore, it is not surprising that it takes a little longer than usual to finish the job.

Mr. Mbogoh: Mr. Speaker, Sir, in view of the fact that during the Emergency, the Government gained experience in dealing with such cases, does the Parliamentary Secretary rule out the possibility of this Corporal being on the opposite side to the Kenya Army, that is in support of the *Shifita*?

Dr. Waiyaki: Mr. Speaker, Sir, I think the hon. Members must agree that whilst an inquiry is being made we should await the result of that inquiry.

Mr. Anyleni: On a point of order, Mr. Speaker, when a question is asked and the Parliamentary Secretary says that an inquiry is being held and then we shall know, is he empowered or forced to give us information in our pigeon-holes?

The Speaker (Mr. Slade): I have told hon. Members so many times that Ministers and Parliamentary Secretaries are not forced to give any information whatsoever in answer to questions, and it rests with them entirely the

[The Speaker] to which they answer questions, if at all; and when a Minister or Parliamentary Secretary says an inquiry is being made into a certain matter, then hon. Members cannot expect him to say any more pending that inquiry beyond answering questions like Mr. Galgalo Godana's as to how long it is going to take. It is clear from what he says that he does not intend to say any more, and he cannot be forced to do so.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION No. 749: POLICE REFUSAL TO SHOOT SHIFTA

Mr. E. D. Godana: Mr. Speaker, in view of the unsatisfactory reply to the question, I would like to move a Motion on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 666

REMOVAL OF KAMBA SETTLERS FROM KYULU

Mr. Ndle asked the Minister for Agriculture and Animal Husbandry if he would give reasons for removing Kamba settlers from the Kyulu Hills in Machakos District.

The Parliamentary Secretary for Natural Resources (Mr. Njiriri): Mr. Speaker, Sir, I beg to reply. The Kyulu Hills used to be Crown land. The people were moved from here by the last Regional Administration and Central Government because the Kyulu Hills are a very important for water catchment area which helps supply Mombasa with water. Therefore, Mr. Speaker, alternative areas were given where those people could stay. Therefore, the people were removed from that area.

Mr. Mutiso: Mr. Speaker, Sir, arising out of that answer from the Parliamentary Secretary, could he inform the House whether the alternative he has just stated will ensure that these people will be provided with other land somewhere else?

Mr. Njiriri: Mr. Speaker, Sir, I have given two areas, Maseroni and Maragadi where the people can settle right now.

Mr. Rurumban: Will the Parliamentary Secretary tell the House whether these new settlers were pleased with the new settlement area?

Mr. Njiriri: Most of them are pleased. Some of them are not, but there were enough to disturb that area for water conservation.

Mr. ole Tipis: Mr. Speaker, Sir, can the hon. Parliamentary Secretary tell us the parties

involved in these Kyulu Hills and whether the two parties involved, which I know he has deep in his mind, have been consulted by the Government with a view to getting their consent?

Mr. Njiriri: Mr. Speaker, Sir, I think that both county councils always suggest what steps we should take.

Mr. ole Tipis: Can he tell us which are these two county councils?

Mr. Njiriri: Machakos and that does not come into the question.

Mr. ole Tipis: The Parliamentary Secretary mentioned Machakos and previously he mentioned two county councils. He has just mentioned Machakos and we want to know which the other county council is.

Mr. Njiriri: Kajindo is the other one, Mr. Speaker, but it does not concern this present.

Question No. 704

REMOVAL OF CIVIC RIGHTS FROM BUSIA TO NAMBAKE

Mr. Muriuki asked the Minister for Local Government whether, in view of the fact Busia town was right on the borders of Kenya and Uganda and that civic amenities and facilities that were established there by the Kenya Government were not for the good of large percentages of the people of Busia, the Minister would consider moving all such civic amenities and facilities to Nambare.

Mr. Muriuki: Mr. Speaker, Sir, I beg to defer my question until tomorrow.

The Speaker (Mr. Slade): The next question is out of order, having been answered already. It is out of the Order Paper by mistake, I am afraid.

Question No. 570

FINANCIAL AID FOR ROKA SETTLEMENT

Mr. Ngala asked the Minister for Lands and Settlement if he could state what financial assistance had been allocated for the Roka Settlement in Kilifi District during the 1964/65 financial year. If the reply was in the affirmative, what fraction of the money was for the provision of water for the settlers.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osoyo): Mr. Speaker, Sir, I beg to reply. It is not possible to give a breakdown for the Roka Settlement Scheme as the regional settlement did not submit this as a separate head.

APPENDIX

The following is a summary of the serious accidents in Kenya:—

1963			
Date	Place	Description	Cause
7-3-63	Lela/Kisian	A goods train derailed	Defective track.
4-5-63	Stony Athi/Konza	A goods train derailed	Human element.
25-5-63	Lukenya/Stony Athi	A goods train derailed	Human element.
29-5-63	Athi River	Two goods trains collided	Human element.
31-5-63	Fort Hall/Sagina	A goods train derailed	Human element.
7-6-63	Kitale/Hoey's Bridge	A passenger train derailed	Defective track and vehicle.
22-6-63	Nakuru	A goods train derailed	Defective vehicle.
7-7-63	Yala/Butere	A passenger train derailed	Defective locomotive and human element.
13-7-63	Lela/Kisian	A departmental train derailed	Defect in crane.
13-7-63	Eldoret	Two goods trains collided	Human element.
1-8-63	Uplands	A goods train derailed	Human element.
19-8-63	Lumbwa	A passenger train collided with a goods train	Defective signal.
22-8-63	Miritini/Mazeras	A goods train derailed	Defective track.
24-8-63	Kibera/Nairobi	A goods train derailed	Human element.
11-9-63	Changamwe/Mombasa	A goods train derailed	Defective track.
26-9-63	Naro Moru/Nyeri	A passenger train derailed	Defective track.
11-11-63	Mitubiri	A goods train derailed	Under inquiry.
18-12-63	Eldoret	A goods train derailed	Defective track.
17-12-63	Morendat/Naivasha	A goods train derailed	Human element.
20-12-63	Emali	The Mombasa mail train collided with a goods train	Human element.

1964 (to 30th September)			
Date	Place	Description	Cause
1-2-64	Fort Hall/Maragua	A passenger train derailed	Under inquiry.
7-2-64	Myanga	A passenger train and goods train collided	Human element.
21-2-64	Eldoret	Goods train and shunting engine collided	Human element.
22-3-64	Nakuru	A goods train collided with a rake of wagons	Human element.
2-4-64	Myanga	Two goods trains collided	Human element.
21-4-64	Kikumulya/Kibwezi	A goods train derailed and capsized	Human element.
26-4-64	Bura/Mwatate	A goods train derailed and capsized	Human element.
5-6-64	Longonot	A goods train derailed and capsized	Human element.
27-6-64	Samburu/Taru	A goods train derailed and capsized	Human element.
28-7-64	Tunnel/Lumbwa	A passenger train derailed	Part Human element, part defective track.
4-9-64	Maji-ya-Chumvi/Mariakani	A goods train derailed	Landslip.
7-9-64	Makuyu/Mitubiri	A goods train derailed	Defective wagon.
23-9-64	Limuru	A goods train derailed	Defect in track and vehicle.
27-9-64	Mitubiri/Thika	A goods train derailed	Under inquiry.
			Human element.

Tuesday, 10th November 1964

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

LACK OF QUORUM

The Speaker (Mr. Slade): Hon. Members, I feel constrained to comment on the fact that there were two occasions last week, as well as other occasions within the last few months, when the House was adjourned prematurely through lack of a quorum.

The quorum prescribed by section 34 (2) of the Constitution of Kenya (and by our Standing Orders) for the House of Representatives is only twenty Members, out of a total of 130 Members. It should not be difficult to secure that minimum attendance of Members during our limited hours of sitting; and I know that, on each occasion when lack of quorum has necessitated adjournment, there have in fact been several Members within the precincts of Parliament Buildings who have simply ignored the Division Bell.

My principal reason for commenting on this is that Members are paid a daily fee for attendance; and, in my respectful opinion, that fee is not earned by Members who will not keep a sitting alive by responding to the Division Bell. Every day's sitting costs a large sum of money, and Members who deliberately allow premature adjournment are wasting a part of that cost, at any rate if a succession of such adjournment results in the House having to sit an extra day.

There is some discredit to our House, both in this waste of public money and in the lack of interest in proceedings which persistent failures of attendance implies. I hope, therefore, that hon. Members who are within the precincts will in future respond more readily to the Division Bell.

SUSPENSION OF BUSINESS

The Speaker (Mr. Slade): Having said that, I recognize that today there are important events occurring in the Senate which hon. Members of this House might like to attend. I should not like to prevent them from doing so by the Division Bell, so I intend, when I have news that Mr. Mboya has come to the point of making reply in the present debate in the Senate on the Constitution Bill, that I shall suspend the sitting of this House for three-quarters of an hour to allow Members to go free.

NOTICE OF PERSONAL STATEMENT

The Speaker (Mr. Slade): Finally, hon. Members, I note that today is a very important day for all of you and at the appropriate moment, after questions, Mr. Ngala will be making a momentous statement. It may not be necessary, but I would ask hon. Members to keep calm until that moment comes; and in particular, even if that bar on the left front bench seems to be longer than it is usually, not to interfere with it until the time comes for me to direct its removal.

Mr. de Tipsis: On a point of order, Mr. Speaker, would we also, as individual Members of this Parliament, be allowed to make statements?

The Speaker (Mr. Slade): I have not, as a matter of practice, allowed individual Members to make statements on the occasion of their crossing the Floor. I do not think it is in accordance with parliamentary procedure. Statements which are recognized in this House are Ministerial statements on behalf of Government and personal statements by Members concerning their own personal conduct within the proceedings of this House. Nevertheless, when a statement is to be made on behalf of a party as a whole, then I think it is proper that that should be allowed almost the same rank as a Ministerial statement. That is why I am going to allow Mr. Ngala to make a statement, but not any other Member of his party.

PAPERS LAID

The following Papers were laid on the Table:—
The Central Housing Board Annual Report, 1963.

(By the Minister for Health and Housing
(Dr. Mungai))

L.N. 312/1964—The Companies (Supreme Court) Rules, 1964.
L.N. 315/1964—The Advocates (Disciplinary Committee) Rules, 1964.
L.N. 327/1964—The Trade Unions Tribunal (Procedure) Rules, 1964.
L.N. 323/1964—The Trade Unions (Amendment) Regulations, 1964.

(By the Minister for Justice and Constitutional Affairs (Mr. Mboya))

NOTICES OF MOTIONS

ALTERATIONS TO KIPSIGIS/KISII BOUNDARY
Mr. Mwangi: Mr. Speaker, Sir, I beg to give notice of the following Motion:—
That, in view of the persistent raids by the Kipsigis on the Kisii tribe because the present

[Mr. Gichoya]

Another thing is that we have here, in a very dignified position, the person of the National Youth Leader. Perhaps if you take a needle and go through the documents, you will realize that we are paying the hon. Members for practically nothing. He has no responsibility whatsoever under the Act which is being made in this House. I think that we should make the best use of the youth leader. The powers of the Minister should be exercised expressly by the youth leader. So, we have no doubts about the director, who is supposed to be a civil servant, a man with experience. The Minister is the political boss. I see now that we are having a National Youth Leader who is not appointed by the Civil Service Commission but who is appointed through political pressure. If the Prime Minister makes the recommendation, then he is the youth leader. It does not say that he must be a Member of Parliament, but we should have a youth leader who should be directly responsible to this House for the youth service. He should be a Member of Parliament.

Now, Sir, here a Member of Parliament is the leader of the youth, but he has no direct responsibility whatsoever. Why should we have a simple question—a man paid from the common pocket, the common treasury, the national treasury when he has no civil functions? I say this thing ought to be amended to incorporate a post whereby the youth leader will be over and above the director of the youth service. If the youth leader is appointed by the President—it will be that then because the Governor-General is going—then that man must be over and above the director who is a civil servant appointed by the Civil Service Commission. It will be ridiculous for an appointee of the President to be inferior to an appointee of the Civil Service Commission.

Another thing I would like to say on this is this: the youth group, as it is now, should not just be merely for men only. It should also include young women. We have been struggling together hand in hand, fighting for independence, youth wingers who constitute girls and boys. Now we are giving opportunities for boys only. What is to be the fate of this unfortunate lot who could not get chances to go to schools and pursue their studies, say, up to Senior Cambridge or even up to K.A.P.E. so that they could earn their livings as useful citizens? The Bill provides for the training of citizens of Kenya, young citizens. When it is for the young citizens to serve the nation (and the employment of them is of national importance) in the National Youth

Service, why then should we dismiss the idea of the recruitment of young women? I cannot see the reasons why the youth service should adopt a policy of discrimination, discriminating on the basis of sex. I know when I was fighting for Kanu to win the elections or for the Africans to get into power, I never discriminated at all in the services of ladies from the services of gentlemen, or the services of girls from the services of boys. We used to work hand in hand as brothers and sisters. Likewise, I now expect in the recruitments of the youth, that my sister, young sister, who are medically fit, physically fit, capable of using their talents as older people, should be able to join these national camps and be trained how to handle both the spoon as well as the rice.

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

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

I am campaigning for this Bill to be passed with amendments, for, unfortunately, Parliament itself has discriminated against women. We are all right as men.

When the youth wingers are subjected to the same regulations of behaviour as the people in the army, they should equally be given the same facilities as the men in the army. There is no point in making anyone an officer if it is not by actions but by control. Yet they do not have the facilities for the position of an officer. Here I refer the House to what happened some time back in Mikere College, when the students of that college said in Swahili that they should be given equal facilities to those students of London University. If they claim affiliation, they also claim the same facilities. As members of that institution, they are subjected, or should be subjected, to the same treatment and regulations. If those students were able to claim the same facilities to be equal to the regulations to which they were being subjected, then I think, of necessity, where the code of behaviour is stipulated here, this code of behaviour should go hand in hand with the training directly connected with it: the military training.

I do not see any reason why somebody who is destined to work only in a working camp, or farm, should be put under military conditions; can even be made to parade on extra drills or fatigues; is subject to being reduced to the ranks for misbehaviour or to confinement to the guard room, perhaps with only water. Are these military men? I believe that these people who are treated

ADJOURNMENT

The Speaker (Mr. Slade): We have waited for six minutes. It is long enough, I think. We will have no quorum. The House is adjourned until Tuesday, 10th November, at 2.30 p.m.

The House rose at twenty minutes past Eleven o'clock.

WRITTEN REPLY TO QUESTION

Question No. 674

TRAIN ACCIDENTS, 1963 AND 1964

Mr. Odoro-Sar asked the Minister for Works, Communications and Power if the Minister, after consulting the East African Railway Authority, would inform the House of the number of train accidents which had occurred in 1963 and 1964 and what were the causes for each accident.

REPLY

The Minister for Works, Communications and Power (Mr. Mwananyika): The number of running line train accidents over the whole system of the East African Railways and Harbours was forty-seven in 1963 and twenty-six to the end of September in 1964. Of these twenty occurred in Kenya in 1963 and fourteen to the end of September 1964.

The causes of the Kenya accidents can be summarized as follows:—

	1963	1964 (to 30th September)
Human failure	31	31
Defect in vehicle	3	11
Defect in track	5	1
Others	1	2
Under inquiry	1	—
	20	14

The fractions result from apportionment of cause.

Attached as an appendix is a list of Kenya accidents and their causes.

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

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

(The Division Bell was rung)

[Mr. Gichoya] as army people should be accorded the facilities of army trainees in the lower ranks. If they are not that, they should be subject to the workmen's regulations, trade union regulations, and be allowed as well to form themselves into trade unions for better conditions, better wages and better futures. If they are workers, they should be able to do that; but if they are servicemen, they must be conditioned and given better facilities equal to the conditions to which they are subjected.

Mr. Speaker, Sir, I feel that in appointing the officers, who are already stipulated here, the director, the deputy director, the assistant director, and so forth, consideration should be taken so as to get a person or persons for that matter who are able to understand the direction in which to move. Economically, we have stated, and politically as well, that economically we are going to build a socialist state in Kenya. Politically as well, we are going to be completely non-aligned within the nation. The recruiting of officers must be taken seriously and these things should be taken into consideration. Those principles must guide our nation. If we get somebody, say a Russian, we must get an American, then mix them up and see how they will work. If they cannot work together, then we shall know the reasons behind why they cannot work together. That is one point.

On the other hand, if we are not going to get these two people, I do not see the reason why we should confine ourselves to one country only. That is, America or, for that matter, Russia. We must have the two sides, hand in hand, and even bringing in the Chinese, although Chinese and Americans can never see eye to eye. We are not a colony of America; we are not a colony of China. So, if they cannot see eye to eye as officers of the Kenya Government, then we will dismiss them, and tell them that we are not under any dictatorship from Peking or from Washington. We are dictated from Nairobi by the national policy, that is the Government which dictates to us.

QUORUM

[Mr. G. G. Karickh]

they are referring in the Standing Orders, would the Speaker quote exactly the Standing Order?

The Temporary Deputy Speaker (Mr. Waritithi): It is up to an hon. Member to quote the relevant Standing Order and if a Member is referring to any Standing Order, he has to quote it.

Mr. Muliro, will you continue with your speech or shall I call on another Member to speak.

Mr. Muliro: Mr. Temporary Deputy Speaker, I will continue with my speech. The next point I would like to raise on this Bill is the question of training. We do not want our youths purporting to go to be trained and actually having no training. I have spoken to quite a number of youths today in the camp, and most of them have said, "We do a bit of drill and nothing very much." When the youth leader was talking on this Bill, he did not tell the House what form of training these youths are actually having, because, Sir, if these youths are going to go to youth camps, youth farms or Harambee farms, they must be undergoing some agricultural training which will equip them to work a Harambee farm. But wearing youthful, khaki uniforms and military boots is not going to help them to take up a jembe or shovel on the farm. That is what I would like to see. When one of the hon. Parliamentary Secretaries across the House who assist their absentee Ministers and Parliamentary Secretaries in this debate tells us that they are actually doing useful training—

A point which I would like to raise again, Sir, is the question of indoctrination: indoctrination by foreigners. I hope whatever indoctrination these youths get is Kenya indoctrination, the love of their country, not foreign mentality, not getting them through the pipeline to be narrow minded, to wear blinkers on their faces, so that they do not see anything else except what has been brought up by an individual or a group of individuals in the country. Therefore, Sir, that is one thing I would like to bear in mind.

Another point, Sir, I would like to raise is the question of life imprisonment for mutiny among these youths. Life imprisonment is not a very attractive punishment. If this is a mere deterrent, it might be useful, but definitely the youths who get up voluntarily want to help the country in conducting an undertaking, not military training; they are not military men. If they are the wing

of a different military group here, we should be told why the Government is backing the youths, as another wing of the military. If it is an army, we should be told so.

(The hon. Member spoke in Swahili)

Mr. Anyien: Is it in order for the hon. Member to be using an unofficial language which cannot be quoted? He is using the Swahili language now and then. I am sure the girls cannot write it.

The Temporary Deputy Speaker (Mr. Waritithi): No, a Member may not make the whole of his speech in Swahili. The hon. Member was not doing that; he merely said a few words in Swahili.

Mr. Muliro: Thank you very much, Mr. Temporary Deputy Speaker. If we are to build the nation, we have said Swahili should be the *lingua franca* for Kenya, so it cannot be wrong to speak it.

The Temporary Deputy Speaker (Mr. Waritithi): I think I must interrupt. As far as English is still the official language of this Parliament, it is improper to use Swahili, because it is not acceptable.

Mr. Muliro: I accept your ruling, Mr. Temporary Deputy Speaker.

Life imprisonment should be scrapped from the Bill and at the Third Reading of this Bill I will move an amendment to delete this section, section 19, referring to mutiny and life imprisonment for the people concerned, because the loyalty of some of these youths may be impaired by someone outside-and not through their own working. Then these people will be put in for life imprisonment when possibly some policeman outside their group engineered that. It would be most unfair for the youngsters like that to be told that they are acting to be imprisoned for life when it was not an act of their own making.

With this, Sir, I beg to support the Bill.

Mr. Gichoya: Mr. Speaker, Sir, I rise definitely to support the Bill and make suggestions for amendments.

The Bill itself gives us an opportunity of regularizing the illegal troops which have been recruited recently as a kind of measure to provide the young men with an opportunity of

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[Mr. Gichoya]

being disciplined under the changed circumstances. These youth wingers who are now Members of the National Youth Service have the qualities and the ability to be even members of the armed forces of this country, and if somebody is going to be trained as an army man, he does not need a very advanced sort of education academically. I feel that our present youth wingers who are in the youth service should be given the opportunity to have a planned military training and form a kind of national cadet corps. It is wrong to say they are a group of youths who are supposed to deal with farming or drilling and yet we are told, in the course of time, these people will be wanted, in the case of an emergency, to serve in the armed forces, whereas they do not know, as far as I am concerned, how even to shoot a mere, little bird let alone a target.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, on a point of order. In view of the absence of the Minister for Labour and Social Services, and also the Parliamentary Secretary to that Ministry, and in view of the great discussion on this matter, I wish under section 15 of Standing Orders to move that the discussion on this Motion be postponed until a later date.

Mr. Mutiso seconded.

The Temporary Deputy Speaker (Mr. Waritithi): Section 15 (1) of Standing Orders provides that:—

A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move "That the debate be now adjourned", or, in Committee of the whole House, "That the Chairman do report progress."

Subsection (2) provides:—

The debate on any such Motion shall be confined to the matter of the Motion.

Subsection (3) provides:—

If Mr. Speaker shall be of the opinion that any such dilatory Motion is an abuse of the proceedings of the House he may forthwith put the question thereon or he may decline to propose it.

As I have said earlier, it has been ruled from this House that the presence of a Minister, or a

Junior Minister, when a matter is being discussed, or a Bill is not necessary. All I think that the Members are entitled to do is to register dissatisfaction at the absence of the Minister concerned. The reply can be provided not only by the Minister or Parliamentary Secretary, but by another person authorized to do so. So under Standing Order 15, subsection (3), I decline to propose this question.

Mr. Gichoya: Mr. Temporary Deputy Speaker, Sir, I thank you for your ruling, so now we can continue debating this Bill. Again, I have to request, Mr. Temporary Deputy Speaker, Sir, that my time, because of the interruption that has been made, be extended.

I was saying that we have very capable youth wingers who have been recruited in the youth service and I do not see any reason why these people should be made to drill only, and not to be taught how to defend themselves.

QUORUM

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

The Temporary Deputy Speaker (Mr. Waritithi): We do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Waritithi): We have a quorum now. You may continue, Mr. Gichoya.

Mr. Gichoya: Mr. Temporary Deputy Speaker, Sir, I have been interrupted many times.

What I was saying was that we should make the best use of the chances available for training the young people to get on in the national service. In this respect, apart from being trained how to farm or how to make a road, they should also be trained how to handle a weapon. We do not know whether tomorrow, or at any time, not know whether we might be plunged into a within a short time, by the activities of the SWA state of war, may be the need of the services of these youths. We shall then need the services of these youths. So, it is not necessary that we should wait until the war comes, or an emergency is declared, for these people to be trained how to handle a weapon. This is the time for it; the facilities are available and I do not see why this should not be included in the normal course of activities in a camp.

Mr. Anylen: On a point of order, Mr. Speaker, when this Bill was moved, was it moved by a Minister or by the youth leader?

The Speaker (Mr. Slade): It was moved by the Minister for Agriculture and seconded by the hon. Mr. Kariuki.

Mr. Anylen: According to Standing Orders, can a Minister move a Bill and a Back-bencher second it?

The Speaker (Mr. Slade): Yes. Usually with Government Motions the seconding is formal and other Members speak after the Motion has been proposed, but there is no rule to prevent the Second speaker at the time when he seconds a Second Reading, and he can be a Back-bencher.

Mr. Kagigia: Mr. Speaker, what I was saying is that here we have a Member of this House who is representing a constituency, given a very pleasant title, and yet he is not given any function. Mr. Speaker, I would like to say a few words on this particular point, because it appears to be the habit of the Government to appoint Members of this House to ostensibly big positions but without functions. If I may give an example, many of us have complained previously of the very honourable titles of Parliamentary Secretaries or Junior Ministers who, in the order of appointment, are regarded to be second to Ministers; but when we look to the actual working in the Ministries, they are not anywhere in the hierarchy of the Government. They have no responsibility and, in many cases, we have found that they are even in reality junior to Permanent Secretaries and many other civil servants. In this, when we read section 14, despite this very good title, the youth leader has nothing to do. All functions are given to the director and it appears, as far as the youth service is concerned, that the director is directly second to the Minister. Therefore, one wonders where the youth leader comes in.

So, Mr. Speaker, I would like the Minister concerned in this, to consider amending this Bill or putting in something which will show what the functions of the youth leader are, otherwise it will be a job without functions and one will wonder whether it is worth while spending the money in paying him a salary if he has no function.

I think, Mr. Speaker, it is important to have a political youth leader as we have today, as he has the right and duty of watching the policy of the youth service, because the Minister, under whom the youth service comes, is very busy with many other things. We would like to see that our youth are trained for the best services of

this country. We would not like to see our youth misled or misguided just due to lack of policy, and when we have a political overzeal of the whole thing, then we can be assured of the following of the policy of this Government in the training and service of the youth.

The other aspect, Mr. Speaker, on which I would like to say a few words is discipline. In section 18 (4) we read as follows: "A person seconded to the service from another country shall not be subject to the disciplinary code." Here, Mr. Speaker, I think there is some danger. If we have, for instance, a person seconded to the youth service from Russia, America or any other country and, instead of following the conditions laid down, this gentleman goes on indoctrinating our youth with his foreign doctrines, and so on, what guarantee have we in this Bill to deal with this man or to see that he does not continue with his indoctrination of the youth? Because we must be sure, Mr. Speaker, that the youth of this country, who are going to serve this country, are going to follow the policy of this country. Therefore, Mr. Speaker, I should like to hear from the Minister what we do with such a person.

Lastly, Mr. Speaker, before I sit down, I would like to express dissatisfaction with the whole question of recruiting youth into the service. It was announced a long time ago—I think it was before June—that the camps for the youth would be ready by 1st June, and up to now, Mr. Speaker, not a single camp has been opened and the youth we prepared a long time ago for these camps are still asking what is going on. Many of them are becoming very disappointed. Again, Mr. Speaker, when Members of Parliament are asked after one or two months to send two youths, it becomes very difficult for us to decide whom we should send, because we have at least twenty or twenty-five. This leads to a lot of complaints amongst the youth, accusing us of favouritism when we have to select only two. Therefore, Mr. Speaker, I would ask the Government to accelerate all the arrangements and, if possible, open these camps at once, so that we can send the whole lot and finish this disappointment which is existing in our youth.

With these words, Mr. Speaker, I beg to support the Bill very strongly.

Mr. Muliro: Mr. Speaker, Sir, I have read this Bill and I do appreciate what is in it, but I want to say a few things on the whole idea of the youth service.

Sir, in this country we are suffering mainly from the ulcer arising from tribalism and unity

[Mr. Muliro]
Sir, in the youth service there is a definite move, Sir, in the youth service other than Kikuyu or Luo, that people are Kanu, are not promoted.

[The Speaker (Mr. Slade) left the Chair]
[The Temporary Deputy Speaker (Mr. Waritih) took the Chair]

It is unfortunate that the youth leader has already spoken. I would have liked him on the Floor of this House to tell the hon. Members that promotion to sergeant, corporal and lance-corporal is open to all the tribes today in the youth camps, in order to show that these reports which we are getting are not true. Sir, the youth service should be a youth service for the country to build a nation and not a youth service to build up a single tribe or group of tribes.

The youth leader, Sir, has been magnificent; in fact, he has done excellent work. He has done everything possible to bring to the notice of hon. Members in this House the procedure of picking out the youngsters from their areas to go to the youth camps. Whatever happens, if it is going wrong, he is the man answerable to us. The appointment of a youth leader from this House is very well appreciated by us because we can put the youth leader on the carpet of this House and try to put him right. Therefore, Sir, I think in this Bill the main shortcoming is that he has not been given a proper place. Someone called the director is going to be outside the House, a civil servant who will not be in this House. I see that the Minister himself, who is supposed to be in charge of this Bill, and even the Parliamentary Secretary, are not in this House. This is a terrible thing. Mr. Temporary Deputy Speaker, and I was thinking at some stage that I should move that the Minister be suspended altogether until the Minister or the Parliamentary Secretary is here. Mr. Temporary Deputy Speaker, Sir, I think it is in order for me to move this under Standing Order 15 because we cannot carry on a debate in this House when the Minister who is responsible, the Minister who has to go to the Cabinet and put the views of this House across, is not here and, worse still, his Parliamentary Secretary is not here. I think, Sir, this is a very serious issue. We cannot accept responsibility from the people who are supposed to be responsible in this country, the people to whom we are paying large salaries; the taxpayers of this country expect these people to carry out their duties. Mr. Temporary Deputy Speaker, Sir, I beg to move that:—

[The hon. Member spoke in Swahili]

Whatever we say in this House today, we can say until tomorrow, but unless the Minister who

is responsible, the Minister who has been responsible to the Cabinet, for delaying the introduction of the youth service since June, is here, the House should not carry on debating this Bill. I beg to move that the debate be now adjourned.

Mr. Anylen: On a point of order, Mr. Temporary Deputy Speaker, in view of the fact that the whole House is dissatisfied with the absence of the Minister and Parliamentary Secretary, who are supposed to have moved this Bill from the beginning, may I move that we postpone the discussion of this Bill and we move to the next item on the Order Paper?

The Temporary Deputy Speaker (Mr. Waritih): I think the Speaker has ruled on more than one occasion that it is not necessary for a Minister or Junior Minister to be present when his Bill is being discussed. All that is required is that there should be somebody to reply to the debate. In order for a person to reply to the debate, it is not necessary for him to be in the Chamber; he can read the HANSARD and find out what hon. Members have said. So I do not think that point of order arises.

Mr. Muliro: Mr. Temporary Deputy Speaker, I was actually moving a Motion. The hon. Member was talking about a point of order, but I am definitely moving a Motion. I beg to move:—

THAT the debate on this Bill be suspended, since neither the Minister nor the Parliamentary Secretary is present at this sitting.

If there is a second, Sir, we can vote on it.

The Temporary Deputy Speaker (Mr. Waritih): You have to quote the relevant Standing Order.

Mr. Kamasu: On a point of order, Mr. Temporary Deputy Speaker, as you have referred the hon. Members to the ruling of the Speaker in previous cases, that this kind of debate can continue although the Minister is not in, if the Members of this House are dissatisfied with the agreement, because they think it is not fair for certain Bills to continue to be discussed, could that order also be valid?

The Temporary Deputy Speaker (Mr. Waritih): I have stated that it is not necessary for the Minister to be present or for a Parliamentary Secretary, in order to reply to a debate on a Bill introduced by him.

Mr. G. G. Kariuki: On a point of order, in view of the fact that the Speaker should refer hon. Members to any specific question to which

[Mr. J. M. Karuki]

also to give protection to the uniform and property of the National Youth Service. It will also prevent subversion from any outside persons or source.

Mr. Speaker, as it is stated in clause 16, the functions of the service are the training of young citizens to serve the nation and their employment for tasks of national importance, such as the building of roads and the opening of new areas for settlement. As the service is made up of a corporate and uniform body of men, discipline is of great importance and the clauses of the Bill dealing with this subject are similar to those existing for governing other uniformed organizations. That is the police, the constabulary department, and others. In preparing this Bill comparable legislation from Tanzania, who has also started the movement, was noted. There is one important difference between these disciplinary provisions and those in the Acts of other uniformed organizations. Under clause 22, it will be noted that a deserter forfeits his pay and allowances, but the Youth Service man is not exposed to any penal sanctions. This is because we maintain that the nature of the voluntary service is essential. That is why this fund is not like that.

Sir, I would also like to add that, as usual, the Bill makes a division between powers of policy which are vested in the Minister, and the powers of Administration which are vested in the Civil Service Director and which he has the right to exercise subject to the provisions of the Act under the direction of his superiors. Gazetted and subordinate officers of the National Youth Service are also appointed and controlled in the same way as any other public officer, in order to give the youths an opportunity to exercise leadership, skills and responsibility, and provisions exist for them to be promoted as under officers within the service. This, Sir, has been necessitated by the fact that we do not have adequate officers who can supervise in a better way, and with quicker methods as expected by many hon. Members in this House. It is essential that we expand the National Youth Service to various places in the country, and we thought it would be of great importance if some of the youth could be taken and trained for some time with a view to promoting some of them to higher ranks, so that they can assist the service in various places. On giving such promotion, Sir, a youth would be given an increased allowance, but I would like to make it quite clear in this House that by becoming a sergeant, a corporal, or an under officer, such a youth is not becoming a full employee of the Government. Clause 28 gives the Minister the

power to set a level of such allowances, and as the hon. Members will see, in clause 28, this gives the Minister the power how he will direct all sort of allowances to be given to the recruits in the National Youth Service. Also, in clause 29, it says that for the purposes of the Workmen's Compensation Act only, a serviceman may be held to be an employee of the Government. The reason for that, Sir, is to insure such a youth against any accidents he may sustain as a result of his duties while with the National Youth Service.

Provision is also made, Sir, in clauses 10 and 17 for the services of youths in support of the Kenya Military Forces, in the event of war or similar major public emergencies. It is, of course, necessary that these people, according to the sort of training and discipline that they are getting today in the National Youth Service, can easily be taken into the army, and this will be determined by the Ministry of Defence, as to how many people would be taken into the army from the National Youth Service, and how many could become very good soldiers, and even if they had their own rank in the National Youth Service, the same Ministry will determine how many of them could be taken into armed services.

QUORUM

Mr. Wamothanya: On a point of order, Mr. Speaker, I do not think we have a quorum.

The Speaker (Mr. Slade): No, we do not. Ring the Division Bell.

(The Division Bell was rung)

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

Mr. J. M. Karuki: Mr. Speaker, Sir, the hon. Members are being pushed in their own constituencies by their youth, because they are not coming to the National Youth Service. It is amazing to see that when this Bill is in the House, most of them are not in the House.

I would also like to explain that the police and the army will be taken into consideration when taking some of these youths, on the recommendations given by the National Youth Service officials. They will have a better training in the camps, and that will make the work of the police and the army easier in getting recruits than it used to be before, because those people will have reached the standard required by the army or the police. That is why we have put this in clauses 10 and 17, and as hon. Members will see, these people can always be called by the Head of State to serve in case of war, in

[Mr. J. M. Karuki]

in the army, in the Kenya Military Forces. It is very important that they should have some basic training in the camps to have the required discipline before they are taken over by the police or the army.

Penalties for mutiny, similar to those in other uniformed forces, are set out in clause 19, and clause 24 will enable the courts to deal adequately with any person who attempts to subvert members of the service from their duty. You will find that clause 30 prevents members from forming a trade union. This, Sir, is the usual thing in any other uniformed service.

Mr. Speaker, I would like to draw the attention of the hon. Members to one of the circulars I sent to them on 21st October. I would like also to remind them that, in support of the Government policy of bringing unity to all sections of the community and units of the service, they must draw their recruits from all parts of Kenya, and not necessarily from the particular regions in which they happen to be located geographically. As the hon. Members must have seen in that circular, the reasons for doing so are because we would like people from Nyanza, Central, Coast and other places to stay together in one camp, and that is the only way of bringing better understanding to the youth of this country. A camp should be set up in Central Region, and then have all the people from Central Region put into that camp, so that it will not be long before they get to understand each other. The best way to achieve unity between the youths of this country is to bring them in from all parts of the country, from Kalejinji, Giriama and other parts of Kenya, and let them live together to get to understand each other, and I believe it is only in that way, Mr. Speaker, that we can achieve the unity that we want.

I would like to inform the hon. Members that the callings-up notices will continue in that, whenever we open a camp somewhere else, I will be sending a circular again to the hon. Members explaining that ten or twenty people are needed as we go on opening more camps, because if a camp is set up in Nairobi, it is not necessarily the people who are in Nairobi who must be put in this camp. We will get people from all parts of Kenya. Whenever we open another camp in another place, then we will get more people. I would like this to be quite clear to the hon. Members.

Sir, it has come to my knowledge that some hon. Members did not get their circulars in time. Sir, I would like to say that we sent every

Member a circular, but there might be some mistake somewhere, that some hon. Members received three forms instead of two, I do not understand why this happened. Whether some hon. Members took them from other Members' pigeon-holes, I do not know. I would like to ask the hon. Members to supply us with their home addresses, so that we can also send circulars to their homes, so as to get them in time, because complaints have been coming to me that most of the hon. Members did not get their forms in time. To avoid that, this is the only other alternative which would enable them get the forms in time.

Now, Sir, it is not my intention to go on explaining more about this Bill. If the hon. Members are pushed by their constituents, their youths to come into the National Youth Service, as we do not want to handicap the work in the Service it would be better for them to come forward and support this Bill, so that, when this Bill is passed, we can have most of the youth recruited into the National Youth Service. That will lessen the burden which we now have, and I hope that hon. Members will support this Bill, so as to enable us to go ahead quickly.

(Question proposed)

Mr. Kagga: Mr. Speaker, Sir, I very strongly support this Bill, but while doing so, I would like to criticize a little one aspect of this Bill.

In section 4—Mr. Speaker, we read as follows: "There shall be a National Youth Leader appointed by the Governor-General, acting on the advice of the Prime Minister, and for the avoidance of doubt, it is hereby declared that, for the purposes of section 41 (1) (f) of the Constitution, the office of National Youth Leader shall be deemed not to be a public office."

Mr. Speaker, in the whole of this Bill I do not find any other reference to the youth leader and, in section 14 (1) and (3), I find all the functions that are needed in this service are functions that are needed in the Director. This, Mr. Speaker, makes me wonder what the position of the youth leader is, because, as far as we can see, he does not have any function at all. In the schedule, where the list of the officers is given, although these are called Gazetted officers, we do not see the name of the youth leader. But this, Sir, I think, is greatly lacking in this respect. Because here we have a Member of this House, a Constituency Member, a very respected gentleman, who is given a very pleasant title "Youth Leader", but when we look into it we find there is nothing for him to lead.

[The Parliamentary Secretary for Education]

President with that type of dignity and who will be able to speak for the country in a dignified way. I think what these amendments provide for is that dignity that this country deserves and that this House deserves and that our President deserves.

One other comment I would like to make. Mr. Speaker, is on the way fears have been expressed here that the President may dictate. I think here we are a little confused because the President, when he makes an address from the State Chair, as I understand it, he is not going to dictate to anybody, he is not going to make laws. We are the law-makers of the country and we are the Parliament of this country. I do not think that a State Address should instil any fears, because we are the people who make laws and, if I understood correctly, the Minister for Justice made it very clear when he was moving the amendments, that even though the address of the President is not open to questioning or is not open to debate, any matters that the Government may bring could be subject to open debate, any time later by this Parliament. Therefore, I would like to feel that we, as Members of this Parliament, recognize that we are the supreme body which make laws and we should not fear the address of the President. The attitude we should actually adopt is that of receiving the Presidential address as extra dignity for this House and for this country, something that we have not had in the past.

The Speaker (Mr. Slade): If no other hon. Member wishes to speak, I will call upon the Minister to reply.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I think perhaps I should clarify one point before I deal with some of the remarks made. As you yourself have said, perhaps Members are confusing a few things here.

Firstly, if Members have read the Sessional Paper No. 6 which was distributed some time ago, they will know that the intention here is, first to provide in this Chamber a Chair of State for the President, that is a chair besides the Speaker's Chair on which the President shall sit when he is in this House as President. It is then suggested that the House shall be called to order and stand in silence whenever the President enters or leaves the Chamber. There is no need for prior notice to say to the House, or tell the House that the President will be coming on such-and-such a day. Whenever he enters this Chamber he is President, whether as Head of

Government or as Head of State and the dignity that is required from this House will be preserved by this provision, that whenever he enters the Chamber, the House is called to order and all rise in silence. There is only one person who calls the House to order and that is the Speaker. If hon. Members are not aware of this by now, it is a bit late. I have been asked to define what silence means. Well, silence is just what it means in parliamentary language: silence in Parliament. It does not mean that you cannot say, "Hear, Hear", applaud, but it just means that you do not become rowdy and begin to engage in other things.

It is then said that the President may be accompanied into the Chamber by an aide-de-camp, and the aide-de-camp would have a place beside the State Chair. That is the first part of the provisions that have been made.

The second part is that while occupying the Chair of State, the President may, on any day after the disposal of matters other than business, that is after the question has been put before the House proceeds with business, make a Presidential statement. Today, at times, we have a Ministerial statement which is made in this House. The only difference is that when the President makes a Presidential statement, it shall be heard in silence and not followed by any comments or questions. When Ministerial statements have been made in this House, sometimes, Members are allowed to ask questions of clarification or elucidation, but they are never followed by an immediate discussion of the statements. There is nothing to prevent Members later on raising a matter about the statement or even demanding to debate the statement; that is a privilege of this House.

When he is sitting in the Chair of State, apart from making a Presidential statement, the President may not take part in any of the proceedings of the House when he is sitting in the Presidential Chair, in the State Chair. He will merely sit as President and not participate in the debates or intervene in the discussions. That is the second part.

The third part is that the President may, at any time, if and when and as long as he desires—this is entirely in his hands and at his discretion—move from the Chair of State to the Front Government Bench. That is entirely for him to decide. If he feels when he is sitting in the State Chair that a matter has arisen in which he wishes to participate, then he moves from the State Chair to the Government Front Bench and becomes part of the Government. At that stage, he may participate in the proceedings of the

[The Minister for Justice and Constitutional Affairs]

House in the same manner as any other Member and he shall be subject to and comply with the rules of debate and other Standing Orders of the House. It is therefore quite obvious that we cannot do what some Members suggest, merely that we compare the President with the Mayor of Nairobi; that he should come in in robes, go out and change, come back in in a suit, sit down on the Front Bench and debate, go out and change, come back in in robes, sit in the State Chair and look on, and then when he feels like talking again, go out and change, come back in and sit on the Front Bench and take part in the debate. This is a lot of nonsense.

Mr. Speaker, we want dignity, we want to have dignity, but we do not want to discuss it, we do not want to be aristocratic in the English manner. We want simple dignity that is consistent with our tradition and with our state.

Now, Sir, lastly, Members have raised a very important question and that is the ceremonial occasion of the opening of Parliament, or occasions when the President comes here on a ceremonial day. That is the occasion when as one Member suggested, you may have a guard of honour, you may have all the normal ceremonial functions. But when the President comes on such occasions, on ceremonial occasions, he does not sit on the State Chair, he sits on the Speaker's Chair, and he addresses the House as Head of State with a Message of State on matters affecting the State. That is to correspond with the Speech from the Throne that we have had up to the present day, while we are still a Dominion. I hope, Sir, that this helps the Members to appreciate the differences that we are trying to make. It must be understood that in our system, the President is part of Parliament, he is a Member of Parliament in his own right, and also as Head of State, he is also a Member of Parliament. He has the right to come to Parliament every day that Parliament sits and be with Members here, either in the Chair of State or on the Front Bench of the Government. But when there is a ceremonial occasion, then he comes as Head of State in a different capacity and sits in the Speaker's Chair. It is only then that he delivers the Message, as it were, from the Throne.

Mr. Speaker, I think I have, in making these observations, answered most of the points that were raised. I hope that the fears and some Members raised. I hope that the fears and anxieties expressed will no longer worry Members, because I think sometimes we have the tendency to let our imaginations run riot; we just think that

the worst things are going to happen; we do not want to believe that the best things are going to happen. We do not want to accept the best motives in what is being proposed. We want to find always, the worst motives. I do wish hon. Members will always first accept the best motives in what is being proposed and wait until they are proved wrong and then, of course, determine the issue on the mistakes that have been made. But I believe that the President will wish, just as Members are anxious, to maintain the highest integrity and dignity and sense of responsibility in his office. There is no question of using Presidential statements irresponsibly. Presidential statements will, in many cases, have been considered very carefully by the Cabinet and they will be messages which the Government wishes to make, not just to the House, but to the whole country. They will be very carefully considered and they must be responsible statements. There is no question of the President dictating to the House, because, in effect, a Presidential statement does not constitute a law. It does not constitute a Motion of this House. Everything that is to be used as a law must be passed by this House, and so a Presidential statement cannot be used as such and there is no danger at all of dictatorship arising from this arrangement. I hope, Sir, that Members are assured in this matter.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT this House, agrees that the draft amendments to Standing Orders, to incorporate provision for the President of the Republic, contained in Sessional Paper No. 6 of 1964, be adopted and form part of Standing Orders with effect from 12th December 1964.

BILL**Second Reading**

THE NATIONAL YOUTH SERVICE BILL
(Minister for Agriculture and Animal Husbandry on 4th November 1964)
(Resumption of debate interrupted on 4th November 1964)

The Speaker (Mr. Slade): You were still speaking, Mr. Karuki, I believe.

Mr. J. M. Karuki: Mr. Speaker, Sir, when I was speaking last I told the hon. Members that this Bill was intended to provide statutory authority for the establishment of the Service. This is to provide for a Code of Discipline and to ensure a high standard within the Service, and

[The Minister for Justice and Constitutional Affairs]

may be accompanied into this House by an aide-camp, who will sit beside him. When the President enters the Chamber, there will be silence, and all Members will rise, whenever he enters and leaves the Chamber. This, Sir, is in order to preserve the dignity of the Head of State.

Sir, additionally, the President may, from the Chair of State, address messages of State to the Chamber or to both Chambers in a joint sitting, that is the Senate and the House of Representatives sitting together. But, as I have pointed out, there will be occasions when he will speak as the Head of Government and the Head of the Cabinet, and on those occasions the President may, at his discretion, join his Ministers on the Front Bench and join in the proceedings of the House as any other Member, as is the case today. When that happens, Sir, then, of course, he will be subject to the Standing Orders just like everybody else, and as all Ministers are subject today.

The only provision being made which hon. Members will see is a new one is to preserve the position of the Head of the State when he speaks and addresses the Chamber as the Head of State. The Vice-President, when acting as President during the President's absence, will be treated on the same basis as he will then have to occupy the Chair of State.

These, Sir, are the simple amendments which it is intended should be passed and become part of the Standing Orders.

I beg to move.

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

(Question proposed)

Mr. Muliro: Mr. Speaker, Sir, these amendments to the Standing Orders are quite reasonable; they are provisions which are being included in the present Standing Orders. There is nothing new which has been added, except that when the President sits as the Head of Government on the Front Bench, whatever statement he makes will be under cross-examination and points of order can be raised, whereas when he occupies the Chair of State, like the present Governor-General when he comes to make a Communication from the Chair here, we do not question that speech but it can be the subject of debate later.

This is quite welcome and on behalf of the Opposition I support.

Mr. Anyieni: Mr. Speaker, Sir, I only want to ask two questions. Will the Members be given prior notice of the coming of the President to the House as the Head of State, so that Members will not be confused when the President comes into the House as the Head of the Cabinet, because you may find Members standing when he is coming in to sit on front?

The second question is, when the President has made a statement from the Presidential Chair, will it be necessary to move a Motion to discuss what the President said, or will it be the subject of debate the following day without any Motion being moved?

The Parliamentary Secretary for Lands and Settlement (Mr. Nyagah): Mr. Speaker, Sir, I rise to support the Motion and make a few observations for the Government to note.

First, I would like to say, Sir, that these occasions when the President sits in this House as the Head of State should be very few, and there should be set times when we know the President is sitting here as the Head of State.

Also the question of silence, Sir, should be defined more. I do not know whether applause would be taken to be against the silence, rule or whether it would be in order to applaud if, when the President is making a statement, the Members feel they would like to express themselves in that way.

The other point which I would like to be observed is that, even if it means a five minutes' break, after the President has made his presidential speech from the Chair, he should not move straight away from that Chair and sit on the Front Bench without any kind of interruption of business, so as to make sure hon. Members now realize that he is now the Head of Government.

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

Mr. Agari: Mr. Speaker, Sir, I also support this Motion, but I wanted to emphasize further the point made by the hon. Mr. Nyagah. It is quite possible, for a person when he combines two offices, to find it expedient to take the opportunity on frequent occasions, perhaps more than necessary, to bring some controversial issues to the House and to make a statement on them from the Chair. It is, therefore, necessary for us to be given a clear assurance and probably an explanation that on only certain specific occasions in the year the President will bring an issue on which he can speak from the Presidential Chair. But this right should not be abused by bringing an issue several times which should be subject to the

[Mr. Agar]

scrutiny of this House immediately and put it from the Presidential Chair.

Mr. Gichoya: Mr. Speaker, Sir, I want to make just one remark, namely, how to distinguish between his presence as the President and as the Head of Government. As the hon. Member for Embu South has said, there should be a break in proceedings whereby we can distinguish that we no longer have the President in the House but the Head of Government, who is the Prime Minister. In this respect, Sir, I suggest that, like the Mayor of Nairobi when he goes to his duties as Mayor, he has a robe distinguishing him from the ordinary person. I think the Government should consider introducing a presidential robe so that when the President comes in, immediately the Member for Gichugu realizes that we have the President in the House, and as soon as the duties of the President are over he should go out of the House, change the robe and come back as a plain Member of Parliament. Mr. Speaker, this would also give dignity, both to the House and to the personality who holds the position. I suggest that the Minister concerned with the formalities or ceremonies of the President should introduce such a robe, a beautiful one and dignified.

Mr. Mbogoh: Mr. Speaker, Sir, I am supporting this Motion and I would like to make a few observations on it.

Mr. Anyieni: Is it in order for the hon. Member to speak so quietly that other hon. Members cannot hear him?

The Speaker (Mr. Slade): Please speak up, Mr. Mbogoh.

Mr. Mbogoh: Mr. Speaker, Sir, what I was going to say is that this Motion is supported fully, but this should not be used, as a cover to dictate to this country or this House by coming and making statements which are unquestionable and which nobody can applaud or do anything about.

Mr. Speaker, some of the President's powers might be abused by some people who do not understand exactly what the President is expected to do. At present I find that even the police—

Mr. Muliro: On a point of order, Mr. Speaker, is the hon. Member not talking about constitutional amendments rather than the Motion before the House?

The Speaker (Mr. Slade): I think it is relevant to this Motion. It is proposed by these draft in Standing Orders that the President shall have special immunities when he makes presidential

statements. That is what the hon. Member is referring to.

Mr. Mbogoh: Mr. Speaker, I have found that sometimes some people will abuse the powers given to the President, not the President himself, but the people who are given the duty of carrying out the orders, abuse the powers and then the President is blamed because of some people misunderstanding the instructions they have been given. It happened that the other day the Prime Minister was passing somewhere. Some policemen were given orders to stop cars when the Prime Minister came near to that post, but they stopped those cars when he was a hundred miles away and the people had to be there for so many hours that it was an abuse of power.

The Speaker (Mr. Slade): You are a little off the point now.

Mr. Mbogoh: I am coming back, Mr. Speaker. I would not like to see Members of this House, the Ministers or anybody, trying to make the Members a subject of intimidation, because of the coming of the President; they might try to look at Members as very simple beings. So, Mr. Speaker, I beg to support.

Mr. Shikuku: Mr. Speaker, Sir, most of the points I had have already been touched on by hon. Members who have already spoken, but I have only one thing to say here.

Whereas we appreciate the dignity of the President, I think it should be made quite clear that I wish to support and emphasize the point raised by the hon. Member for Embu South, Mr. Nyagah, that, in order to maintain the dignity of the President, there must be very few occasions when he will come as President to the Parliament. If we have him coming almost every week, that dignity might be overlooked because as the English say, "Familiarity breeds contempt" if we have the President appearing every week if we have the President appearing every week and almost every day, that might bring contempt to the President, because familiarity breeds contempt. Therefore, I feel it should be on an occasional big day like a State opening of the Parliament, or when the Parliament is going to adjourn *sine die*, or on some special occasion when he comes to the Parliament in a big way and the whole country knows that today the President is going to the Parliament as the President, and everybody will know, but I do not think it would make any sense if you have the President moving in every week or every month. That is one of the points I feel is very important to mention, the dignity of the President.

(Mr. Nyagah)

and Nyando is the only one which has a British settlement officer. So, out of five settlement officers, three are Africans.

As I have previously explained in this House, particular areas or particular schemes cannot be considered out of context of settlement as a whole. Officers are subject to transfer from time to time and from one area to another, depending entirely on the pressure of work on certain schemes.

Africanization of posts in the Ministry of Lands and Settlement, including those of settlement officers, is constantly under review. I should, however, wish to point out to the hon. Member for Winam that settlement officers are engaged by the Public Service Commission and not by the Ministry directly.

Mr. Nyallick: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, is he aware that there is one settlement officer in this area who does not show the farmers what he is supposed to show them and, as such, the farmers themselves do not want to come into the settlement?

Mr. Nyagah: Mr. Speaker, Sir, I am not aware. This is the first time I have heard of it. I would welcome the hon. Member coming and telling us exactly what he knows about this officer.

Mr. G. G. Karuki: Would the Minister tell the House whether the present British officer at Muhoroni is a citizen of this country?

Mr. Nyagah: Mr. Speaker, Sir, I need notice of that question. He is only one out of five non-Britishers.

Mr. arap Sol: Mr. Speaker, Sir, would the Parliamentary Secretary tell us how many African administrative officers of those he has just given are working in this place?

Mr. Nyagah: Mr. Speaker, Sir, I need notice of that question. I have answered about the settlement officers for whom I was asked.

Question No. 698

LOANS TO SUGAR-CANE GROWERS

Mr. Choge asked the Minister for Commerce and Industry if he could tell this House how much money had been loaned to the Chemase sugar-cane growers in Nandi District.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to reply.

Sh. 110/401/43.

Mr. Choge: Mr. Speaker, Sir, when was this money given to these people?

Mr. McKenzie: Mr. Speaker, Sir, in 1962 it was given to 134 farmers. No money was given in 1963, because the Miwani Mill which took the cane was overloaded with cane.

Mr. Choge: Mr. Speaker, Sir, was this money loaned to the co-operative society or to individuals?

Mr. McKenzie: To individuals.

Mr. arap Sol: Does the Minister consider this amount to be enough for these growers?

Mr. McKenzie: It is difficult for me to say whether this was enough or not for the year 1962 but, at present, in the new development in the Chemulick area, we hope that for development in the Nandi Land Unit and Luo Land Unit we will have an amount of approximately £850,000 to spend.

Mr. Kerich: Will the Minister tell the House the maximum loan and minimum loan granted to individual farmers?

Mr. McKenzie: I cannot do that, but I should think perhaps the minimum must be more than 43 cents.

Mr. arap Moi: Mr. Speaker, Sir, arising out of the Minister's previous reply, is the Minister aware that the Nandi within the Rift Valley Region are dissatisfied with the Ministry's intention of setting up or establishing sugar factories within Nyanza Region, and none within the Rift Valley Region, and that there is a great need for at least one factory?

Mr. McKenzie: Mr. Speaker, Sir, I am very glad that this question has been asked because it gives me an opportunity of replying.

We, in the Ministry of Agriculture, do not look upon any regional boundaries at all. All we are interested in is the development, agriculturally, of Kenya, and I want to tell the hon. Member why the site, as it so happens, is going to be chosen in the Nyanza area. We have to take into consideration the availability of water, the availability of power, and availability of rail, and the availability of the majority production of cane being within ten miles of the factory. This has left us with three sites, and they all happen to be within Nyanza, although one of them is within half a mile of the so-called regional boundary. The site that I think will be chosen is the site nearest the railway line, nearest power, and nearest water, and also the site which gives us the largest amount of cane within a ten-mile

(Mr. McKenzie)

radius. But, for his information, we are developing all the cane land which can be developed in the Nandi Land Unit, within approximately fifteen miles of the factory. I am told that this takes all the land below the escarpment. Over and above that, Mr. Speaker, we are prepared, as a Government, to consider breaking up the Kibijori Veterinary Land Holding and giving the Nandi people back at least two thousand of the three thousand acres. I am hopeful that we may even be able to give a little more, but it depends on the amount of land which I will need for a cane station, so I can promise them that it will not be much more than two thousand acres.

The Speaker (Mr. Slade): The question of factories has nothing to do with this question.

Mr. Choge: On a point of order, Mr. Speaker, I wanted to pursue his previous answer, instead of asking the same question again. Could I be allowed to pursue the reply he has given us?

The Speaker (Mr. Slade): Yes, in the ordinary way, though I do not see where a point of order comes in; but we cannot pursue the question of factories.

Question No. 738

POLICE CONSTABLE INVOLVED IN SHOOTING INCIDENT

Mr. Okwango, on behalf of Mr. Maisori-tumbo, asked the Minister for Internal Security and Defence:—

(a) The Minister would tell the House why Kilion Okwaro of Kehancha Police Station, Kuria, was promoted from the rank of constable to corporal and transferred to Ahero after he had been involved in a shooting incident which resulted in the death of an army man named Francis Nyamohanga?

(b) What steps was the Government taking to compensate the wives and children of the deceased Francis Nyamohanga?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I beg to reply.

(a) Constable Kilion Okwaro has not been promoted to the rank of corporal, nor has he been transferred to Ahero. The first part of the question does not, therefore, arise.

(b) Since no claim for compensation in respect of the death of Francis Nyamohanga has been received, the answer to the second part of the question is—none.

NOTICE OF MOTION FOR THE ADJOURNMENT

LOANS FOR CO-OPERATIVE SOCIETIES

The Speaker (Mr. Slade): I have to inform hon. Members that the matter which Mr. Gichoya was to have raised on the adjournment last Tuesday concerning loans to co-operative societies will now be raised on the adjournment next Tuesday, 10th November 1964.

MOTION

SESSIONAL PAPER NO. 6 OF 1964: AMENDMENTS TO STANDING ORDERS

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move the following Motion:—

THAT this House agrees that the draft amendments to Standing Orders, to incorporate provision for the President of the Republic, contained in Sessional Paper No. 6 of 1964, be adopted and henceforth from part of Standing Orders.

Mr. Speaker, this amendment to the Standing Orders arises from the fact that when we become a republic, the Head of Government will also be the Head of State, and also because in our Constitution we provide for the Head of State, that is the President, to be also a Member of the House of Representatives. It is necessary that when he speaks to this House as Head of State, his position and dignity should be so preserved, and also that we should distinguish those occasions when he speaks to the House as a Member from the Front Bench of the Government as Head of Government. Thus, it will be necessary, in the first place, to arrange for a Head of State, that is the President, to have a Chair of State, which will be his Presidential Chair when in this Chamber, sitting as Head of State.

When the President addresses this Chamber from that Chair of State, as President and Head of State, he will be heard in silence, and any statement questions or interruptions, and any statement made from the Chair of State shall not be questioned afterwards. This does not mean that the messages from the Head of State are not the subject of normal debate as it is the case when there is a message from the Crown today. That it is a message in the normal way. What it intended is that when the President speaks from the Presidential Chair, there will be no points of order, no interruptions on explanation, or whatever it is, as is today with Standing Orders. When the President sits in his Chair of State, he

[Mr. Mboya] shotguns as there are home guards and as much ammunition as necessary.

Mr. Murgor: Mr. Speaker, Sir, arising from one of the rude replies of the Minister—

The Speaker (Mr. Slado): There have been no rude replies.

Mr. Murgor: I will withdraw that, Mr. Speaker, Sir. Will the Minister tell us how many times people in the Tana River have been issued with shotguns and ammunition?

Mr. Mboya: Mr. Speaker, Sir, I think we are getting very far away from the question. The question was why does the Government not give any ammunition to home guards established in the Tana River and I have established that they are given ammunition when they are on duty, but if anyone disputes that fact, then he has to tell us on what date and on what occasion and in what place people were not issued with ammunition.

Question No. 740

LAND-ROVER FOR NYANGETA-KIBOS POLICE POST

Mr. Nyalick asked the Minister for Internal Security and Defence if the Ministry would provide a Land-Rover to enable the police at Nyangeta-Kibos Police Post to patrol this area effectively?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to reply.

The vehicle establishment of a region is constantly kept under review and extra vehicles allocated where necessary in view of the incidences of crime and other factors.

There is no establishment for a police vehicle at Kibos Post. On occasions, when there has been a lot of criminal activity above the Nandi/Luo border, a vehicle has been deployed at Kibos temporarily, but no vehicle is available to be stationed permanently at this post. Again, financial considerations are apparent, but it should be appreciated that the police at this post cover an area which is mostly Asian sugar plantations, the Nandi Escarpment and Luo reserve area. There are few roads and most of the police are committed in tracking stolen cattle through the Nandi Escarpment.

Mr. Nyalick: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that sugar-cane being burned around this area and, as such, the

police who are patrolling this area on foot cannot effectively arrest the offenders?

Mr. Mboya: Mr. Speaker, Sir, as I have said, we are aware of the need from time to time to have a vehicle in the area and, whenever that need arises, a vehicle is stationed there for that purpose. On the other hand, it is not quite true to say that on all occasions the only way the police can track a criminal is by using a vehicle. In some cases they have to go on foot in the bush, especially when tracking those who are burning sugar.

Mr. Shikuku: Mr. Speaker, Sir, arising from the reply by the Minister that whenever the need arises, does he imply that the need only arises when these criminals burn the sugar-cane, or does he not agree with me that it is necessary for the police to be there permanently to make sure that these people do not go on burning the sugar-cane?

Mr. Mboya: Mr. Speaker, Sir, the hon. gentleman is not listening. The police are there always, permanently, but we are talking about these vehicles.

Mr. Nyalick: Mr. Speaker, Sir, would the Minister agree with me that since the area in question is so thickly planted with sugar-cane and, as such, it forms a path through which cattle from Kano Plains going to Nandi Hills walk, could he find it possible that in order that the police should carry out their duty effectively, they must have a vehicle with which to trace the offenders?

Mr. Mboya: Mr. Speaker, Sir, as I have said, when the incidents of crime warrant it, a vehicle is placed in this post. I agree with the hon. Member that it might be more desirable to have a vehicle there all the time, and, as soon as we are financially able to do so, this will be done. But I do wish to correct the hon. Member and suggest to him seriously that you can only use a vehicle on roads and, when you are dealing with criminals who are stealing cattle and not walking on roads, you cannot very well use a vehicle.

Question No. 751

POLICE GUARDS FOR SENATORS' AND MEMBERS' HOMES

Mr. E. D. Godana asked the Minister for Internal Security and Defence if the Government would consider posting Kenya Police or Tribal Police as guards to Senators' and Members' homes.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. As a generalization, no, Sir. Any application by individuals for police protection would be considered on its merits.

Mr. E. D. Godana: Mr. Speaker, Sir, is the Minister aware that we leave our children at home without any guard where the *Shifja* are very active, and will the Minister consider giving us special consideration?

Mr. Mboya: Mr. Speaker, Sir, yes. The Government will consider special measures on the merits of the case when an application is made for such protection.

Mr. Anyien: Mr. Speaker, Sir, would the Minister tell this House why it has become necessary to provide police guards at the Ministers' homes and not at the hon. Members' homes?

Mr. Mboya: Mr. Speaker, Sir, there are very good reasons why there is a police guard at a Minister's home, but I do not believe it arises from this question. We have been asked whether we can provide police or Tribal Police guards to the Members of Parliament and Senators' homes, and I have said that where an application is made, it will be considered.

Mr. Kagga: Mr. Speaker, Sir, in view of the fact that one Member's house in Marsabit was attacked by the *Shifja* and his brother killed, does the Minister not consider this enough case to establish guard protection for these Members in Marsabit area?

Mr. Mboya: No, Sir. It is true that there was a very unfortunate incident in which a Member's brother lost his life and the Government deeply regrets this incident, but even if we put guards there, that incident is past. The main point we are making is, if the Member in question now applies, we will consider the security situation in the area and on the merits of the case, we will give guards. I am sure the hon. Member concerned knows what measures the Government did take in this particular case and how much the Government has gone out of its way to cooperate with him and his family in creating better conditions for his home and his relatives.

Mr. Choge: Mr. Speaker, Sir, apart from the Northern Frontier District Members, is the Minister aware that any other Members who apply for guard are unpopular and therefore they should resign?

Mr. Mboya: Mr. Speaker, Sir, I am aware that the hon. gentleman who has asked the question

was a chief once and perhaps that is why he resigned.

Mr. Shikuku: Mr. Speaker, arising from the previous reply of the Minister, could he tell this House on what grounds, through what channels, the Ministers applied for security and is it because they are so unpopular?

Mr. Mboya: Mr. Speaker, Sir, if the Ministers were unpopular the hon. gentleman would be sitting on this side and the Ministers on that side.

Mr. Agari: Mr. Speaker, Sir, on this particular question on security of Members, since it is known that *Shifja* want to get at their first target, the Members who are loyal to this Government, from the Northern Frontier District, would he consider a general provision of guards for Members without waiting for an applications to be made?

Mr. Mboya: Mr. Speaker, Sir, I have made this point. Sometimes it is useful for a Member to be supplied with security guards; sometimes it is not useful; and the hon. Members who come from this area have discussed these matters with the Government from time to time. Some of them are issued with ammunition when they need it; some of them, when they go to the areas where the security situation is bad, are accompanied by armed guards; and some of them are flown to their homes from time to time to avoid passing through areas that are infested with *Shifja*. Every step is being taken, but it must be discussed with the Members concerned. They know the situation better than any of the other Members who only read the general statements that have been made in this House.

Question No. 692

AFRICANIZATION: SETTLEMENT OFFICERS. MUHOROINI

Mr. Nyalick asked the Minister for Lands and Settlement what he was doing to Africanize the posts of settlement officers in such areas as the Muhoroni Settlement Scheme.

The Parliamentary Secretary for Lands and Settlement (Mr. Nyagah): Mr. Speaker, Sir, I beg to reply. In the Muhoroni complex of schemes in which I assume the hon. Member for Winam is referring to, rather than the Muhoroni scheme itself, there are at present three Africans, one Briton and one Israeli settlement officers. One of the schemes is Soghor which has an African settlement officer; Muhoroni is another one with settlement officer; Bolo has an African Israeli settlement officer; Bolo has an African settlement officer; Tanui has an African settlement officer;

The Speaker (Mr. Slade): In this debate we have thirty-six minutes still to run, which will take us just to half past six this evening. I have to call on the Mover to reply, if he is here, at twenty minutes past six.

Mr. Kase: On a point of order, Mr. Speaker, I would like to seek your ruling in this. I know that the hon. Member has gone to Mombasa by air. I wonder whether when we come to the time of replying, who would reply? Can somebody else reply instead of him or can another Member speak instead of using that time for an hon. Member to reply?

The Speaker (Mr. Slade): No hon. Member can reply in place of the Mover of any Motion unless the Mover has expressly ceded that right to some other Member by statement in this House, which has not happened here. If, however, we come to 6.20 and the Mover is not here to reply, I do not see why we should not use the remaining ten minutes in hearing other hon. Members.

(*Resumption of debate on first part of the amendment that the words to be left out be left out interrupted on 8th October 1964*)

Mr. Shikuku: The Motion as it stands has my full support—

The Speaker (Mr. Slade): Sorry, Mr. Shikuku, the question before the House at the moment is the amendment proposed by Mr. Odero-Jowi as given on the Order Paper. There, I think I ruled, that the debate on this amendment could be combined with the debate on the main question.

Mr. Shikuku: Thank you very much, I will speak on both. The amendment, of course,

comes in as usual, and the Government do not always like to face things as they are.

Mr. Speaker, Sir, the amendments which came did not take me by surprise because the words that are being introduced here are to suit Government purposes as usual, but nevertheless I have no very big quarrel with the amendment as such. The point I wanted to raise is on the question of employees who are employed by private individuals or individuals as such. But may I touch on the question of employees, particularly those employed as house servants where there is no system whereby one can help them because—

QUORUM

Mr. Choge: On a point of order, Mr. Speaker, I wonder if we have a quorum in the House?

The Speaker (Mr. Slade): No, we do not, ring the Division Bell.

(*The Division Bell was rung*)

ADJOURNMENT

The Speaker (Mr. Slade): We have waited long enough for a quorum. Those five minutes will not be counted against your time, Mr. Shikuku, but they will have to be counted against the time spent on the debate generally because of the lack of interest shown by hon. Members in this debate.

The House is now adjourned until tomorrow, Friday, 6th November, at 9 a.m.

(*The House rose at five minutes past six o'clock*)

Friday, 6th November 1964

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 Sessional Paper No. 6 of 1964: Amendments to the Standing Orders of the House of Representatives, Kenya.

(*By the Minister for Justice and Constitutional Affairs (Mr. Mboya)*)

ORAL ANSWERS TO QUESTIONS

Question No. 727

CATTLE RANCHING CO-OPERATIVE FOR MUTITO DIVISION

Mr. Mwamba asked the Minister for Commerce and Industry what he was doing to help the people of Mutito Division, who were mostly cattle raisers, to enable them to take part in cattle ranching co-operatives, since they could not ranch in Yatta due to the distance which was one hundred miles from Mutito to Yatta.

The Parliamentary Secretary for Commerce and Industry (Mr. Mohamed): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply. Seven months ago my Ministry opened a co-operative office in Kitui to promote co-operative development in the district. I am pleased to inform the House that the Commissioner for Co-operative Development registered the Yatta Kanyoonyoni Ranching Co-operative Society Limited in July 1964 for livestock owners in that area. I am informed that Mutito Division is about seventy miles from this ranching co-operative. So far no application to register a ranching co-operative for Mutito has been received by the Commissioner for Co-operative Development. The answer, Sir, is for the livestock owners from Mutito Division to approach the Officer-in-Charge, Co-operative Development, at Kitui, to investigate the possibility of forming a ranching co-operative.

Mr. Mulla: Arising out of the Parliamentary Secretary's reply, Mr. Speaker, could he tell the co-operative officer to talk to people at Kitui so that they have their own ranching co-operative in the area?

Mr. Mohamed: Yes, Sir, I am prepared to do that.

Question No. 728

ADMISSION FOR TANA HOME GUARDS

Mr. Kase asked the Minister for Internal Security and Defence why the Government did not give any ammunition to the home guards established in the Tana River area.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to reply. Home guards in the Tana River area are issued with shotguns when they are on duty, complete with the necessary ammunition. The question does not, therefore, arise.

Mr. Kase: Mr. Speaker, Sir, could the Minister tell this House at which village or local centre home guards are issued with guns because I know none of them is given ammunition?

Mr. Mboya: Mr. Speaker, Sir, all I can say is to repeat what I have said, that home guards in the Tana River area, when on duty, are issued with shotguns and ammunition.

Mr. Kase: Mr. Speaker, Sir, arising from the Minister's reply, is the Minister aware that home guards around Garissa are asked by the police officers to go across the river to see whether there are any *Shifis*: Somalis, and yet they are not given any type of ammunition? Does this also mean that when they go to find out whether there are any *Shifis*, this is not duty?

Mr. Mboya: Mr. Speaker, Sir, I am not aware.

Mr. Kase: Mr. Speaker, Sir, is the Minister prepared to look into the matter if I can bring him a list of areas which have home guards and if they are not given any ammunition when on duty?

Mr. Mboya: Mr. Speaker, Sir, we look at all matters which are brought to us.

Mr. Mulla: Mr. Speaker, Sir, arising out of the Minister's reply, that the home guards are supplied with shotguns and ammunition on duty, when is a home guard on duty? I thought the home guards should be on duty all the time.

Mr. Mboya: Mr. Speaker, Sir, a home guard is on duty when he is on duty.

Mr. Shikuku: Mr. Speaker, Sir, arising from that reply, could the hon. Minister tell the House, right from the time the home guards were first instituted, how many guns and bullets have been given to these people?

Mr. Mboya: Mr. Speaker, Sir, I need notice of that question. They are issued with as many

[Mr. Khalif]

colonial time—Your questions will not serve anything in this respect.

The Speaker (Mr. Slade): Mr. Khalif, you know you have to address the Chair. Do not be provoked by interjections.

Mr. Khalif: Mr. Speaker, Sir, having made that point, I would like to support Mr. Rurumban's Motion, as an amendment, of course.

Mr. Speaker, Sir, the amendment which has already been made by the Minister for Constitutional Affairs is, I think, in the best interest of the Samburu people. I do not think that any Motion should be tackled in comparison to the North-Eastern Region, because the North-Eastern Region has always been a special case. It has been a special case because the Colonial Government neglected the North-Eastern Region. If I may be allowed to say so, the North-Eastern Region is a special case because it underwent a lot of sufferings, negligence, by the Colonial Government.

Mr. Speaker, the question of *Shifita* does not come into this Motion at all. The question of *Shifita* does not arise, because the *Shifita* are terrorists. They are people who are against Kenya as a nation, and therefore, this should not be used as a reason in support of Mr. Rurumban's Motion.

Therefore, Mr. Speaker, if I may continue, I want to make it very clear—and I want to say point blank and in no uncertain terms—that the Samburu have a special case for advancement. However, Mr. Speaker, the Samburu should not use the question of the Somalis from the North-Eastern Region as a reason to lay their questions.

Mr. Speaker, Sir, the amendment here is very clear and if I may say so the Government might take into consideration what was granted to the North-Eastern Region for development in comparison with the Samburu problem, but, Mr. Speaker, it is completely out of order, if I may say so, that the Samburu should use the North-Eastern Region as a comparison for their case of problem.

Mr. Anyieni: On a point of order, Mr. Speaker, Sir, is it in order for the hon. Member to compare the Somali with the Samburu?

The Speaker (Mr. Slade): Yes, I think you have made this point very clear, Mr. Khalif.

Mr. Khalif: Mr. Speaker, Sir, I do not like, as the hon. Mr. Anyieni said, to be repetitive in any way. I thought that I was trying to make my

point very clear so that the hon. Mr. Rurumban should understand.

Mr. Rurumban: On a point of order, Mr. Speaker, Sir, is the hon. Member in order to impute that I asked the Government about the amount of money in comparison with the Northern Frontier District?

The Speaker (Mr. Slade): Yes, because that is the actual basis of your Motion, as I see it. You are asking for the same amount of money as the North-Eastern Region got. That is a comparison.

Mr. Rurumban: On a point of order, to misuse a Motion like that?

The Speaker (Mr. Slade): There is nothing out of order in what you did. The hon. Member is only arguing that it was not a very good thing to do. He did use the expression "out of order", but he did not mean to say you were out of order. He meant you were wrong.

I will now dispose of the amendment.

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

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

(Question of the Motion as amended proposed)

The Speaker (Mr. Slade): I now call on the Mover to reply.

Mr. Rurumban: Thank you very much Mr. Speaker, Sir.

Before I reply I would like to comment on the point that was stressed by my hon. friend, Mr. Khalif, by telling me not to use the North-Eastern Region in comparison to whatever I want the Government to give to my people. I would like to tell him that there was nothing wrong in that.

Mr. Speaker, before I embark on the amendment of my Motion, I would first of all like to thank all hon. Members who supported this Motion. The support they gave to my Motion manifests the desire of the House of recognizing the urgency of the need for accelerating the development projects in Samburu District.

I would like to comment on just one point in the amendment. The amendment reads, recognizing the Government's commitments to the policy of assisting the more backward areas. Mr. Speaker, even before I moved this Motion, the policy of the Government was committed to the policy of assisting the more backward areas, but

[Mr. Rurumban]

to raise their standard of education and living. For information of the hon. Member, if he is here, or rather for the information of the Government, the present Samburu are not the Samburu of 1958.

I fully agree with what the hon. Mr. Okelo said, that it is not money alone which brings development, for development one must be willing to work and that is true. I would also like to tell the Government that the Samburu are conscious of their old inertia and are now forsaking their tribal traditions and superstitions. They are now quite aware of the change of wind and they want to catch up with the more advanced districts.

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

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

(Question of the Motion as amended put and agreed to)

Resolved accordingly:—

THAT, in view of the fact that the Samburu District was neglected by the Colonial Government in all spheres of advancement, this House recognizing the Government's commitment to the policy of assisting the more backward areas of the country and noting the recent steps taken by the Government in the development of the North-Eastern Region, urges the Government to accelerate its development projects in the Samburu District and especially to help the people of that area in the fields of agriculture, social services and education.

Mr. Speaker, I come now to individual points. The hon. Mr. Mboya, when he replied to my Motion, or when he made the amendment, said that the Government was always conscious of the problem in Samburu District. Mr. Speaker, Sir, my quarrel arises from these words. If the Government had been conscious always of the problems in Samburu District, why was it not included in a single project or just earmarked with some money for the development in the Samburu District. We can be conscious of problems or things but we never take the initiative of trying to implement or to effect it. So what I am asking the Government, although I accept the Motion as amended, it was not bad, is to start working and to start acting, not just use feeble words, not just words but action is what we want. I was glad that the Government recognized its commitments and I believe the Government would fulfil its promises. I would also ask the Government to accept the urgency of this situation and not to drag its feet to effect its commitments, but take action and solve the problems as they arise in the district.

The other speaker who spoke on my Motion, the hon. Parliamentary Secretary Mr. Okelo-Osongo, said that Samburu has no interest in development. He said that the schools are empty. Mr. Speaker, Sir, that is absolutely poppycock, because the present schools are full to capacity. The Samburu need more schools now. They need

MOTION

OBLIGATORY ANNUAL LEAVE BY PRIVATE FIRMS

THAT this House, being aware that some individuals and private firms do not grant their employees leave, urges the Government to introduce legislation which makes it obligatory for every employer who has completed twelve months service to be granted a minimum of fourteen days paid leave.

(Mr. Omar on 8th October 1964)

Amendment proposed:—

THAT be left out of the Motion the words "to introduce legislation which makes it obligatory"; and that there is inserted in place thereof the following words "to extend the coverage of the Wages Councils to include all those fields of employment at present not covered by these Councils or by the Trade Unions, in order to ensure . . ."

(The Parliamentary Secretary for Labour and Social Affairs on 8th October 1964)

[Mr. Rurumban]

such a dispute is likely to continue for a considerable length of time, although I have every reason to believe that our Prime Minister, both as a patriot and a negotiator, would not shrink from such difficulties and dangers from which our country has not much to gain. I would therefore ask the Kenya Government—

The Temporary Deputy Speaker (Mr. Warriithi): That is the end of the time for Group Motions. We now go on to Free Lance Motions.

Mr. Rurumban: Was a point of order, Sir, how many minutes was I given?

The Temporary Deputy Speaker (Mr. Warriithi): Your time is not finished; you may continue when the debate on your Motion is resumed. We have two hours for Group Motions and then we have to move on.

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

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

MOTION

DEVELOPMENT MONEY: 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.

(Mr. Rurumban on 24th September 1964)

Amendment proposed

THAT all words after the word "House" be deleted and that there be inserted in place thereof the following words—

"recognizing the Government's commitment to the policy of assisting the more backward areas of the country and noting the recent steps taken by the Government in the development of the North-Eastern Region, urges the Government to accelerate its development projects in the Samburu District and especially to help the people of that area in the fields of agriculture, social services and education."

(Minister for Justice and Constitutional Affairs on 24th September 1964)

The Speaker (Mr. Slade): We just have to ascertain how much time remains for debate on this Motion.

Mr. Khalif: On a point of order. Mr. Speaker, I am seeking your guidance. In view of the fact that the Motion under Order No. 6, which has just been closed, and the Motion under Order No. 8 both come from Mr. Rurumban as the Mover, may I know whether the House can give leave to Mr. Rurumban to continue with his first Motion under Order No. 6 if he so desires?

The Speaker (Mr. Slade): No, I do not think so, because these Motions, once they have been proposed, are in the possession of the House, and that includes Members who may not be here at this moment. Then we have our rule that we go on to free-lance Motions after two hours on Group Motions, and it has been decided by the Sessional Committee that this Motion should be the first of the free-lance Motions to be taken. There is also the desirability of finishing this Motion which is half debated, so I think we will have to stand by the rule and proceed now with Order No. 8.

I apologize to the House for holding you up. We find, going back, that there are twenty-five minutes left for this debate to continue, and fifteen minutes from now we shall have to call on the Mover to reply.

The position is that the question now before the House is an amendment which was proposed by Mr. Mboya as noted on the Order Paper. I assume that when that amendment was proposed, the Deputy Speaker who was then in the Chair, I think, ruled that the debate on the amendment and the main question should be combined.

(Resumption of debate on first part of the amendment that the words to be left out be left out interrupted on 24th September 1964)

Mr. Kase: Mr. Speaker, I would like to point out a few things in support of this Motion. Here, Mr. Speaker, the Mover made it very clear that this area, the Samburu District, was backward, and I think he mentioned two hospitals. If I am wrong I stand to be corrected. There are just a few intermediate schools or primary schools. Now I notice in the amendment of the Minister that he went on mentioning the North-Eastern Region and he goes on further to state that the Government is committed to the backward areas. But, Mr. Speaker, I would like to say one thing here and that is that the Minister knows very well that this area is backward, he should at least have told us what is contained in the Development Plan to help these particular people in the spheres of agriculture, social services and education. But all he did was to play with so many words here, I think there are about seven lines of words here, so that

[Mr. Kase]

he felt that he really meant business and sympathized with the Samburu. Now, Mr. Speaker, I say that if this amendment is accepted—the Minister was very sincere, he was not joking with the House, I believe—action must be taken because several Motions have been amended and accepted but then nothing has been done. I remember, Mr. Speaker, if I can recap, I moved a Motion here on wild life. It was amended, and nothing has been done so far. Several other Motions have been amended and nothing has been done about them. Now if the attitude is to amend a Motion so that we can see that the Minister is really sincere with the situation, then let that amendment really work, but if Motions are going to be amended so as to appease the Mover of that Motion, I do not think it will help us much and at least, Mr. Speaker, we expected the Minister to tell us that in agriculture we will be prepared to do this and in the sphere of social services we are prepared to do this and in the sphere of education we are also prepared to do this. But all he did was to say that he sympathizes with the situation.

Now, Mr. Speaker, we cannot always go on sympathizing. Swahilis say "Ngaja Ngoja matumbo yaaza". That is when you want too much the intestines get rotten. Now always sympathizing will make things go wrong one day. The Mover made it very clear that it was because the North-Eastern Region people were *Shifia* that they got development money. Are they also being asked to do the same, which he does not want them to do. If we are not ready to see that these backward areas are really improving by corruption, they are bound to be affected by corruption. I will give an example, Mr. Speaker. I hope you will excuse me. In my constituency there are two locations which were the former Northern Frontier District, today these two locations are in the Coast Region. Now they can easily see that their colleagues who are now in the North-Eastern Region are benefiting, so what do they say to me today? "Come on, let us go to the North-Eastern Region." These are the things that we want to run away from. If the Samburu people begin to think along the same lines, as my people are thinking this Government is going to have a headache. I think it was completely wrong for the Government to have sent some money for the North-Eastern Region alone, not for the whole of the Northern Frontier District because this money that was set aside for the North-Eastern Region, those neighbours who were living with their friends who are now in the North-Eastern Region, can see these people are being favoured because they were *Shifia*. Shall we sit-up trouble?

Mr. Khalif: No.

Mr. Kase: I hear the hon. Member for Wajir North saying no. Mr. Speaker, he knows himself very well that his people are not very co-operative.

Mr. Speaker: I think the Government, especially in these backward areas which are adjacent to the North-Eastern Region, must handle the people properly, because if they do not handle them properly they are bound for corruption and once corruption begins we shall find that these people can go the other way and we do not want to see them going the other way. The hon. Member wrote a letter to the Prime Minister inviting him. I think it is a long time since the Motion came here, but we have not had even a Minister. How can we say we are sympathizing, and we do not do anything in practical terms? I do not want to dwell on this, Mr. Speaker, but I would like to say this, and I have made my point very clear. Unless the Government can decide to develop this Samburu District which was in the former Northern Frontier District, and a few other parts, Mr. Speaker, which are backward areas as mentioned in this Motion, those people who were trained with the people in the North-Eastern Region of today, are bound for corruption, and this is the only point in this Motion which is clear to the Government. What I want to make clear to the Government, that if they go to the North-Eastern Region they will be caught. If these things are not avoided, Mr. Speaker, I think we shall see a lot of corruption.

With these few remarks, I beg to support.

The Speaker (Mr. Slade): I shall have to start dealing with the amendment and call on the hon. Mover to reply in about five minutes.

Mr. Khalif: Mr. Speaker, Sir, although I do really sympathize with Mr. Rurumban's Motion, I feel that my pointing out some points is inevitable. Mr. Speaker, in tackling this question, I do not want it to be understood in any way that the Somalis in the North-Eastern Region get privileges, because they are against the Government, or because they are *Shifia*. Mr. Speaker, the Somalis in the North-Eastern Region Sir, the Somalis in the North-Eastern Region only get privileges better than other tribes in Kenya because they have been neglected by the Colonial Government.

An hon. Member: What about Samburu?

Mr. Khalif: Mr. Speaker, Sir, my friend is asking me: 'What about Samburu?' May I assure hon. Members in this House that the Somalis were neglected, then the Samburu, the Turkana and any other tribe in Kenya, during the

[Mr. Ngala]

Now, the other thing is that the Parliamentary Secretary said was that appointments of chiefs were made according to their economic circumstances. I think it is a lot of futile exercise to prove to the House that he is making a point. Of course, he is not making any point. Is the chief engaged to produce more children? Is the chief appointed to see that the people in the location produce many children? His job is to see that the Government policy is carried out, and whatever policy is issued to the chief at Galole, the same policy is issued to the chief at Kisumu and the chief at Kiambu, and Kajjado, and they have to interpret the policy of the regional authority or the Central Government. This does not differ in different areas, therefore, to base the salary on population density is entirely wrong. Furthermore, you are not doing that with other civil servants, therefore, you should not do it with the chiefs.

Now, coming to holidays, the Parliamentary Secretary said that they get holidays because the District Commissioner gives the holidays. This is not what I am asking for. This is the trouble with having Parliamentary Secretaries who do not do their homework. I am asking for the terms of service to be looked into. The chiefs should not be deprived by the attitudes of the District Commissioners. If he had had a serious quarrel with his wife, he would be in a bad mood and would refuse the chief a holiday, and that sort of thing. It is written in the agreement of the employment of chiefs, and I made it quite clear that at the moment they are getting their holidays from the District Commissioners, but I want this agreement to be looked into. It is not matter for sympathy or favour of the District Commissioner.

Now, one point has been made clear which I want the Minister to take. The chiefs should be free from political engagements. Today, even the Minister for Home Affairs went round the country and told the chiefs that they had to be Kanu and said that they must become Members of Parliament. Now, I heard this over the radio, and it is most unfortunate that these affairs are going on. Chiefs should be completely free from political activities. They should not be used as stooges of our Government and a political instrument for the Government. What the Government—

Mr. Khalif: On a point of order, Mr. Temporary Deputy Speaker, can the Leader of the Opposition substantiate that the Minister for Home Affairs went around the country and told

the chiefs: that to retain their positions they would have to join Kanu?

Mr. Ngala: When the Minister for Home Affairs visited Galole on 17th August, this year, he said that the chiefs should become Members of Parliament, and should support Kanu. When he was in Kilifi, he repeated the same thing, that they should join Parliament and support Kanu. That of course would require the support of the chiefs before doing anything. If you are a highly political man, you should leave the Civil Service, as many other civil servants have done. We do not want the chiefs to be turned into youth wingers or a political organization in the light of..... (Inaudible)

Mr. Temporary Deputy Speaker, Sir, I am completely dissatisfied by the disinterest the Parliamentary Secretary has shown over the affairs of the chiefs. He, as a Minister, is responsible for the chiefs, and ought to have shown a better attitude, a better understanding of the hardship that is facing the chiefs. He said that he only considers the chiefs in..... I would like him to stop favouring his location alone, and look at Kenya as a whole.

I beg to move the Motion.

(Question proposed)

(Question put and negatived)

MOTION

SOMALIA AND NORTH-EASTERN REGION DISPUTE

Mr. Rurumban: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:—

THAT, in view of the Somalia disrespect for the Resolution adopted in the O.A.U. Conference at Cairo on frontiers existing on independence, and in view of the continuity of the state of affairs in the North-Eastern Region of Kenya, this House urges the Kenya Government to seek, as soon as possible, with the Somalia Government, an amicable settlement of the North-Eastern disputes.

Mr. Temporary Deputy Speaker, Sir, a Motion like this that seeks to settle a dispute or a conflict which has proved to be tragic should be treated with wisdom. Mr. Temporary Deputy Speaker, Sir, what made me undertake this venture, or what made me bring up this matter is a statement which appeared in the *East African Standard* on 1st October 1964, and the fact that the longer the present situation in the North-Eastern Region continues, the more it will affect the neighbouring districts, and the more harm will be done to the so-called loyal Somalis.

[Mr. Rurumban]

Mr. Temporary Deputy Speaker, Sir, the statement is a result of the Motion passed in the Somalia National Assembly, which proved beyond doubt that the Somalia Government is not committed to the Organization of African Unity, nor committed to accept any resolutions regarding the frontiers, which is entirely against the concept of African Unity.

I beg to record the statement: Somalia will not be bound by the O.A.U. resolution calling for the maintenance of a *status quo* on African frontiers, the Somalia National Assembly has decided.

A Government Motion approved unanimously said the O.A.U. resolution adopted the Cairo summit pledging member States to respect frontiers existing on independence "is in no way binding on the Somali Republic".

Nor was it applicable to present disputes Somalia had with Ethiopia and Kenya, the Motion said.

It expressed dissatisfaction with the O.A.U. programme for settlement of future disputes, saying oppression by an African State was no less than that effected by the Colonial Power.

Frontier disputes should be solved on the basis of recognition of the people's right to self-determination.

The Council of Ministers has decided that President Aden Abdullah Osman will visit Peking, Bulgaria and West Germany.

Mr. Temporary Deputy Speaker, Sir, the statement, as it reads, reflects the true hearts and minds of the Somali people. Also, the statement in another way tries to instil fears, mistrust in the Somalis in Kenya so that they will constantly trouble the Kenya Government seeking secession.

Mr. Temporary Deputy Speaker, Sir, the statement is also an encouragement to the Somalis in Kenya to achieve a high morale, so that they will struggle to achieve the principle of self-determination, and the greater Somalia is behind them. Mr. Temporary Deputy Speaker, Sir, such statements really poison the minds of the Kenya Somalis because they believe that so long as we struggle for self-determination we have our Government behind us.

Then again, Sir, within a period of one year the Somali Government has taken three major steps on the question of the North-Eastern Region. The first was that they broke off diplomatic relations with Kenya. Secondly, as soon as male relations were broken off, they started guerrilla warfare. Thirdly, they have ignored the

resolution adopted in Cairo by the Organization for African Unity conference. Mr. Speaker, Sir, this is sufficient to indicate that the Somalis will carry the struggle for self-determination to the bitter end. We should not, in fact, delude ourselves that the Somalis in Kenya are with us. Mr. Temporary Deputy Speaker, the attitude of the Somali Government does not help to temper the present tension in the North-Eastern Region. What we note now, Sir, is the expansion of the *Shifita* activities. In the neighbouring districts they do untold damage to people's property and carry out brutal attacks on human beings.

Mr. Temporary Deputy Speaker, Sir, I am not implying that our security forces are not doing their job. In fact, I should congratulate them for the fine efforts and spirit they have shown under such unfortunate geographical conditions. Sir, it is obvious that the *Shifita* have expanded their range of activity. The Samburu District in Rift Valley Region is now afflicted. Three instances of *Shifita* activities have occurred in that district. The Meru District which is in Eastern Region has been afflicted. Laikipia in the Rift Valley has been afflicted. Kijungu and Galole in the Coast Region have been afflicted. Again, the unfortunate Somalis who were not courageous enough to join the *Shifita* forces, such as women, children and old men, are really suffering a great deal, both from the security forces and the *Shifita*.

Mr. Temporary Deputy Speaker, I am very appreciative of the efforts the Kenya Government has made to try to promote an understanding relationship with the Somali Government or the Somalis in Kenya through the medium of the Press and also by raising the social status of the Somali people in Kenya, but what, particularly depresses me, Sir, is the fact that the situation in the Northern Frontier District is still as bad as it was before. In fact, it is now extending even to districts in which the people were not claiming to be. Such activities do untold damage to human beings and people's property. I believe that if the present state of affairs continues un-abated, whatever the end result may be, it will cause wounds in the structure of our relationship which will take a long time to heal.

Mr. Temporary Deputy Speaker, Sir, I am most afraid that this expansion of the *Shifita* activities may affect some other districts. In fact, it is now rumoured that one Samburu has already joined the *Shifita* group. Tomorrow some people will join at Galole, some in Laikipia, and the situation will continue like that. Sir, unless the Kenya Government, with the Government of Somalia, does something to settle such a dispute,

[Mr. Khalif]

understand that there are places like the North-Eastern Region and various other places where chiefs are not provided with Tribal Police as escorts during their working hours.

The Parliamentary Secretary for Home Affairs (Mr. Moss): Mr. Speaker, Sir, there was another important point which was raised here regarding loans for cars. I am sure many chiefs get loans to buy their cars and I remember quite a number of chiefs who come from my own area who have had a loan to purchase a car on hire-purchase. I told you earlier on that there are so many factors that determine the classification of chiefs. Do not forget that I mentioned that we do consider the merits. So you will find automatically that those chiefs who have better qualifications and better salaries which enables them to purchase their cars.

Another point, Mr. Speaker, that I would like to inform the hon. Members about allowances for chiefs while on duty. This is a matter that I do not need to go into right now, but it is something that I will report to my Minister and we will see how far we can deal with the matter. As regards holidays, Mr. Speaker, I think the hon. Member in the Opposition was very wrongly informed by whoever gave him the information that chiefs do not get holidays.

Mr. Ngala: Nobody said that.

The Parliamentary Secretary for Home Affairs (Mr. Moss): You did.

Mr. Ngala: They get it at the discretion of somebody else.

The Parliamentary Secretary for Home Affairs (Mr. Moss): And what do you call that? Is that not a holiday? I am glad the hon. Member agrees that chiefs go on leave. Mr. Speaker, Sir, I seem to have exhausted the points that the hon. Members have raised here and with these remarks and explanations to the House I beg to oppose the Motion.

Mr. Ngala-Abok: Mr. Speaker, Sir, I would like to congratulate the hon. Parliamentary Secretary to the Ministry of Home Affairs for what he has briefly outlined, but not necessarily supporting everything that he has said because he has overlooked a number of important points, in fact chiefs are people who are supposed to deal with nearly everything that takes place in the location and it is difficult to see how chiefs could be classified in such a manner that he is still regarded as a chief, like any other chief, and yet his grade is so low that he does not even deserve to be called a chief.

I would like to propose a number of points here. One, that the Ministry of Home Affairs should establish a policy whereby every chief must have a certain standard of education. It is difficult to see sense in what one of the Members of the Opposition said that education should not be taken into account because a chief as such must understand the basic principles on which economy is based, and economy only starts at the very beginning and that is at their very own place and that is where a chief is supposed to look after. It is difficult to see how a District Officer or Regional Government Agent, for that matter, could make the policy of the Government work in his location where the chief himself still believes in witch-doctors and witchcraft in order to maintain his position as a chief so that he does not follow the policy.

A Member is alleging that even Members here do go to witch-doctors—but that does not apply. The question is that we should get the chance to be able to translate, to interpret, the elementary economics of a country or of a location for example. A chief should always take round anybody, any visitors, like a friend of mine said here, from America or Russia, with a different outlook and so on. It is very shameful to see a chief having an interpreter near him, whereas he is doing a job that should make him a lot of money, particularly as we are now fighting for better salaries and so on. We should get a man capable of understanding, not only Swahili, which I understand some people want us to introduce so as to ignore English, which of course is a very vast language with a lot of proverbs and so on, but since we believe that a language will help you to do your job properly the Ministry would have explained what they mean by merits in this case, because I think merits would mean language, to start with, and the language would mean education and education would mean academic education or general experience that a chief may gain. It is also difficult for a chief who is completely literate to gain knowledge of his job quickly. There are going to be a number of things if you listen to an old man who cannot bring forward any reasonable point at all, and he will want to listen to a woman, who simply creates problems for the chief and does not want the chief to work properly, and so we want chiefs with a certain standard of education first, so that we do not get information like that we have just been given that in certain places it is very difficult, to get an educated chief.

[The Speaker (Mr. Slade) left the Chair]
[The Temporary Deputy Speaker (Mr. Warjūhi) took the Chair]

[Mr. Ngala-Abok]

Nearly every tribe is represented here in Parliament and I do not see how the job of a chief is too difficult to get somebody to occupy with a certain amount of education to be able to understand the economics of a location.

Another point is that the capabilities of a chief at the present time should be determined and the Minister for Home Affairs should do this. This should be determined by the knowledge of a chief to know how to deal with a politician and how to deal with non-political affairs. The chiefs, at the moment, many of them, engage in politics. They forget their job of understanding the directives from district officers and from Regional Government Agents and from the Ministry of Home Affairs, they forget that one, and yet they say they collect a lot of other politicians and then they go to these Baraza, they overwhelm him, they express their own views and the chief himself takes an inferior position, and then the Baraza is finished before the old man or the people of the location understand the real Government projects that the chiefs should establish. So this must be checked and rechecked, because the job of a chief should be one of interpreting the Government's programme and the Government's plan for the development of a location, and this should be strictly so. This will give the chiefs the salary they deserve, because we have found that they are getting a lot of pounds here and we are after improving the salary that they are already getting, but before we improve on the salary that they are getting, the Ministry of Home Affairs must know what sort of job the chiefs are doing so that we are not going to be told that some of the chiefs are quite incapable and therefore we cannot give them a better salary. It may be that the Ministry of Home Affairs is unable to organize a programme, an educational programme, where the chiefs could be taught their job, but I am glad that of the present chiefs who were appointed recently, some have been sent to various centres, but I think the period has been very short. They have gone to those centres to learn for only three weeks and I understand that Government money was used for flying them all over the country and checking and seeing developments from the air. This was to show the chiefs that their job was big enough, but when we come down to the salary of a chief we find that a chief is getting one hundred and twenty per month and yet he has been flown all over Kenya to see developments. Why should he?

An hon. Member: One hundred and twenty what?

Mr. Ngala-Abok: Shillings. Why should a chief be given such facilities and when he gets down to his job he is not given enough money and then it is stated that because of merit and because of this and that, the salary is not deserved by a chief of that nature.

Another point is that overseas tours are very important, but I think that sufficient tours should be organized in Kenya here, not necessarily overseas tours. The chief is concerned with elementary matters of the country and of the locations, for example, he could even go on a tour of Kiambu, and he would see a lot of changes there and that will give him enough experience to be able to run his location, but that does not mean that I do not want some of the good chiefs to be sent overseas and to see developments there. It is important that in future regional government agents and district officers and so on should be taken from among these chiefs who have sufficient education and who have understood the minds of the people, who are supposed to be looked after by the Regional Government Agents and the district officers. This does not mean that other qualified chiefs may not be appointed as district officers, but once a person has had the experience of a chief he will find his job much easier because the job of a district officer is merely to go to a chief's Baraza, explain to the chief what is required, address the public and go back to his office, dealing purely with administration. So we should prepare these people from the very beginning and make sure that we are going to get them somewhere.

Now, to avoid corruption, the Ministry has not stated what it is doing to make sure that chiefs never accept bribes or to make sure that chiefs develop such a personality that they will see the difference between a political issue which he will leave to the politicians, and then he will see his own issue of a chief who wants to run on smooth relations with different personalities in the location.

In doing this I would like the Ministry to understand my position. My position is that I am in support of this Motion.

Mr. Shūkuu: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion most strongly despite the fact that the honourable Parliamentary Secretary, having rejected it, makes me think that he was not all that serious in his rejection, because there was an amendment to the Motion proposed by him. Unfortunately, Mr. Temporary Deputy Speaker, it was not accepted so instead of getting us another amendment to his Motion, he found a short-cut to his difficulties and to his difficulties was to reject the Motion.

[Mr. Anyieni]

Mr. Speaker, Sir, when a District Commissioner, a Member or even a guest arrives the man they find on the spot is not the Member of Parliament. It is the chief, the Member of Parliament is in Nairobi, and the member of the Regional Assembly is in Kisumu or is in Mombasa, the member of the county council is in the town, the other member is out. The man now who is in charge of that area is the chief, and he will find when guests come from outside, guests from Russia, that they want to tour that area, they want to find out what people do, or they have come from America and they want to set up a school, but they want the chief to go around with them. Sometimes the chiefs are put in a very embarrassing position because they are not given any entertainment allowance. What we should demand from Government is that when a chief has distinguished guests, the chief can provide food and such facilities for the guests and if these distinguished guests who have come to tour the location in order to bring development for the location, I do not mean just anyone, but really distinguished visitors to the area who see the chief and then the chief ought to be able to claim something. Let us say, for example, if the District Officer goes there and he is going to stay there and the chief is going to feed him, he is going to give him this and that. It is very important that the chief should be given permission to claim, because other Government officials are given permission to claim if they receive visitors of that kind. Now, Mr. Speaker, Sir, the chiefs should be given some allowance so that they should also look good.

Mr. Speaker, Sir, my last point—

The Speaker (Mr. Slade): I am afraid you have had your ten minutes, Mr. Anyieni.

Mr. Anyieni: Mr. Speaker, Sir, in view of the fact that there was no light and I thought I had a little more time, may I take one minute?

The Speaker (Mr. Slade): Yes, all right.

Mr. Anyieni: Now the last thing I would like to say, Mr. Speaker, Sir, is that we have heard in the other areas that things are given just for promotion and when a chief becomes very good in the area, when he does his work well he can be given promotion to become a District Officer. This should be the same for all areas. If a chief is good, and knows how to work for Government, this chief should be given promotion, so that a chief can work knowing he has not come to the ceiling. He can always rise up.

With those few remarks, Mr. Speaker, I wish to express this feeling and support this.

The Speaker (Mr. Slade): I must call on the Mover to reply, so that if you want your half an hour, Mr. Moss, you must start fairly soon.

Mr. Khalif: On a point of order, Mr. Speaker, in view of the repetitive opinions on this Motion, can I now call on the Mover to reply?

The Speaker (Mr. Slade): I think the hon. Member is right in suggesting that there is not very much more to be said in support of this Motion without repetition, but obviously the House will want to hear the views of the Ministry before we have the closure. So I will call Mr. Moss now. I might entertain the closure after he has spoken.

The Parliamentary Secretary for Home Affairs (Mr. Moss): Mr. Speaker, Sir, the Government does not accept this Motion as it stands, as it implies that chiefs are not paid according to the size of their work, and the Government wishes to propose the following amendment:—

- That the word "unify" should be replaced by the words "continue reviewing".
- Delete the words "regardless of the grade of the districts they happen to be serving", and insert therein the words "in the light of changing economic and population circumstances".
- Delete all the words after "chiefs" and insert the words "continue to be paid the same salary for equal work".

The Motion as amended would read as follows:—

THAT this House urges the Government to continue reviewing the conditions of service and salary scales of chiefs throughout the country in the light of changing economic and population circumstances so that chiefs continue to be paid the same salary for equal work.

The Speaker (Mr. Slade): I am afraid, Mr. Moss, I will not be able to allow that amendment to be proposed, on the principle that one cannot allow amendments which altogether alter the sense, the substance of the original Motion. The whole theme of the original Motion is unification of conditions of service and salary scales regardless of districts, and your amendment is clearly designed to obviate that and, in fact, to by-pass any suggestions of unification of conditions of service and salary scales. For that reason, I cannot allow it. If the position of Government is that they cannot agree with the principle of unified conditions of service and salary scales, as proposed by this Motion, then really they will have to say that they oppose the Motion. It is not capable of

[The Speaker]

an amendment in a way which would meet the Government view, if, as I say, Government is really opposed to the idea of standard conditions of service and salary.

The Parliamentary Secretary for Home Affairs (Mr. Moss): Mr. Speaker, Sir, I will continue.

The Speaker (Mr. Slade): Yes, you may speak on the main Motion.

The Parliamentary Secretary for Home Affairs (Mr. Moss): Mr. Speaker, Sir, in the first place, I think the Members who have contributed in keeping ideas in support of the Motion as raised by the Leader of the Opposition. In the course of their speeches there are quite a number of points that I have noted down, and among these there are some which I do not accept. Mr. Speaker, Sir, the difference on which a different scale was given to a chief was devised in the year 1961 and it depended, among other things, on the qualifications, personality and experience of the candidate. This is very important, Mr. Speaker. The system is based on merit and the responsibility to be shouldered by the chiefs. This classification is constantly under review. In other words, we are reviewing the whole system in the light of changing circumstances and changes are effected as and when warranted. Mr. Speaker, the minimum at which a newly appointed chief is paid is the same for all chiefs, and it will be very wrong for anyone to suggest that perhaps—

Mr. Ngala: What is the minimum?

The Parliamentary Secretary for Home Affairs (Mr. Moss): Wait until I finish. I will give you the minimum if you want.

The appointment is given on merits to individuals and this may cause two people, appointed at the same time, to be on different scales. Other conditions of service are the same for all chiefs. They are permanent, they are pensionable and transferable and they can receive promotion as and when earned. In fact, many of the chiefs who have proved efficient and capable in doing their duties have always been promoted and, Mr. Speaker, Sir, it should be remembered that unlike

Speakers, Sir, it should be remembered that there are in most categories in the Civil Service there are no fixed educational qualifications required for the post of a chief, and consequently, some of them are illiterate or semi-illiterate, while others are comparatively well educated. Some of them are as educated as the Leader of the Opposition and it would be very unfair to pay these people on an equal scale. What I mean to say is that for a person who is highly educated to be put on

equal pay with illiterate chiefs or semi-illiterate chiefs would in fact mean disregarding the meaning and usefulness of education. This is why the educational standard or merits are taken into consideration after the minimum scale of a chief.

Mr. Speaker, Sir, while these conditions still apply, the present system for fixing salary scales for chiefs would appear to be most fair. The scale as devised in 1961, I mean the present salaries of the chiefs, are graded as follows:—

Special Grade I is £850 to £1,000 per annum.

Special Grade II is £670 to £820 per annum.

Special Grade III is £460 to £580 per annum.

Special Grade IV is £380 to £500 per annum.

Chiefs in Grade I, I mean those not in a special grade, start with £350 to £500 per annum, and Grade II chiefs start with a salary of £236 to £364 per annum. The minimum, that is Chief Grade III, starts from £163 10s. to £227 8s. per annum.

Mr. Speaker, Sir, there are quite a number of points, as I said earlier on, which are very important. For example, the training of chiefs in the past, and at present chiefs are offered chances in the Kenya Institute of Administration for short courses, and with regard to overseas tours, this is a matter that will be looked into, to see if it is really necessary for a chief to go overseas or not.

It must be remembered that what we need is the service, not a tour. To prove what I say, Mr. Speaker, Sir, is not very different from what I said earlier, the capable chiefs are normally promoted if they do something good, and this is to prove to the Members that the Government or my Ministry does not overlook the position of chiefs as such but we are prepared to help chiefs as much as we can. At the same time, the hon. Members must bear in mind that we have chiefs in some places which are appointed for the sake of appointing and this is true, Mr. Speaker, Sir, just to keep the post of a chief. The reason for this, if the hon. Member wants it, is that in some places, it is very hard to get an illiterate man to carry on the duties of a chief. So, Mr. Speaker, we agree that we must review the conditions of the chiefs and we are reviewing as much as we can.

At the same time, there was a point raised that chiefs should be accompanied by Tribal Police when on duty, when collecting taxes and when carrying out Government duties within their locations. Mr. Speaker, Sir, I personally know that in every locational centre we provide tribal policemen when the chief goes out.

Mr. Khalif: On a point of information, Mr. Speaker, the Parliamentary Secretary should

[Mr. Chief]

chiefs, and even our Ministers today, to go on getting presents from some shopowners, from some companies, and so on. It leads eventually, Mr. Speaker, to corruption.

Mr. Speaker, I would like to quote some districts in the Western Region, let us say all districts in the Western Region and in the Rift Valley. Let me take the Kakamega District with which I am familiar, and the Nandi District. You will find that a chief, with the same standard of education in Nandi District, same population, same work as that chief in Kakamega District, earns a different pay from that chief in Kakamega District and they are doing the same work, and yet this chief here is discriminated against. Well, I think it is self-explanatory and the Minister has to take it very seriously because there is no reason why a chief in Nandi can earn about Sh. 300 and a Standard VIII chief in the Western Region can begin earning Sh. 600 or Sh. 520. Mr. Speaker, I think this is a discrimination which has to be put right, and if it means that those people, as they were treated during the colonial days, from the backward areas should continue earning so much, I think the Government is also doing what it can to uplift those places which were forgotten during the colonial times and not continue discriminating against the chiefs in those areas, because we are looking forward to seeing that these chiefs help this Government to uplift the area and bring it to the required standard. On the question of education, Mr. Speaker

..... (Inaudible) the chiefs, should not actually be taken very seriously by the other hon. Members as I have heard them speak about it, because the question of being a chief does not need force or something of that kind in the way that people speak to others, it is the way that the chief speaks to his own people in his own location, and therefore, when people go for appointment as chiefs, all these factors should be taken into consideration. Mr. Speaker, with those few remarks, I hope that the Minister for Home Affairs will take it seriously and consider it and see that this discrimination does not continue in these places.

Mr. Anyienyi. Mr. Speaker, Sir, if it were not that we have discovered that the Leader of the Opposition will sometimes take the stand of Back-benchers and think that Back-benchers support him for the sake of supporting him, I should have supported this Motion, but before I say whether, when the time for voting comes, I will vote for this Motion, I should like to explain my feelings in support of the irregularities in the terms of

service of the chiefs. Mr. Speaker, the chiefs were appointed in the past. When the British came here they found that in our own country we had people who were called chiefs—in Tanganyika some of them today have even been made Ministers; they are Members of the National Assembly and so on; and in Uganda chiefs have been given a lot of powers, but in our own country, Kenya, here you will find that in the past chiefs were given little pay but an allowance was given for them to be bribed and so you will find that a person fought to become a chief, not because of the salary he was going to get as a chief, not because he wanted really to serve the people but, because there was a chance whereby he could recommend a person for a loan, or recommend a person for a scholarship, and he could recommend a person for this and for that. Therefore, when they were doing this they were being given bribes, but in the new Kenya and with the new appointment of new chiefs and with the retention of those old chiefs who have proved that they are good, it is very important that if our Government is to stamp out corruption and bribes in our country, then our Government should be able to reorganize and reconstitute the terms of service of all the chiefs all over the country.

The reasoning that if a location is smaller then a chief should receive less pay, or if a location is behind then the chief should receive less pay, is not valid at all, because if that were the case even we, here in this House, do not all represent equal constituencies and if that were to work it would mean that a person from a bigger constituency would get more salary, and a person from a smaller constituency would get a smaller salary.

Also, Mr. Speaker, Sir, you will find that we have District Commissioners. These District Commissioners, or as they are called, Regional Government Agents, some of them are Regional Government Agents in small districts. They get equal pay with those District Commissioner in bigger districts. If it follows that it does not matter whether you are working in a bigger area or in a smaller area, in the other grades of Government service then it must also be the same as far as chiefs are concerned, and we think that this is a discriminatory measure for the people who are trying to serve this country. As I have said, Mr. Speaker, Sir, the majority of the chiefs whom we have, are people who were appointed after the people were supposed to rule and they expressed the opinion that these chiefs were appointed with the consent of the majority of the people from their locations. Some of these chiefs, Mr. Speaker, Sir, have extricated ourselves from the difficulties and some chiefs from

[Mr. Anyienyi]

can afford to buy cars, they can afford to build good houses, they can afford a lot of other things because they are given good pay. It is also fair, Mr. Speaker, Sir, that some chiefs, from smaller places, should also be given better salaries and better pay. Now, Mr. Speaker, we have also learned, with surprise, that some chiefs receive loans from Government to buy a car, but other chiefs cannot receive loans to buy cars. I think this is very unfair. This is the same as telling Anyieni. "Anyieni you come from a small constituency, you are a Member of Parliament, you cannot get a loan to buy a car but let us say, that the (Inaudible) you come from a bigger constituency so you are entitled to a car." I think that this is complete unfairness and the Ministry of Home Affairs, which is normally very considerate, should take notice of these things, and not say that these things have come from Kadu, but the Ministry should reconsider sufficient pay to give to all chiefs. Now, Mr. Speaker, Sir, in the other areas you will find that chiefs are given bodyguards. Tribal police who will go with them wherever they go to collect taxes, you also find that they go to other areas chiefs are not given this. This is also discriminatory so we think, Mr. Speaker, Sir, that in order that there may be regularity in the service, chiefs all over the country should be given some Tribal Police to help them go round when they want to collect taxes, because you may find somebody who has been drinking the whole night, you go to ask him for tax, he can take a pang and kill you, and so we think that the chiefs should be given, not only a few chiefs, but all chiefs, bodyguards to help them in the discharge of their duties. Mr. Speaker, in the other areas I have learned that some chiefs are empowered to recommend the removal of sub-chiefs, but in certain areas chiefs are not allowed to recommend the removal of subchiefs. This is very important that if a chief, if a chief, it does not matter where he is, whether he is in North Nyanza or whether he is in Kijifi, these chiefs must feel they are serving as Government servants under the same banner, under the same Government led by the Prime Minister. *Mzee Jomo Kenyatta*.

Mr. Speaker, Sir, we also know that sometime ago there were some causes that were organized by some chiefs. We also know that arrangements were made for subchiefs to go overseas, for example to go to London, America and have tours, to learn how to do their work, and how to serve their people, but some chiefs have not been given this chance and the Ministry of Home

Affairs should know that some of the people who are employed as chiefs are people who have no administrative experience and if these people are to serve the country well they must be given a chance to train. They do not have to go for years for training, but after a year they can always go back and have explained what the Government policy is, because these are the people who are with the masses outside and who have correct views, they have to be taught. You will find, Mr. Speaker, Sir, that some chiefs have brought out development in their own areas. Why? Because they have been given the chance by Government to tour other areas, and learn the things that they can teach their people to do. That being the situation, Mr. Speaker, we feel that if it is fair for these chiefs to be given the facilities to travel to other areas to learn, it should be the same and all other chiefs from other areas should be given a chance to go round and learn what other people are doing in order that they may, out of learning and out of seeing, be able to go back to their own location and help their people. There is another thing, Mr. Speaker, when chiefs go around touring in their locations we must remember that these days are not those olden days. In those olden days, Mr. Speaker, wherever a chief was seen, wherever a chief went to sleep, people brought goods, and if they did not bring goods to slaughter for the chief, the chief would order an *asiri* to bring some goods and slaughter for the chief. But now these days we cannot expect that, if a chief does that he will be reported to the Member in the area. If he is reported to the Member for the area and I investigate and I find that this is true, I will report him to the District Commissioner, and the District Commissioner will make a recommendation to the Civil Secretary and the chief will be discharged. If the Government is to make sure that these things are not going to instruct to prevail, Government must be able to attract these chiefs, not only a few chiefs but all chiefs, the chiefs, not only a few chiefs but all chiefs, that for so many days you stay in the office and that for so many days you go out and you do a tour for your own location, and while you are touring your location you will be taking care of yourself, in other words you will care for yourself, even sleeping, so that chiefs do not become a burden to the poor people in the countryside. In doing this I demand that the Ministry of Home Affairs should establish a little allowance of say, five shillings or ten shillings so that when a chief is out of the office, when a chief is out of his home, he can claim this so that he does not have to be a burden to the people in the countryside who are already very poor.

The Parliamentary Secretary, Prime Minister's Office (Mr. Nyamweya): Mr. Speaker, Sir, I thought I was complimenting—

The Speaker (Mr. Slade): You were leading up to a compliment, but not in a very nice way. You should withdraw that.

The Parliamentary Secretary, Prime Minister's Office (Mr. Nyamweya): I do, Mr. Speaker.

A lot of things which the hon. Member for Kilifi South has said are sensible and I have great sympathy with them. As usual, I tend to disagree with him on details, because he tends to think that in some of these things you should level everything out. He has attempted, very ably I should say, to demonstrate that chiefs in certain areas are paid on a very low scale, while in other areas they are paid very highly. It is my opinion that the minimum salary scale for chiefs in this country is very low and it is a matter which the Government should look into if our chiefs are really to be respected in their own locations. Some of the chiefs we have earn very little and because of the very low salary they are tempted to submit to corruption and bribery. It is the duty of the Ministry to see that the salaries are increased.

I understand that certain classes of chiefs are very well paid and, as a matter of fact, paid better than certain district officers, but that is not what we want. What we want is to see that chiefs in every location are well paid and by so doing we will be able to have our officers in the field who assist the Government, who will be able to resist the great temptation of corruption and bribery in the locations.

The Speaker (Mr. Slade): Mr. Nyamweya, I am sorry to interrupt you, but are you claiming half an hour, or is it Mr. Moss?

The Parliamentary Secretary, Prime Minister's Office (Mr. Nyamweya): I am not, Sir.

One of the things which the hon. Member for Kilifi South mentioned was about people earning different salaries in different places. As a matter of fact, even if people are employed on the same date, on the same work, surely a person who is working harder will earn more with the passage of time because of his industry. That is one of the reasons why we hon. Members who stand politics with the hon. Member for Kilifi South are sitting on this side of the House while he is sitting on the other side, and he knows very well what that entails in monetary terms. The hon. Member for Kilifi South was once the Minister of State for Administration and Constitutional Affairs. I presume, Mr. Speaker, this is when he

met chiefs at the Kenya Institute of Administration and many other places in the country. He made one of the greatest blunders because when he was in charge of the administration he never tried to help the chiefs or to go into this problem. Now that he is on the other side of the House he can shout loudly and perhaps the chiefs will think that he is the only man who is considering their situation. In fact, what I would like the chiefs in the country to know is that the man who is now in charge of the chiefs in this country is doing a much better job than the hon. Member for Kilifi South was doing when he was charged with that particular responsibility.

When we are dealing with the question of chiefs, Mr. Speaker, one of the problems is that most of the chiefs do not know what they are doing. Today in this House we had a question about the offices. In certain places chiefs have no offices and therefore they are not bound to be in their offices. So they do not keep time; they work in other places. It is this point which I would like the Minister for Home Affairs to look into, and it was really gratifying to know that the Minister was intending to establish offices all over locational centres.

I would plead with the Minister concerned that this plan be accelerated so that we have our chiefs attending offices as many other civil servants do.

Mr. Ngala: On a point of order, Mr. Speaker, Sir, may I know who is taking the notes for the Minister for Home Affairs?

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

The Parliamentary Secretary, Prime Minister's Office (Mr. Nyamweya): As the House is aware, there are a lot of changes going on and these changes are most welcome. The Government has, during the last few months, made drastic changes in the administration by removing those chiefs who, had the colonial mentality. There is also a lower rank of civil servants, that is the sub-chiefs, which should be looked into. There should be a general purge of the subchiefs. It may be that some of them may later on find themselves sitting here as the Member for Nandi South is. Another thing, Mr. Speaker, which I would suggest to the Minister for Home Affairs is that he try to assist the chiefs and advise them, give them the periodical training at the Kenya Institute of Administration— tours overseas or in the country, so as to widen their horizon. I would also like to ask the Minister to appeal and I do say to the House that it is for the interests of the country that the chiefs should not be used for political purposes by some politicians. There

[The Parliamentary Secretary, Prime Minister's Office]

are certain politicians in this country, Mr. Speaker, who tend to use chiefs as their pillars, in their constituencies. This really undermines the integrity and the ability and the impartiality of our chiefs. This does not require substantiation, Mr. Speaker, but I would like our chiefs in the country to be insulated from politics as far as it is humanly possible because they are, for all purposes, civil servants. It is regrettable to know that the chiefs in Tana River get only Sh. 120 per month. I hope the Minister will look into this as soon as possible.

One of the reasons why may be the hon. Member for Kilifi South spoke about the holidays is that it is a matter of fact the practice in this country that chiefs never cared to take their holidays. They were afraid that if they did, sub-chiefs would be picked to act and—while acting—their offices would undermine their position. We are aware that chiefs are entitled to holidays, as any other persons, but it is up to the chiefs themselves to take their holidays when they have earned them. I know of a case of a chief who worked for over twenty years, he never cared to take his leave; consequently he forfeited all the benefits accrued from the holidays he had earned. Had it been that the hon. Member for Kilifi South had worded his Motion very carefully and intelligently, I could have supported a few words which I do not see why they have been included in the Motion—I oppose this Motion, but with sympathy as to the context and the spirit of it. Thank you, Mr. Speaker.

Mr. Choge: Thank you, Mr. Speaker, for having given me the opportunity to say something about the chiefs. Mr. Speaker, Sir, I happened to be a chief during the colonial days and I suffered some of the things which the Member for Kilifi South has already raised in this House. I would like to make a few comments and emphasize some of the points which have already been put forward by the Members who have already spoken on this Motion and I would like to begin straight away with salaries of the chiefs. Mr. Speaker.

The salaries of the chiefs, Mr. Speaker, let us take, for example, the Western Region. There are some chiefs who earn about Sh. 2,000 every month, including allowances, and I am surprised to hear that there are some chiefs in the Coast Region who earn about Sh. 60 per month in the chief who earns about Sh. 60 per month in the Coast Region, it would take him about thirty-three and a third months to earn Sh. 2,000 the

salary that chiefs in the Western Region earn. Therefore, Mr. Speaker, those chiefs who earn Sh. 60 per month are easily led into competition if they don't beg for bribes, they cannot lead happy lives. So people, even the rich people, give them bribes so that they can do certain things for them and so as to make a living. Mr. Speaker, the allowances of the chiefs should be raised because there are too many people—you find there are some strangers travelling on the road, they ask where the chief's house is and they are bound to go to this chief and they ask the chief to give them accommodation and food. The chiefs cannot ask those people to pay and you find that at present the chiefs are not even given allowances and they find it very difficult when they have visitors to keep them and some of them are even forced to run away from their locations. Some of these chiefs, Mr. Speaker, cannot even take some village people—or even Government officers when they are travelling in the location—to their homes because their homes are terrible. They do not have good housing and they do not have any food for themselves or a wife. They cannot keep up with the present standard of living because of their low salaries. They find themselves in a very difficult position. They cannot be smart and look like modern men.

So, Mr. Speaker, I think the Government must consider it very seriously so that the chiefs can get something for their living and keep up with the present world. The chiefs, Mr. Speaker, are the only civil servants who are in touch with the ordinary man. What we say in this House is usually implemented by the chiefs and the sub-chiefs. No one from the Regional Assemblies or from the county councils go back and implement what they say in their council. The chiefs are supposed to collect taxes and those are the taxes that these big men in big offices in Nairobi earn. The chiefs are supposed to know bad people and good people in the community. The chiefs are also responsible for serving the location, and the chiefs are also responsible for community development as well as the location, and the topment as a whole in every location, and the implementation of everything that we say in this House is usually done by the chiefs. You find that this House is usually done by the chiefs. You find that this man does not get enough food to eat, and he is bound to do anything that he can do in order to earn his living and there is nothing that he can do except to get a few presents. People say we are sending presents to you and so and so and he gets it and sends presents to his people, and that, straight away, and puts it in his pocket, and that, straight away, is a bribe. Even some of the Ministers are also in a bad system of encouraging our think that this is a bad system of encouraging our

[Mr. Ngala]

medical treatment, I know, and it is set out in their terms of service. I understand, and I stand for correction, that the chiefs are not eligible for free medical treatment, as the other civil servants are, neither are members of their family eligible for free medical treatment. I think this is a very serious thing. I think they should be treated in exactly the same manner as any other civil servants.

Mr. Speaker, Sir, here all that you want is that the grade of the district, the grade of the location, the density of the population, should not affect the chiefs. In the olden days, they were judged by how much tax they had collected. These days they do not have to collect tax. The tax is county council business and they are just as agents of the administration of the region or Central Government. Therefore, they should be judged as such and should be paid in uniformity.

The other thing, Mr. Speaker, Sir, is that we would like the holidays and medical terms to be unified so that the chiefs can remove this bickering between themselves, and this comparison between themselves, and work happily, diligently, and be more effective in the locations, and be treated as civil servants. They are no longer leaders of the people, nor representatives of the people, they are civil servants and they should be treated as such. The District Commissioners do not have to change their salary when they move from Kajajado to Lodwar, or from Mombasa to Kajajado. Why should we change the salaries of these people? The Assistant Regional Government Agents do not have to change their salaries. In fact, you should give them more when they go to a backward area like the Northern Frontier District, and you give them a special allowance. Why should the chiefs be treated differently?

I beg to move, Mr. Speaker, Sir,

Mr. Kase: Mr. Speaker, Sir, in seconding this Motion, I do not have much to say but to emphasize a few points.

As the hon. Mover said, in these backward areas especially you have the District Commissioners graded as Grade "D" or "B" or Grade "E" for that matter. Now, Mr. Speaker, take an example, the work of the District Commissioner in Nairobi is so limited because it is all done by the City Council, but when we look at a district like my own, or like my friend's, Garissa, which I know very well, all the work is done by the chief. When a letter comes from a Minister, the chief has to publicise his meeting. He has to collect graduated personal tax in some places, has to try people in court, and all other things.

Now, Mr. Speaker, if these chiefs are not at the mercy of the Regional Government Agents or the District Commissioners, on the amount of money they get, they are bound for corruption. This is why I think some chiefs are corrupting, because he is prepared to accept any type of bribery, because his pay is not enough. Now, if we allow such a thing, we would rather not have chiefs at all, because if we are going to have servants who should be honest to the Government and serve the people well, they should not allow any room for bribery.

I know of a chief in my district who earns Sh. 62 per month. What does he do in the morning? He says, "I am declared a chief, but Sh. 62 is not sufficient to feed me and my two or three wives." Therefore, in the morning he goes to his farm; he does not care what will happen. When the district commissioner tells him that he is not doing his work, he says, "To hell with that; you can discharge me if you like. What is Sh. 62? If we put the chief in such a position where he goes and works on his farm like that every morning, chiefs will not care what the Government wants them to do. The Regional Government Agent, too, will find it difficult to deal with these chiefs, and if he cannot deal with them because they are disappointed with their pay, then what you will find is that the district commissioner will discharge the chief and as soon as he has done so, there will be no other person who would like to become a chief because he knows he is going to get pay which is useless.

Another thing, Mr. Speaker, which I think should be considered is the question of grading these districts. I think it is in these backward areas where you find the administrative officers doing more work than in towns. For example, Mr. Speaker, I hardly know what the chiefs around Mombasa are doing. All a chief there does is sit in his office; nobody comes to him. If it is a question of education, nobody bothers, but in these backward areas if the person has the smallest problem of education he goes to the chief, but in Mombasa all he is going to do is go to the Municipal Education Officer. If a person fights with his wife and there is no court, he goes to the chief and you find that the chief sometimes has to turn his house into a court. Also, if a person commits an offence, the chief sometimes will have to lock him in his house, hoping that if we leave not break through his muddy house. If we leave chiefs in these horrible conditions, I can see the Parliamentary Secretary to the Ministry of Home Affairs laughing, but it is not a laughing matter. Mr. Speaker, because one day we shall find that the chiefs will all resign. I know in some areas

[Mr. Kase]

people have decided that locations should be amalgamated into one so that we can have an educated, well-trained chief, but the Government itself has rejected this. The Parliamentary Secretary says it should be brought forward, but how many times has it been brought forward to his own Ministry? I am sure he does not read his own letters, because leave alone me as a representative talking of my area, the Regional Government Agent has done this. If the Regional Government Agent has done this, who else does he want to recommend it, unless he has somebody he relies upon in the district, apart from the Regional Government Agent and myself?

Therefore, Mr. Speaker, if it is a question of saying the population is low, why not amalgamate these locations and make them into one, so that we can have a chief who is worth while calling a chief?

You find some other chiefs, Mr. Speaker, in *shukas* from morning to night. You would never know such a person was a chief. I can give an example of an incident. Last week-end the Regional Government Agent visited a certain village where the chief was. The chief was drinking. I think it was 10.00 a.m. When the Regional Government Agent reached the place, the people thought it was too much to ask the chief to go and see the Regional Government Agent and they told the chief to continue drinking and not to worry. The chief said, "Well, I'll be discharged." He had on a *shuka* and a vest, but he knew at home he had no better clothes. He had no uniform, nothing, all he had was a crown on his head. He said, "Even if I am discharged, I do not mind."

The conditions of certain chiefs in these areas should be considered. Another hon. Member says a *shuka* is enough. I am sure that if a *shuka* were enough he would not be wearing that tie; he would have put on a *shuka* or a *rikol*, and the rest of it. I know the hon. Member's area—Kisumu; very well; I was teaching there for some time. I do not think the chiefs there are the same as we have at home. I know the home of the hon. Minister looking at me: Kiambu, Fort Hall; I know all these areas. The chiefs there are quite different. If we have these chiefs discriminated against because of other factors, then those factors should be corrected. The point is, Mr. Speaker, that if we are going to allow chiefs in any way to be corrupted by local people, then we are not going to have proper chiefs. Unless chiefs are brought up to the standards of other areas, regardless of the grade of a district—because the more remote

the area, the harder the work which is done—we will find that in these very backward areas the chiefs are bound to be open to corruption and that is the worst thing you can have.

I hope, Mr. Speaker, the Government is not going to say that it is going to look into this matter, because the Government is very clever at saying this; it takes years. They forget after leaving this House, if the Government does not take this matter seriously, then, Mr. Speaker, we are bound to find that we have no chiefs in some of these areas, and even if we have chiefs, we have chiefs who are not worth while.

If it is a question of education, these areas can produce educated people. Mr. Speaker, having talked of education I would like to give an example of what happened in one location. We had a school certificate chap who went for an interview and do you know what happened? A Standard II man was picked to be chief. Was this Standard II chief picked because there was not any other person capable, or was it because he would be paid a low salary? If this is the argument, that they are not educated, this is wrong, because some of these areas have produced very well educated chiefs. People wanted these to be chiefs instead of having the Ministry of the hon. gentleman appointing those horrible people to be chiefs.

Mr. Speaker, Sir, I think this Motion is very straightforward. The Government must consider the terms of service of these chiefs and find a solution to their problems, otherwise we are not going to have chiefs who are worth calling chiefs and they will not deserve respect from anybody because they do not look like chiefs.

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

(Question proposed)

The Parliamentary Secretary, Prime Minister's Office (Mr. Njanywaya): Mr. Speaker, Sir, there are very few occasions when the hon. Member for Kisumu utters some intelligent words—

The Speaker (Mr. Slade): I do not think you ought to say that, Mr. Njanywaya.

Mr. Ngala: On a point of order, Mr. Speaker, is the hon. Parliamentary Secretary in order in alleging that as far as my statements are concerned?

The Speaker (Mr. Slade): No, no; it is quite gratuitous.

You should not say things like that, Mr. Njanywaya.

[Mr. Gatuguta] of hearsay could be considered as a substantiation, because as a matter of fact, Sir, substantiation is what a man knows to be the truth. In this case, it is the question of hearsay. I would like to know from the Minister whether hearsay is—

The Speaker (Mr. Slade): I have explained to Members many times that substantiation is not the same as to prove. If hon. Members have to prove in this House everything they allege, we should not hear very much. What hon. Members are expected to do is to say why they are saying these things, and to produce such evidence as they have as a basis for what they have said. That is all. If they cannot produce anything, then they have to withdraw what they have said. If they do produce any evidence at all, it may well be what they have heard from some other individual. That is the basis of a great deal of what is said in this House, including what the hon. Member has said at times, I know. Then the House judges the strength of the allegation, whether it should be taken seriously or not. The point of substantiation is to test the strength of the allegation.

MOTION

SERVICE AND SALARY SCALES FOR CHIEFS

THAT this House urges the Government to unify the conditions of service and salary scales of chiefs throughout the country regardless of the grade of the districts they happen to be serving so that chiefs are paid equally according to their work.

(Mr. Ngala on 22nd October 1964)

The Speaker (Mr. Slade): Mr. Ngala, you were still speaking on this Motion, I think, were you not? You have a quarter of an hour still to go, and there is one and three-quarter hours still to go for the whole debate.

(Resumption of debate interrupted on 22nd October 1964)

Mr. Ngala: Mr. Speaker, Sir, I think the chiefs we have in Kenya are civil servants. They are not representatives of the people in the locations they are serving, and therefore, they should be treated in the same manner as any other civil servant. The chiefs at the moment are treated very differently from one to the other. The Government says that they are paying the chiefs according to the grades of the districts. Now, this has made a great deal of difference in the salaries that the chiefs receive in different areas. A chief

in a district such as Kiambu may be receiving about Sh. 1,200 per month, whereas a chief in a district like Kilifi, with probably the same educational qualification, or the same length and experience of administration, may be getting only Sh. 400. Now, the difference here is very clear, a difference of Sh. 800. Now, this is a big difference indeed.

Now, the hon. Member will have the chance to say what he wants to say. Some Members may say, "Well, why did you not change the conditions when you were head of the Government some one and a half years ago?" Sir, we were running a Government which was still colonial and now that we have our own African Government such anomalies ought to be rectified, and it is for this very reason that I would like the Minister or Parliamentary Secretary to see the need for rectifying such anomalies. I do not want to be referred back to colonial days, when we have passed the colonial days, and the policy of our Government comes from here and not from London any more.

Mr. Speaker, Sir, I think the assumption or the principle that is followed by the Government that chiefs should be paid according to the population in their location is also wrong. I believe that chiefs should be paid because they are doing the work in the location, whether the location is in Turkana or Lodwar or wherever the location is. They are doing the work, and the more backward the location is, the harder the work of a chief is.

The Parliamentary Secretary to the Treasury (Mr. Kibaki): Rubbish.

Mr. Ngala: He has to interpret the Government policy, for the most illiterate people, which is the more difficult work. He has to co-ordinate the work of the Government in the location or sublocation which is even more difficult because the understanding of the people chiefs who are stationed in backward locations are really faced with much harder work than chiefs in progressive areas.

I heard the Parliamentary Secretary, Mr. Kibaki, say earlier, "Rubbish" to what I am saying. Now, I am sure that he knows that what he is saying is not relevant to the situation. His own chief in his own location, Banana Location, does not have the job of telling him all the time to pay tax, because he can pay without being told by the chief. His own chief does not have the job of reading the *Official Gazette* and interpreting it and understanding the Government policy at length, because he is understanding, and therefore, if a chief is in a more progressive location he has less work, and his work is not as laborious

[Mr. Ngala] as that of a chief who is leading a backward area. I am sure the hon. Mr. Ekitella will agree with me that his chiefs in Turkana are having the most difficult work, and therefore, they should be paid for it. I would like to make it quite clear here, Mr. Speaker, that I am talking of the basic pay. The starting point should be the same. Once the chief has qualified and has been appointed by the Public Service Commission, the pay then should be the same regardless of the class of the district they are serving in, and even regardless of the location in their location, and even regardless of the class of the location in which they are situated.

Mr. Speaker, Sir, this is not the case at the moment, and if it is the case we should be told, because I know some chiefs in the Coast Region who are getting about Sh. 200 a month, or Sh. 250 a month. Chiefs of very big locations are getting this, and the highest paid is getting about Sh. 600. Now, this is a very serious situation. I attended a meeting of chiefs from different parts of Kenya had come together, and some of these chiefs were asking each other how much they were getting, and the difference was very clear indeed. Chiefs of the same type of education, same type of difficulties, and the same type of experience were very different. Therefore, Mr. Speaker, this should be done away with, because it is a very wrong attitude indeed.

Now, Mr. Speaker, Sir, this is a very appropriate moment when the Government is considering or has already accepted some aspects of the Pratt Commission Report, and something should be done to include the section that concerns the chiefs very clearly determined in the report. Some of these chiefs will not have to complain. Some of these chiefs who are getting such a small salary as Sh. 250, the salary of a lorry driver, are faced with a very difficult life. On the other hand, they want to maintain the position that they are chiefs in their location. On the other hand, the pay is so small that they cannot do anything in the location.

Now, Mr. Speaker, Sir, the chiefs in Tana River District are the worst paid chiefs in the world. They are getting, and I stand for correction because the Minister may have other details, but as far as I know, the highest that a chief is getting is Sh. 120, apart from the chief in Galole and the chief in Lamu.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Last time you said he got Sh. 4 a year.

Mr. Ngala: This is a very difficult situation. Now, to reply to the Minister for Agriculture, the people who were getting Sh. 2 a month were the subchiefs which was granted over a period of years, maybe only one year, and after that one year, after serious instruction by the Regional Government Agent, they are paid a gratuity of about Sh. 2 a month, after serving for the whole year without being paid a single cent. This is very serious, and I cannot see how they can work well. I cannot see how they can diligently do their work as chiefs.

Now, Sir, coming to the holidays, which is a part of the terms of service, the chiefs are now set a regulation of getting holidays, which will depend on the discretion of the Regional Government Agent. When the Regional Government Agent wishes to give him one or two weeks, he says so and he gets it, but there is nothing laid down for him to get a holiday. How can he be expected to work day in and out without getting any holidays? How can a holiday depend just on the discretion of another civil servant? What happens when the Regional Government Agent does not see eye to eye with another chief? I think something should be laid down in no uncertain terms in relation to the holidays that certain chiefs should have in all the locations. Galole chiefs should have in their own location. In their own location, they are working in their own homes, homeland, sleeping in their own houses, therefore, they do not need a holiday, but this is wrong. Teachers are working in their own homes and locations, and other civil servants are doing the same. Why are they getting regular holidays, and why is it set out in the conditions? Even if these people are not transferable, the fatigue itself of the work warrants the chief getting away from his work to go to a place like Malindi and have a holiday with his family, and have a complete rest from the routine of his work. I cannot accept the argument that these people, the chiefs, are not being transferred to other places, therefore, they should not get any holiday. I think it is a very absurd and unacceptable argument.

Mr. Speaker, Sir, I am very surprised to hear the Parliamentary Secretary saying that chiefs are always on holiday. This shows that we are paying money for nothing, and the Government should take action, and the Parliamentary Secretary should see whether what is being said by his fellow Parliamentary Secretary is true of the chiefs in the Coast. If it is true of the chiefs in the Coast, then why should the Government keep these people who are not doing any work?

Mr. Speaker, Sir, as far as medical treatment is concerned, other civil servants are getting

Mr. Nyanweya: I wish I were a herdsman. Mr. Speaker, but I am not and I do not know where these animals are at present.

Mr. Shikuku: Arising from the herdsman's reply Mr. Speaker, is the Parliamentary Secretary aware that he has told the House that there were cattle on the farms and they were illegal and the police took action, and when they operated, could he now tell the House or admit that the police took the cattle—and if they did not take the cattle—then they must be somewhere because the people have been fined and their cattle are missing. Who confiscated them?

Mr. Nyanweya: Mr. Speaker, I am sorry that the hon. Member for Butere did not understand my original reply. I told the House that the police have already started operations and the operations are still going on.

Mr. arap Moi: Mr. Speaker, Sir, arising out of the Parliamentary Secretary's latest reply, is he aware that the cattle in question numbered about 198 and that they were sold at an auction at Kap-sabej and that the Government took 20 per cent of the total proceeds. Is it not unfair?

The Speaker (Mr. Slade): That is quite enough for one question.

Mr. Nyanweya: Mr. Speaker, Sir, I am not aware of these details, but if they are true, they will be looked into.

Mr. arap Moi: Mr. Speaker, Sir, arising out of the Parliamentary Secretary's reply, in view of the poverty prevailing among the squatters in the old Scheduled Areas, would the Government consider giving the total amount of money realized out of their cattle sale to the owners so as to ease their difficulties?

Mr. Nyanweya: Mr. Speaker, Sir, at the conclusion of the police operations, if the hon. Member for Nandi South would like to be very helpful to his constituency he would be advised to bring this matter to the notice of the Minister for Internal Security and Defence for his attention.

Question No. 691

MOSQUITO CONTROL: KANO PLAINS

Mr. Nyallick asked the Minister for Health and Housing what the Minister was doing to control the overwhelming increase of mosquitoes due to the increase of swamps all over the Kano Plains?

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

Mr. Speaker, Sir, the reason for the increase in mosquitoes in this region is, (1) the fact that during the last three years the lake has been rising and in certain areas it has risen up to six feet, and (2) we have had heavy rainfalls which have caused flooding, because of these two factors, we have had flooding and we have had high lands of stagnant water where the mosquitoes breed, and my Ministry, in conjunction with the local government, has been trying to drain the high lands of this stagnant water and also spray the areas where we know mosquitoes breed with D.D.T. and pyrethrum. Here I must say that the mosquitoes that have increased are not the malaria-carrying type. They are a nuisance but not quite as dangerous as would be otherwise if it was the other type of mosquitoes. The long-term solution for this, Sir, is, (1) to solve the problem of the rising lake, and (2) the irrigation of the Kano Plains, and also to build canals where streams of water have been flowing constantly so that we keep a good and efficient drainage of the areas where there is stagnant water, and finally, clearance of all stagnant water in these areas and also not to forget treatment of all patients who have malaria in the area so that you have no transmission which we constantly do.

Mr. Nyallick: Mr. Speaker, Sir, arising from the reply given to the House by the Minister, is he aware that the death rate of the children has increased tremendously in this area?

Dr. Mungai: Mr. Speaker, Sir, as I have said, we have had an increase in the mosquitoes although not all the time the very dangerous type and therefore malaria has increased. We also increased our drugs and our treatment, so if there has been an increase, it must have been very slight at the beginning of the flooding.

Mr. Nyallick: Mr. Speaker, Sir, arising from the Minister's reply, could he agree with me that effective spraying from the air could relieve these people of this nonsense?

Dr. Mungai: Mr. Speaker, Sir, not totally, because when you spray from the air you spray very large areas. For one thing, it is very expensive, and we would like to do it if we could afford it, and if it will be that effective. I have given the long-term solution to the problem is the spraying and drainage of stagnant water in the area.

Mr. Agari: Mr. Speaker, Sir, is the Minister aware that swamps which have formed all over this area are carrying disease, carrying insects other than mosquitoes?

The Speaker (Mr. Slade): The question concerns mosquitoes.

Mr. Choge: Mr. Speaker, Sir, arising from one of the Minister's replies, is the Minister interested in destroying mosquitoes or in treating patients?

Dr. Mungai: Mr. Speaker, Sir, I am interested in both.

Question No. 710

DISCRIMINATION AGAINST KADU IN THE ARMY

Mr. Shikuku asked the Minister of State, Prime Minister's Office, whether he was aware that there was discrimination against members of Kadu in Army recruitment and that a Mr. George Obwora from Samia Location was sent away after it had been found that he was a Kadu member?

The Parliamentary Secretary to the Prime Minister's Office (Mr. Nyanweya): Mr. Speaker, Sir, I beg to reply.

I wish to state from the beginning, quite categorically, that the question of political allegiance is not considered at all by Army recruiting teams. When directed to a particular area to carry out recruiting, they are concerned only with men who appear for consideration. The standards laid down for the Army of physical fitness, height and weight are the prime consideration, together with certain simple physical tests which are undergone as a supplement to the medical examination.

Provided also, the potential recruit has not in any way been convicted of a criminal offence at any time, no other factor is included in the eventual selection.

Without more specific information concerning the friend of the hon. Member, Mr. George Obwora, I regret that I am not able to deal with this point in detail. If the hon. Member will supply further details, I shall look into the matter further.

Mr. Shikuku: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, is he aware that this person in question, has actually all the height, health and all the rest of the qualifications, and his number was 27891, and he was later on asked to leave or was kicked out on the report by the hon. Member in the area, that he was a Kadu member?

Mr. Nyanweya: Mr. Speaker, Sir, if the hon. Member for Butere can give the Prime Minister's Office more details, such as the number he has said, 27891, and any other relevant fact of this case, we are prepared to look into the matter and if it is found that he was victimized because of his political affiliation, then the matter will be regretted, but unless that is done, I am not in a

position to go into the matter. I have already advised the House that political allegiance is not taken into consideration for recruiting people into our Kenya Army.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Speaker, Sir, the hon. Member for Butere has alleged, in his previous question that a direction was given by the Member for the area from which this person comes to the people responsible for recruitment, could I seek substantiation on this as I happen to represent this person whom I do not know personally?

The Speaker (Mr. Slade): Mr. Shikuku, would you say on what evidence you made that allegation?

Mr. Shikuku: Mr. Speaker, Sir, I am glad to say on what evidence I said that because I have been doing my homework on this. This particular person, Mr. Obwora, is a person from the hon. Member's own constituency. He told me point blank that he had been accepted and numbered. When I asked him why was it that he had been kicked out, he told me that when the hon. Member came to the recruitment centre, he just went to him and pointed out that he was one of the hard working Kadus, and said, "I am a Member of this area. I will not have him in." So he was kicked out, and someone else was taken in his place.

Mr. Osogo: (Mr. Speaker, Sir, I categorically deny that I have ever been in a recruitment centre at any time since the recruitment of the Kenya Army was started and I would like the hon. gentleman to substantiate this, if he has any evidence from the person concerned.

The Speaker (Mr. Slade): As hon. Members know, when a Member is asked to substantiate something he has said, it means that he is asked to say why he says it. Mr. Shikuku says he has it, from the mouth of a man who claims that that was the case. If that is the reason why he said it, then he has given his substantiation.

Mr. Kamau: On a point of order, Mr. Speaker, as a matter of fact, the hon. Member has said that he was informed by that man, and now the hon. Mr. Osogo has denied that he has never been there. Could the Member go back and tell that man that he has told him lies?

The Speaker (Mr. Slade): We cannot discuss here, as a matter of order, what is to be done outside this House by hon. Members.

Mr. Gatiguta: Mr. Speaker, Sir, on this question of substantiation, we would like to have guidance from you as to whether the question

[The Minister for Local Government] Minister for permission to apply to the Central Housing Board for funds for making loans available to individuals to acquire houses for themselves.

The application for funds for this purpose would, in the first instance, have to come from the county council. The application for funds for this purpose would be considered in the normal way by the Central Housing Board subject to funds being available.

Mr. G. Godana: Mr. Speaker, Sir, arising from the Minister's reply, is the Minister not aware that Marsabit County Council has no funds and this county council ought to have a special loan to guarantee the houses?

Mr. Ayodo: Mr. Speaker, Sir, perhaps I should stress the importance of the fact that any county council can apply for money from the Central Housing Board if they think they need the money, and when they do, the application will be considered in the normal way. Up to now, I am not aware of any application for funds. Neither is my colleague, the Minister for Health and Housing, aware of any request from the Marsabit County Council for money, and none has been submitted.

Mr. Ngala: Mr. Speaker, Sir, arising from the Minister's reply, does the Minister not agree with me that these people who are homeless due to *Shifja* raids are a special category of people and should not be regarded as people who can get loans and refund the loans out of the Central Housing Board, and, as such, he should find out the difficulties and make special money available to help them building even temporary sheds to shelter themselves.

Mr. Ayodo: Mr. Speaker, Sir, when we make this a special request because of *Shifja* activities, then I want to say that it would not be a matter for my Ministry to look into, neither would it be a matter for the Ministry of Health and Housing to look into; it would have to be taken as a special matter connected with *Shifja* activities; in which case, the approach would be totally different.

Mr. Tanaal: Mr. Speaker, Sir, arising from one of the Minister's replies, in which he said that he is not aware that any applications have been made by the county council in question, would he assure this House that when one is made, money will be made available to them?

Mr. Ayodo: I cannot, Mr. Speaker.

Mr. Shikuku: Arising from the Minister's previous reply, when he said that the people of the area should apply to him for permission to apply for the loan, I would like the Minister to tell the House why he requires the people to apply to him for permission to apply for the loan.

Mr. Ayodo: Perhaps, Mr. Speaker, the questioner would ask why the question was asked of me in this House.

Mr. Shikuku: Mr. Speaker, Sir, arising from that reply, is the Minister aware that the question asked in this House is supposed to be replied to by the Minister and not by the county council and I am right in asking you that question.

Mr. Ayodo: Would you please, repeat your question?

Mr. Shikuku: Mr. Speaker, is the Minister aware that he is answerable to this House and any question asked by any hon. Member in this House is supposed to be replied to, and his reply to me that this was a question for the county council is completely unnecessary and he should reply to my question and not refer me to the region?

Mr. Ayodo: It is precisely because of that, Mr. Speaker, that I do not see why he asked his original question.

Mr. Khalif: Mr. Speaker, Sir, is the Minister aware that Marsabit County Council, being a new one, is financially unable to provide homes for those who were left homeless by the malicious activities of the *Shifja*?

Mr. Ayodo: Mr. Speaker, Sir, until the case is put to us we cannot tell whether a council is able or not able, and the thing is for the council to put the need to us and then it will be determined in the normal way.

Mr. Khalif: Mr. Speaker, Sir, is the Minister aware of the fact that the Marsabit County Council is new one—just one year old—and this automatically renders it financially unable to provide houses to those who are homeless?

Mr. Ayodo: Mr. Speaker, Sir, this does not always follow.

Question No. 735

SALE OF POKOT CATTLE TO K.M.C.

Mr. Lorema asked the Minister for Agriculture and Animal Husbandry when the Pokot would be allowed to sell their animals (cattle) to the Kenya Meat Commission.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I beg to reply. The Pokot have never been refused the Livestock Marketing Division are sending an officer later this month to do a survey on the number of stock available and the holding facilities and if the prospects are good, these will be a follow up.

Mr. arap Moi: Mr. Speaker, Sir, is the Parliamentary Secretary aware that cattle from rural areas fetch a higher price when they are sold locally to traders from the Western Region than when they are sent to the Kenya Meat Commission because of being turned down on account of measles?

The Speaker (Mr. Slade): I do not think that is relevant. The question here seeks that people be allowed to sell to the Meat Commission.

Question No. 697

CONFISCATION OF STOCK: CHEMELLI.

Mr. Choge asked the Minister for Internal Security and Defence whether he could tell the House why over 180 head of cattle which belonged to some Nandis on Chemelli Sisa Estate were confiscated by the police and the owners arrested and fined, whereas the owner of the estate had allowed these people to keep the cattle on this estate.

The Parliamentary Secretary, Prime Minister's Office (Mr. Nyamweya): Mr. Speaker, Sir, I beg to reply. Throughout last year complaints were received from farmers in the Chemelli area about illegal grazing by the Nandis on the estates. In February 1964, the police decided to take action and gave the offenders three months' notice to move away. At the expiry of the period of the notice, the notice had not been obeyed and the illegal grazing was still continued. The police gave the offenders a further and final three months' notice to clear the area and when it became apparent near the expiry date of the period that the notice was not being taken seriously, the Law and Order Committee of the Regional Assembly decided to hold *barazas* in the area in an attempt to persuade the Nandi to move away. When this method of approach was found to be ineffective, the offenders were given fourteen days' notice to move away, at the end of which police began operations. Special auctions have been set up in the area so that the Nandi can sell their stock if they have no place to which to take them. The operations are still in progress. I am informed that throughout these proceedings the hon. Member for Nandi South has been

present and is completely in the picture as to all the events. Any farmer who appeared to agree to the continuation of illegal grazing did so as a result of intimidation and pressure brought to bear on him. I am not suggesting that this was done by the hon. Member. This is the sort of situation in which the hon. Member in this particular area could co-operate with the police to the mutual benefit of all concerned.

Mr. Choge: Mr. Speaker, Sir, I think that part of my question has not been answered, where the owner of the estate had allowed these people to keep the cattle on this estate. The owner of the estate has allowed—

The Speaker (Mr. Slade): Order. The Parliamentary Secretary has answered that part of your question. If you have a further question to ask, you may do so.

Mr. Choge: The cattle were confiscated by the police and yet the owner of the estate has allowed them to graze on the farm.

The Speaker (Mr. Slade): But he answered that.

Mr. Shikuku: Arising from the Parliamentary Secretary's reply, Mr. Speaker, could he tell the House whether it is the order of the day that the person concerned, the owner of the cattle, is fined and, in addition to that, his cattle confiscated, and is that not very unfair—to lose your property on top of paying a fine?

Mr. Nyamweya: I did not suggest that the property of the persons concerned here has been confiscated. What I have already told the House is that the Government has made arrangements for the Nandis who are in this particular area to sell their animals if they have no other place to take their animals to. The police took action only after receiving the complaints from the legal owners of the Chemelli and the adjacent estates.

Mr. Choge: Mr. Speaker, Sir, is the Parliamentary Secretary prepared to take up the matter if I can produce a letter from the farmer, stating that he had allowed these people to graze on his estate?

Mr. Nyamweya: The matter will be looked into, Mr. Speaker.

Mr. Shikuku: Arising from the previous reply by the Parliamentary Secretary, Mr. Speaker, Sir, where he stated that the cattle were not confiscated, could he tell the House where the cattle belonged to those people and, and if they were sold, was the money given to the people?

Mr. Sagini: I have told him that the court is going to untangle it.

Mr. Lorema: Mr. Speaker, Sir, is the Minister aware that there are many employees who have failed to pay their taxes as a result of their not being paid their monthly wages?

Mr. Sagini: Mr. Speaker, Sir, that is irrelevant as far as I am concerned in connexion with this question.

The Speaker (Mr. Slade): I agree, it is not relevant to this question.

Mr. Ngala: Mr. Speaker, Sir, arising from one of the Minister's replies, can the Minister state what steps he is taking to prevent the employees being penalized by being dismissed after the case in the court?

Mr. Sagini: Mr. Speaker, Sir, the Minister, my colleague, is very interested in the welfare of employees, and that is why the case is in court to see that the firm is taught justice.

Question No. 736

OFFICES FOR CHIEFS: TANA RIVER DISTRICT

Mr. Kase asked the Minister for Home Affairs if the Government was prepared to provide offices for all the chiefs in the Tana River District?

The Parliamentary Secretary for Home Affairs (Mr. Moss): Mr. Speaker, Sir, I beg to reply.

It is Government's intention to provide chiefs with offices in all locational centres, not only in the Tana River District, and plans to effect this have been drawn up in all areas. The execution of these plans depends on the availability of funds which is being negotiated with the Treasury.

Mr. Kase: Mr. Speaker, Sir, in view of the fact that the Vote on this particular Ministry was passed in this House, could the Parliamentary Secretary tell this House how much money is set aside for this particular district for the offices of chiefs?

Mr. Moss: That is a different question.

The Speaker (Mr. Slade): No.

Mr. Moss: Mr. Speaker, Sir, the reply cannot be given straight away without an estimate; later I shall be in a position to say how much the question is being forced. Mr. Speaker, Sir, if the funds are available, they will have offices.

Mr. Kase: Mr. Speaker, Sir, how does the Minister anticipate that these chiefs in this particular area can keep the records of what they do

with their day-to-day work without any proper place or office or anything?

Mr. Moss: Mr. Speaker, Sir, as I said earlier on, there are so many other places that were neglected by the past Government. Therefore, I want to state as follows: Some parts of the country were neglected by the Colonial Government, and that is the reason why we have asked the regions to draw up plans to facilitate development in these areas, and hon. Members will agree that the shortcomings of the past Government cannot be put on us now after only being in office for ten months. It is the Opposition who are tearing up our programme for development.

Mr. Ngala: Mr. Speaker, Sir, the Parliamentary Secretary, having admitted that he has projects aimed at Tana River and other districts, could he now state how many locational centres in Tana River are aimed at in the projects he has and to what locational centres in Tana River he is giving priority?

Mr. Moss: Mr. Speaker, Sir, as I have said, we have asked for plans to be drawn up. In Garissa West, the houses and offices are nearly ready. A district assistant is being posted there—

Mr. Ngala: On a point of order, Mr. Speaker, is the Parliamentary Secretary in order in replying to my question as far as district assistants are concerned when the question is on chiefs?

The Speaker (Mr. Slade): He is in order. He may have wandered a little beyond what you asked, but it may be relevant to what you have asked and I think you should allow him to finish your answer.

Or have you finished, Mr. Moss?

Mr. Moss: I have finished, Sir.

The Speaker (Mr. Slade): In that case, he has not answered your question. You can ask it again, Mr. Ngala.

Mr. Ngala: Mr. Speaker, Sir, the Parliamentary Secretary having admitted that he has projects aimed at Tana River District for establishing chiefs' centres in locations, I would like to know how many locational centres he is aiming at in Tana River and to what locational centres he is giving priority in respect of the funds available.

Mr. Moss: Mr. Speaker, Sir, if the Leader of the Opposition had read the Development Plan and not torn it up, I am sure he would have known the answer. However, we are out to develop the areas which we think need.

Mr. Jabari: Mr. Speaker, Sir, while the Junior Minister is rambling on with his endless negotiations for funds, can the Government arrange to pay monthly compensation to the chiefs who are using their houses as offices?

Mr. Moss: Mr. Speaker, Sir, no, not until we have funds.

Mr. Khalif: Mr. Speaker, Sir, would the Parliamentary Secretary tell this House when these funds will be available to facilitate this project of building offices for chiefs?

Mr. Moss: Mr. Speaker, Sir, it is not for me to say when, but I hope very soon we shall be in a position to assist.

Mr. Komora: Mr. Speaker, Sir, will the Parliamentary Secretary agree with me that these houses used by chiefs as offices are made of mud and wattle and they can be burned at any time, that is to say that there is no insurance for the official books. Will the Parliamentary Secretary make a point—

The Speaker (Mr. Slade): Order, order. That is getting outside the question, I think.

Mr. Komora: Will the Parliamentary Secretary make a point of seeing that chiefs are provided with fire-proof offices as soon as possible?

Mr. Moss: Yes, Sir.

NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 736: OFFICES FOR CHIEFS, TANA RIVER DISTRICT

Mr. Kase: In view of the unsatisfactory reply, Mr. Speaker, I wish to raise this matter on adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 748

ARMY OR G.S.U. PLATOON FOR MARSABIT.

Mr. E. D. Godana asked the Minister for Internal Security and Defence if the Government would take urgent steps to station a company of the Kenya Army or a General Service Unit platoon at Marsabit permanently, in order to combat *Shifita* activities.

The Parliamentary Secretary to the Prime Minister's Office (Mr. Nyamweya): Mr. Speaker, I beg to reply. The Prime Minister has this matter well in hand, and I do not think that any amount of questions will elicit more information.

Mr. Somo: Mr. Speaker, Sir, arising from the answer by the Parliamentary Secretary, as he has already stated that this matter is in the hands of the Prime Minister, can he tell us in detail what the Prime Minister is doing to station a General Service Unit platoon at Marsabit?

Mr. Nyamweya: Mr. Speaker, Sir, maybe the hon. Member did not hear what I said. I said that no amount of questioning would elicit more information in respect of what the Prime Minister is doing in this respect.

The Speaker (Mr. Slade): That does not necessarily deter hon. Members from asking questions.

Mr. arap Moli: Mr. Speaker, Sir, arising out of the Parliamentary Secretary's reply, could he tell the House whether it is the Government's intention to station a General Service Unit platoon or one Kenya Rifles company in the area permanently or on a shift basis as time goes on?

Mr. Nyamweya: Mr. Speaker, Sir, it is not necessary for the Government to divulge how it intends to deploy the forces in the North-Eastern Region.

The Speaker (Mr. Slade): I think hon. Members will see that they are not getting any further on this one. We will go on to the next question.

Mr. G. Godana: On a point of order, Mr. Speaker, I wonder whether I am correct in saying that my name should be announced as Galgalo Godana.

The Speaker (Mr. Slade): When necessary to distinguish, but when your name is down on the Order Paper as asking this question, I do not think it is necessary.

Question No. 547

FINANCIAL AID FOR MARSABIT COUNTY COUNCIL

Mr. G. Godana asked the Minister for Local Government if the Government would consider giving financial aid to the Marsabit County Council for building houses for people who were now homeless due to *Shifita* raids.

The Minister for Local Government (Mr. Ayodo): Mr. Speaker, Sir, I beg to reply. Under the regulations general housing powers are given to municipal, urban and area councils only. There are no local authorities of this category in the Marsabit County.

However, a local authority may advance money on loan to any person to construct or acquire a dwelling-house for occupation by him. Therefore, the Marsabit County Council can apply to the

Thursday, 5th November 1964

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

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 691

MOSQUITO CONTROL: KANO PLAINS

Mr. Nyalick asked the Minister for Health and Housing whether the Government was doing to control the overwhelming increase in the swarms of mosquitoes due to swamps all over the Kano Plains.

The Speaker (Mr. Slade): If the Minister is not represented, we will have to wait until the end to see whether any representative of his Ministry is then here to answer this question.

Question No. 714

PREVENTIVE DRUGS FOR SLEEPING SICKNESS

Mr. Odeoro-Sar asked the Minister for Health and Housing whether he could provide a preventive drug for sleeping sickness which could be used as a means of protection by the Nyanza and Western Region peoples who might be willing to clear the bushes where the tsetse flies were breeding, particularly in the Ugenyo and Alago constituencies.

The Speaker (Mr. Slade): The Minister is not here; this question also will have to go to the end.

Dr. Mungai, Question 714 has just been asked.

The Minister for Health and Housing (Dr. Mungai): Mr. Speaker, Sir, I beg to reply and to apologize. There is an insecticide which, when applied to the exposed areas of the body, will practically stop the tsetse flies biting. For anyone interested in clearing the bush in these areas this ointment would be available for use and, indeed, we would use it in clearing the areas around Kisumu and Kakamega.

It was at one time thought that an injection of a certain drug could prevent sleeping sickness but later it was found that it only masks the symptoms of the disease and then, finally, the disease comes out in a very strong form which becomes very difficult to deal with and there is hardly anything which one can do because the disease is too advanced.

Mr. Nyalick: Mr. Speaker, Sir, arising from the Minister's reply, is the Minister aware that in this area, death has increased tremendously due to mosquito swarms over all these areas?

The Speaker (Mr. Slade): That is a different question.

Mr. Moliro: Mr. Speaker, Sir, arising from the Minister's reply, would the Minister agree with me that it is only the areas around the lake shores of the Western Region and Nyanza Region which are affected by tsetse fly and not Kakamega?

Dr. Mungai: Mr. Speaker, Sir, not only those areas in the Western and Nyanza plus the Lambwe Valley.

Mr. ole Tipis: Mr. Speaker, Sir, can the hon. Minister tell us the doses or quantities of the insecticide he mentioned earlier which have been supplied by the Ministry to the two areas mentioned in this question?

Dr. Mungai: Mr. Speaker, Sir, they are ample and it can be obtained from the Regional Medical Officer in the hospitals and you do not have to measure them in doses because there is enough to apply to the body. You require about two ounces for each individual adult which will cost about Sh. 10 per pint and we have several sizes available: including about a thousand pints right away.

Mr. Gichoya: Mr. Speaker, Sir, arising from the original reply from the Minister, should we understand that up to this moment there is no drug capable of curing sleeping sickness apart from an ointment which has to be applied to the body to prevent somebody getting the disease?

The Speaker (Mr. Slade): This question deals only with preventive drugs, not cure of the disease.

Mr. Ngala-Abok: Mr. Speaker, Sir, will the Minister tell us now whether this insecticide has been supplied to the people in Lambwe, South Nyanza, where there is a high death rate arising from sleeping sickness?

Dr. Mungai: Mr. Speaker, Sir, this I have said has been supplied to the Regional Medical Officer serving in Kisumu and it is available and he uses it, and also to supply the people who go into the infested areas to clear the bush.

Mr. Moliro: Mr. Speaker, Sir, would the Minister consider supplying this drug free to the areas now affected by tsetse fly?

Dr. Mungai: Mr. Speaker, Sir, it is supplied free from the regional medical officer. I just gave the cost that it is to the Government.

Mr. Malinda: Mr. Speaker, Sir, arising out of one of the Minister's replies, where he said that the preventive drug was not effective enough, can he tell us what steps his Ministry is taking to encourage research for a more effective preventive drug?

Dr. Mungai: Mr. Speaker, Sir, we have a research station at Tororo, and also the more advanced and richer countries do a lot of research and pass their information on to us.

Question No. 724

PATIENTS' UNIFORMS: KISII HOSPITAL

Mr. Omweri asked the Minister for Health and Housing whether the Minister was aware that the uniforms used by the patients in Kisii Hospital were both shaming and sickening both to the users and to the public, and was he prepared to replace this old uniform?

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

The Ministry is not aware that the uniform used by patients in Kisii Hospital is either shaming or sickening either to the users or to the public. The Minister is, however, aware that there may be some staining of the linen which is often a problem in dealing with hospital linen, and we are aware that the uniform in the hospital needs improvement and, indeed we are going to improve it. I wish to know Kenya could budget for so much money that we could tackle everything at the same time. But we have this in mind and when we get the money to make better uniforms of better colours and better materials, we shall do so. In the meantime, replacement of worn linen is always carried out.

Mr. Omweri: Mr. Speaker, Sir, the Minister says that he is not quite aware, which implies that the Ministry might be aware a bit. The question is, is the Ministry not aware that a uniform which was bought in 1952 and which has been patched three or four times is still being used by patients in this particular hospital?

Dr. Mungai: Mr. Speaker, Sir, I said that we are aware that the uniform is not ashaming or sickening, but I also admit that it is not first class because we do not have enough money, and I am aware that we do have uniforms and we use them for economy, but I am not aware that that uniform was bought in 1952.

Mr. Masinde: Mr. Speaker, Sir, in view of the fact that the Minister is aware that he is looking forward to changing the uniforms, the questioner here is only intending to know why it is that the

old uniforms which have been patched several times are still being used in Kisii Hospital. Can he not replace them by the same type of uniforms which are being used in other hospitals in Kenya?

Dr. Mungai: Mr. Speaker, they are being replaced when they get worn out. But you cannot remove and replace all the uniforms in all the hospitals in one day.

Mr. Anyien: Mr. Speaker, Sir, will the Minister tell us how long these uniforms are intended to be used, and as to whether all other hospitals in Kenya have been subjected to the same treatment as Kisii Hospital?

Dr. Mungai: These are being changed from year to year and even this year and next year there will be some replacement in the uniform in Kisii Hospital.

Question No. 733

NON-PAYMENT OF MIRAA TRADING COMPANY EMPLOYEES

Mr. Lorema asked the Minister for Labour and Social Services if he was aware that the West Pokot Miraa Trading Company had not paid its employees their wages for six months consecutively?

The Minister for Natural Resources (Mr. Sagino): Mr. Speaker, Sir, on behalf of my colleague, the Minister for Labour, I beg to reply. I think the hon. Member is referring to Messrs. Saleh and Co. (QAT) Ltd., who are running the business of supplying miraa from West Pokot.

Early in July 1964, certain employees of the above firm went on strike because they were not paid wages due for the months of May and June 1964. The Ministry investigated the cause of the strike and took the matter on behalf of the employees to recover wages due.

Since then, several other employees have come forward with a similar complaint and the Ministry has already taken up the case of their behalf. Criminal proceedings have already been instituted against the firm.

Pending the outcome of the case, which is already in the court, there is nothing further I can say in the matter.

I can assure the hon. Member that the matter is being looked into by the Ministry.

Mr. Lorema: Mr. Speaker, Sir, arising from the Minister's reply, would he tell the House, in general terms, how long a firm takes before it pays its employees, what duration of time?

[The Parliamentary Secretary for Health and Housing]

here regarding various diseases in the Busia District. There is leprosy, tuberculosis and the diseases of malnutrition. For Leprosy, we have a centre at Alupe, and there we have a centre with so many beds, might I say only second perhaps to Mombasa, and after Nairobi, Alupe has a number of beds. What the Ministry could do with support and encouragement and with the assistance and agreement of the people of the Western Region is to agree with us on a policy whereby the position would be that as we have reduced a number of leprosy patients, and we have about 300 beds, that they will agree with us that the patients are treated elsewhere or at their homes, and then while at their homes the buildings are fumigated, and start a hospital there instead of having it in Busia town. Further, a Member here raised early this year, the question of whether we shall build the Busia District Hospital at another place called Namhale. We cannot guarantee any of these things, but we want the people of the district merely to give us their plans and what they want us to do, and we will conform to this.

Mr. Speaker, the person who used to look after the region was sent for a course overseas, and they know it. The course will benefit, not only the people of the Western Region but the people of the whole of Kenya. We have been told now that a doctor offered his services, and I think it was my friend Doctor Otsyula. If he offered free services, and a suggestion has been made here that the reason why we have not accepted these free services is that the particular doctor does not see eye to eye with our Chief Medical Officer.

I must state that this suggestion is sheer poppycock, and has no grounds whatsoever. The Ministry is very fond of Dr. Otsyula. Hon. Members might remember that he was once the subject of a question in the House. Mr. Speaker, and I had the pleasure to answer it. Maybe these offers of his services are like those that used to be mistaken as Women's Voluntary Services; other people have the wrong ideas about him. These voluntary services by Dr. Otsyula may have invisible strings attached, but we do not particularly mind. We would like to have Dr. Otsyula's services whenever he wishes to come back to the Ministry. Every time we want doctors why do we have to go to look for them in America, when we have our own people here? They said that Dr. Otsyula, who was educated at public expense, refused to serve the people of Kenya, but this is absolute nonsense.

Further, there is the question of Bungoma, the question too of the Busia District. It was only a few weeks ago that the Minister and I went down to open a beautiful health centre at Kocholia, perhaps the best we have in Kenya. This health centre has a lot of facilities, including maternity beds. These maternity beds are not being used to the full, and unless you use the services that are open to you, I do not see why we should do anything about it at all. There was a question of a doctor from Bungoma serving two districts. The Western Region was recently part of Nyanza, and all cases from Busia, Bungoma, Kakamega, Kisii and Homa Bay are still going to the Kisumu General Hospital. This is a proper arrangement. Kakamega is not a national hospital as suggested by the Mover of this Motion. It is a general hospital, not a national hospital. Kakamega again has this unfortunate position that electricity is only now being taken there. We do tell the people in the Western Region that Kakamega shall be brought up to the highest possible standard with equipment, X-Ray equipment and so on, including a refrigerator for the blood bank. I hope the Members in that area will come forward first to use it.

We should not be blamed, Mr. Speaker, for what we have not been able to do and for what was done in the past. We would rather try and accept that whatever happens in the future is our responsibility. Again in the Western Region, Kakamega is twenty-seven miles from Kisumu. If a case of difficulty has to be referred to Kisumu, the Ministry is doing everything to do the maximum possible, not only to serve the Western Region, but to assist the mission hospitals in the region.

Mr. Speaker, Sir, finally I wish to suggest that it was only early this month that the Chairman of the Health Committee in the Western Region, Mr. B. Tsuma, visited our Ministry. We gave him certain promises, and he offered to give us certain undertakings. He has not done so though, and we are waiting for his advice on these undertakings.

Mr. Anyeyi: Mr. Speaker, Sir, I expect that after allegations had been made against the Ministry for the inadequate doctors we had suspected that the Parliamentary Secretary was going to say in this House that in this region we have so many doctors and in the other region we have so many doctors so that we will know the comparison. If, for example, all the doctors are being taken to the Coast or Nyanza or any other region, it would be unfair. This Western Region has a population of more than one

[Mr. Anyeyi]

and taking into account that Kenya is divided into seven regions, surely if Western Region has two doctors then it means that in the whole of Kenya, they are hardly more than fifteen doctors. But if there are more doctors than that, then we should have had the Ministry giving us more doctors.

Now, Mr. Speaker, here again we have to attack the Government policy on the services of our people. Now, if we have about 100 doctors in Kenya, I do not know if the Parliamentary Secretary knows this, and if out of these 100 doctors they have only taken about three doctors to the Western Region this is being unfair. The

Government, while this is a very strongly Kadu area, must know that the majority of the Members of Western Region are Kumu. These people should not be penalized for any other reason. The Ministry should not take defensive measures. The Ministry should know that this matter was brought up so that they could look into it, and do something for the people.

ADJOURNMENT

The Speaker (Mr. Slade): It is now the end of the half hour allowed. The House is adjourned until tomorrow, Thursday, 5th November 1964, at 2.30 pm.

The House rose at Seven o'clock.

[Mr. Makokha]

Sir, as you will be told later on by a colleague of mine, at one time there was not even a single doctor at Kakamega hospital.

Mr. Speaker, Sir, because we do not have the doctors required at Kakamega, all the serious cases from the Western Region are referred to Kisumu, particularly surgery cases. Now if somebody from Busia must be taken to Kisumu because he is a serious case, he will first of all go to Bungoma, about thirty-five miles away; from Bungoma he will be transferred to Kisumu about sixty-five miles away. Now that is about 100 miles away altogether.

Because the time is almost over, Mr. Speaker, Sir, I will say something very briefly about equipment. In Busia of course because we do not have a hospital there is no equipment that can be called by that name. In Bungoma hospital I myself have seen patients occasionally, when the wards are full, sleeping on verandahs. In Kakamega hospital we do not have the very important equipment such as X-rays. I want an assurance from the Ministry that an X-ray machine will be forthcoming now that electricity is just about to be installed. As a result of lack of an X-ray plant, the surgeon in charge at the Kenyatta National Hospital cannot post a surgeon to Kakamega.

Mr. Speaker, Sir, I know the Minister when he answers may say that there are several mission hospitals in the Western Region. Now that may be true but the mission hospitals, because they are not subsidized enough by the Government, are extremely expensive. At Kaimosi, for example, they charge as much as, if you want a good ward, Sh. 70 per day. Out-patients at Kaimosi pay between Sh. 5 and Sh. 15 per day and the ordinary people in the Western Region cannot afford it.

Mr. Speaker, Sir, I said the situation was threateningly dangerous. The Minister the other day told the people in the Western Region that they should do away with witch-doctors, but what alternative do they have when there are no medical facilities in the area?

The situation is dangerous also because in the Western Region we have some of the most dangerous diseases, such as sleeping sickness, along the lake shore; we have also leprosy all over the region; we have malaria which is very dangerous to little children; malnutrition is increasing rather than decreasing. Tuberculosis too, Mr. Speaker, is increasing. Therefore, when the Minister comes to reply I want him to tell me and the House that he is going to do something immediately about this shortage.

Mr. Speaker, Sir, I beg to move.

Mr. Shikuku: Mr. Speaker, Sir, I would not over-emphasize the situation as far as medical services are concerned in the Western Region as such, because of the well-known fact that the facilities as far as medical services are concerned for the people of Western Region are completely hopeless. Mr. Speaker, the question of the Western Region is one of the parts, medically speaking, which has been completely overlooked despite the fact that questions have been raised time and again in this House as to the medical facilities there. But we have had a lot of empty promises that doctors were being looked for, and this and that and the other. Here, Mr. Speaker, here is a case where a medical man, a doctor, was not prepared to give free services, without any payment, and that offer is being turned down. And practically one new doctor is being recruited. And practically one new doctor is being recruited that Ministry; if somebody is ready to offer free medical services and that offer is turned down, then it could easily be said that the Minister is probably against the region and does not care a damn what happens to the people. This is a very serious case. I feel that we in the Western Region who are taxpayers are entitled to the same medical facilities, just as any other region in Kenya. I feel it is completely unfair and unjust for the Minister to overlook this.

If I may turn to another point, Mr. Speaker, there was last month a case—this took place when I was there. A man was knifed at a market, he was stabbed in the back. He was brought to the Kakamega hospital while I was there, and what happened? There was no doctor present that day to attend him. There were only two doctors there. One was an African doctor who had gone for a week-end at Nyeri. One was an Asian who had gone to Nairobi for the week-end, it was a Saturday, and so there was a chaotic situation then. The dressers who were there and the people who were there could not help this patient. What happened? The person was driven to Kisumu. Whether he died on the way—thirty-two miles away from Kakamega—to Kisumu I do not know.

Mr. Speaker, having found the situation was so serious, I personally came and reported the matter to the Minister for Health, and I also put it in writing. I have not even received a reply to my letter. If anyone wants me to prove this, I am ready to bring the letter—the copy—tomorrow and show it. I handed it to the Minister, he received it personally, and I feel this is another case which proves that the Ministry is overlooking the Western Region.

I remember one day when I was hit by some ruffians at Khayeka market, I went to the hospital

[Mr. Shikuku]

I was never attended to. I had to go to and I was never attended to. This is evidence again. Kisumu for my treatment. This is evidence again. I can produce my sick-sheet which was given by the police in Kakamega. I was refused attendance and had to be attended to in Kisumu. For the information of the House, I never paid anything.

This shows, Mr. Speaker, the difference between the two regions. I do not see any reason why I had to be given treatment in Kisumu and not in Kakamega. There was nobody there to take care of me and attend to the people. If that treatment is given to the hon. Member, that shows very clearly that the ordinary men and women in Kakamega or in Western Region suffer a great deal.

Mr. Speaker, Sir, this question—if I may come back to it—of equipment. If you go to the Kakamega hospital you will be ashamed of it. You would not even call it a hospital. They can receive people who are seriously injured. When it comes to the question of treatment, they have no good equipment there nor any good doctors there. They do not even have lights at night there, they still use hurricane lamps, lanterns. This shows that the people in that area have not been taken care of by the Government and that it does not intend to do anything urgently. Yet we hear that another big hospital with help from the Russians is to be established in Kisumu which is well equipped. We are told that that is Harambee.

Mr. Speaker, Sir, I think that the money which is spent here paying the hon. Parliamentary Secretaries should be used to pay the staff and employ more staff and pay for better equipment in these medical centres like in the Western Region, so that the people can be served medically, rather than spending it paying big salaries to the Parliamentary Secretaries.

I know the Parliamentary in question. He is one of my friends here, and he said in this House one day he did not think that the posts of Parliamentary Secretary should be scrapped and the money is used for another good purpose, such as equipping Western Region Hospital.

Mr. Speaker, when it comes to the question of the staff in that region, we were told one day by the Minister for Health and Housing here that the Government were trying to get us a doctor. Well, how long is that going to take? We were offered free services by one doctor. Is it not something that we have to ask this Government very seriously and tell them that they are doing nothing in the Western Region and the people there are dying, and the population is diminishing a great deal due to the lack of medical facilities?

I feel that the issue in Bungoma and Busia is all alike. We cannot expect one doctor to attend to over one and a half million people. Is it not overworking him? I do not see why we cannot be supplied with more doctors to serve the Baluhya who are well over a million and a half. They cannot be satisfied with the facilities in Kakamega, and we would like to have more doctors and hospitals, and I hope the Government will not only concentrate on Kisumu but will also give the western people, who are Kenyans, due consideration and give them treatment as far as medical facilities are concerned.

With these few remarks, Mr. Speaker, I would like to give some hon. Members one or two minutes to say something. I beg to support the Motion and hope the Government will do something.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): Mr. Speaker, Sir, the question of having any particular area of Kenya is not part of the policy of this Government. We do not hate, and, in particular, we do not hate the Western Region. We love it dearly, and will do everything possible to get the Western Region service in the best possible manner. We know the Western Region has a large population.

An hon. Member: You do nothing about it.

The Parliamentary Secretary for Health and Housing (Mr. Argwings-Kodhek): We do everything about it.

I must say this, Mr. Speaker, that I must refute very strongly any suggestion about any particular region, or for that matter, that the Western Region is neglected in any way. The question that raised by my friend, the Member for Butera, that money should be saved to pay for certain possible services in the Western Region is nebulous in the extreme. As a matter of fact, even if we scrapped all the salaries of Parliamentary Secretaries, it would not do much because they earn much less than even the ordinary Members.

Mr. Speaker, Sir, I will now deal with certain points raised by the Mover of this Motion, my friend Mr. Makokha. I quite appreciate what he has said and so do I appreciate the points he raised by the Member who has just resumed his seat. He started off talking about Busia: that said. He started off saying there, Mr. Speaker, Busia is there is no doctor there, and I personally have one of those and a number of questions about Busia answered and the plans we have for helping and here and the plans we have for helping and assisting the services in Busia. Mr. Speaker, the House will also remember that mention was made

[Mr. J. M. Kariki]

do anything to our servicemen if they want to leave with our uniform. As the hon. Members in this House know, as soon as the recruits come to the National Youth Service, we supply them with two uniforms—one is the uniform used to drill and another uniform is used for work. We also give them some other equipment, such as shoes and berets and also food, apart from other things. If any of them wants to go to his home, he can take along with him his property which is given to him by the National Youth Service, because it is nowhere stated, that if he goes with the National Youth Service, property, the way in which the Government can recover this property. That is why this part especially is very important, because it enables us in the National Youth Service at least to try to find out who has taken the property of the service.

Now, Sir, it may be argued by many hon. Members in this House that the period set aside of fifty-two weeks in the National Youth Service is a very limited period. That, Sir, is necessitated by the fact that the National Youth Service is in its initial stage and we cannot, at the same time, increase the period beyond one year, and also, Sir, I would like to mention that there is a pressure in the Members' constituencies from the youths themselves because they have been pressing them to know when they will be taken into the National Youth Service. If we extend the period to cover two years, you will see that most of the youths who have already been chosen by the Members in their constituencies will not be taken into the National Youth Service for a considerable time. I would like to say here that among the small group that I have already received from the Members of this House, there has been what I should call a display of tactics from some Members in this House. This time it is a challenge to the hon. Members in this House that they have not been responding to the calling-up notices of the youth into the National Youth Service. I appeal to them, if they are pressed by the youth in their constituencies, that whenever we call youth to come to the National Youth Service, they should respond more quickly.

Now, Sir, I would like to point out that when an hon. Member says that there are too many in their own constituencies, I quite agree with him. Let this Bill be passed and, Mr. Speaker, I would like to give an assurance to this House that as soon as this Bill is passed in this House the areas like the hon. Members' own constituencies can be absorbed into the National Youth Service, but at the moment we are tied-up for lack of this Bill and the earlier we can finish this Bill, the better, so as to enable us in the

National Youth Service to go on with establishing more camps in many parts of the country. But at the moment, Sir, we are somehow handicapped by this Bill and I would like to appeal to the hon. Members that if they should like also the youth to be taken quicker, the best thing to do is to respond to any circular that we send to them.

I can see very many of the hon. Members in this House today who have received my calling-up notices and they have not even sent their youth to the National Youth Service. In that case, I am appealing to them, Sir, that in future they should also try to assist the service by sending the youth at the appropriate time.

Now, Sir, as the hon. Members can see in clause 13, it states that "the service has been limited to such numbers and definition of branches, units and sub-units as the Minister may from time to time by notice in the Gazette direct".

Mr. Speaker, Sir, the aim of the National Youth Service, as already many Members in this House are aware, is to establish so many branches in this country, so as to work in various projects in various districts of this country, and there are some in mind today. The Government is intending to start projects like clearing tsetse-fly areas for settlement in places like South Nyanza in Nyanza Region; making roads in various places like Mombasa, Kibwezi, Nairobi and many other places, and I would like to refer to the hon. Member who is interjecting that Nyandarua is also getting that priority. I am not so selfish as you might think. Now, Sir, I would like also to explain to the hon. Members in this House that it is also the intention of the National Youth Service to work in very many other projects like irrigation schemes among others, and also in national parks, clearing of bushes, etc., that is why in clause 13 it states that the service shall be divided into such numbers and units and branches. From there, Sir, they can also be divided in a group of a hundred men, or whatever number is required, for other, smaller projects, required in many other places in settlement or in road-making. Now, Sir, I would like, as time is going on, I wonder whether I am going to speak—

The Speaker (Mr. Slade): I think, Mr. Kariki unless you are very near ending, you should choose a convenient point to break off, any time now, and carry on when we continue the debate.

Mr. J. M. Kariki: Mr. Speaker, Sir, may I continue for two minutes?

The Speaker (Mr. Slade): Yes, certainly.

Mr. J. M. Kariki: Mr. Speaker, Sir, I would like also to explain to the hon. Members in this

[Mr. J. M. Kariki]

House that this Bill also will give us a chance to discipline the youth as they know very well that in the national service we are only asking these youths to be more disciplined at the moment, because there is no Bill giving us powers to discipline them, but we are hopeful that most of the youth that the hon. Members have chosen to bring to the national service are co-operative at the moment, that they have been able to be disciplined even before this Bill is passed in the House, but we would like, in order to be in a good position, in order to discipline them in future in a better way, we would like this Bill to pass in this House without amendment if possible so that we can discipline them in a better way without interference. As it is today, we cannot use any disciplinary measures because this Bill has not been passed yet.

MOTION ON THE ADJOURNMENT MEDICAL PERSONNEL AND EQUIPMENT FOR WESTERN REGION

The Speaker (Mr. Slade): It is time now for the interruption of business so that there is time for the matter for adjournment. I will ask a Minister to move that the House do now adjourn.

The Minister for Labour and Social Services (Mr. Mwenda): Mr. Speaker, I beg to move that the House do now adjourn.

The Minister for Finance and Economic Planning (Mr. Gichuru) seconded.
(Question proposed)

Mr. Makokha: Mr. Speaker, Sir, in the notice which I handed to you when I gave notice of this matter to be raised on adjournment, I said the situation in the Western Region existing at the moment as a result of the shortage of medical equipment and personnel, was threateningly dangerous. Later on I will explain why it is threateningly dangerous.

First, I will give the present position of the shortages in various districts of the Western Region. First of all, Busia. In Busia District we do not have a medical officer of health or a doctor. Now the other day when I asked the Minister to provide a doctor for Busia he told me he could not do so because we did not have a hospital. But I remember, Mr. Speaker, Sir, early last year we had a doctor in Busia District. When he was taken away, there was no replacement for him. Because we do not have a doctor there. We do not have effective supervision of the health centres in that district.

Another thing, Mr. Speaker, sometime early this year when Doctor Otsyula left the medical services with the Kenya Government, he offered his services. He was prepared to work in Busia District because he knew there was danger there, he was prepared to do part-time work in Busia District. But the Minister for Health and Housing refused. Now recently again, after Doctor Otsyula had been employed by the Common Services, as he is at the moment and living in Busia District, he told the Minister for Health and Housing that because he was not doing enough work as a doctor he was prepared to offer his services free of charge to the people of Busia District if a ward could be provided where he could attend to the patients. This again, Mr. Speaker, Sir, was refused. I understand that this particular doctor, that is Doctor Otsyula, does not see eye to eye with the Director of Medical Services and the Minister as well. For this reason, even when he offers his services free, they are refused. But I do not see why, if a doctor who was born in Busia, feels he should serve his people, just because he does not agree with the Director of Medical Services and the Minister, the people should be made to suffer.

Mr. Speaker, Sir, I come to Bungoma District. In Bungoma District there is a hospital and up to three weeks ago there was only one doctor. This one doctor was supposed to look after the hospital, that is the patients in the hospital at Bungoma, and he was also supposed to be the medical officer of health, that is, he was supposed to do office work, not only in Bungoma but in Busia as well. He was supposed to look after two districts. That is, he was supposed to visit Busia once every week and the rest of the week he would do work in Bungoma. But because the work in Bungoma itself was so heavy, he did not visit Busia at all.

Mr. Speaker, Sir, even if this man, this doctor, was able to go to Busia from Bungoma, during the time when he visited Busia there would be no doctor in Bungoma. When he visited Busia, if at all he did, he was only able to go to one health centre. If he went to this one health centre, he was not able to see all the serious cases, the really serious cases.

To come to Kakamega. Kakamega hospital is supposed to be a national hospital like Nyeri, Machakos, Kisumu and Nakuru. But, Mr. Speaker, Sir, until a few days ago—and this may be the case even now—there was only one doctor, at a national hospital which is supposed to cater for the whole region. Only one doctor. No surgeon, no specialist of any kind. Mr. Speaker,

[Mr. Bala] There should be licensing boards or licensing courts in every district so as to consider the applications from various people who want to deal in motor vehicles, because if we have only one person at times the public are going to be inconvenienced.

Now, Mr. Speaker, I do not have very much to say on this Bill except I would like to be satisfied that the small garage people are completely covered by the Bill. Because, as I said before, in a place like Kisumu we have small garages, especially African garages, like Wang Chieng Garage and so on, who are just coming up, and I know the Government's intention is not to penalize the public, it is the intention of Government to protect the public from the wrong doers. I do not think the Government would bring about a Bill just to punish people. The main intention is actually to protect us but, at the same time, when implementing some of the laws that we make here, these people in the field who are going to implement them, we must actually give them workable provisions so that they can implement them in a way which cannot be harmful to the ordinary man. That is why I would strongly request the Minister to satisfy us as to how these things are going to be implemented as far as small African businessmen are concerned.

Mr. Speaker, with these few remarks, I wish to support the Bill.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): On a point of order, Mr. Speaker, in view of the fact that points have already been made on this Bill and that now there is a tendency on the part of hon. Members trying to repeat points that have already been made by other hon. Members am I right to move that the Mover be now called upon to reply?

The Speaker (Mr. Slade): I think it is reasonable at this stage to allow the House to consider the closure.

(Question put and agreed to)

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, in replying to the points raised, I was very interested to learn from the Leader of the Opposition that many of them—I do not know what he meant by some of us—some of us have spare parts here and there in our vehicles of the kind that we are trying here to deal with, so now we know.

Mr. Shikuku: On a point of order, Mr. Speaker, is the hon. Member in order in implying more or less that some Members are concerned or connected in this trade of spare parts and that now he knows. Is he in order to imply that?

The Speaker (Mr. Slade): He did not say what he knows.

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I have merely quoted that some of us have spare parts here and there in our vehicles and there was a smile on the face of the Leader of the Opposition. So now we know that there are some spare parts that we might be interested in.

The intention of this Bill is of course to protect the law-abiding public and we have no intention whatsoever of penalizing bona fide businessmen who deal in spare parts. It will be quite easy for anybody, who is honourable, dealing in spare parts to get a licence from the nearest police station. We will not go out of our way, and I am quite sure that police officers are not as bad as is being implied here, to prevent African businessmen who are trying to enter this business from entering it. In fact it might be that we will be helping them on by controlling the business to a certain extent by preventing groups, particularly here in Nairobi, who have got, we know, gangs of people who go round stealing cars and then bring them to their secret garages at night and then they proceed to dismantle these cars into spare parts for sale the following morning to honest people who come along to shops in Grogan Road which, to all intents and purposes, are honourable shops, so that here we are in fact trying to help these businessmen that were mentioned by the hon. Mr. Jahazi. The hon. Mr. Omweri mentioned the question of Grogan Road. We are not in this Bill, of course, specifying anywhere, Grogan Road or Kariakori. This Bill covers all Kenya from Mombasa all the way up to the Ethiopian border and from the Somalia border all the way up to Lake Victoria Nyanza. It would become very difficult if we were to adopt the hon. Mr. Omweri's suggestion that we should specify spare parts that would be covered in this Bill. In fact, it might become a farce where for example you are dealing with a pump. If you only specify certain parts of the pump and you found that your car's pump had been stolen one morning and you reported the case to the police and something was recovered but less one nut which was not specified under this, you would find it extremely difficult to prove that it was yours.

[The Parliamentary Secretary for Internal Security and Defence]

We are allowing, of course, recourse to an appeal against cancellation of licence by appeal to a Minister. In this case it will be the Minister responsible for the police at any one time. At present, of course, it is the Minister for Internal Security and Defence.

The hon. Leader of the Opposition mentioned that children should not be involved in this but we find here in Nairobi particularly that children are very good at pilfering badges from cars. Those who have ever had anything to do with a Mercedes knows that there is that little thing in front of the Mercedes car which signifies that it comes from the Mercedes-Benz organization and it is very easy for children to pull these things from cars and sell them and they always find it extremely easy to sell them. As a result, many Mercedes cars in Nairobi, if you start looking now you will see, that very many of them have not got those little stars that they should have in front, because little juvenile delinquents go round the town cutting off as many as possible of these and disposing of them either in Grogan Road or in some other place, Eastleigh or elsewhere.

Section 21, somebody asked which police officer was implied. It says a police officer may arrest without a warrant. The police officer specified there is one of Sub-Inspector's grade and above. It is already defined in the Bill. Again, there are provisions for forfeiture which were criticized but Members must understand that forfeiture of accessories, components and vehicles referred to in this Bill could only be such as with the authority of a magistrate so the public are covered. There were arguments that the punishments were not severe enough and then the hon. Leader of the Opposition considering that he had spare parts here and there in his car, thought perhaps they were too severe, so that now it looks to me as though we have struck a fair balance. There are complaints from some Members that punishment will be too severe and from others that it will be too lenient. I think in fact the Attorney-General has struck a very fair balance.

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

(Question put and agreed to)

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

THE NATIONAL YOUTH SERVICE BILL

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that the National Youth Service Bill (Bill No. 45) be now read a Second Time.

Mr. Speaker, Sir, the purpose of this Bill is to supply a statutory authority for the establishment of a Kenya National Youth Service and I am sure that a Member or Members of this House would like to talk on this Bill and to support what Government is doing. This Bill, Mr. Speaker, outlines the organization of membership of this Service and it also provides for the ways in which members of the Service will be employed. Further, Sir, it incorporates as hon. Members will see, in clauses 18 to 22, a code of discipline designed to ensure very high standards of conduct befitting a uniformed service of this Government. Also, Sir, the hon. Members will see that there are clauses in this Bill which gives powers to prevent outside subversive influences disrupting the service. This I think is something which is very necessary but also hon. Members will see. I think it is clause 25, that protection is afforded to the uniform and the property of this service.

Mr. Speaker, in introducing this Bill, I do not want to say much more, I know that the Director of the National Youth Service himself will talk at length and as will the other people responsible in this Ministry. Therefore, Mr. Speaker, with these few words I beg to move.

Mr. J. M. Karinki: Mr. Speaker, Sir, I think the hon. Members in this House have been expecting this Bill to come to the House and the reason is because I believe that every Member in this House has been pushed in his own constituency to bring the youth that he has already chosen and to bring them to the National Youth Service. As the Minister has just explained there are some obstacles which have not made it possible for the National Youth Service to be expanded to many other parts of this country because of this Bill. I hope and trust that every Member of this House will give this Bill support and that we will be able to make headway so quickly so as to enable the National Youth Service to be expanded in other regions. As hon. Members can see in this Bill I would like to mention one or two things in the Bill itself. In Chapter XI it says "that every member, on leaving the service, shall forthwith deliver up to such person as may be authorized any uniform, clothing, equipment or accoutrements supplied to him by or on behalf of the service". Today, Mr. Speaker, we cannot

Mr. Jahazi: As I was saying, Mr. Speaker, we also sympathize with this Bill because we realize that something had to be done to control the increasing number of car thefts in the big cities, and which we know disappear completely, and are sure that, after being stolen, a car is broken up and the spare parts sold privately in an under-hand manner. While realizing that, the Bill which has been presented seems to be very, very hard; it has gone beyond the control we expected, therefore, although we agree completely with the Bill, we would also like to ask the Attorney-General to see where he can remove the unnecessary harshness in the Bill. I will not refer to each section since most of the Members have pointed at the harshness in the Bill, and I, am sure that the Attorney-General has noted our main concern in the Bill. I am very confident that he will consider this. At the same time I would like to say that, as we realize that most of the people who own second-hand cars are Africans and I would like to see more Africans driving cars on the road, they are the people who mostly need spare parts and there is a difference between stolen spare parts and genuine spare parts.

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

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

The Bill makes it very difficult for the up-and-coming African businessman who would like to deal in spare parts to come up because, Mr. Deputy Speaker, as you know, we have second-hand car dumps, and when a Morris Minor has crashed it does not mean that the whole car is no good; you may utilize a tyre, a nut or bolt, or something like that, and the body is sold to a scrap dealer. Most of these people who deal in such cars which are completely written off but whose spare parts can still be used are Africans. If you make the law, so harsh, as it is, you can never get a spare part in Kariakor; and most of us get our spare parts from Kariakor because they are very cheap. The Attorney-General thinks that every car component which is sold in Kariakor is a stolen one, and unless you prove that those people who earn a living by selling these cars are thieves, then you cannot support them because what happens is that when a car overturns you can buy it very cheaply from the insurance company, as by then it is a complete write-off, and then you break it down, part by part, and sell the usable parts to the people who have the same model. Those parts are cheaper than the ones which are sold at Marshalls or Rootes or other big companies. Therefore, we must put our brothers who are dealing in this type of thing in business because they are

not only serving the community but also supplying these spare parts so cheaply that every poor African who owns a second-hand car can afford these spare parts. However, if the Bill is passed without a little consideration of the points which have been mentioned, then you will close all these gaps, all these outlets for cheaper spare parts; and then the prices will go up and people will not be able to afford them. We all have cars. I would not like my car to be stolen and I would like to have all the legislation which can cover the loopholes which existed, but as regards this Bill, it has been pointed out that some sections are very harsh and I hope that the Attorney-General will consider them and amend them wherever it will not jeopardize the intention in the Bill to stop all these car thefts.

Mr. Deputy Speaker, Sir, I would also like to know how, because most of these spare parts do not only go to the spare part dealers. We have many scrap dealers here and these spare parts can come from a new car, a car can be stolen, dumped somewhere, covered with earth and then the spares can be sold to the scrap dealers the next day as if they are real scrap.

Mr. Deputy Speaker, the Bill covers only one section of the would-be thieves. The scrap dealer should also show his record, where he got every nut and bolt, where he bought it from and that it is not from a car stolen yesterday, because if you do not make it difficult for these people to sell to the spare part dealers then you leave the ground wide open for the scrap dealer to buy any type of scrap. They will then not be able to sell it or export it to Japan and the Bill will still be there and the spare parts will not ever be recovered.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Deputy Speaker, it looks as if the hon. gentleman has not read the Scrap Metal Act, what he is just saying is covered already in the Scrap Metal Act.

Mr. Jahazi: I thank the Junior Minister for the little information. Although the scrap dealer is covered, yet the point we have made is, that this Bill is still very harsh and therefore I would like the Attorney-General to consider very seriously the points raised, and in so doing we are only trying to help him to make life in the cities and towns worth living, an easy life and at the same time covering the loop-holes and jailing those car thieves who are terrorizing and making us sleepless when our cars are outside. You never know whether you will find your car outside or not.

[Mr. Jahazi]

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

Mr. G. G. Kariaki: Mr. Deputy Speaker, Sir, I rise to support this Bill very strongly. I disagree with those Members who say that there are some harsh clauses which, in fact, will penalize dealers very heavily. If I may mention some cases, especially in my area, there have been a lot of vehicle thefts almost every month.

Mr. Deputy Speaker, while I support this Bill very strongly, I would like to ask the Minister to try and see that those thieves will be penalized very heavily, not only six months in prison. Some Members are saying that dealers are denied the opportunity of selling their goods. This is not true. Mr. Deputy Speaker, because if we have dealers who are allowed to sell their goods almost every night and throughout the night this may encourage vehicle theft.

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

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

Mr. Speaker, Sir, I would like to congratulate the Minister for having put in this clause which says that books must be kept. If we do not have such a clause then we will have always car thieves and dealers who buy the spares because they know they do not have to show any records.

Mr. Speaker, Sir, without monopolizing the time of the House I beg to support.

Mr. Bala: Mr. Speaker, Sir, I also rise to support the Bill but when the Minister is replying to the debate I would like him to clear up certain points which have been mentioned by some hon. Members which I would also like to point out.

Mr. Speaker, Sir, I am rather perturbed of how this Bill could be implemented to car dealers like the small African car dealers who are repairing cars and at times they buy spare parts and these spare parts are bought in small quantities which they use to repair cars. According to this amendment Bill they are required to have proper records whereby any officer can come and check and see whether they are correct or not, but the small African garage man may not find it possible to have spare parts recorded as he cannot afford to employ a big number of clerks to keep up his records. That is one thing which is worrying me in this Bill.

The second point, Mr. Speaker, you are—

An hon. Member: Close the business.

Mr. Bala: You say close the business, but I do not think everybody is a Member of Parliament

and not everybody is earning his living from Parliament. Therefore, we must have certain people who are living by certain business. So if you are advising them to close the business, you are, in fact, the wrong man to represent them.

Mr. Njala: On a point of order Mr. Speaker, Sir, is it not appropriate that the hon. Member should declare his interest. I understand he is manager of some garage?

Mr. Bala: Mr. Speaker, Sir, I should have declared my interest but I found that the Bill is dated 10th October, but the company he is referring to was in fact founded before this Bill was in force, so I do not know whether it would be right that I should declare my interest. In fact, there is a new company which is dealing in motor vehicles of which I happen to be one of the directors, but this company was also formed before this Bill was actually written.

The Speaker (Mr. Slade): That does not alter the fact that you now have an interest.

Mr. Bala: I declare my interest Mr. Speaker.

The other point, Mr. Speaker, is that from this Bill I have seen that there are certain motor dealers who could be exempted from certain provisions of this Ordinance, but I think it would be fair that some big companies like the Motor Mart and Cooper Motors should be exempted because you find a company dealing in spare parts with so many kinds of vehicles, there may be as much as 2,000 varieties. How are these people going to check and comply with section 11 of this Bill, I cannot see it. It will give them a lot of expenditure because it means keeping each and every record of all spare parts. If they carry about 3,000 spare parts this means they have to employ a very large staff to keep their records up to date which I think these companies will not be able to afford when we take into account the present financial situation in the country. They always keep records, but at times you find it impossible to keep records to the extent which is required by this section.

Another point, Mr. Speaker, is that I have seen from this Bill that police officers are going to be licensing officers, in which case they are going to use their own discretion. If he likes to give you a licence, he can do it or if not nobody will question it, I think, Mr. Speaker, that this may not be fair, because when you have only one man deciding as to whether or not you can have a licence, at times there might be disagreement with this particular person and he may refuse him a licence. I would suggest that instead of having a police officer issuing licences,

[Mr. Ngala]

dealers. My hon. friend the Parliamentary Secretary for Agriculture spoke very strongly. We knew he was involved, and he could never have been impartial. Therefore, I think a few points should be made which are very serious.

Mr. Speaker, Sir, I would like to mention one point in section 19, subclause 4, where an appeal is taken to the Minister, and then the Minister makes a decision. It goes on to say that the decision of the Minister shall not be questioned in any court. Now, I think this is improper. The Minister, not being a judge, if not taken to— For instance, he makes a decision, and this decision, cannot be questioned or queried in any court. Now, I think this is terrible and very absurd. The Minister is not a judge. The experience we have of some of the Ministers is that they can make judgment an abnormal absurdity. Therefore, they should be liable to be questioned in some court. Therefore, I would ask the Government to reconsider a way where you are not allowing a person who may be very grossly injured by decisions taken by Ministers, not to put forward his case to another higher court for it to be re-examined. I think it is too much power to be given to a Minister, and I think in some cases it may involve real injustice on the people.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): On a point of information.

Mr. Ngala: No.

The next point I would like to mention is under section 14. In this section, I would like to make it quite clear that there is no reason why, after issuing a licence to these dealers, we go on restricting them under section 1 (a) to their hours of working. They are only working from half past six in the morning to half past six in the evening. Why should they be restricted to these hours of working. Perhaps we are suspecting that these people will be receiving commodities illegally. But we have given them a licence to trade, and they should be free after having a licence to trade, to go on. If in any particular city a dealer feels that he should continue until nine o'clock in the evening, I think he should be free to continue. I do not think the Government is fair in restricting these people in their hours of working. If the Government feels that these people are suspect characters then, to get a licence which is properly approved and receive goods improperly, it is up to the Government to see that the proper machinery will change this and cancel their licence.

I was travelling the other day, and my car broke down near Voi, and it was close to mid-night. So I went to a dealer nearby and got some spares and fixed the car and drove on. Now, if there was this restriction, the Members, particularly those who travel between here and Mombasa, would have it in a big way in some of the places. Therefore, I think this restriction should be removed. It is quite unreasonable, because you have powers to cancel the licence if the person indulges in receiving goods improperly. You can cancel the licence or you can punish him by imprisoning him. You can also put a very heavy fine on him, and I cannot see any sense or reason for limiting his hours of work. Some of these people are not very rich dealers, and they want to work for as many hours as possible a day. If you restrict them like that, you restrict their income and profit, and I think it is quite unfair. The suspicion is basically wrong. Sir, that a person should be issued with a licence. This is not a bear licence, it is selling of spare parts, therefore, he should be free to sell his spare parts whenever he likes, and there should not be such suspicion from the beginning.

Having made that point, Sir, I would like to go on and say that the people of the age of sixteen are not allowed to buy spare parts from a person or sell spare parts. There is no reason why people of sixteen years of age should not be allowed to do that. I think, particularly as the Government cannot provide any employment for people of this age, that a little freedom should be given. There is too much suspicion—

An hon. Member: But they steal!

Mr. Ngala: Mr. Speaker, Sir, I am not suggesting that a little freedom should be given to youths who steal, but they should be given a little freedom to trade with whatever commodities they want to trade in, particularly spare parts if it is necessary for them to earn their living.

The whole restriction is based on a very dirty attitude by the Government, that these young people will steal. Now, I think it is basically wrong that we should suspect the youth of being thieves. We have the people who deal with law and order, and they can always check this. I live in Mombasa, and I see that one Minister said that this is happening particularly in Mombasa. I would like to remind the Minister that it is not spare parts for modern vehicles that is happening. It is a distant thing which is not covered by this Bill. Therefore, the youth should be free to trade. It is a wrong assumption that the thieves are only youths. Some of these

[Mr. Ngala]

grown-ups too are thieves. I think the argument here is not right. If we suspect the youth, we should equally suspect the grown-ups who are thieves too, but you are giving freedom to the grown-ups, while the Minister is not giving freedom to the young people. Therefore, I think this is an opportunity for young people to gain experience, and to gain their living as well, and we have no right to suspect their moral standards even before we know what they do.

With regard to section 20, I would like to support the hon. Member for Kikuyu. I think this section is entirely wrong basically, where a person is a thief until he proves that he is not a thief. Now, going on this, Mr. Speaker, Sir, so many things can happen. The Government should accept one principle, of people not being innocent until they are proved to be guilty. Now, why defer from this principle. If a person is caught with a second-hand car, he is not a thief until he proves that he is a thief, and you can produce all the evidence you want against him, but why should the burden be on him? Do you want to imprison him to get out of a situation? I think the Attorney-General is introducing different principles in drafting these laws, but I would like an explanation on this, because sometimes we have slipped up here and there. So, something must be corrected here to give us the opportunity of not having to prove innocence, until it is proved otherwise.

Sir, under section 21, there are these arrests without warrant. With regard to these, I think this clause should be re-examined, should be looked into, because we want to avoid a situation where so many police officers will be in the habit of arresting our people without a warrant. I would like to know what rank of police officer is referred to in section 21. Is it a police constable or an inspector or a superintendent, who is given the authority of arresting without any warrant? I agree with the attitude here that if a person is reasonably suspected then that action should be taken, but I disagree with giving such powers to police officers who may not be of the right quality or rank, because it is interfering very much with the rights of the people.

Mr. Speaker, Sir, I would also like the Minister to explain what he means in section 18, forfeiture of motor vehicles, components and accessories. I think this provision here should be automatic. I think there should be provision in the law here where the matter would have to be taken to court and examined very

closely, and the question of forfeiture is a very expensive business, because if the person has to go away with all the stock he has, this becomes too expensive.

Therefore, the punishment already provided hereunder, fines and imprisonment, is sufficient and I would suggest to the Minister that he deletes the whole of section 18 (1) which concerns the matter of taking away the stock of the dealer. The Minister says yes. I see that it may be done that way, but I am pressing that we should do away with it altogether.

Mr. Speaker, Sir, the next point I would like to deal with is the question of keeping records, full records, of the little things that people have. This is a very difficult one and I tend to agree with one of the hon. speakers that the list of articles should be specified, and as to which articles should be kept on record. But if we take all articles, this would be impossible for the dealer, because some of these dealers are people who are not good enough financially to be able to keep clerical staff who would keep a check on all the things. In some cases some of them are even illiterate and have no power to employ assistants who can read and write and, therefore, I think the work should be reduced for them to the extent of only maintaining a short list of the really necessary things. If it is types that is worrying the Government, well, types should be one of the items in the list, or tubes, or batteries—all these big articles. But if you want to keep steering bushes and all these little things on the list, it would be a whole book and some of these people cannot afford the clerical work involved in the whole thing. We must avoid too many overheads to help the people in saving and having a little profit.

Mr. Speaker, I would like to support this Bill and would only ask the Minister to see that the necessary harshness of the Bill is done away with when it comes to the Committee stage or Third Reading.

Mr. Jahazi: Mr. Speaker, I would also like to comment on this Bill. While we all realize the importance of controlling the illegal dealing in motor vehicle spare parts, we also realize that something had to be done—

QUORUM

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

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

(The Division Bell was rung)

The Speaker (Mr. Slade): We have a quorum now. You may continue, Mr. Jahazi.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Thank you, Sir, four wheels!

Mr. Speaker, Sir, I would like to deal first of all with the last paragraph in the Memorandum of Objects which the hon. Member has said that this money is public money and that this money is not going to be spent. Now, he confused this point by thinking that the public money meant the traders' money. Sir, this is not so. This is money from the Treasury and as he said, if he refers to section 5, he will find out that no extra people will be appointed apart from officers who are already serving, whom the Inspector-General of Police is going to appoint. These are people who are already in the service who are earning and their salaries will not be increased because they are taking over new jobs. I must thank the Ministry concerned, particularly the Attorney-General for having remembered subsection 26 which worried a great deal the hon. Member for Nairobi North. I think, who said that the genuine traders were going to be put to the expense of keeping registers in their *dukas* for these accessories. Sir, the last section, section 26 puts this very clearly and puts these gentlemen, if they are genuine traders, as the Attorney-General said, bona fide traders, out of this trouble. If we have any genuine traders at all, the Government is going to gazette them so that they are exempted from the unnecessary difficulties which the hon. gentleman was worried about.

Mr. Speaker, Sir, I come now to section 19 which is very, very important. If the dealer has been convicted of an offence under this Bill, his licence will be cancelled. This I think is very, very necessary so that it will curb other dealers who might have the intention of dealing with these accessories that have been stolen. It will frighten them so that they will not deal with these accessories any more. I think this section is very, very important and I must thank the Government for having inserted section 19 into this Bill.

Coming to section 22, Sir, section of imports. The hon. gentleman, the Member for Mugirango South said that it was going to interfere with traders exporting the spare parts into Uganda, Tanzania and other neighbouring countries. Sir, this section is here because a trader might buy stolen goods from somebody and try to export these to Tanzania, for example, or send them to his brother in Uganda, who deals with spare parts, where this Bill does not exist. I think it is necessary that the section is inserted here so that anybody trying to export any spare parts has to declare what he is trying to export and

why he is trying to export them. He informs, of course, the officer in charge of exports and a record is kept of what he has exported. He also mentioned that this was going to hinder the economic growth. I was wondering if he wanted it to encourage corruption growth because I think we are trying to discourage the corruption growth by preventing one person, a dealer, buying a wheel stolen from Mr. Osogo's car and then sending it overnight to Uganda to his brother in his shop.

Sir, section 24 I now come to which has been talked about by many of the hon. gentlemen here. This section, Sir, I think brings a very little penalty. Personally I have seen, the reactions of motor dealers, particularly the small motor dealers who deal in spare parts. They have been very worried about this Bill. Some have expressed their feelings in the local newspapers. Therefore I think that something has been going on in this country whereby this dealing in spare parts has encouraged a lot of the crimes that have gone on in connexion with motor spare parts. Sir, I think the Government should consider increasing the penalty from six months to ten years so that these people would learn a lesson. I know that there must be a receiver somewhere. One is not going to steal if one knows that he is not going to be able to sell to anyone whatever he is stealing. So, he is going to be afraid of stealing, knowing very well that he will probably be caught while he is still looking for a receiver. It is the receivers, Sir, who cause the people to commit crimes, to steal. This penalty should not be as lenient as it is at present, it should be more harsh and I suggest ten years imprisonment with two *hibobos* strokes daily every morning as breakfast.

Mr. Speaker, Sir, coming lastly to section 14, which my friend misunderstood I think, the Member for Mugirango South, because he said that in section 14 subsection (c) we were trying to prevent motor accessory dealers dealing with people whom they cannot identify. I think this is very, very necessary, Sir. What my friend thought this meant was that if he goes to buy a spare part for his motor-car, he has to identify himself before he buys it. This is not the case. What this means is that before I go and sell anything to a motor dealer he must know who I am, I may have, for example, an old wheel from my car which I want to sell, to dispose of it. He should know who I am. I should identify myself before he accepts this tyre. I am subject to correction here from people who are qualified in legal matters, but that is how I understand it. Anybody who is going to deal with a motor dealer should identify himself. Section (b) also

[The Parliamentary Secretary for Agriculture and Animal Husbandry]

says that anybody under the age of sixteen should not sell anything to a motor dealer, whether he is not sold by anybody or not. I think this is only fair as children might be used in this illegal practice by some rogues who go on stealing spare parts.

Mr. Speaker, Sir, I do not want to waste the time of this House in repeating what the other hon. Members have said, but I think I have made the points clear which the hon. Member for Mugirango South tried to say in his debate. I think I have made them clearer now so that he understands them.

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

Mr. Gatuguta: Mr. Speaker, Sir, I would like to support this Bill very strongly because I think it is high time that this Bill was passed. In fact I think it is overdue. The crime figure in the stealing of motor vehicles has been very high during the last few years and no nation can grow if the crime grows at this rate, because during the next years we may find that everybody else in the country is being regarded as a criminal. We must stamp out criminals. That is not a subject I want to say a lot on because we know the seriousness of crimes in this country and everybody must support the Bill.

Of course it is necessary to consider some provisions of this Bill. If we find that some of these provisions will bring hardships to the members of the public, to the good citizens of this country, it is very essential that those provisions are considered for amendment. I think most of the speakers who have already spoken, Sir, are supporting the Bill in principle. The only thing they are saying is that particular provisions should be reviewed.

My friend has already referred to this question of a Minister. It is usual for a Bill of this type to define the word Minister so that the public know exactly which particular Minister is meant. Now, in the definition, the interpretation, section 2 of this Bill; we do not find anywhere the word Minister as being defined. It is most important that we know which Minister so that there will be no confusion about it when such a matter arises, or an appeal or anything. We see that the Minister will make rules, the Minister will exempt certain firms; we must know which Minister is going to do the job. In fact we may find that a law is passed by this House and there is no Minister to act because every Minister may refuse the responsibility. So, Mr. Speaker, that is an important point I think.

Another point, Sir, which I wish to raise is section 26. Section 26 says, "that the Minister may, by what is in the Gazette, exempt any firm or business or any description of the class of firm or business". I realize here, Mr. Speaker, that the intention of the Government is that the Ministers should exercise discretion when dealing with licences. Of course, here again, if you want to make a good law, there is danger of the Minister exercising his discretion indiscriminately. I think it is necessary to specify this and I hope circumstances will permit the firm to be exempted from the operation of the law. It must be specified because we do not wish to find the Minister in a situation where he has absolutely no solution so he just sits down and thinks, "is it right to exempt these firms". Surely there should be some guidance. Who should be exempted or not, so that we do not feel that there is any discrimination. So that we know that whoever fulfils certain conditions will be exempted from the operation of the law.

Another thing, Mr. Speaker, is section 20 of this Bill. "In any proceedings under this Act, the burden of proof that any transaction is not a true transaction, in consistency with any form of dealing in motor vehicles components and accessories by way of trade or business shall lie on the accused person." Mr. Speaker, Sir, the whole principle of the English law, which I think we are basing all these laws upon, is that the burden of proof is not on the accused, that the accused is to be considered innocent until he is found guilty. Perhaps the intention here of the Government is to make matters very difficult for criminals. I know this is the intention, to make it extremely difficult for criminals. But when you may find yourself facing a situation where an innocent person is subject to be guilty unless you and you are considered to be guilty unless you prove you are not. Now, this is not really the spirit in which we would like to work and I think what the Attorney-General to consider this point again.

Mr. Speaker, Sir, I do not wish to say more on this Bill. I have said that I support this in principle, and I think this Bill was overdue, but I would like the Government to look into these provisions.

Mr. Neals: Mr. Speaker, Sir, this Bill is very interesting one, and I support it.

I think this Bill has been too harsh on the dealers of these commodities. As far as I know, and although some Parliamentary Secretaries and Ministers and Members have had the Bill taken away, this is no reason for being so harsh to the

[The Attorney-General] understand it is how this is going to help the Government and how is it that putting down these spare parts and articles which make up a vehicle would stop the thieves from stealing, because already we have seen stock theft where people have two or three cows—they know them—but that does not stop the thief from coming at night and stealing those cows. We feel that the recording would not necessarily stop thieves, although we agree that there should be some method of keeping the things which dealers do possess or do deal in, when they have their own business.

When looking at various clauses, Mr. Deputy Speaker, Sir, I find that there is a part where it is said that this Bill would even make it difficult for exports. Here we mean re-exports, not necessarily exports, because we do not manufacture these parts; but Kenya has been a sort of reservoir for the eastern part of Africa, where these things come first and then they are re-exported to various places like Uganda or Rwanda or Tanzania, for that matter, and we feel that if we are going to have a police inspector every time to sanction that this part now should be exported to this place or the other, honestly this police inspector should be—I see the Attorney-General shaking his head that it is not true. Section 22 refers to exports and we do not know how this particular section is going to help the economical growth of Kenya if the police are going to be involved to give a sanction, or to give permission for exporting or otherwise. I do not also see how this is going to stop stealing, which takes place between Government Road and Grogan Road where Tanzania and Uganda does not come in. This particular clause is completely unnecessary, and probably a different one which could deal with definite scope should have been inserted.

Another section, Mr. Deputy Speaker, which refers to this point is clause 12, Part II, which says that you cannot order your requirements until you are very well known by the dealer and it makes it very difficult for us to understand how it is going to help the people who are carrying on business or who are dealing with these spare parts throughout the country, how they are going to come to Nairobi every time they want a tube, or they want a valve, or they want a nut. The best point would probably have been to exclude that part as well. Section 14, Part C says that a licensed dealer has to identify you, before he sells any small part to the purchaser, and this becomes a very big problem and I do not know how it is going to help dealers carry out their trade easily, because

it will mean that unless you are present and you identify yourself or unless you are known by one of the dealers with whom you usually deal, you cannot buy your requirements. It might also include, as the Bill itself says, carrying your own identity card and, if you do not have it, if you forget it, you are not given what you want. This makes the Bill so clumsy and we do not know whether the Government wants us to return to the old way of carrying *kipandis* or doing what, because that is exactly what the Bill implies.

Mr. Speaker, Sir, the Bill would have been much better if it gave room for an introduction of a simpler Bill which deals with particular parts of motor vehicles which are affected, and in this case it would have been much easier if we knew exactly which parts are mainly attracting the thieves, rather than say that every small nut or every small part is affected.

The Mover said that this Bill came up because of the reports from his officers and I think he would equally give the information to this House that there are particular parts which are commonly stolen from cars and the cars are left lying there, where probably the owner has parked it, and in this case it would have been much easier for those who are stealing in this particular trade to understand which part they would be required, by law to know exactly how they handled them, because then this would enable the dealers to be conscious of the thieves who come up selling these simple things which they steal at a reduced rate.

We do not support the thieves or the corrupted dealers in any way, but we feel that the Government should have been more reasonable, to be completely specific and to say exactly what part of the motor-cars, or of the accessories, they want to concern themselves with.

Where it says that there will be appeals, here again, Mr. Deputy Speaker, Sir, we feel that as new people are coming up and probably some people who are very busy with their own things, they may not know which way to go unless they are directed. The Bill says there will be room for appeal if somebody is not given a licence or if he is not properly handled and he will make his appeal to the Minister. Here there is room. Mr. Deputy Speaker, Sir, for making mistakes. It could be easy for me and for the Mover to understand which Ministry this particular Bill would go to, but traders are used to, shall we say, the Ministry of Commerce and Industry?

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

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

[The Attorney-General]

You will find that if they need to make any appeal they will go to the Ministry of Commerce who will tell them, I do not know this particular Bill. I do not know anything about that, so Bill. I would you try probably the Minister for Justice, because they are the fellows who are concerned with legislation, and the Minister for Justice might say that, no I do not know that, probably find out from a different Ministry again. In this case, it should be said specifically, in the Bill, that the appeal will be directed to the Ministry in charge of this particular Bill, because here the Bill says the Minister. We have fourteen or fifteen Ministries and I think it is important that it will be the Ministry of Defence and then we should be told why it should be the Minister for Defence because this particular sort of business usually is a matter for traders and for the Ministry of trade and the Ministry in charge of Commerce should be handling this particular problem with the various boards or committees which do give licence for business or will give licence for the plot where you want to introduce a business. I feel that the police should only be told to keep the law, not to indulge in this particular licensing or legislating. At the same time, we feel the powers given to the officer who will be concerned in the issuing of the licences are so wide that they should be at least reduced and I would strongly suggest that it should not be left to one particular man because in previous experiences we feel, as we always allow for the errors, that to err is human but if we leave it to one particular officer, there is room for either temptations or the actual corruption and we may not have this particular licensing procedure carried out properly. We feel there should be a sort of committee to interview the applicants who want to open business at Grogan Road or anywhere and when they are seen, their premises inspected, then according to the decision of the committee, they should be given a licence. If this is done, then it will be properly dealt with in keeping with the requirement of the traders.

The last point to which I want to draw the attention of the Government is the last paragraph of the memorandum where it says, "The enactment of this Bill will not incur any additional expenditure of public money." Here I will not agree because already, I do not know which public money this is, whether the money in the Ministry of Defence or the money which the traders who are also the public are going to use, or which money, because if it is public money, obviously by asking the dealers to buy extra ledgers or extra registers, they will use more money.

If it is a question of Government money, I will deal with both, you find that there would be obviously an increase of officers to deal with the inspection and these officers will need to get extra money than the money the Minister would have spent. I put this point up because there would be officers to inspect, officers to give permission according to section 22, when we have to make any exports. There would be extra officers required and we feel that here the Mover did not clarify exactly why he says there will be no extra expenditure of the public funds when actually, it is foreseen that there will be extra expenditure.

I would ask the Mover to consider introducing into this particular Bill a longer and a more severe punishment than the one the Bill contains, because that would stop and make the thieves fear stealing. I would also ask the Mover to consider that the police officers who are going to deal with this should be used to patrol and check the thieves rather than check on the people who have not committed any crime, that is the dealers themselves. The thieves are stealing here and the police officers are only checking the dealers. In this case, they will not do their job properly. We feel that they should be given extra instructions to deal with the thieves and not only to keep behind the law-abiding citizens.

I would also ask the Mover to consider amending that section on appeal by putting specifically, that it will be this Ministry, because if you leave it to the people who are only carrying out trade, they will not know which Ministry they have to make the appeal to. If possible, the officers' licensing should be given a committee or a board to consider the applications, not leave it in one man's hands.

With those few remarks, Mr. Speaker, I beg to register my feelings.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo): Mr. Speaker, Sir, I would like to make a few observations on this Bill and I would like to answer the hon. Member who has just sat down on some of the points he has made. Sir, I must thank the Government very much for having introduced this Bill, though I think it is very late. It should have come a bit earlier before my four wheels were stolen from my car.

Mr. Shikuku: On a point of order, Mr. Speaker, is it in order for an hon. Member to speak of any subject before he has declared his interests in this Bill?

The Speaker (Mr. Slade): The hon. Member has declared his interest.

[Dr. De Souza]

a motor-car, unless he believes that he can sell them immediately, at very short notice, and there is very little risk he would not bother to steal a car, because I am sure that most of the persons who steal these cars are not the persons who own the shops where these cars are stolen, they are the receivers and I am afraid that many of them are situated in Grogan Road, Punjwari and everywhere else. In fact these are the people who are responsible largely for the thefts of cars. I repeat that they are responsible indirectly, they do not steal themselves, but because of the ready market they provide to the thieves they are in fact responsible for the theft of motor-cars and accessories.

Saying that I would however like to request the Government that when they make laws to protect the public and that is, of course, the primary consideration, to protect the public, we should also be careful that a good service that is otherwise provided to the public is not jeopardized and also that the honest section of the public, who are an honest section of the industry, are not also penalized. Now, I say this with some thought because it is highly essential that the motor trade industry and the merchants who deal in spare parts must all now sacrifice in the national interest because of their less honest brethren, yet we must be sure that the burden we place upon them is not such that it makes their business completely intolerable or, alternatively, that the costs imposed upon them become so high that all of us have got to pay for it in the long run in terms of higher prices for motor spare parts and accessories.

Sir, I would also like to draw attention to two sections of this Bill. The first one is section 11. It says, "Every licensed dealer shall within one month of the issue of his licence, prepare in duplicate a detailed register in the prescribed forms or in such other form as the licensing officer may in any particular case approve, legibly written in English or in a language approved by the licensing officer, of each motor vehicle component or accessories with a general description of each of the items which was at the base of each and every item in his possession or under his control." Sir, I am informed that some of the motor-car dealers have got spare parts, in godowns and other places, which go back for about ten, fifteen or twenty years and they have been buying spare parts, selling spare parts they have been buying lorries and things from auction sales and particularly equipment that has been sold by the army, over a period of years and it would be almost virtually impossible to prepare

inventories of all the stock and it would literally take months and months and months and a normal dealer would probably have an expense of from £100 to £200 a month extra to keep up the register and inventories as requested. Because under section 12 it says that "Every licensed dealer shall keep a record in the prescribed form as the licensing officer may in any particular case approve, etc." and "It should be mandatory to keep a detailed account of each motor vehicle component accessory with a general description of the items which come time to time come into his possession or under his control, stating in respect of each item the name of the person, the licensed dealer and vehicle agent, the purchase price required and the date and time of the consideration of the transaction and the name, personal address and occupation of the person for whom the same was purchased are required to be seen." So he has got to keep a list of each single item in future as to where he bought it from, the amount he paid, the purchase price, the date, description, postal address of the person he bought it from, and this does put him in a very difficult position. It means that a detailed account of each motor vehicle component accessory with a general description of the items which he, from time to time, sells or disposes of or which otherwise ceases to be in his possession, etc. The main purpose is that, while I agree that these motor-car dealers should be made to keep strict accounts, records, etc., we must ensure that they are not so badly penalized that as to make the costs very high.

Now, Sir, there are also one or two other points of this Bill which gives very large powers to persons to enter peoples' premises at any time without warrant, as for example under section 17. "Any police officer not below the rank of Sub-Inspector may—at any time enter upon the premises in respect of which a licence has been issued or in respect of which he has reasonable cause to believe an offence has been committed." The point is this that—I hear my hon. friend the Parliamentary Secretary say that it serves him right—I accept it does, but we must consider one or two points in this country, every little petrol station in this country, every little duka that we see on the way, whether he wants to keep a tyre, a tube, a nut or a bolt, a valve or a pump, will have to get a licence under this Order. That he will keep all records as to where he bought these goods and where he sold them, etc., and he is liable to a criminal offence and if he does not get a licence, any one of these little dukas, there are a large number of people

[Dr. De Souza]

who will be affected, if he does not get a licence, he is liable to all these penalties.

I would, Sir, in conclusion, like to say that we all support in general the provisions of this Bill. I am very happy that at last the Government has taken measures to stop the theft of cars. In fact we are all very anxious about that and as far as the general purpose of this Bill is concerned I have no quarrel at all, in fact I support it very wholeheartedly, but I would only ask the Government to ensure that they do take the disadvantages and the sacrifices and suffering that will be imposed upon one small section of the trading community into consideration and to ensure that they are not so hard that they make their lives a little intolerable.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I wish to speak on this Bill because it is rather serious and I would like to explain the reasons for it.

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

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

If hon. Members will look at the objects of this Bill, the last page of it, it says that great difficulty is experienced in dealing with this problem because in every case stolen parts cannot be properly identified.

I think, Mr. Deputy Speaker, it is common knowledge that if for instance you miss your car at about 10 o'clock this evening and you wake up very early and borrow somebody else's car and drive to Grogan Road you will meet your car being driven into Grogan Road. It is also known that people who lose their cars in the evening, if they go to Grogan Road in the morning, they might possibly be able to purchase their own tyres. This is the very thing that we are trying to stamp out. I have tried, by way of prosecution to prosecute both the thieves and the receivers and it has become almost impossible because it is a thriving trade and both the receivers and the thieves are working in concert and they are doing very well. We are determined to stamp out this scourge in Nairobi and I think the traders who are encouraging this buying of stolen vehicles and stolen parts of the car had better be warned and that is the intention of this legislation.

Mr. Deputy Speaker, while you were on your feet you have referred to section 11 and section 12. I agree that these are drastic provisions but every dealer of cars is expected to keep proper books of account and also proper records of what he possesses in his shop. If any genuine

dealer has passed it he does not have to fear the consequences of this legislation and what you did not bring out, Mr. Deputy Speaker, is that in section 26 of this legislation, provision is made which will enable the Minister to protect bona fide traders. It says that the Minister may by notice in the *Gazette* exempt any firm or business of any description or class of firm from the operation of this Act. If the Minister is of the opinion that a particular firm is above board and it does not encourage this traffic, I am sure it will be granted the necessary exemption. Mr. Deputy Speaker, this is a very necessary and essential legislation. The public must be protected and we must also discourage this traffic that is going on at the moment in Nairobi and the only way it can be dealt with is by very harsh measures. I am satisfied that if this legislation is introduced this will bring about the necessary effect and discourage this traffic.

Mr. Omweri: Mr. Deputy Speaker, Sir, the Attorney-General has tried to explain the necessity of passing this Bill, but he has not clarified certain points as to why this Bill should only be directed to Grogan Road, and has not given particular experiences from other areas throughout the country. Where he says that he has tried to prosecute and he has failed, the Bill says that sentences could only be up to six months. I do not think, if this Bill is so serious, six months was the longest period he thought, it was thought if this was a Bill considered to be as serious as the Attorney-General has told us. Mr. Deputy Speaker, I think the sentence should have been made a bit longer. Another point that there is any Speaker, is that I do not think that there is any clause which necessarily specifies that it is intended to stop thieves from stealing. This Bill, as I have read it, is only intended to punish the businessmen or the dealers and, particularly, the new-comers into business who are trying to learn the trade. I feel that if this Bill was intended to stop the thieves from stealing, it should have been specifically laid down that the thieves would be given the maximum imprisonment—or the maximum punishment—and those who were concerned, as he says that there are some dealers who work in consultation with the thieves, they make an arrangement with the thieves, the dealers who are licensed to legal business and who are not connected with these thieves should get a double the punishment the actual thieves get, as we know specifically that this Bill is intended for the corrupt people and not for people who are carrying out normal trade.

Mr. Deputy Speaker, we do not object to doing a record and having accounts put down correctly and accurately, but what we do not

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I have just been consulting the Attorney-General, and you are right, Sir, that this does involve money and therefore it is the responsibility of this House, and it would be wrong to extend this responsibility to the Senate. I would, therefore, on behalf of the Government, not accept the amendment.

(Question of the amendment put and negatived)

THE POST OFFICE SAVINGS BANK (AMENDMENT) BILL

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move consideration of Senate amendments to the Post Office Savings Bank (Amendment) Bill.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

The Speaker (Mr. Slade): I think this raises a similar question to the previous one.

(Question put and negatived)

The Speaker (Mr. Slade): I am very sorry, I am a little muddled over procedure again. According to our rather peculiar procedure on a Motion of this kind, if the House does not wish to consider the amendments, it must move an amendment to substitute the words "on this day six months" for the word "now", in order to comply with our Standing Order 107. It might be better perhaps, to avoid complications, for the House to agree to consider the amendments now and then debate the amendments. So, with the leave of the House, I will put the question again.

(Question put and agreed to)

Consideration of Senate amendments to the Post Office Savings Bank (Amendment) Bill—Amendments read.

Clause 3

That clause 3 of the Bill be amended by deleting the words "House of Representatives" appearing therein and by inserting in place thereof the words "National Assembly".

(Question of the amendment proposed)

The Speaker (Mr. Slade): I think in view of disagreement with the amendment, some hon. Member should record very briefly the reasons for it.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, the

reason why the Government proposes to object to the amendment is that this involves money and money matters can only be decided by the House of Representatives. Therefore, the Senate is trying to extend this responsibility to include itself and so we strongly object.

(Question of the amendment put and negatived)

Clause 6

That clause 6 of the Bill be amended by deleting the words "House of Representatives" appearing therein and inserting in place thereof the words "National Assembly".

(Question of the amendment proposed)

(Question of the amendment put and negatived)

(Ordered that the Clerk carry the said Bill to the Senate and acquaint them with the decision of the House on their amendments thereto)

THE REFERENDUM (AMENDMENT OF THE CONSTITUTION) BILL

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move the consideration of Senate amendment to the Referendum (Amendment of the Constitution) Bill.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

(Question put and agreed to)

Consideration of amendment to the Referendum (Amendment of the Constitution) Bill—Amendment read.

Clause 6

That clause 6 of the Bill be amended by deleting the words "established by the Kenya (Lower House Constituencies) Regulations, 1963", and by inserting in place thereof the words "for the time being established by law for the purpose of electing Elected Members to the House of Representatives".

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

The Attorney-General (Mr. Njonjo): Mr. Speaker, Sir, in fact the Senate here accepted the advice which we gave them and this was a suggestion from us on this amendment. Therefore, the Government does accept this amendment.

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

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

BILLS

Second Readings

THE MOTOR VEHICLE COMPONENTS AND ACCESSORIES BILL

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I beg to move that the Motor Vehicle Components and Accessories Bill be now read a Second Time.

A substantial number of offences against property committed in the Nairobi area and, to a lesser degree, in other large centres in Kenya, for the consist of the theft of motor vehicles for the purpose of stripping them down for their spare parts, and of the theft of wheels, batteries, parts, and of other components from cars parked in places of business or near owners' houses. The police have been experiencing a considerable degree of difficulty in dealing with this type of offence as in nearly every case the property stolen cannot be identified by the owner due to lack of identifying marks or numbers. Consequently, when a quantity of such property may be discovered by police, it is virtually impossible to prove to the satisfaction of the court its ownership, and as a result very few cases in this category are ever cleared up.

I want to give the House some idea of the extent of the problem. In the Nairobi area alone over the past three years, for example, ninety-five vehicles have been stolen and not recovered, and 4380 thefts of motor vehicle components have taken place. I think it might be useful to give the comparative figures for 1961, 1962 and 1963 in respect of motor vehicles as well as of motor vehicle components.

Of motor vehicles in 1961, thirty-one vehicles were stolen; in 1962, nine; and in 1963, fifty-five. Of component parts in 1961, 1,171; in 1962, 1,565; and in 1963, 1,664, of which only a very small percentage have been recovered or, for that matter, the thieves were not arrested. So, Mr. Speaker, the purpose of this Bill is to enable the police to deal with this problem of thefts of motor vehicles and vehicle components and accessories more successfully and quickly, I might mention that the Bill deals with the licensing of those who want to deal in this particular type of business and helps the police to search premises and gives the police powers to license people who want to engage in this type of business. Also dealers are going to be forced to

keep registers and records. They are going to be forced not to deal in accessories or motor vehicles between the hours of 6.30 p.m. and 6.30 a.m. because we find that, in many cases, cars are being stolen at night and they are being dismantled at night, under cover of darkness and then by the time it is daylight there is no knowing what has happened to your car. You think it was stolen and went out of town, and you do not know whether it is here or at Mombasa, or Kisumu, or Nakuru, or Eldoret, but in fact you find that the car might have been stolen from your premises, it was driven about a mile away, it was dismantled and, in the case of Nairobi, it has appeared in Grogan Road. Also we will specify in this Bill that this type of accessory material should be held in specified premises.

Also the burden of proof that any transaction is not solely to the provisions of the legislation will lie on the accused and not on the Government. The penalty might be one of imprisonment not exceeding twelve months or a fine not exceeding Sh. 5,000 or both. Also in this Bill the Minister may make rules for carrying into effect any of the purpose in provision of the Act.

Mr. Speaker, I beg to move.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

Dr. De Souza: Mr. Speaker, Sir, I would first of all like to congratulate the Government on bringing this Bill to the House. In fact we are all aware that there has been, in the last few months, a very grave increase in the number of motor-cars stolen, so much so that it has been very dangerous for a large number of people to keep their cars even in garages, locked garages, because for some reason or another these cars are stolen and they are very seldom found and if they are found they are so badly stripped of all possible spare parts that the car has to be completely written off. I believe that it is because of this, very largely because of these thefts, that insurance companies have so greatly increased insurance premiums and I think that the rest of us in society have got to pay for the crimes of a small section of these people.

Now, Sir, I also agree that the people who are possibly more responsible for the theft of cars than the actual thieves, are the receivers. I agree that unless there has been or is a ready market for spare parts and auto accessories, thieves would not be tempted to go and steal cars, because if an ordinary person goes and buys a car and takes out generators, fuel pumps, batteries and all the other dozens of things that go with

[The Minister for Agriculture and Animal Husbandry]

(c) by inserting the words "raw cotton" immediately after the word "of" in the second line under subsection 10 (2) (a) of the main Act.
(Question that the words to be inserted be inserted proposed)

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

Clause 13

That clause 13 of the Bill be amended by deleting the words "House of Representatives" which appear therein and by substituting therefore the words "National Assembly".

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

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

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

Clause 18

That clause 18 of the Bill be amended by inserting the words "growers' co-operatives" immediately after the word "co-operatives" in the second line under subsection 34 (1) (f).

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

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

New Clause

That there be added immediately after clause 13 of the Bill a new clause as follows:—

13A. Section 14 (1) of the principal Act is amended by putting in a second proviso to read as follows:—

Amendment of section 14 (1) of Principal Act.

"Provided further that when a ginners is acting as agent of the board for the purchase of raw cotton from growers or growers' co-operatives then all such raw cotton shall become the property of the board when delivered to such ginners."

(Question that the new clause to be added be added proposed)

(Question that the new clause to be added be added put and agreed to)

(Ordered that the Clerk carry the said Bill to the Senate and acquaint them with the decision of the House on their amendments thereto)

THE KENYA MEAT COMMISSION (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Minister for Agriculture to move that the House do consider the amendments proposed by the Senate and I do not know whether I can move immediately after that in view of the arguments and the debate on the Second Reading of this Bill and in view of the consideration of the reasons given by hon. Members in support of the original provisions of this Bill, the Government does not accept the amendments proposed by the Senate.

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

The Speaker (Mr. Slade): I have to propose the question that the Senate amendments to the Kenya Meat Commission (Amendment) Bill be now considered. It is then open to the House either to resolve on an amendment by substituting "this day six months" for the word "now", or to agree to this Motion, and then when we come to the amendment itself, to negative the question that the House agrees thereto.

(Question proposed)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): On a point of order, Mr. Speaker, Sir, I seek your guidance: Am I correct in saying that if this House rejects the amendments, the Bill then goes back in its original form to the Senate for their consideration without delay?

The Speaker (Mr. Slade): Yes, it will go straight back with a notice from the Clerk of this House that this House does not agree with the Senate amendments. The Senate has then to decide whether to insist on it. If they do insist on it, it comes back to this House again and we have to decide what we will do.

I would suggest that the House resolves to consider these amendments by saying aye to this Motion now, and then when it comes to the question of agreeing to the actual amendments, negatives that question.

(Question put and agreed to)

Consideration of Senate amendments to Kenya Meat Commission (Amendment) Bill—Amendment read.

Clause 2

That clause 2 (a) be amended by inserting the following words after the word "thereof":—

[The Speaker]
"but excludes dairy cattle and wool sheep".
(Question that the words to be inserted be inserted proposed)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): We are not accepting it for the reasons given by the proposer of consideration, that in the Second Reading this was accepted by this House and it is still felt by Government that the word livestock should be a full description of all livestock.

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

Clause 7

That clause 7 be amended by deleting subsection 2A (1) to (3).

(Question that the words to be left out be left out proposed)

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

(Ordered that the Clerk carry the said Bill to the Senate and acquaint them with the decision of the House on their amendments thereto)

THE CEREALS AND SUGAR FINANCE CORPORATION (AMENDMENT) BILL

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to move the consideration of Senate amendment to the Cereals and Sugar Finance Corporation (Amendment) Bill.

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

(Question proposed)

(Question put and agreed to)

Consideration of Senate Amendment to the Cereals and Sugar Finance Corporation (Amendment) Bill—Amendment read.

The Senate have agreed to the following Amendment to the Cereals and Sugar Finance Corporation (Amendment):—

Clause 4

That clause 4 of the Bill be amended by deleting the words "House of Representatives" appearing therein and inserting in place thereof the words "National Assembly".

(Question of the amendment proposed)

Mr. Ngala: Mr. Speaker, Sir, this is the third time we have had the words "House of Representatives" replaced by the words "National

Assembly". Here I rise to comment on it because of the words "Financial Corporation". I would like to have an explanation from the Attorney-General whether it is just a mere oversight or error on the part of the drafter that this is happening in the department or whether it is happening in the financial implications or duties in relation to the House of Representatives, that these terms are used sometimes and exchanged because I understand the House of Representatives has special duties in matters of finance which the Senate does not have and the National Assembly as such is the Senate plus the House of Representatives.

I wonder whether these changes are just a matter of mistakes on the Attorney-General's part or whether they are genuine insertions.

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, I would like to explain here that the original intention was to change the words "Legislative Council" to the "House of Representatives", and the legal draftsmen and we ourselves in the expression "National Assembly" who represent the same thing.

The Speaker (Mr. Slade): It is very rare for the Speaker to presume to intervene in any debate, but I would point out to hon. Members that the proposed amendment by the Senate seems to amount to an encroachment on the special responsibility of this House with regard to financial matters. The clause with which we are concerned, as Mr. Gichuru has said, is a clause in the Bill to amend section 4 (2) (b) of the Principal Act, provides Section 4 (2) (b) of the Principal Act shall that "(2) Nothing in this Act:— (b) shall authorize the Corporation to incur indebtedness (present or contingent) exceeding at any one time the sum of five million pounds, or such larger amount as the Legislative Council may from time to time by resolution approve."

So it is a question of approving a liability to be incurred by the Corporation, and for which Government is responsible by way of guarantee. The Bill as passed by this House changed "Legislative Council" to "House of Representatives"; control of financial matters being the function of this House alone. Now it is proposed by the Senate that that function should be exercised by both the Houses. As I said, that does seem to me that the House's Senate is trying to encroach on this House's control of financial responsibilities, because of the ultimate liability of the Government for any debts of this Corporation. I do not know whether the Ministers would just like to consider this for a moment.

The Attorney-General (Mr. Njonjo): Mr. Speaker, I beg to move that the amendment as submitted by the Senate be further amended by adding after the word "ostrich", the word "fowl".

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

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

Dr. De Souza: Mr. Speaker, Sir, I want to speak on this amendment to say that I would like to protest against the Senate trying to send us what are, in fact, quite irrelevant amendments, by trying to use their powers to force the Government, as it happened just now, to accept an amendment, which in fact, is quite irrelevant to the main purpose of the Bill, merely because they do not want to delay the operation of this Bill by one year. I quite sympathize with the Government in this case, and sympathize with their desire to accept it because they do not want to delay the passing of this Bill by one year, but I think it reflects very badly on the Senate not to be able to appreciate what, in fact, the Bill is intended for, and to try to force the Government to bring in an amendment which is completely irrelevant and has absolutely no sense whatsoever, and is unrelated to the conditions of the Bill.

What is this Bill supposed to do? This Bill serves to increase the punishment from fourteen years, that was in fact, the punishment for theft of a certain kind, by adding to that punishment the corporal punishment, that was because of the request of this House. Now, the Senate do not say whether they agree with this punishment or disagree with this, but merely want to add the word "fowl" to it. It has nothing to do with the Bill whatsoever. I would like to mention a particular story, that I believe happened in Hungary, when the communists' power was very strong. One person was apparently asked how he always brought his picture to the centre, and he said that he always drew his painting and added a little dog at the end. His (inaudible) would object strongly to that little dog, and after a lot of argument, he would see that the dog was removed, and the painting was passed through. Now, if the Senate is trying here to draw our attention, or to show to us that they do have certain powers, I am afraid all they are impressing upon us is how totally ineffective they are, and how obstructive they are being.

We have no alternative but to accept the amendment, because we do not want the law to

be delayed, but I think it is very unfair and very unfortunate that they should send us so many Bills amended without any rhyme and reason at all.

Mr. Ngala: Mr. Speaker, Sir, I would like to disagree with the hon. Dr. De Souza in the terms he has used for addressing the Senate. The Senate has a job and is doing its job, and it is up to the Senate to see and scrutinize anything that we pass here, and if they have amendments they are doing them in the interests of the country, and in the interests of this legislature. Therefore, they were quite in order to bring back as many amendments as they see fit. If the Government does not do its homework properly in drafting the laws, then it is up to the Government to do their homework properly in drafting their Bills, so that they do not have anything missing, or anything that the Senate can bring back. In fact, the Senate has shown wisdom, because they have understood the definition, and the hon. Attorney-General has agreed that the Senate has shown more understanding and added more meaning to this particular clause. I think it is very good that we have the Senate to give a little more wisdom to the Government.

Sir, the question of delaying the law is out of point because the law is made for the people, and it is in the interests of the people that the law should be delayed. Certainly it should be delayed, because we should not work for expedience here, but for suitability of the law as well as the people themselves.

I would like to support the amendment put forward by the Attorney-General because it looks as if we are talking of Bills which are not very different. Therefore, I would like to support it.

The Attorney-General (Mr. Njonjo): I think it would be unfortunate if an impression was given in view of what the hon. Leader of the Opposition has said. In fact, the only amendment which was sent to the Senate was just five words, and that was an amendment to section 278 to include the words "with or without corporal punishment." What the Senate has done, is in fact to amend the Penal Code which was not the Bill that was sent to the Senate. I think it is fair to bring this to the attention of the Leader of the Opposition. If he were to look at the Bill that was sent to the Senate, he would see that the only amendment which was sent from this House was those words that I have referred to.

The Speaker (Mr. Slade): Before putting the question, I think I must apologize because I misread the Standing Orders for the form of this

[The Speaker] procedure. Instead of proposing the amendment of the question, I should have put to the House first that this House agrees with the Senate amendment. The House will negative that, and I will then propose the question of an alternative amendment.

I will put the question that this House agrees with the Senate amendment.

(Question that this House agree with the Senate amendment put and negated)

(Question of the amendment to the Senate amendment proposed)

(Question of the amendment to the Senate amendment that the words proposed to be added be added put and agreed to)

(Ordered that the Clerk carry the said Bill to Senate and acquaint them with the decision of the House in the amendment thereto)

THE COTTON LINT AND SEED MARKETING (AMENDMENT) BILL

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I would like to propose that the House consider the amendments made by the Senate to the Cotton Lint and Seed Marketing (Amendment) Bill.

Mr. Speaker, these amendments were put forward by the Leader of Government Business in the Senate on behalf of the Ministry of Commerce and Industry, so as to strengthen the co-operative side of the Bill to fit in with the feelings of this House, which were taken during the Second Reading, and what hon. Members said during the Second Reading. There are formal alterations to a number of clauses, as I have said, and if hon. Members read they will read right the way through that in the majority of cases, it is inserting the words "or growers' co-operatives" so as to give Government's co-operative to operate on behalf of growers' co-operatives and for growers' co-operatives in certain clauses to be able to operate on their own behalf.

I beg to move.

The Attorney-General (Mr. Njonjo) seconded.

(Question proposed)

(Question put and agreed to)

THE COTTON LINT AND SEED MARKETING (AMENDMENT) BILL

Amendment read

Clause 6—

That clause 6 be amended:—

by adding the words "for the purchase of raw cotton from growers and growers' co-operatives and" before the first word "or" under subsection 6 (a) (i).

The Speaker (Mr. Slade): Before proposing the question of that amendment, I think I have to say that there has been an alteration in the numbering of this clause from the original Bill as a result of introduction of a new clause in this House, so that reference to clause 6 here is to clause 3 of the original Bill. They are now all one number later than the original Bill.

(Question of the amendment proposed)

(Question of the amendment put and agreed to)

Clause 7

That clause 7 be amended:—

(a) By inserting the words "execute such guarantees or" immediately after the first word "to" under subsection 7 (b).

The Speaker (Mr. Slade): Does any hon. Member wish to like these amendments of clause 7 separately, or can we take them altogether?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, as they are formal, I think we could save time by taking them all together.

(b) By inserting the words "the purchase of raw cotton from growers and growers' co-operatives and" before the first word "the" under subsection 7 (c) (i).

(c) By inserting the words "raw cotton" immediately after the word "oil" in the third line under subsection 7 (c) (ii).

(d) By inserting the words "or growers' co-operatives" immediately after the word "growers" in the second line under subsection 7 (i).

(e) By inserting the words "or growers' co-operatives" after the word "growers" in the second and third lines of subsection 7 (m).

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

(Question of the amendment put and agreed to)

Clause 11

That clause 11 be amended by inserting a new subsection immediately after subsection (b):—

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 Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

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

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

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

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

THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of The National Flag, Emblems and Names (Amendment) Bill and its approval of the same with amendment.

The Speaker (Mr. Slade): Consideration of the Report tomorrow.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Sir, as these were formal, I wonder whether we could take them today.

The Speaker (Mr. Slade): Is there any special reason for taking them today?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Yes, Sir, I gather from those that want to, that there is.

The Speaker (Mr. Slade): If no hon. Member objects, you can take consideration of the Report today.

Mr. Ngala: I stand to object, Mr. Speaker.

The Speaker (Mr. Slade): I do not think we will take it them. We will defer consideration of Report on this amended Bill until another day, in accordance with usual practice.

THE PUBLIC HOLIDAYS (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report

its consideration of the The Public Holidays (Amendment) Bill and its approval of the same with amendment.

The Speaker (Mr. Slade): Consideration of Report tomorrow.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I am told that this one is of importance, if we could possibly get it done today, if the House agrees.

The Speaker (Mr. Slade): No objections this time? Very well.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that this House doth agree with the Committee in the said Report.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

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

I would like to take this opportunity for thanking the Leader of the Opposition for accepting that we take the consideration of Report and Third Reading today.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

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

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

CONSIDERED RULING

PROCEDURE ON BILLS RETURNED FROM THE SENATE

The Speaker (Mr. Slade): Before proceeding to this Order and the next series of Orders, all of which deal with those amendments which have come back from the Senate on the Bills which originated in this House, I think it may help hon. Members if I describe the procedure for dealing with amendments that come from the Senate, because we have not had very many in this House before.

The procedure is laid down by Standing Order 106 and the Order immediately following that Order. It can be summarized in this way: That

[The Speaker] procedure. Instead of proposing the amendment of the question, I should have put to the House first that this House agrees with the Senate amendment. The House will negative that, and I will then propose the question of an alternative amendment.

I will put the question that this House agrees with the Senate amendment.

(Question that this House agree with the Senate amendment put and negatived)

(Question of the amendment to the Senate amendment proposed)

(Question of the amendment to the Senate amendment that the words proposed to be added be added put and agreed to)

(Ordered that the Clerk carry the said Bill to Senate and acquaint them with the decision of the House in the amendment thereto)

THE COTTON LINT AND SEED MARKETING (AMENDMENT) BILL

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I would like to propose that the House considers the amendments made by the Senate to the Cotton Lint and Seed Marketing (Amendment) Bill.

Mr. Speaker, these amendments were put forward by the Leader of Government Business in the Senate on behalf of the Ministry of Commerce and Industry, so as to strengthen the co-operative side of the Bill to fit in with the feelings of this House, which were taken during the Second Reading, and what hon. Members said during the Second Reading. There are formal alterations to a number of clauses, as I have said, and if hon. Members read they will read right the way through that in the majority of cases, it is inserting the words "or growers co-operatives" so as to give Government the power to operate on behalf of growers co-operatives and for growers co-operatives in certain clauses to be able to operate on their own behalf.

I beg to move.

The Attorney-General (Mr. Njoro) seconded.

(Question proposed)

(Question put and agreed to)

THE COTTON LINT AND SEED MARKETING (AMENDMENT) BILL

Amendment read

Clause 6—

That clause 6 be amended:—

by adding the words "for the purchase of raw cotton from growers and growers co-operatives and" before the first word "for" under subsection 6 (a) (i).

The Speaker (Mr. Slade): Before proposing the question of that amendment, I think I have to say that there has been an alteration in the numbering of this clause from the original Bill as a result of introduction of a new clause in this House, so that reference to clause 6 here is to clause 5 of the original Bill. They are now all one number later than the original Bill.

(Question of the amendment proposed)

(Question of the amendment put and agreed to)

Clause 7

That clause 7 be amended:—

(a) By inserting the words "execute such guarantees or" immediately after the first word "to" under subsection 7 (b).

The Speaker (Mr. Slade): Does any hon. Member wish to take these amendments of clause 7 separately, or can we take them altogether?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, as they are formal, I think we could save time by taking them all together.

(b) By inserting the words "the purchase of raw cotton from growers and growers co-operatives and" before the first word "the" under subsection 7 (a) (i).

(c) By inserting the words "raw cotton" immediately after the word "or" in the third line under subsection 7 (a) (ii).

(d) By inserting the words "or growers co-operatives" immediately after the word "growers" in the second line under subsection 7 (i).

(e) By inserting the words "or growers co-operatives" after the word "growers" in the second and third lines of subsection 7 (m).

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

(Question of the amendment put and agreed to)

Clause 11

That clause 11 be amended by inserting a new subsection immediately after subsection (b):—

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 Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)
(Question put and agreed to)

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

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)
(Question put and agreed to)
(The Bill was accordingly read the Third Time and passed)
(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of The National Flag, Emblems and Names (Amendment) Bill and its approval of the same with amendment.

The Speaker (Mr. Slade): Consideration of the Report tomorrow.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Sir, as these were formal, I wonder whether we could take them today.

The Speaker (Mr. Slade): Is there any special reason for taking them today?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Yes, Sir, I gather from those that want to, that there is.

The Speaker (Mr. Slade): If no hon. Member objects, you can take consideration of the Report today.

Mr. Ngala: I stand to object, Mr. Speaker.

The Speaker (Mr. Slade): I do not think we will take it them. We will defer consideration of Report on this amended Bill until another day, in accordance with usual practice.

THE PUBLIC HOLIDAYS (AMENDMENT) BILL

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its consideration of the The Public Holidays (Amendment) Bill and its approval of the same with amendment.

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The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I am told that this one is of importance, if we could possibly get it done today, if the House agrees.

The Speaker (Mr. Slade): No objections this time? Very well.

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to move that this House doth agree with the Committee in the said Report.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)
(Question put and agreed to)

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

I would like to take this opportunity for thinking the Leader of the Opposition for accepting that we take the consideration of Report and Third Reading today.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)
(Question put and agreed to)
(The Bill was accordingly read the Third Time and passed)
(Ordered that the Clerk carry the said Bill to the Senate and desire their concurrence)

CONSIDERED RULING

PROCEDURE ON BILLS RETURNED FROM THE SENATE

The Speaker (Mr. Slade): Before proceeding to this Order and the next series of Orders, all of which deal with those amendments which have come back from the Senate on the Bills which originated in this House, I think it may help hon. Members if I describe the procedure for dealing with amendments that come from the Senate, because we have not had very many in this House before.

The procedure is laid down by Standing Order 106 and the Order immediately following that Order. It can be summarized in this way. That

Consideration of Amendment

PENAL CODE (AMENDMENT) BILL

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, the Senate have agreed to the following amendment to the Penal Code (Amendment) Bill:—

Clause 2

That section 278 of the Penal Code (Amendment) Bill be further amended by adding immediately after the word "ostrich" which appears therein, the word "fowl". I beg to move that the House doth agree with the Senate in the said amendment.

The Attorney-General (Mr. Njonjo) seconded.

The Speaker (Mr. Slade): Before proposing the question of this amendment, I have to point out that it does not make sense because the words proposed by the Senate are not actually an amendment of the words in the Amendment Bill which is under consideration. They are proposing, in fact, another amendment of the Penal Code although they refer to it as a section of the Penal Code (Amendment) Bill. However, I will leave the Attorney-General to deal with that, and I will propose the question in the terms given by the Senate.

(Question proposed)

The Attorney-General (Mr. Njonjo): Mr. Speaker, I want to agree with respect to what you have said that, in fact, the amendment sent to us by the Senate is an extension of the definition of the Penal Code.

I would have no objection in extending the definition to include "fowl" but it is suggested that the definition should also include a "fowl".

The Speaker (Mr. Slade): I suggest, Mr. Njonjo, that you move an amendment of the question of the Senate amendment, which reads to the effect that clause 2 of the Bill, the Penal Code (Amendment) Bill be amended by adding the following words, "and after the word 'ostrich' which appears therein, the word 'fowl'."

The Attorney-General (Mr. Njonjo): I move that the amendment as submitted to us by the Senate be further amended in the following manner:

That clause 2 of the Bill be amended by adding at the end thereof the words:—

"And immediately after the word ostrich which appears therein the word fowl".

An hon. Member: Why does he not speak up?

[The Speaker]

when we receive from the Senate amendments of which we receive from this House, there has to be a Motion in this House that the Senate amendments to the Bill concerned be now considered. The House may or may not agree then considered. The House may or may not agree then considered. If they do agree that the amendments be considered, if they do agree that the amendments be considered, we then take the proposed amendments one by one, and the Clerk reads them out, and the Speaker proposes the question for debate that those amendments made by the Senate be agreed.

If, at the end of that, the House has agreed to the amendments by the Senate, then those amendments are made accordingly and the Bill goes through. If the House refuses to consider the amendments or does not agree to the amendments, or only agrees to them with certain further amendment, then the next stage is for the Clerk of this House to return the Bill to the Senate with that information, that the House has refused to consider the amendments or has rejected them or made certain further amendments to them. The Senate then has to consider whether or not it insists upon the proposed amendments. If they do, it comes back to this House. If the House still rejects the amendments or refuses to consider them, then the next stage is for the Members of this House to move that the matter be committed to a joint committee of the two Houses, to discuss a possible compromise on the amendments concerned.

Today, on each of these Orders, we shall be having first a Motion that the Senate amendment to the Bill be now considered. If that Motion is carried, then consideration of the actual amendment takes place, to determine whether or not the House agrees to it.

BILLS RETURNED FROM THE SENATE

Consideration of Senate Amendments

THE PENAL CODE (AMENDMENT) BILL

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I would like to propose that the House consider the amendments made by the Senate to the Penal Code (Amendment) Bill.

Dr. De Souza seconded.

(Question proposed)

The Speaker (Mr. Slade): Hon. Members no doubt have the original Bill with them, and may see attached to the Order Paper the amendment proposed by the Senate.

(Question put and agreed to)

THE ANIMAL DISEASES BILL

(Clauses 2, 3, 4, 5, 6, 7, 8 and 9 agreed to)

(Clauses 10, 11, 12, 13 and 14 agreed to)

(Clauses 15, 16, 17 and 18 agreed to)

(Clauses 19, 20, 21, 22, 23 and 24 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE SISAL INDUSTRY (AMENDMENT) BILL

(Clauses 2, 3, 4, 5, 6 and 7 agreed to)

(Clauses 8, 9, 10, 11 and 12 agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE BRANDING OF STOCK (AMENDMENT) BILL

(Clauses 2, 3, 4, 5 and 6 agreed to)

(Clauses 7, 8, 9, 10, 11, 12, 13, 14 and 15 agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE VETERINARY SURGEONS (AMENDMENT) BILL

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE NATIONAL FLAG, EMBLEMS AND NAMES (AMENDMENT) BILL

Clause 2

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Chairman, Sir, I beg to move:—

THAT clause 2 of the Bill be amended—

(a) by renumbering paragraphs (e) and (f) thereof as paragraphs (f) and (g), respectively;

(b) by inserting immediately after paragraph (d) thereof, the following paragraph:—

By substituting for subsection (2) of section 4 thereof the following subsection—

(2) The provisions of subsection (1) (a) of this section relating to the use of a specified likeness shall not apply to the publication of a bona fide news item (whether in a newspaper or by any other medium) or to the publication in a newspaper of any

article connected with any bona fide news-item other than a news-item in the furtherance of, or as advertisement for, any trade, business, calling or profession.

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

(Question put and agreed to)

(Clause 2 as amended agreed to)

(First Schedule agreed to)

(Second Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

THE PUBLIC HOLIDAYS (AMENDMENT) BILL

(Clauses 2, 3 and 4 agreed to)

New Clause.

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Chairman, Sir, I beg to move that the following new clause be added to the Bill:—

5. The Regulation of Wages (Building and Construction Industry) Order, 1963, is amended:—

(a) by substituting for paragraph 7 (i) the following paragraph:—

(1) Public Holidays shall be holidays with full pay,

(b) by deleting the Second Schedule therein.

(Question of the new clause proposed)

(New clause read a First Time)

(Question that the new clause be read a Second Time proposed)

(Question that the new clause be read a Second Time—put and agreed to)

(The new clause was read a Second Time)

(Question that the new clause be added to the Bill put and agreed to)

(Schedule agreed to)

(Title agreed to)

Clause 1

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Chairman, Sir, I beg to move that clause 1 is amended by inserting immediately the figure 1964 the words "and shall be deemed to have come into operation on 1st October 1964".

(Question of the amendment proposed)

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

(Clause 1 as amended agreed to)

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Chairman, Sir, I beg to move that the Committee report to the House its consideration and its approval thereof of the Animal Diseases Bill, the Sisal Industry (Amendment) Bill, the Branding of Stock (Amendment) Bill, the Veterinary Surgeons (Amendment) Bill without amendment, and the National Flag, Emblems and Names (Amendment) Bill and the Public Holidays (Amendment) Bill with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORTS, CONSIDERATION OF REPORT AND THIRD READINGS

THE ANIMAL DISEASES BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Animal Diseases 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.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

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

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

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

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

THE SISAL INDUSTRY (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Sisal Industry (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.

(Question proposed)

(Question put and agreed to)

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

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

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

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

THE BRANDING OF STOCK (AMENDMENT) BILL

Dr. De Souza: Mr. Speaker, Sir, I am directed by the Committee of the whole House to report its consideration of the Branding of Stock (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 this House doth agree with the Committee in the said report.

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

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

The Parliamentary Secretary for Agriculture and Animal Husbandry (Mr. Osogo) seconded.

(Question proposed)

(Question put and agreed to)

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

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

THE VETERINARY SURGEONS (AMENDMENT) BILL

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

[Mr. Mboya] Africans may appear before them, and it is precisely for these reasons that we have decided to eliminate or remove them and replace them with the primary courts. The primary courts will, in effect, fulfil the purposes which the hon. gentleman has in mind.

Mr. Seroney: Mr. Speaker, Sir, does the Minister not agree that half of the exercise, namely that of reducing to writing the so-called criminal laws, is wasting his time and that he should confine himself to customary law?

Mr. Mboya: Mr. Speaker, Sir, I do not agree that it is a waste of time. I agree that a lot of the African criminal law is very similar to what we already have in the Penal Code and, to that extent, there will be no necessity to codify it, but I also agree that the most difficult part of the exercise is to reduce the African civil and customary law into writing. That very difficult exercise has to be undertaken. It will not be possible to reduce all of it in time for the system to work or to find complete uniformity, because there are also differences between tribe and tribe and between area and area, but we are going about it as best we can with the advice of elders from all the areas and the experience gathered by the African courts in different parts of the country.

Mr. Matano: Mr. Speaker, Sir, will the Minister tell us how he is going to reconcile the African laws and the Muslim laws? How will the two be reconciled?

Mr. Mboya: Mr. Speaker, Sir the main effect of this exercise is to create, as far as possible, uniformity in the legal system of this country, and we do not believe that we should continue so much with what, in effect, amounts to a discriminatory system sometimes in favour of some people and sometimes against some people. I am hoping that it will be possible, at some stage, to accommodate, or to harmonize, what is today regarded as Muslim legal systems with the normal judicial system; this is part of the exercise that we are undertaking.

Mr. Anyleni: Mr. Speaker, Sir, while I must congratulate the Minister for abolishing the African courts, could the Minister also consider the situation in which this exercise has placed the African elders who were employed in colonial days and, as such, their terms of service were that when they were discharged they did not get any financial benefits?

Mr. Mboya: Yes, Sir, we are taking into account the length of service of all the court

elders and, although some of them—in fact, most of them—were not employed on permanent terms, we have decided to look at the situation and see what benefits they can be given on a gratuity basis to help them, and especially those who have served very long with the African courts and who cannot now be trained for the new system. We are not merely throwing them away.

Question No. 685

CONSTRUCTION OF PAPER FACTORY

Mr. Theuri asked the Minister for Natural Resources when the construction of the paper factory was going to be started?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, I beg to reply.

The possibility of establishing a pulp and paper industry in Kenya has been under serious consideration by my Ministry and, in conjunction with the Ministry of Commerce and Industry and the Treasury, investigations are currently in hand and negotiations with interested investors are proceeding at this very moment. The industry will be established as soon as the investigations are concluded and negotiations completed. The Government realizes the urgent need for Kenya for such an industry and my Ministry has recently set up an industrial section so as to speed up the necessary investigations and negotiation work.

Mr. Mutiso: Mr. Speaker, Sir, can the Minister give the House any indications as to—after all the negotiations are completed—whereabouts the factory is likely to be situated?

Mr. Sagini: It is going to be situated at Broderick Falls.

Question No. 720

INCREASED PYRETHRUM QUOTA FOR GUSII

Mr. Omweri asked the Minister for Agriculture and Animal Husbandry whether, in view of the fact that Gusi pyrethrum was of a comparatively high grade and usually exceeded the quota, the Minister would treble the pyrethrum quota for Gusi and whether he would subsequently investigate the installation of a processing factory in the district?

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to reply.

The hon. Member, I am afraid, has been misinformed. In actual fact, the pyrethrum content

[Mr. McKenzie] of Gusi pyrethrum is comparatively low. Regarding quotas, Gusi was licensed in 1962/63 for 2,250,700 lb. of pyrethrum and only managed for 2,207,100 lb. In 1963/64, they were licensed to deliver 1,666,174 lb. In 1963/64, they were expected to deliver 1,954 million lb., but it is expected that they will deliver 2,168 million lb. and all this has been bought. We are at the moment engaged in negotiations for an increased quota for Kenya as a whole, and if these negotiations are successful that will mean extra quotas for nearly all pyrethrum-growing districts. The installation of a processing factory in Gusi would have to merit as the two factories at Nakuru can cope with the Kenya total production as they are not in full production, and there are further processing facilities in Nairobi lying idle. In any case, Mr. Speaker, putting up a new factory, buildings, etc., would cost between a quarter and half a million, and the only place that this money could come from would be the producers.

Mr. Omweri: Mr. Speaker, Sir, would the Minister tell this House why—earlier in his speech in this House—he said that Gusi pyrethrum was of high grade and he has decided to allow them to increase the quota they were given this time?

Mr. McKenzie: I am sorry if I misinformed the hon. Members. What I said was that in year 1963/64, the Gusi area was producing more than its quota, and this in fact it has done and the Pyrethrum Board has purchased the extra pyrethrum which they have produced. There are certain areas in Gusi which produce a pyrethrum of high pyrethrin content, but there are other areas which produce pyrethrum of low pyrethrin content, and the average for the whole district is reduced because of the areas which produce a low pyrethrin content.

Mr. Omweri: Arising from the Minister's reply, Mr. Speaker, Sir, would he agree that the failure to reach the required quota was because of irregularities of instructions from his Ministry which at one time said you could now produce so much, and when that was produced they found that the figure was too high and they had to reduce the quota?

Mr. McKenzie: Mr. Speaker, Sir, I would have to have notice of what happened in 1961/62.

Mr. Anyleni: In view of the fact that one of the reasons why factories are set up is to provide employment for the people around the areas, would the Minister consider establishing a factory in the Kisii highlands which produces pyrethrum,

so that it could provide employment for some of the young men in that area as Nakuru has not been able to give any employment to the people from that producing district?

Mr. McKenzie: Mr. Speaker, Sir, I have already answered that.

Mr. Mangare: Mr. Speaker, Sir, arising from one of the Minister's replies that Gusi pyrethrum has less pyrethrin content, would the Minister now tell the House what investigations he has made to find out the reasons why the Gusi pyrethrum has less pyrethrin content than the rest of Kenya?

Mr. McKenzie: Mr. Speaker, Sir, I am told that there are three reasons. One is that the areas in which it is being planted is not the most suitable. Secondly, that the climatic conditions during the period of growth may have had something to do with it, and thirdly, and one of the most important reasons, is that crop husbandry has not been as good as it could have been.

Mr. Anyleni: Mr. Speaker, Sir, when I asked the Minister to consider putting up a factory in Kisii so that it will provide employment for the people in that district, the Minister said he has answered that question. May I put it in another form, and this is the way I will put it. Would the Minister then agree with me now that while Kisii produces a very great percentage of pyrethrum which helps to run the Nakuru factory, there is nobody from Kisii employed in that factory except one man only?

The Speaker (Mr. Slade): Rather far away from the original question, Mr. Anyleni.

NOTICE OF MOTION FOR THE ADJOURNMENT

MEDICAL PERSONNEL AND EQUIPMENT IN WESTERN REGION

The Speaker (Mr. Slade): I would remind hon. Members again that on adjournment today Mr. Makokha is to raise the matter concerning medical personnel and equipment in the Western Region.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

The Minister for Agriculture and Animal Husbandry (Mr. McKenzie): Mr. Speaker, Sir, I beg to reply.

None, Sir, but I believe that the Minister for Forests has agreed that certain settlers have grazing rights in the forest. I am also told by the Ministry concerned that certain settlers have already cleared their land and have stock far in excess of the size of their plots, and each application for further forest grazing is being considered on its merits.

Mr. Tanni: Mr. Speaker, Sir, in view of the fact that the Minister has been told by the Minister for Forests that there is some grazing, could he tell us that he is taking care of the animals, and whether he was told in a letter or verbally that people have been provided with grazing?

Mr. McKenzie: I have already given the answer, Mr. Speaker.

Mr. Shikuku: Arising from the Minister's reply, could he tell the House—as some of us are not aware—who the Minister for Forestry is?

Mr. McKenzie: Mr. Speaker, Sir, there is a Minister responsible for Forests and I would suggest that the hon. Member knows full well who he is. If he does not know who he is, Sir, all he need do is to read up the appointments in the original HANSARD of this House, and he will find out.

Mr. Shikuku: Arising from that, Mr. Speaker, is the Minister aware that this House is entitled to exact and precise replies to questions, be they supplementary or otherwise, and if so, could he tell the House whether the story he has told the House was actually a discussion over a cup of tea, or whether it was official. If it was official, was it in writing?

Mr. McKenzie: The answer to the first part of his question is, Yes, Sir. The second part of his question does not arise, because the manner of how I received information from my colleague has nothing to do with the hon. Member as long as I give him the information.

Mr. arap Moi: Mr. Speaker, Sir, arising out of the Minister's reply, is he aware that originally the AL-DEU used to give grants to various local authorities for certain projects, and in view of the fact that Lembus Forest is a very thick forest and the settlers who have been given plots would like to clear them, and have no other means of clearing it except by doing it by themselves, so would the Government consider allowing grazing in the glades in the forest?

Mr. McKenzie: Mr. Speaker, Sir, the Minister responsible for the national forests has taken the Ministry of Agriculture's advice and he is allowing grazing in glades in the forest. The question about clearing forest and settling more people by AL-DEU should be put to the Ministry responsible and not to my Ministry.

Mr. Tanni: Mr. Speaker, Sir, may we know from the Minister what efforts he is making to see that the people clear Lembus Forest so that they can get grass and whether he is giving financial aid?

Mr. McKenzie: Mr. Speaker, I would suggest that the hon. Member knows full well that that is not a question for the Ministry of Agriculture, that is a question for the Minister responsible for forests, but I will see that I take the first opportunity when I can discuss the matter with him to ask him to read today's HANSARD so he can see what the hon. Member has said.

Question No. 653

ABOLITION OF AFRICAN COURTS

Mr. Mbogoh asked the Minister for Justice and Constitutional Affairs, in view of the fact that the Minister had announced the abolition of African courts would take place in June this year, how far had the said scheme progressed?

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to reply.

The decision to integrate the African courts into the judicial system has necessitated an extensive examination of the individual chapters of the Laws of Kenya in order to ensure that the primary courts will have jurisdiction to try the common offences now brought before the African courts which have jurisdiction over parts of a very wide selection of the Acts enumerated in the African Courts (Hearing of Charges) Order, 1963 (L.N. 183 of 1963). It has also necessitated a large number of amendments to the Laws of Kenya. The recruitment and training of the personnel of these courts will be completed in June 1965, and the date of the implementation of this reorganization simultaneously throughout Kenya will be July 1965.

Mr. Mbogoh: Mr. Speaker, Sir, can the Minister tell this House what would be done with the present presidents of the courts? It is well known that some of them have already passed the same law examinations as those passed by District Commissioners and District Officers who are magistrates in this country.

Mr. Mboya: Those of the present presidents or court elders, Sir, who have gone through the training scheme and have passed the law examinations will be considered; in fact, some of them have already been considered in the ordinary process of recruiting for the new courts. Those who are qualified will be considered accordingly, but I will not entertain those who come through Members of Parliament and who seek to obtain jobs in that way, regardless of qualifications.

Mr. Mbogoh: Mr. Speaker, Sir, in view of the fact that in the Kenya law books of today, we do not have the customary law included in most of the chapters, does the Minister think that after incorporating this we will have proper laws wherein customary law and statute law are practised in co-operation with statute law without ignoring the tribes who practice different customary law in this country?

Mr. Mboya: Mr. Speaker, Sir, if I understand the question correctly, the position—and I think I made it quite clear to the House once before—is that we are doing two exercises. The first one is to codify African customary law, so that we have it reduced to writing. Once this is done, both criminal and civil customary law, then the whole system can be integrated into the ordinary judicial system and it is these exercises which are going on. At the same time, we are setting up the primary courts, which will be courts below the normal magistrates' courts, in which we will have employed persons with some form of legal qualification but who are not necessarily professionally qualified, who will be known as lay magistrates to replace the present presidents of courts and court elders. In the circumstance, most of the customary offences will be brought before the primary courts with an appeal system which allows them to go much higher than they do today.

Mr. arap Moi: Mr. Speaker, Sir, arising out of the Minister's reply, would he consider abolishing the present set-up whereby Regional Government Agents act as first-class magistrates?

Mr. Mboya: In principle, yes, Sir, in practice it would be difficult to do so throughout the country at the same time. There are areas in the country where it is going to be very difficult to get enough people to recruit to take over the primary courts, such as in the hon. Member's own home.

Mr. Tanni: On a point of order, Mr. Speaker, is the Minister in order to refer to a Member's home in that way?

The Speaker (Mr. Stale): I think the Minister is in order.

Mr. Mboya: Mr. Speaker, Sir, I referred to home in a geographical sense.

We are gradually removing the need for using administrative officers as magistrates and we accept the principle that they should not be used as such.

Mr. Mutiso: Mr. Speaker, Sir, could the Minister tell the House whether, so far, there are any African courts which have been promoted to magistrates' courts, and if any, how many and in which parts of the country?

Mr. Mboya: Mr. Speaker, Sir, it is not a question of promoting an African court to the status of a magistrates' court; it is a question of integrating the African court system with the normal judicial system and I have explained that we are already recruiting the staff, we are already codifying the African legal system and, in July next year, the training of this staff and the recruitment will have reached the point where we will start to establish and open these primary courts throughout the country.

Mr. Omweri: Mr. Speaker, Sir, would the Minister tell us the cost of this scheme because at the moment we find that some courts do not have even stationary on which to send out summonses to people who are accused?

Mr. Mboya: Mr. Speaker, Sir, I do not accept the latter part of the hon. Member's statement. I do not believe there is any court which has failed to send out summonses because they do not have the summons sheets, but I cannot at this have the summons sheets, but it is going to cost to stage state how much it is going to cost to complete this whole exercise. It must be recognized that it includes the cost of having the experts who are codifying the African customary law and then it includes the training of the personnel needed for the primary courts. Then, of course, it covers the physical transformation of the African court elders, courts into primary courts and bringing in better qualified clerks and facilities. I cannot, at this stage, state categorically how much this will cost.

Mr. G. Godara: Mr. Speaker, Sir, arising from the first reply by the Minister, will the Minister agree with me that when the African courts are closed, that the new primary courts should have their name changed to local courts?

Mr. Mboya: Mr. Speaker, Sir, I think I understand the problem. The present African courts, it is true, are restricted to trying only certain offences and, also—for the time being—only

[Mr. Bala]

shores were likely to be affected shortly by the continuous rising of the lake waters?

(b) How many feet had the lake risen by 30th September 1964, from the level it had been in 1950?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, Sir, I beg to reply.

The reply to the first part of the question is that the Government, in conjunction with the Governments of Uganda and Tanganyika, has already completed photography of the shoreline from which mapping will be made. The mapping will give us a detailed knowledge of the areas which would be flooded if a further rise in the lake level occurs. It will also enable us to know what damage is likely to be caused to shoreline interests.

To the second question, I would first point out that the level of the lake in mid-1950, and even as recently as September 1961, was below average by about six inches. After the phenomenal 1961 rainfall, the level has been above average. By 30th September this year, the lake level was between 64 feet and 7 feet higher, but at that date the level was dropping.

Mr. Bala: Arising from the Minister's reply, is the Minister prepared to compensate those people who are suffering from this lake water rising?

Mr. Sagini: Mr. Speaker, Sir, the answer is, "No".

Mr. Jamal: Mr. Speaker, could the Minister tell us if any financial assistance will be given to the local authorities along the lake shores to combat the effects of malaria, which comes as a result of the rising level of the lake?

Mr. Sagini: Mr. Speaker, Sir, the answer is, "No", again.

Mr. arap Moi: Mr. Speaker, arising out of the Minister's reply, what is he doing to prevent future flooding in the area so that the people will be protected?

Mr. Sagini: Mr. Speaker, this is a fair question.

Mr. Speaker, Sir, this year I made a trip by air to Entebbe to meet the Ministers of Tanganyika and Uganda to discuss this problem which I do not want to disclose now as I might prejudice our future discussions. So, something is going to be done. Uganda gave an assurance that the natural run of the river flow was going to be maintained, and furthermore, Mr. Speaker,

I would like the hon. Member to know that the Nile river, whose source is in Kenya, Lake Victoria, traverses many lands and even touches the big man in Egypt called Nasser, so we will have to contact all these people when discussions take place.

Mr. Anyleni: Mr. Speaker, Sir, arising from the last reply of the Minister, does he really mean that this rise of water on the lake shores of Lake Victoria, is because of the dam at Jinja, and if this is the case, what steps is the Government taking to make sure that the extra water will have an outlet without causing flooding?

Mr. Sagini: Mr. Speaker, Sir, from the facts I am given by hydrologists about the river Nile, they say that it is not because of the dam, but I agree with the hon. Member that they must be suspected, but I cannot say because it must be proved to the hilt and proved that it is the dam. Right now I cannot say. We are investigating this and therefore we might find out this year.

The Speaker (Mr. Slade): I think we are back now on the question we have had many times in this House previously.

Mr. Mutiso: Mr. Speaker, Sir, arising out of one of the Minister's replies, and in view of the fact that many people around the shores of Lake Victoria do suffer from water risings and in view of the fact that many other people in dry parts of Kenya suffer from drought, would the Minister not consider it appropriate to approach the Ministry of Agriculture to find ways and means of letting out some of the water from Lake Victoria for agricultural purposes?

Mr. Sagini: Mr. Speaker, Sir, I wish I were empowered to call upon the rain from heaven to drop on Kenya soil.

Question No. 687

EMPLOYMENT OF MR. WACIUMIA IN POLICE FORCE

Mr. Kagga asked the Minister for Internal Security and Defence whether, in view of the fact that Africanization was urgently needed in the police force, the Minister would tell this House on what grounds Mr. Francis Githiga Waciunia, trained criminologist with four years' service in the police behind him, was denied employment in the police force?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I beg to reply.

Mr. Waciunia was not denied employment in the police force on his return from the United

[Dr. Waiyaki]

States. On the contrary, the Police Inspectorate Board offered Mr. Waciunia the grade of inspector which was one rank above the grade he held before leaving to study criminology abroad. He declined the offer on the grounds that it was far below his qualifications and his case is now under consideration by the Directorate of Personnel, with whom the matter now rests.

Mr. Kagga: Mr. Speaker, Sir, in view of the fact that we have always been told that the Ministry lacks qualified personnel to Africanize most of the higher positions in the police, and in view of the fact that this gentleman has four years' service behind him, could the Ministry not consider him for a higher post in the light of his new qualifications?

Dr. Waiyaki: I mentioned that his case was under consideration by the Directorate of Personnel at the moment.

Mr. Mutiso: Mr. Speaker, Sir, could the Parliamentary Secretary inform the House what were the grounds on which this particular gentleman was rejected by the police force when he came back from the United States?

Dr. Waiyaki: I said, Mr. Speaker—

The Minister for Labour and Social Services (Mr. Mwendwa): On a point of order, Mr. Speaker, I am seeking your ruling. Is it really in order for a Parliament like this to be discussing personal things which can be discussed in the offices, because I feel once this precedent is established here, we will be doing nothing else but discussing individual cases of why this one or that one has not been employed?

The Speaker (Mr. Slade): It is in order for hon. Members to ask any question concerning matters for which Government is responsible, or with which Government is officially connected, with very limited exceptions, such as matters which are *sub judice*. It is important at times that Members should be able to inquire through this House about things they regard as injustice to a particular individual in the Civil Service, or otherwise. The only thing is that in practice, as Mr. Mwendwa said, Members may get more satisfaction if they take up the matter privately with the Ministry in the first place, and only bring it here as a public question if they fail to obtain satisfaction. That may be the case here, but public ventilation of personal matters is not really justified in practice, and does not do great credit to this House, unless there has been an attempt to remedy the matter before it is brought

to this House. It is not however, a matter which I can rule as out of order.

Mr. Kagga: On a point of order, Mr. Speaker, is it not in order for a Member to ask a question concerning an individual, if it concerns one of his constituents?

The Speaker (Mr. Slade): I have just said that it is.

Mr. Ochwada: Mr. Speaker, Sir, would the Parliamentary Secretary tell the House—and this is arising from his original reply—that this gentleman declined the offer because his qualifications were below the required qualifications for this particular post—what qualifications has Mr. Waciunia got, and what qualifications the post he had been offered required?

The Minister for Information, Broadcasting and Tourism (Mr. Achieng-Onyok): On a point of order, Mr. Speaker, it is in order if the Junior Minister decides not to answer any one of the questions of such a personal nature which are being asked?

The Speaker (Mr. Slade): I do not want to tell hon. Members many more times to keep silent when a point of order is raised, and not attempt to answer it on behalf of Mr. Speaker. It is, of course, in order for a Minister at any time to refuse to answer any questions, although he is expected to give his reasons if he does so. It is not quite so much in order for one Minister to suggest to another that he should not answer.

Dr. Waiyaki: Mr. Speaker, I appreciate the goings and comings at the moment, but all I want to say here is that the Director of Personnel is considering this case, and I can make no further comment.

Mr. Ngala: Arising from one of the Parliamentary Secretary's replies, Sir, can he give us the number of years that Mr. Waciunia served before he went overseas to embark on his studies?

Dr. Waiyaki: The number of years is given in the question.

Question No. 693

GRAZING IN LEMBUS FOREST

Mr. Tanui asked the Minister for Agriculture and Animal Husbandry what arrangement the Ministry had with regard to the animals of the Lembus Forest which were allocated people of Lembus Forest area where it would take some years to get the forest cleared and the grass to grow?

Wednesday, 4th November 1964

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

CORRECTIONS TO THE ORDER PAPER

The Speaker (Mr. Slade): Hon. Members, I have to make an informal communication from the Chair. I have to apologize to hon. Members for what may appear to be some confusion with the Order Papers today, but this is due to the unfortunate illness of the Clerk of the House. The position actually is that there are two Supplementary Order Papers. The first is to correct a mistake in the Order Paper concerning the matter to be raised on adjournment today, and to notify you that the matter which will actually be raised on the adjournment today is that which Mr. Makopka wished to raise concerning medical personnel and equipment in the Western Region. There is a second Supplementary Order Paper which had to be issued very late, which adds to the Orders three second readings, second readings of the three Bills which had their first reading yesterday.

ORAL ANSWERS TO QUESTIONS

Question No. 673

KENYA AFRICANS IN UGANDA AND TANZANIA

Mr. Odeero-Sar asked the Minister of State, Pan-African Affairs, whether, in view of the fact that Kenya Africans who were civil servants in Tanzania and Uganda could not be promoted to higher posts, because they had not registered themselves as citizens of those countries, the Government would consider bringing them back to join the Kenya Civil Service?

The Minister of State for Pan-African Affairs (Mr. Koinange): Mr. Speaker, Sir, I beg to reply.

It would not be wise for the Government to undertake the removal of all Kenya citizens from the service of the Governments of the United Republic of Tanzania or Uganda, as there appears to be no evidence to justify such drastic action. Tanzania and Uganda are equal partners with Kenya in the East African Common Services Organization and, furthermore, they are friendly neighbours. A step such as the one suggested in the question, could, in some cases, disrupt the services concerned.

A Kenya citizen working for the Tanzania or Uganda Governments has two official channels open to him if he feels that he has better working opportunities in the Kenya Civil Service. He can either apply for a transfer under the existing machinery, or, he can apply to the Kenya Public Service Commission for such jobs that he is qualified for if they are advertised.

These two channels are considered adequate for such cases as there are.

Mr. Odeero-Sar: Mr. Speaker, Sir, arising from the reply from the Minister, that there are not enough incidents which show that Kenya Africans are affected by this question. If at all, I can bring to him a letter which was written to a Kenya African telling him he was not a resident of this country and he could not be promoted, would he accept this and take steps to remedy these affairs in this country?

Mr. Koinange: Mr. Speaker, Sir, yes.

Mr. Kerichi: Mr. Speaker, Sir, will the Minister tell the House whether he is prepared to bring this matter up with the Governments of Tanzania and Uganda so that these people can be promoted?

Mr. Koinange: Mr. Speaker, Sir, the promotion of each government servant is controlled by that government and our separate governments cannot interfere with such promotion as exists in that government.

Mr. Mulla: Mr. Speaker, Sir, arising from the Minister's reply, and bearing in mind the importance of this subject, could the Minister make definite representations to the Governments of Tanzania and Uganda so that Kenya Africans are not discriminated against in the interests of federation?

Mr. Koinange: Mr. Speaker, Sir, such discrimination, so far, does not exist. May I say this, that even if we look at the transfer of civil servants since 1st November 1963, we can see that from Kenya to Uganda there have been five persons and to Tanzania, two, and from Tanzania to Kenya, one, and from Uganda to Kenya 111. All those were transferred easily without noticeable discrimination.

Mr. Mulla: Mr. Speaker, Sir, arising from the Minister's latest reply that there have been 111 Kenyans who have been transferred to Uganda, and two from Kenya to Uganda, would the Minister agree with me that this is sufficient evidence to be sure that there is a form of discrimination in promotion as far as Kenya Africans are concerned in Uganda?

Mr. Koinange: Mr. Speaker, Sir, that does not arise.

Mr. Ochwada: Mr. Speaker, Sir, is the Minister in a position to give us an idea of the breakdown of Kenya Africans from Tanzania and Uganda who terminated their services as a result of this unfair treatment?

Mr. Koinange: Mr. Speaker, Sir, it does not show definitely these transfers, but Government is sure that these transfers have been on the basis of the disappointment caused by the people of this area.

Mr. Khasakhaha: Mr. Speaker, Sir, arising from the Minister's reply, is he aware that the Kenya Government made negotiations with the Uganda Government only for the transfer of seven civil servants and not with other areas? What is he doing in order to bring about such negotiations so that our people serving in Tanzania Government can also receive similar transfers when they are mistreated there?

Mr. Koinange: That is actually wrong, but I may add this, that as the House knows, we are definitely on very good terms with those three Governments and we are out for federation. This definitely shows that if we continue with this sort of attitude, we are bound to succeed with this friendly attitude.

Question No. 712

FISHING AT MOUTH OF NZOIA RIVER

Mr. Odeero-Sar asked the Minister for Natural Resources what action, if any, had he taken against the fishermen who caught fish at the mouth of the Nzoia river in Lake Victoria, which prevented salmon (*odhadho*), etc., from going up the river in search of suitable places for breeding?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, Sir, I beg to reply.

I am informed that by *odhadho* the hon. Member means the fish known as *barbus* or *iwani*, and not salmon which does not exist in fresh-water lakes. However, I am aware that several species of fish seasonally migrate up the rivers to spawn. I am also aware that during these migrations the local inhabitants fish the rivers. This is a tradition which has existed for many years. This activity does not seem to affect the fish stocks, as long as traditional fishing methods and equipment are employed. For this reason, it has not been found necessary to take action which deprive the fishermen of the use of their traditional fishery. Recently, however, the

use of gill nets in this fishery has started and considerable catches are made by drifting nets down the river to trap fish moving upstream. The effect of this on fish stocks is being investigated. Should this activity appear to threaten the stocks of fish in the fishery, my Ministry will take immediate actions to control or even stop this by legislation.

Mr. Mulla: Mr. Speaker, arising from the Minister's reply, will he not agree with me that these fish migrate all over the lake so the control should not be exercised, because fish from Nyanza can migrate up to the mouth of the river Nzoia?

Mr. Sagini: Mr. Speaker, will he repeat his question because it seems to be scientific and biological?

Mr. Mulla: Mr. Speaker, my question is, will the Minister not agree with me that the controls are not necessary since the fish can move from Nyanza to the mouth of the river Nzoia and be caught by the fishermen in Nyanza?

Mr. Sagini: I cannot agree with him, Mr. Speaker, Sir, because we are interested in all the official safeguards, and we do not want to jeopardize the stocks of fish; we are interested in the fish population. When the danger point occurs, we will take immediate steps to rectify that.

Mr. Mboogh: Mr. Speaker, Sir, will the Minister tell this House when they will allow people to fish at this river after what he checked on the fish; whether there are enough? What is the population which is needed before the people are allowed to fish?

Mr. Sagini: Mr. Speaker, Sir, the question is very involved but I will tell him that this is being investigated as I said.

Mr. Mutiso: Mr. Speaker, Sir, is the Minister in a position to let us know how many fish are there in the lake?

Mr. Sagini: Mr. Speaker, Sir, I said this is going to be investigated. It is a very complicated process. The fish are very slippery in water, but scientists and biologists know how to get an approximate figure.

Question No. 719

RISE OF LAKE VICTORIA WATERS

Mr. Bala asked the Minister for Natural Resources:—

- (a) What plans the Ministry had to find out and check which areas along the lake

[The Minister for Justice and Constitutional Affairs] correctly is that the President will not have powers to repeal laws except that, in the period of the transition, the first twelve months, there will be power to repeal certain regional enactments, not, repeat not, laws passed by Parliament. There will be no power to enact new laws and I had made this point quite clear when I replied a few moments ago.

Now, Sir, in conclusion, I want merely to say this: Firstly, that I have a high regard for Members who have the courage to cross the Floor when they see that it is in the interests of their people to do so. Mr. Speaker, the worst thing that can happen to a man is to be afraid to do what is right because of fear and fear alone. Nothing is worse than fear itself and the Members who sit on the Opposition side who refuse to vote today when in their own conscience they know it is right to vote for this Bill, are men without courage.

The Speaker (Mr. Slade): No, Mr. Mboya.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): I withdraw it, Sir.

Now, Sir, I would like to state very clearly that Members in this House are not delegates; they are representatives, they are leaders. There is a big difference between a delegate and a representative. A delegate is a person who goes to a meeting to say what he was told to say. A representative is a person who is a leader in his own right, who decides at the meeting what is right and what is wrong and speaks about it. It appears that Members in the Opposition regard Members of this House as delegates and not as representatives. If, Members of the Opposition have to begin to understand what a Parliament is and the reason for an election, regular elections, is for the public to determine whether the leadership they voted for is the right leadership. Members who are voting here today are displaying that courageous leadership which this country wants.

Mr. Speaker, I would only end on this. The hon. the Leader of the Opposition has tried to say, the Government may win but this is only numbers. But, Sir, the very basis of the procedure for amendment in this Constitution is that you have to have 75 per cent of the total numbers in this House. Now if numbers mean nothing, why should we have 75 per cent provided for?

Mr. Speaker, I hope that the hon. the Leader of the Opposition and his singing supporters will learn that the only way you can amend this

Constitution is by having the numbers laid down in this Constitution, the 75 per cent, 75 per cent, Sir, is of the total membership and therefore it is numbers which count. I hope, Sir, that the hon. the Leader of the Opposition will take that into account. I hope also that the hon. the Leader of the Opposition will not carry through his threat of sabotaging the Bill so that there is a referendum, because if he does, then he must accept completely the full responsibility for the expenditure of £100,000 unnecessarily when he knows the verdict in advance. The people of this country, the poor people who are looking for jobs, who are waiting for food, must know that only one person will be responsible for this squandering of money.

The Speaker (Mr. Slade): Order, order. Before I put the question I would remind hon. Members again that on this Motion, as on the Motion for the Second Reading, we have to have a special majority supporting the Bill, that is to say ninety-eight votes. So, when I put the question we will have a Division as we did before.

DIVISION

(Question put and the House divided)

(Question carried by 101 votes to 17)

AYES: Messrs. Achieng-Onoko, Agar, Angaike, Anyieni, Aremam, Argwings-Kodiak, Ayodo, Bala, Balala, Barasa, Borrett, Bonaya, Churchill, Dr. De Souza, Messrs. Dingiria, Gachaga, Gacaita, Gaugaita, Gichoya, Gichuru, E. D. Godana, G. Godana, Godia, Ithral, Jabiri, Jama, Jubat, Kaggia, Kali, Kamau, Kamunde, G. G. Kariuki, J. M. Kariuki, Kenyatta, Kerin, Khalif, Khasakhala, Kiamba, Dr. Kiano, Messrs. Kibaki, Kibuga, Kioko, Kiprotich, Koinange, Komora, Konchellah, Kubai, Lorema, Mairori-Inumbo, Makokha, Makone, Malu, Malinda, Mati, Mbai, Mbogoh, Mboya, McKennie, Mohamed, Mongare, Moss, Mulama, Dr. Mungai, Messrs. Murgor, Murumbi, Mutiso, Mwalwa, Mwanyumba, Mwendwa, Ndile, Ngala-Abok, Ngei, Njiliri, Nyaga, Nyagah, Nyamweya, Obok, Ochwada, Odero-Jowi, Odero-Sar, Odinga, Oduya, Okelo-Odongo, Okwanyo, Oloitipitip, Omweri, Onamu, Oselu-Nyalick, Osogo, Otiende, Pinito, Sagini, Seroney, Somo, Theuri, Too, Townes, Tuwei, Dr. Waiyaki, Messrs. Wamuthenya and Warilithi.

Tellers for the Ayes: Dr. Mungai and Mr. Shikuku.

NOES: Messrs. Choge, Kamuren, Masinde, Matano, Moi, Muliro, Muruli, Mwanzandi, Mwatsama, Ngala, Omar, Pandya, Rurumban, Shikuku, Sol, Tanui and Tuva.

[The Speaker]

Tellers for the Noes: Messrs. Masinde and Kali.

The Speaker (Mr. Slade): Tellers report the result of the Division to be Ayes: 101, Noes: 17. I therefore declare that the Motion for the Third Reading of the Constitution of Kenya (Amendment) Bill is supported by the requisite majority.

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

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

POSTPONEMENT OF MOTION ON THE ADJOURNMENT

The Speaker (Mr. Slade): It is now past the time for the interruption of business, so we will not have any matter raised on the adjournment. The matter appointed for tomorrow's adjournment will stand, and the matter that was to have been raised today will have to be raised some other day.

ADJOURNMENT

The Speaker (Mr. Slade): The House is now adjourned until tomorrow, Wednesday, 4th November 1964, at 2.30 p.m.

The House rose at Ten minutes past Seven o'clock.

(Mr. Shikuku)

live to regret this, because the Constitution is not just for the time being, but is going to remain in this country for some time.

May I also register my strongest protest of all, in connexion with the question of land which has been taken under this Constitution and on which the Government, over the Voice of Kenya, has sought to deceive the public, saying that their land has not been taken when it has been. Mr. Speaker, I have registered my complete disapproval of this during my previous statement, which the Minister for Justice and Constitutional Affairs has not dared to refute because it was only too true, that the land in the regions is settlement schemes and forests. Mr. Speaker, the Kenya people are not being told the entire truth. People are being fed on nothing but half-truths in the country by the hon. Mover.

Mr. Speaker, Sir, I would like to turn now to the question of the President. It is stated in this Bill that if people are not satisfied with the President—I do not mean the present Prime Minister who is going to be the President, but future Presidents—and they do not have confidence in him, they will have to pass a vote of no confidence in the President. This is not going to happen at all and is nothing but complete eye-wash, because the President, under this Bill, has the power to vote, to repeal any law or any resolution, and it will be very difficult for anybody in future to pass a vote of no confidence in the President. Mr. Speaker, Sir, some of the hon. Members may not understand this, but may I take this golden opportunity—

The Speaker (Mr. Slade): Order, order. I would warn hon. Members that I have called order several times. The Government has already lost one vote through an hon. Member having been sent out of the precincts. I am sure they do not want to lose any more.

Mr. Shikuku: I feel there is no need for us to argue here. Mr. Speaker, there is no need for us to make a noise, but may I take this last chance to register and have it put on record that this country is not going to be a happy country when this Bill goes through. It is going to be a country, which in future, will be ruled by a tyrant who will not listen to anybody. Some of us may think, "Well, I'm in the Government, I'm safe," but they are not going to be safe.

The Speaker (Mr. Slade): You have already made that point.

Mr. Shikuku: Mr. Speaker, I feel this is a question which is not concerning us only, but the people as a whole—

The Speaker (Mr. Slade): You are repeating yourself, Mr. Shikuku.

Mr. Shikuku: This Constitution, Mr. Speaker, is completely dictatorial and I beg to oppose it most strongly on behalf of the Butere people and Kenya as a whole, and as a young man I have a long way to go to prove my case.

Mr. Oloitiptip: Mr. Speaker, Sir, I am very much amazed to hear from the Leader of the Opposition when he was asking me personally why I crossed the Floor with these trousers.

The Speaker (Mr. Slade): I am sure you are not asking him to substantiate this.

Mr. Oloitiptip: Mr. Speaker, Sir, I do not understand what the Leader of the Opposition really meant, because he himself, before he gets up in the morning, he must be sure to remember to put on his trousers. Everybody in this country is supposed to wear trousers. If he does not, he must go back to his people and become civilized. Hon. Members are modern people who wear trousers. Mr. Speaker, Sir, I do not understand how he wanted me to come into this House. I did not bring all my cattle here. We all come to this Parliament in trousers. I crossed the Floor because I followed Kadu for more than five years now and we did not gain anything.

MOTION

EXEMPTION OF BUSINESS FROM STANDING ORDERS

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I rise under Standing Order 168 to move that under Standing Order 11, this business be exempt from Standing Order 11 so as to enable us to complete all the business before adjournment today.

The Minister for Labour and Social Services (Mr. Mwendwa) seconded.

(Question proposed)

(Question put and agreed to)

BILL

Third Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL
(Resumption of Debate interrupted by Motion for Exemption of Standing Orders)

Mr. Oloitiptip: Mr. Speaker, Sir, I would like the Leader of the Opposition to learn that I crossed the Floor—

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

The Speaker (Mr. Slade): Order. I cannot have hon. Members saying when the closure is to be allowed or not allowed. That is the function of the Speaker. I think we are near the point when it would be reasonable for the House to entertain the closure and decide whether or not they want to continue this debate. But I must allow Mr. Oloitiptip to finish what he has to say.

Mr. Oloitiptip: Mr. Speaker, Sir, I do not think it is the Leader of the Opposition's intention to defer me. The trouble and the reality is that he is very worried now that the big gun has left Kadu. If they question, they question themselves. The Opposition Benches will remain empty or be filled by the Government, they will see that happen. I crossed the Floor to fight and join all—

Mr. Mutuli: On a point of order, Mr. Speaker, is the hon. Member talking about the Bill or is he telling us why he crossed the Floor?

The Speaker (Mr. Slade): I understand the hon. Member is answering Mr. Ngala, who said that the votes in support of the Second Reading of this Bill were not as realistic as it appeared, because of the status of those Members who have crossed the Floor. So he is entitled to answer this point, but he must not take too long on it. I think he has nearly taken long enough now.

Mr. Oloitiptip: Mr. Speaker, Sir, I think I shall have more time in the future to reply to anything that the Opposition might want to put across to me. I want to make it quite clear that I crossed the Floor to join in the progress of Africans and African dignity, African unity. I approve of the amendment of the Constitution. I speak in this Parliament, and I will do so when I go back to my constituency and I welcome my friends, the Leader of the Opposition and the President of the Rift Valley, to share with me in this. I will make it known to the Masai that I believe it is in progress and unity. Mr. Speaker, Sir, it is high time that the Masai and the people of Africa made up their minds, because if it was Kadu which won the elections, they would rule the country the way they wanted.

Mr. Shikuku: On a point of order, Mr. Speaker, is the hon. Member really talking on the Bill, or is he talking of crossing the Floor still?

The Speaker (Mr. Slade): Order, order. I say again I will not have hon. Members helping me to answer points of order. You must understand that. It reduces the dignity of this House to something very small. Now the hon. Member is getting away from the subject matter of this Bill, and we cannot have irrelevancies of this kind.

Mr. Oloitiptip: Mr. Speaker, you have ruled very many times that it does not only reduce the dignity of the whole House, but it mostly reduces the dignity of the Member in person if he keeps on raising points of order which are no use.

The Speaker (Mr. Slade): Order. You quite misunderstand me. Members have the right and it is their duty to raise points, good points, of order as Mr. Shikuku did. What I was objecting to was hon. Members answering the points of order. Please do not misunderstand me. I am glad that Mr. Shikuku raised this point of order, for I was just about to do the same.

Mr. Oloitiptip: Mr. Speaker, since this Bill did not rob the Masai of an inch of their land, I see no reason why I should oppose it for the sake of opposing. Therefore, Mr. Speaker, I support the Bill wholeheartedly and that is why I crossed the Floor without fear and I believe the rest of my colleagues, Masai and Samburu, will join us.

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

(Question put and agreed to)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I am going to be very brief. I will merely make the following brief observations. First, I would like, for the record, to make it quite clear that the Government refutes most categorically the allegations and implications made by the hon. Member for Butere over the question of land. I do not want to argue the point more than to say that.

Secondly, I would like to state very clearly that the hon. the Leader of the Opposition should have understood that whereas the powers of the region are today vested in the Constitution of the future, they will be the subject of an Act of Parliament and it will be for this Government to determine as and when it sees fit and as appropriate as and when it is capable of handling any power, which what powers to give to it. That is the point which seems to have been missed by many Members.

Thirdly, on the question of the oath of office, the Government is content. I must state very categorically that the President will be subject to one oath of office, but to two. He has the oath of allegiance as well as the oath of the presidency and in the two oaths he is pledging everything there is to pledge to uphold the standards, the status, the responsibilities that go with his office. We therefore reject the arguments of the hon. the Leader of the Opposition.

Now, Sir, the other point made is on the power of the Presidents to repeal laws. What is being misunderstood and which must be put quite

[Mr. Ngala]

Mr. Speaker, Sir, the other point which we have very much emphasized is the question of the President not taking an oath that he will uphold the Constitution or serve under the Constitution. If the Ministers and the Assistant Ministers serve the Government of the country, the President ought to take the oath that he will uphold the Constitution, and will serve under the Constitution. This point has now been made, and we would like to reiterate it because of its importance in the interests of the country. We also want to make it quite clear in our submission throughout, from the First Reading and Second Reading, and in the Committee stages, that all the matters that are deleted in relation to powers of the regions to us, we say the amendments do not delete, because we disagree with the deletions in relation to powers of the regions.

Mr. Speaker, Sir, I think that it must be recorded, too, that some of the people who have voted with Government today and defeated us have not got their people behind them, and when their people say that they do not like the Constitution, we shall know what is wrong. In this House, Members have a tendency of crossing the Floor along with their funny trousers and this is a very dangerous habit, because, Mr. Speaker, Sir, the people who voted for these people had trust in them. Indeed, one Member, the Member who has crossed this afternoon, was busy seeking a mandate from his people in Kajjado and did not get his mandate. Today, he votes with the Government; his vote is null and void as far as his people are concerned. This is likely to bring about repercussions and—

Mr. ole Ololipitip: On a point of order, Mr. Speaker, could the hon. Leader of the Opposition substantiate that I do not have the mandate from my constituency?

The Speaker (Mr. Slade): That is the kind of thing that cannot be substantiated. The hon. Member is expressing an opinion on what he has seen and heard. Other hon. Members will have their opinion according to what they have seen and heard. Continue, Mr. Ngala.

Mr. Ngala: Mr. Speaker, what I was trying to emphasize was not only related to this man, this hon. Member, but I feel that if we are to have a Constitution which can create political stability and acknowledged stability in this country, then the views of the people must be sought—honestly sought—and hon. Members in this House must have the weight of public opinion behind them. If we do not consult our electors, then we are looking for trouble.

Mr. Speaker, Sir, therefore I maintain that if you subtract the people who have crossed, with their trousers only, to the Government side out of the 101, then the Government has not a mandate from the people.

Mr. Speaker, Sir, I would like to make it also quite clear that we have already said that the President should have been elected by the country. This has been overlooked by the Government. I am not satisfied by the hon. Mboya's argument that the people have their representatives here and the representatives are enough. Now, it is very clear that, in the case of an hon. Member who deserts his constituency—and this is going on a lot—it is not right that the people, themselves, should have a second chance because they have confidence in themselves? Mr. Speaker, Sir, this is very serious. We feel that the President should have been elected countrywide, on the basis of one man, one vote throughout the country. If the hon. Mr. Kenyatta has confidence in the country, then he will be elected on a popular vote. If people have lost confidence in him because he does not attend Parliament or does not argue effectively in a Parliament, then he will lose it, but the point is Mr. Speaker, Sir—

The Speaker (Mr. Slade): Mr. Ngala, I have allowed you to make a final protest in general terms on the Third Reading, but we cannot go back and pick up points that were argued on the Second Reading.

Mr. Ngala: Mr. Speaker, Sir, I would like to go on with the general comments, because I feel very strongly that the Opposition or the Members here should have been allowed time to go thoroughly into the matter.

Mr. Speaker, Sir, in brief, we know that this Constitution is completely unacceptable to Kenya. We did expect to be defeated, because the Government is in the majority, but we shall defeat the Government in the Upper House, and we shall carry it to the bitter end, to a referendum. We want to take it to the people. The people, themselves, must decide the merits and demerits of this Constitution.

With these few words, Sir, I would like very strongly, on behalf of the Opposition and on behalf of the people in Kenya, to oppose this Bill.

The Minister for Labour and Social Services (Mr. Mwendwa): On a point of order, Mr. Speaker, Sir, may I move that the Mover be now called upon to reply?

The Speaker (Mr. Slade): Not yet, in a debate of such importance. One does not usually have a

[The Speaker]

long debate on Third Reading, but I must allow hon. Members to express their views in very general terms on this Bill, without repetition of what has been said in the Second Reading or what has been said already on the Third Reading. I could not allow the closure just as yet.

The Minister for Information, Broadcasting and Tourism (Mr. Achiong-Onoko): Mr. Speaker, Sir, in that case, it means that we shall have to extend the time of sitting because I think we have nearly reached the time for the interruption of business.

The Speaker (Mr. Slade): If we reach the time for interruption of business without having concluded this Third Reading, and the Government so wishes, a Minister could move that this business be exempted from the particular Standing Order: Standing Order 11, so long as necessary to conclude this business. In that event, I think it would be better to defer to another day the matter which was to be raised on Adjournment.

Mr. Ngala-Ahok: On a point of order, Mr. Speaker, Sir, I am sorry to raise this point of order, but I am not clear as to why we are debating a matter that has been fully debated and voted upon. This may be my ignorance, but will you please elucidate this point to me?

The Speaker (Mr. Slade): I tried to explain just now that the Third Reading is not a pure formality. It is a Motion that the Bill be now read a Third Time. It is open to hon. Members to speak on that, as they are entitled to speak on any other Motion. The only thing is that it is very difficult to find anything to say on the Third Reading Motion which has not already been said on the Second Reading. So it is a convention of the House not to say much, if anything, on the Motion of the Third Reading; but in a Bill of this importance, when the Opposition has been defeated on the Second Reading, they have the right of recording in general terms their protest against the Third Reading; I must allow them that right, and I am doing so.

Mr. arap Moi, I hope you will avoid repetition either of what Mr. Ngala has said or what was said on the Second Reading.

Mr. arap Moi: Mr. Speaker, Sir, I will not speak on any clause or any matter which might bring the Members of the opposite side angry, but I should like to bring up one very important point. The Minister for Constitutional Affairs did indicate that he was not aware whether the Bill was going through without being amended. He might have had in his own mind the idea that

the Bill, with the maximum intention of the Government, might be amended in Parliament and hence some clauses might be amended. Therefore, I would like to ask the Minister for Constitutional Affairs whether it is not time, after he and the Prime Minister have heard the feelings of the people generally in the country, to make amendments or withdraw the Bill in the Senate, to enable the Bill to go through in the Senate without taking it to the country.

I should like to say this to the Prime Minister of Kenya—

The Speaker (Mr. Slade): You have to say it to me, you know, Mr. arap Moi.

Mr. arap Moi: Mr. Speaker, the most important thing in this country is for the Government to carry the people of the country as a whole. I should like to say that although the Government side may feel that they have almost 90 per cent of the Members of the House behind them, when one reads the papers and when one goes around the country, one finds that even the Members of the House of Representatives have lost their seats as chairmen of Kanu branches in the country. This is entirely the feeling of the people in the country. That is why we want the Prime Minister to carry the whole country. This is a very important point.

Mr. Speaker, Sir, when the Opposition would like to express the feelings which are being aired throughout the country, one feels that in other countries although we may support our President and the Government, something may happen, not to one of the Opposition only, but also to any Government Member. We have seen in Malawi that one of the Ministers had to run away from his own country, and this may affect those in the Government now.

Therefore, I would like the Government, particularly the Minister for Constitutional Affairs, to take these views and possibly to consider ways and means of carrying us, both the Government and the Opposition together, if it wants unity of the country.

So, Mr. Speaker, Sir, speaking in these terms, I would like to oppose this Bill very strongly.

Mr. Shikuku: Mr. Speaker, Sir, may I also stand in this House and have the chance to express my complete disapproval of this Bill in general terms.

Mr. Speaker, Sir, first of all, the Constitution so far amended, on which we have now been defeated, concerns all the people of today and tomorrow. I feel the House has made a mistake to amend, and in particular those in the Government, will

[Mr. Shikuku]

the Minister for Finance are even greater than the powers of a dictator, a black one. I beg to object and register in the HANSARD that the Opposition rejects this.

(Clause 28 agreed to)

Clause 29

Mr. Ngala: Mr. Chairman, Sir, on clause 29, we understand that the President will have power to do away with the Central Land Board in twelve months or one year. We would like here to register our protest against this clause. We would have wanted it deleted so that things can remain as they are in the present Constitution, because if the President is given powers to do away with the Central Land Board after one year, then these scheduled lands, which are in the hands of the Central Land Board, could then go to the Central Government. At the moment, these lands are being controlled by an independent body. We cannot see any impartiality in the Central Government as I see today or tomorrow or in a few days. Therefore, they are likely to take away the rights of the people who are working in the Scheduled Areas, and who have rights in the Scheduled Areas.

The second point, Sir, is that the present selection of settlers and the people to be settled on those places is the responsibility of the Regional Assembly or the Presidents of the Regional Assembly. This right too will go, because the land will go to the Central Government, and for this reason, we would like to object to this very strongly indeed.

(Clause 29 agreed to)

Clause 30

Mr. Mutiso: On a point of order, Mr. Chairman, is it in order to allow the dying Opposition to keep on speaking on every clause when, Mr. Chairman, we have an opportunity to debate this Bill fully?

Mr. Tanui: Mr. Chairman, Sir, I have only one point to make under this section. I hope when the Commission is determining the boundaries and the constituencies, the views of the people will be taken into consideration. As you know, some people would like to work together and I hope they are not going to be separated by this Commission by dividing them into those who have considerable wealth and especially in my area. I know definitely how the Commission will determine things by mixing certain tribes who are not quite ready to work together, so when this Commission is working, I hope that they will consider

the views of the people and not sit in Nairobi and determine things by post.

(Clause 30 agreed to)

(Clause 31 agreed to)

First Schedule

Mr. Pandya: On a point of order, Mr. Chairman, I wanted to know about the procedure that we would follow in discussing the First Schedule.

The Chairman (Dr. De Souza): I am afraid, Mr. Pandya, that I will follow the same procedure, for the simple reason that we have already had four days of debate and this debate in fact, has given a chance to all hon. Members to speak on every point and it has also been stated earlier that no amendment can be proposed. In any case, I must record a positive vote because it is not possible to have a negative vote and it is fact pointless for any hon. Member even to speak at the Committee stage, because he has already made his point. Just for the form of it, I will allow one Member but I want him to be brief and to the point.

Mr. Pandya: Mr. Chairman, I know the hon. Minister for Commerce and Industry wants to catch the train and it is precisely for that reason that I returned to take part in this debate. I would like him to fly to Mombasa tomorrow morning—

Mr. Masinde: On a point of order, Mr. Chairman, is it in order that when an hon. Member is speaking the House should be silent.

The Chairman (Dr. De Souza): Yes, it should be silent, Order.

Mr. Pandya: Mr. Chairman, I would like to refer to the deletion of sections 122 and 123 of the Constitution which refer to withdrawals from consolidated funds or other funds of the Government of Kenya, and authorization of expenditure from consolidated funds by appropriation. The hon. Members will remember those who have taken an interest in the debates of this House, that I reminded this House of breaches of sections 122 and 123 of the Constitution towards the end of June this year. I was at that time most concerned about the authority and supremacy of this Parliament. At that time, supremacy of Parliament was done away with by the Government, though it was clearly recorded by the Controller and Auditor-General that it did not wish to recall Parliament there; and so how can anyone, much less the Members of this House who are aware of this breach, accept the word of this Government when the Committee saw

[Mr. Pandya]

it as such a serious breach in not referring the financial matters to this House as in the past. I would like to know, arising out of that, Mr. Chairman, what are the reasons that the Government has to delete clauses 122 and 123 which I think are very fundamental to take the authority of this House, particularly in its financial provisions and, as I said before, I know the Minister has got two important openings and I want to support him in those openings, but not in the deletion of these clauses.

Mr. arap Moi: On a point of order, Mr. Chairman, I think there are so many sections—

The Chairman (Dr. De Souza): I know. I have already made a ruling, Mr. Arap Moi. I have already explained that it is pointless to go ahead with any further debate on this because, in any case, I have got to take a positive vote. I gave my ruling on it. I will now take the vote.

(First Schedule agreed to)

(Second Schedule agreed to)

(Third Schedule agreed to)

(Fourth Schedule 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 report to the House its consideration of the Constitution of Kenya (Amendment) Bill and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT AND THIRD READING

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

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

The 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 Labour and Social Services (Mr. Mwendwa) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move that the Constitution of Kenya (Amendment) Bill be now read the Third Time.

The Minister for Labour and Social Services (Mr. Mwendwa) seconded.

(Question proposed)

Mr. Ngala: Mr. Speaker, Sir, this Bill has been treated as though it was not important by the Government, although it is a constitutional Bill. Now, I feel that, at the last stage of its reading, I must make my protest very strongly indeed. First, the attitude that Government has taken is the most dictatorial attitude. They have taken a very dictatorial attitude on the basis that they have so many in numbers. I believe, Sir, that it is entirely wrong, as far as the Constitution is concerned, to base the passing of the Constitution of our country merely on the strength of numbers. I believe that constitutional matters are so important that they must be looked into with a great deal of patience. They involve the rights, they involve the feelings, they involve the attitudes of people and the repercussions which may happen in the country and, therefore, I would like to deplore and state that I feel very disgusted with the attitude that the Government has taken over this issue.

Again, the approach by Government, was entirely wrong in submitting this Bill because they have not sought discussion with us, they have not sought to consult with us. Of course the Opposition is very small, surely what is included in the Constitution must take into consideration the feelings of the smallest group in this country and, as a group, we are representative of a wide area of Kenya and the people who are living in those areas. Therefore, proper consultation should have taken place with the Opposition at first.

Now, I said from the beginning, when you raised the point of order, Sir, under 71 section A8, I invited the Government to withdraw the Bill, but the Government, purely on the strength of numbers, started to steam-roller the Bill and for this reason we feel very much let down by the attitude of the Government in their method of pushing through this Bill. Having shown resentment of the attitude of the Government, I would like to say that because of this attitude, because our views have not been consulted at all, we are not, therefore, a part and parcel of any part of this Bill. We have also registered our vote, we have also registered our dissen- sion in HANSARD, and we want this to be recorded.

Mr. Shikuku: Mr. Chairman, I was just wondering whether the hon. Member has any right to that point of order. As far as I am concerned he has not. However, in my opinion, I think I was raising a new point, namely, to have this clause scrapped, and that of course is a new point.

The Chairman (Dr. De Souza): I think the point is that Mr. Shikuku objects to the clause and wants to put it on record, but I think the objection is already on record; it does not matter.

(Clause 11 agreed to)

Clause 12

Mr. Taniu: Since our present Prime Minister is automatically President-Elect, may I ask the Minister to tell us right now the person who will be the Vice-President here.

The Chairman (Dr. De Souza): That is not relevant to this clause.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): The Vice-President will not come from the Opposition.

The Chairman (Dr. De Souza): We have had enough debate on this, we want now to proceed with the Committee stage, which I am afraid, unfortunately, in this particular case, is very much a formality.

(Clause 12 agreed to)

Clause 13

Mr. Ngala: In clause 13, as regards the oath, we would like to record that in this Constitution this clause has something very serious missing in that in the present sense the President does not commit himself to serving under the Constitution and, according to the Constitution, we cannot amend it as it is now but we would have very much liked to record this, that it is wrong in our view that the President is not paying allegiance to the service to his country or to upholding the Constitution which is above him in Parliament.

(Clause 13 agreed to)

(Clauses 14, 15, 16, 17 and 18 agreed to)

(Clause 19 agreed to)

Clause 20

Mr. Ngala: Although the Minister for Constitutional Affairs when he was speaking said I was attempting to create enmity between the *mitikenda* people and the Arabs, in this clause, it endorses the colonial land titles which, we think involve a lot of injustice for the coastal people and we would have liked the Constitution not automatically endorsing that aspect, because

it has been drawn to the attention of the Prime Minister himself several times and the Minister concerned on Land and Settlement, the suffering of the people in the coastal strip and now, seeing that this is being endorsed, we feel very hurt and we would like very strongly to oppose this on behalf of our people, particularly in the coastal strip. There is no question, Sir, of bringing hostility between any people living in the coast, only we are stating the colonial mistakes that were made and the anomalies in the coast and we feel they should have been rectified by this Constitution. This Constitution is not rectifying anything: it is endorsing the mistakes and we want to record our complete dissatisfaction and disagreement on the endorsement of this section.

In the same place, Sir, there is the question of leases. Before independence, we were always told that the leases were leases of the Government, and these leases have turned into title deeds in practice, freehold land title deeds and as a result, Africans are buying land on the basis that the leases are actually freehold title deeds. This question of Africans having to buy land is being endorsed in this Constitution under this section, and I would like also to oppose very strongly this endorsement of the wrongs of the Colonial Government.

Mr. Chairman, Sir, I would like to refer to part 2 of that section where the Land Title Act referred to is a colonial baby. It is carried on by this African Government and it is being endorsed. This is why we also want to make it quite clear that we have no confidence in the so-called Land Title Act from the colonial days which is being endorsed now by the so-called Mr. Kenyatta Government.

Mr. Mutiso: On a point of order, Mr. Chairman, was the Member in order to describe the Government as the so-called Kenyatta Government?

The Chairman (Dr. De Souza): No, he was not right to describe it like that, but I do not think we want to delay too much.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, for the record, since it appears that the Opposition is merely speaking for the record, I would like to make it quite clear that the Government's position on this is prompted by the need to assure all our people that their rights, including the rights to property and land, are secure with this Government. They will now understand that the Opposition would like to delete those rights.

(Clause 20 agreed to)

Clause 21

Mr. Shikuku: Mr. Chairman, it has been stated time and again by the hon. Member, the Minister for Constitutional Affairs, that the Government was not taking any land at all, but here I would like to have it recorded and the Minister should like to tell this House whether the regional is able to tell this House whether the regional land is not the land in the region which was taken or has been taken under clause 21, because the regional land includes the forests and the settlement schemes. Hence any sensible person would agree with me that the land has been taken from the people and he should not go on misleading the public, saying no land has been taken. For example, Mr. Chairman, in the Western Region, we have Lugari Settlement Scheme which is exclusively for the people of the Western Region. If it comes under the Central Government, obviously it follows that that settlement scheme could be used for settling anybody from any part of Kenya, which is completely unfair when we have so many people in Maragoli, Bunyore and many other locations which require settlement. The hon. Member for Bunyore and Maragoli will agree with me that these people required this land in Lugari. If this is going to be taken by the Central Government, this will really be snatching the land and the Minister must not tell the people that the land is not being taken.

Under that section, Mr. Chairman, section 21, subsection 2, it is clearly stated that all the land which was formerly known as Crown land is now going to be taken over by the Government on the 12th December 1964. There is a lot of land called Crown land which belongs to the Africans and particularly now, Mr. Chairman, the

The Chairman (Dr. De Souza): Mr. Shikuku, I do not want to interrupt you, but I have made a ruling earlier that we have had four days of debate on this; we do not want repetition of what has already been said.

Mr. Shikuku: I agree with your ruling, Mr. Chairman, but—

Mr. Masinde: On a point of order Mr. Chairman, is it in order for any hon. Member in this House to order an hon. Member speaking to sit down?

The Chairman (Dr. De Souza): No, it is not in order for any hon. Member to tell any other hon. Member to sit down; only the Chairman or the Speaker tells an hon. Member to sit down.

Mr. Shikuku: Mr. Chairman, this point—this can be checked in the record—it has never been

raised before, but I am trying to raise new points, proving that the land has been taken. The former Northern Frontier District falls under Crown land—

The Chairman (Dr. De Souza): This point has been made earlier on.

Mr. Shikuku: Well, if that is so, Mr. Chairman, I was wondering whether the hon. Member could now tell the House which land has been taken by the Government; if it is not settlement schemes, if it is not forests, but is ordinary regional land, it belongs to the regions and he must stop misleading the public.

(Clause 21 agreed to)

(Clause 22 agreed to)

Clause 23

Mr. Ngala: Mr. Chairman, Sir, on clause 23, just to place on record the feeling of the Opposition, this clause is definitely taking away all minerals to the Central Government and, therefore, we would like to object to it, because, under the present Constitution, a great deal of the common minerals were regional. So we would like to state that we are completely against this stripping of all minerals from either the regions or the county councils.

(Clause 23 agreed to)

(Clauses 24, 25 and 26 agreed to)

Clause 27

Mr. Ngala: On clause 27, Sir, again we would like to register our very strong opposition to the secession of certain regional property. Under the present Constitution, there are some properties that are regional properties and this section is removing those properties to the Centre and therefore we would like to register again our protest.

(Clause 27 agreed to)

Clause 28

Mr. Shikuku: Mr. Chairman, clause 28 where you find it relates to the question of money flowing to the regions, you will find that the powers of the Minister for Finance are such that he sits on the money in the Central Government and expects the regions to run without the flow from the Centre to the regions and, as such, the regions have not done anything at all and we wish to record in this House most strongly that the Minister just sits on the money here and the money belongs to the public. With these remarks, Mr. Speaker, we wish to object very strongly and if we had power at all we would have to delete the whole clause, because the powers of

[The Minister for Justice and Constitutional Affairs]

and I am still asked who appoints. It is clear that the hon. gentlemen have not even read the Bill.

Lastly, Mr. Speaker, there is the matter of the Divisional Land Control Boards. These are not being amended, they are specially entrenched and they remain as they are in the Constitution. The hon. gentlemen refuse to see that Part III of Chapter XII of the Constitution is specially entrenched, and not one word is amended. They are reading the wrong part of the Constitution.

Mr. Speaker, Sir, in the next few minutes we will be taking a very historic vote, and I do not need to tell the House the importance of this vote. I do not believe that is a matter which should be approached purely on a party basis. Members who are in the Opposition have their own consciences, and they must examine their consciences now and decide whether a sterile opposition is going to help Kenya.

(Question put and agreed to)

The Speaker (Mr. Slade): I will put the question, but before doing so I must explain to hon. Members that this, being a Bill to amend the Constitution, can only be passed by the House if it is supported by 75 per cent of all Members. That includes even Members who do not have the right of voting; it must be 75 per cent of the 130 Members we have in this House, which according to my arithmetic is ninety-eight. In that case, when I put the question, I shall not call for the Voice of the House but we shall proceed immediately to a division.

DIVISION

The Speaker (Mr. Slade): Before coming to the division, I think I should warn hon. Members that when we come to the Third Reading of this Bill, if we come to the Third Reading of this Bill, it will again require the same majority of ninety-eight votes before it can be passed. So, if hon. Members have attended specially to vote, they should not think that they will not be needed again.

(Question put and the House divided)

(Question carried by 101 votes to 20)

AYES: Messrs. Achieng-Onyko, Agar, Angaine, Anyieni, Arman, Argwings-Kodhek, Ayodo, Bala, Balala, Barasa, Bonetti, Bonaya, Chirchir, Dr. De Souza, Messrs. Dingira, Ekiella, Gachago, Gaciatu, Gatuguta, Gichoya, Gichuru, E. D. Godana, G. Godana, Godia, Ihirai, Jabazi, Jamal, Jubat, Kagga, Kall, Kamau, Kamunde, G. G. Karuki, J. M. Karuki, Kenyatta, Kerre,

Khalif, Khasakhala, Kiamba, Dr. Kiano, Messrs. Kibaki, Kibuga, Kioko, Kiprotich, Koinange, Konechallah; Kubai, Lorema, Maitoi-Itumbo, Makokha, Makone, Malu, Malinda, Maiti, Mbat, Mbohoh, Mboya, McKenzie, Mohamed, Mongara, Moss, Muluana, Dr. Mungai, Messrs. Murgor, Murumbi, Mutiso, Mwalwa, Mwanjumba, Mwendwa, Ndile, Ngala-Abok, Ngei, Njiru, Nyaga, Nyagah, Nyanwira, Obok, Ochwa, Odera-Jowi, Odera-Sar, Odongo, Odoyo, Okalo, Odongo, Okwanyo, Oloitiipit, Omwori, Onaam, Oseku-Nyalick, Osogo, Otieno, Piatu, Sgani, Seroney, Somo, Theuri, Too, Towett, Tuwei, Dr. Waiyaki, Messrs. Wamuthenya and Wariidhi.

Tellers for the ayes: Dr. Mungai and Mr. Shikuku.

NOES: Messrs. Choge, Kamuren, Kase, Kerich, Masinde, Matano, Moi, Muliro, Muruli, Mwanzandi, Mwatsama, Ngala, Omar, Panga, Rurumban, Shikuku, Sol, Tanui, Tipis and Tuva.

Tellers for the noes: Messrs. Masinde and Kall.

The Speaker (Mr. Slade): The Tellers report result of the Division to be ayes: 101, noes: 20. I therefore, declare that the Motion is carried with the support of the requisite majority.

The Speaker (Mr. Slade): Order, order, the Bill is being read a Second Time. Will hon. Members please stand at the Bar until the Bill has been read.

Mr. Ekiella, you will leave the Chamber.

I must call on hon. Members to observe order.

(The hon. Member withdrew from the Chamber)
(The Bill was read a Second Time and committed to a Committee of the whole House today by leave of the House)

The Speaker (Mr. Slade): Hon. Members, it is proposed that the Committee stage of this Bill, the Constitution of Kenya (Amendment) Bill, be taken now with the leave of the House. As hon. Members know, it can only be taken the same day as the Second Reading with the leave of the House which means that no hon. Member objects. I have to inquire, therefore, whether we have the leave of the House to proceed now with the Committee stage of this Bill.

As no hon. Member is objecting we will proceed to the next order.

Mr. Seroney: Mr. Speaker, Sir, on a point of order; in view of your ruling earlier, Sir, what is the scope of the Committee stage?

The Speaker (Mr. Slade): Hon. Members will not be able to make any amendments during the Committee stage, and the Chairman will have

[The Speaker]

to disregard all "Noes". He will, according to our procedure, have to put each clause, that the clause stand part of the Bill, but if any hon. Member says "No" the Chairman will have to ignore it. That does not prevent hon. Members talking for a little time on each clause, even if they have no amendment to propose, but I do not expect that the Chairman will allow very much debate in view of the fact that we have had such a long debate on the Second Reading.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

(Clauses 2, 3, 4, 5 agreed to)

Clause 6

Mr. Shikuku: On a point of order, Sir, is it in order for the Clerk to read the clauses so quickly?

The Chairman (Dr. De Souza): Because, as has already been explained to you by Mr. Speaker, we have had a very long debate on this already and we can have a short debate if hon. Members want to speak, or they can ask any questions, but they will have to be very short.

(Clause 6 agreed to)

(Clause 7 agreed to)

Clause 8

Mr. Ngala: Mr. Chairman, on clause 8—it is very unfortunate that we cannot make any amendments, but I am aware of that—we would like to make it quite clear that the appointment of a President and the attainment of the republic status as I have said before, is welcomed very much by the Opposition. We feel that this provision is well overdue and in fact we had asked for it before at the Lancaster House Conference. I merely wanted to endorse very strongly that we do not want to change this clause 8 which gives us the first President. I can see my friend the Prime Minister shaking his head, but I would just like to congratulate him.

(Clause 8 agreed to)

Clause 9

Mr. Ngala: Mr. Chairman, on clause 9 I would have liked to delete the words from "who shall be the person to hold the office of the Prime

Minister under the Constitution" but since we have no right to amend and it is very unfortunate from the beginning, I would just like to put that on the record.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Chairman, Sir, I would like to point out that the hon. Leader of the Opposition is seriously contradicting himself. Having accepted clause 8 he now says he opposes clause 9. You cannot have a President-designate under clause 9 unless you accept the principle of clause 8.

(Clause 9 agreed to)

(Clause 10 agreed to)

Clause 11

Mr. Shikuku: Mr. Chairman, under this clause 11, I am of the opinion that this clause as such, as we pointed out during our speeches in this House, is completely dictatorial to the extent that it gives the President powers to do anything before the public itself is consulted. He might as well keep us from doing any other thing in this Parliament which the President considers to be, in his opinion, not in the interests of the country. I think this is one of the clauses which could be deleted from this Constitution, because it says quite clearly that the President has the power, before 12th December 1964, to do anything—

The Minister for Justice and Constitutional Affairs (Mr. Mboya): On a point of order, Sir, I believe that we are being treated to a lot of unnecessary repetition. These are the same arguments that were advanced in the Second Reading which has been clearly answered, and if we allow this procedure, it means Government has to answer all these allegations all over again, otherwise the public is left completely misled. Since we are not going to do so, unless there is some particular strong point being made I do not any further it is really necessary. As you have it within your power to limit the number of speeches, I suggest that these should be cut to a complete minimum.

The Chairman (Dr. De Souza): Yes I see your point of order, Mr. Mboya, Mr. Shikuku, I think I will rule that in view of the fact that we cannot have a debate on this, and in view of the fact that we have had four full days of debate, where that we have spoken at great length and I think Members have spoken every hon. Member of the Opposition has spoken, I will allow one speaker on each clause, but I will ask you to make it brief and to make it only to the particular point.

[The Minister for Justice and Constitutional Affairs]

the difference when I addressed the House in introducing this Bill. The President in our system will be governing not alone, not in isolation on the theory of separation of powers as between the executive arms and the legislative arm of the Government, but he will be governing together with Parliament, in a parliamentary democracy, with a Cabinet answerable to Parliament which sits every day in Parliament, and with Parliament to review the affairs and conduct of Government and the country generally, so that there is a completely different approach in the concept of our Constitution from that of the United States, for example.

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

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

Another important concept which we have included in our Constitution is that the person who is to be the head of Government must be the person who commands the majority support of the Members of Parliament and, therefore, through them the majority support of the country. The moment that person ceases to command majority support in this Parliament, he ceases to be President of Kenya. That is not the case in the United States, which some Members referred to. In the United States the President may be a President from the Democratic Party and yet the Parliament has a majority of Republicans and he still remains in office. The conflict and contradiction and weakness of the Constitution of the United States are pretty well obvious to all of us, so we do not need to repeat that here. In our system the President must command the support of the majority of the Members of Parliament.

In the present Constitution the Prime Minister is the leader of the majority party in Parliament, and he does not remain Prime Minister unless he retains that majority. In the new Constitution we have merely replaced the Prime Minister with a President for this purpose, and arranged things so that the President will continue on the same basis as the Prime Minister would today.

Some Members have said that the President should be elected separately from Members of Parliament, there should be a big general election of the President and thereafter another big general election of Members of Parliament, and the question must be asked, what is the purpose in having this huge expenditure and confusing the public about things which are so obvious and which could be married together to produce a simpler formula which is equally understandable

and which achieves the same results, if not better results, than you would achieve with separate elections. We have therefore laid down first, that the President, in order to be elected President, must first be elected to a constituency seat in his own area. The President must therefore be a Member of Parliament in his own right. This, Sir, is a very important Africanism; clarity begins at home, and if a person cannot secure election in his own district he has no business wanting to be President of Kenya. He must start from the roots.

Secondly, we provide that when each candidate for the normal constituency elections fills his own nomination papers, he will be required to show in his paper which of the presidential candidates he would support in Parliament. This is to enable us to have ultimately the person who commands the majority of the Members of Parliament as President of this country, and to avoid the conflict that exists in the Constitution of the United States.

Some Members who spoke here suggested that this was a very unfair arrangement because the candidate would be required to nominate a presidential candidate even if they did not want nomination of such a candidate.

The answer is simple. If a constituency candidate does not wish to have to nominate any of the presidential candidates as the person he would support as Head of State and Head of Government, then all he does is to use the provision in the Bill which enables a Member to nominate himself as the President. Those who are so independent that they have neither party leadership nor do they want to associate themselves with any presidential candidate, all they need to do in their own home district is to get 1,000 voters to sign their paper for the candidate and on the nomination paper for the presidential candidate he will enter his name as the Head of State of this country or the Head of Government. I think, Mr. Speaker, is the height of irresponsibility to suggest that a Member of this House is so keen to come to this House but does not care, at all who votes in that House, and if I were a voter in that man's constituency I would throw him out without any qualms at all, and I hope no such person will be coming to this Parliament.

In Britain, for example, where we have had an election recently, every candidate who went forward for nomination knew in advance

[The Minister for Justice and Constitutional Affairs]

whether he would like to see Wilson as Prime Minister, Sir Alec Douglas-Home as Prime Minister, or Mr. Grimond as Prime Minister and every voter in every British constituency knew in advance that if their vote is for Mr. X they would also be voting for Mr. Wilson as Prime Minister or vice versa if they voted for Mr. Y they would be voting for Sir Alec Douglas-Home as Prime Minister and, therefore the system we have as proposed in our Constitution fits in very well with the established democracies elsewhere and an established democracy to which some Members were very anxious to refer to every time. I hope, Sir, that we will not hear any more of this particular complaint. Perhaps some Members of Parliament are anxious, or rather some critics of this provision are anxious not to be part of a political party, but I do not believe that is our responsibility. That is entirely a matter in their own hands.

Now, Sir, I would like to deal with the question that has been put forward by some people and that is that the Vice-President should be elected by popular vote. This is a matter which has been raised in this House, and also raised outside this House by some people and one on which, I believe, there is a lot of unnecessary misunderstanding and confusion. I also believe that some Members who are critical about the arrangements for the appointment of the Vice-President are not sincerely critical of the Constitution, they are more concerned with personalities. Sir, this Constitution is not being made for any person, it is being made for Kenya and for the future, and it must fit the needs of the needs of a particular group, not the needs of a particular group, not the needs of the present Parliament. The present arrangement is that the Vice-President will be appointed by the President, together with Ministers forming the team which is the Cabinet, under the leadership of the President. All of them together will be responsible to this Parliament. Those who suggest that this arrangement is not proper have failed to give us any good reason why they think it is not proper, unless, Sir, they are merely casting doubts on the ability of the President to appoint the right person. Sir, that is a very different question from the whole question of Constitution making. In the United States where the Vice-President is elected, as it were, on a public vote, the position is this. The presidential candidate is first nominated. When he is nominated he is then the person in fact who determines who his running mate is going to be, and

there are very few, if any, cases where the party have forced on him a running mate whom he has rejected. Essentially it is because these two people must work together, and there must be only one President. We do not want to create a position in which you have one President locally and another person claiming also to be President, because they are all elected by the same system. They must work together. That is why we have rejected the American arrangement and we have instead adopted this arrangement which is consistent with the working of our parliamentary system.

The question of party hierarchy or arrangements within the party cannot be provided for in the country's Constitution. That is a matter for the party, and must be decided within the party, and if the party wishes to give advice on these matters, they have a right to do so, but within the party and outside the Constitution. So we should not try to confuse these issues and mislead the public into an emotional question which does not really have relevance to the Constitution itself. I hope, Sir, that we shall not have any more emotional outbursts on this question of utterances. The arrangements that we have put forward are pretty well understood. They are very, very flexible, as they must be, and last but not least I should point out that in this particular case in our Constitution, the Vice-President does not automatically succeed the President. Succession is provided for in the Constitution by the machinery and the procedures that have already been laid down. In the event of resignation, death or incapacity the Parliament will elect the next President for the remaining part of that President's office, and at the dissolution of Parliament a fresh General Election will be held in the normal way, and I do hope, Mr. Speaker, that Members will from now on appreciate fully the position on this matter.

Mr. Speaker, another point which was made by hon. Members is the point about legal immunities of the President. I do not think it is necessary for me to labour this point any further, because I have dealt with it at considerable length, but I must put very clearly the point made by some Members and unfortunately not made by the hon. Member for Gen. Member for Gen. learned gentleman, the hon. Member for Gen.

Now, Sir, he said rather curiously that—and this is a point on which I expected him to give the House advice rather than to mislead the House—because of this provision, if the President died in office and he had certain debts, these debts would not be recovered. He knows as well as any other lawyer must know,

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they can come here and pass a vote of no confidence in the Government. It has to be made an act which requires responsibility on their part and that is why when they pass a vote of no confidence they should always be aware that it could lead to the dissolution of Parliament and to themselves having to answer to the country why they feel no confidence in the Government, and let the public judge whether the Members of Parliament are right, or the Government is right. The public will then return the people they want to govern this country.

Mr. Speaker, I will move on to another point that was made and which is being played upon by some Members of the Opposition, and that is the Presidents powers. This criticism ran through the debate and some Members tried to suggest that the President would have legislative powers which should belong to Parliament. Particular reference was made to clauses 11, 14 and 17 of the Bill. If, hon. Members will study those provisions carefully they will see that they are only transitional powers and that they are of the same order as the powers given to the Governor-General on the introduction of Self-Government in June 1963 and again on the introduction of the independence Constitution in December last. Those powers have proved very necessary for the purpose of making innumerable consequential amendments to the written law and for the purpose of continuing the machinery of Government despite the change of form. I have never heard it suggested in this House that those powers, the powers which the Governor enjoyed since June 1963 and which the Governor-General has enjoyed since December 1963, have at any time been abused. Those powers have been exercised in the name of the Governor-General but entirely on the advice of the present Government. After republic day, during a transitional period of one year, those powers will be exercised in the same name of the President on the advice of the Cabinet, that is, his Government which means this same Government. I fail to see, therefore, how any Member could suggest that those powers would be abused. It is by no means unusual for this Parliament to give subordinate legislative powers to Ministers of the Cabinet where Parliament knows that it is too busy to consider every minor amendment to the law and every subordinate regulation. Surely Parliament does not wish the business of Government to be brought to a standstill because some power in the existing law is still vested in the non-existent Governor-General. That is, when we become a

republic in December there would be provision in the law which refer to the Governor-General. It is impossible to bring all this written law before Parliament merely for the purpose of seeking amendment to remove the word Governor-General from that law. This can be done and should be done by a legal notice, and that is precisely what we are trying to provide for and which the President should be able to use without having a Bill brought before Parliament. The power of the President-designate, under clause 11 is only to use the legal powers of the President such as the naming of appointments in the short period before republic day so that Government will function smoothly before and after that day despite the basic changes which are being made in the Constitution and in the state of the country. Clause 14 is similar in terms to section 11 of the Kenya Order-in-Council, 1963, which introduced the self-Government Constitution, and to section 4 of the Kenya Independence Order-in-Council, 1963, which introduced the Independence Constitution. Of course, it is adapted to deal with the consequences of the transfer of executive authority and legislative competence from the region to the Central Government. Subsection 4 of the clause which empowers the President transactionally to repeal regional enactments has attracted particular attention. This is not a power to make laws as some Members seem to suggest, but only to repeal them until Parliament has had time to make laws for the matters which now come within its competence. It cannot be right that both Parliament and the Government should be saddled with every regional enactment. We cannot, in the time available, examine every regional enactment to satisfy ourselves that when it becomes an Act of Parliament relating to the region it will be acceptable to Government and Parliament. If clause 14 is closely examined, it will be seen that it does no more than enable the Government to continue without undue handicap until the Government has introduced and Parliament has passed the necessary laws covering the fields of Government which are now to be transferred from Regional Assemblies to the Central Government and Parliament. Thus clause 14 is an enabling clause, it enables certain things to be done but it will not enable the President to introduce new laws, it will merely enable him to repeal some of the regional enactments which it is not necessary to have when this power passes on to the Central Government. Those who are afraid that the President will use clause 14 to bring into being new laws without having come to Parliament are entirely labouring under misconception. As regards clause 17 which deals with pending matters, here a mountain has been made

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This clause does nothing more than ensure that there will be no legal doubts and quibbles about persons and authorities continuing to perform their duties before and after republic day, not withstanding the Constitutional changes.

The provision that the President may direct that a person or authority should recommence any matter is purely precautionary, and it is indeed hard to understand how any Member can seriously suggest that this power would be abused. Hon. Members sometimes seem to forget that the Government has been elected by the people to govern and that it does not take that responsibility lightly. Has the Prime Minister ever taken his responsibility in this way? I believe that every hon. Member will agree that the Prime Minister has at all times taken his responsibility most seriously.

Mr. Deputy Speaker, I do not think there is need to labour this particular point any further, but I think some people seem to have a mythical monster in their minds whom we have heard so much about in the debate, but whom they seem to conceive entirely out of a misunderstanding of the actual provisions of the Bill. The Bill has not suggested the existence of any such monster. Another subject of criticism has been the power given to the President under the new Constitution to make a limited number of appointments to the highest posts in the public service. The hon. Leader of the Opposition and other Members in the Opposition seem to think this was a most dangerous provision, where the President and his Cabinet, are concerned and yet Mr. Deputy Speaker, they seem to ignore the fact that whereas the President may exercise his responsibilities, he will be answerable to Parliament at all times, in addition of course, to his Cabinet. It is a question of whether the Members of the Opposition try to suggest, that the President might bring his uncle, his wife, his wife's sister, his brother, his brother-in-law and give them jobs under this provision. I cannot take them seriously for, Sir, it suggest that the President in appointing the Chief Commissioner of Police would have to find his wife a job in the police force, a woman who has never been a policeman, leave alone acquired the physical qualifications necessary. Some people suggest that he might appoint his cousin for the post of Attorney-General. It would be the strangest thing to appoint a cousin, who has never opened a law book, as Attorney-General. In any case supposing we have a President who decided that his wife

should be the Commissioner of Police, or for that matter that his brother-in-law who never went to school should be the Attorney-General, supposing we had such a President, Sir, the only way by which such a President can succeed is when this Parliament abdicates its responsibility and when the Cabinet ceases to be an effective instrument of Government. Therefore, unless Members are in fact implying that they are incapable of ensuring there is a good Government, then I think those who have made this point are talking nonsense and a lot of hot air, and they have no confidence either in the Parliament or in the people who will conduct the elections.

Sir, it must be noted by the Members who are critical that in fact 99.9 per cent of the public service will be in the hands, that is appointments, of an executive impartial and Independent Public Service Commission and it is only 0.1 per cent of the public service who will be appointed in the manner already described. I do not want to go into the present formula but it might be interesting for Members who are critical of this provision to note that presently, if we are to appoint a Permanent Secretary, the Governor-General makes the appointment on the advice of the Public Service Commission, which is required to consult the Prime Minister before advising the Governor-General. When the Prime Minister is consulted, it means of course, that he has an effective say in which of the eligible senior officers should be appointed. There is no point, in our view, in repeating this formula in the new Constitution. This formula, if repeated in the new Constitution, would, in fact mean that the President would appoint a Permanent Secretary on the advice of the Public Service Commission, which in turn would be required to consult with the President before it advises the President whom to appoint.

Mr. Deputy Speaker, it is most unrealistic to have this kind of arrangement in the new Constitution, and I believe it would make nonsense of the whole system.

Sir, other Members referred to the election of the President and the election of the Vice-President, and there was a lot said on this both in the House and outside the House, and I would like to deal with this matter so as to clarify it to the House and the public in general. It was right, I believe, that these questions have received particular attention in debate because they are particularly important. It would be appropriate to provide for separate elections—because this is what some Members were asking us to do—of the President, if he were like the President of the United States to govern alone for a term of five years. But Sir, our system is different, and I tried to explain

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Cabinet to dissolve Parliament or resign, these provisions are sufficient in law to ensure that Government in the sense in which it is understood and practised in all Parliamentary democracies. That, Sir, is what we have pledged this country shall be. Whether the function of the Cabinet is to advise or to aid and advise, the result is the same and I do not believe that it is going to be any use to quarrel merely about words.

Sir, the expression "aid and advise" is an established legal formula for the constitutional convention by which the Head of State in whom the executive power is legally vested acts only as advised by a Prime Minister and a Cabinet. In this case, as I have said, the President as Head of State will be advised by a Cabinet which consists of the President as Head of Government, the Vice-President and the Ministers, and that, Sir, is exactly the same as we have today. I think that it would be useless to try and labour this point any further, except to point out very, very clearly that the Cabinet in this case will be a Cabinet and, to that extent, it will be responsible to Parliament, and if, as the hon. Leader of the Opposition fears, it merely became a rubber stamp and a laughing stock, then the remedy would be in the hands of Parliament to which the Cabinet is ultimately responsible. The remedy is within this Parliament to pass a vote of no confidence and call on the President and his team to justify their actions, and, if they are still dissatisfied, actually to pass a vote of no confidence and call on the President and his Cabinet to resign. That, Sir, is the most important check that Parliament could wish to have in any parliamentary democracy, and that is being preserved in this Constitution. If Parliament is dissatisfied and a vote of no confidence is passed, it is provided that the Government will resign or if it fails to resign, Parliament will be dissolved and a fresh general election will take place in which the public will be duly called upon to determine who should govern them. That, Sir, is the basis of democracy. If the public fails to use their vote intelligently or Parliament fails to behave responsibly and take effective measures to safeguard democracy, they cannot blame the President, they cannot blame the Cabinet, they have themselves to blame. Sir, I hope that day will not come.

Now, Sir, a number of Members—I believe it was the hon. Leader of the Opposition, the hon. Member for Baringo North, the hon. Mem-

ber for Butere, the hon. Member for Gem, the hon. Member for Emukhaya and the hon. Member for Teso—had a lot to say about the provisions dealing with the dissolution of Parliament, and it appeared that they were labouring under a complete misapprehension. They seemed to think that it was a terrible thing to provide in the Constitution that Parliament could ever be dissolved. They would, I think, like to see Parliament staying without any powers of dissolution in the Head of State, without any procedure for dissolution given within Parliament itself. The only comment I can make at this stage is that such Members, perhaps, are not eager to go back to the country and justify their utterances in this Parliament and also their actions, but I think in any parliamentary democracy the most important provision is the right of the people from time to time to have to decide whether Parliament is behaving correctly or not, and for representatives of the people to have to go back to the people from time to time and justify their actions and their decisions in Parliament.

It has been said, Sir, in the debate that it is dangerous for the President to have power to dissolve Parliament and that this is a negation of the supremacy of Parliament, and it has also been suggested that the President could rule without Parliament and that there is insufficient provision in the amended Constitution to ensure that general elections will be held upon dissolution of Parliament. Now, Sir, all of us here, I believe, have read history books, and in some countries kings tried to rule without Parliament. Whether they failed or succeeded, did not depend upon a written Constitution. Where the people and the Parliament do not want tyranny, they will not submit to it, and that, I submit, is the test of any viable and effective democracy. If the people are not prepared to submit to tyranny, they will always uphold democratic principles, but the day they submit to tyranny, then it does not matter what you write into a Constitution, there will be tyranny. There seems to be a complete misunderstanding on this question of dissolution.

I would like to put a simple question to those who tried to discuss this matter during the debate. In which parliamentary democracy is a parliament immune from dissolution? Some would like us to have an immunity from dissolution. In what parliamentary democracy is the power of dissolution of Parliament vested in anyone but the Head of Government, in whom it is vested today in this country?

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

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

As we sit here today this power is vested in the Governor-General who can dissolve this Parliament on the advice of the Prime Minister, that is the head of the Government. So a President might try to rule without Parliament? The Constitution expressly provides that there shall be a Presidential election following the dissolution of Parliament. The ordinary law provides for a general election and we have the courts to uphold that law. The Electoral Commission and a number of public officers are under a legal duty to organize a general election. The question must then be asked, how is the President to avoid a general election except by revolution? We are not writing a Constitution for a revolution. Will all Members of the Cabinet and Members of Parliament, all public officers, all the forces of law and order, and the courts of law stand idly by when the President tries to rule without Parliament? Is that what is seriously being suggested by the Opposition? Will the President make laws without Parliament? Can he make laws without Parliament if he accepts parliamentary democracy? The day he does that Parliament ceases to exist and the parliamentary democracy also ceases to exist. Will no one challenge those laws in our courts if we still have people who believe in parliamentary democracy? Will the President impose taxes and spend public funds without the consent of Parliament and will no one challenge such action? If we reach that state of affairs where the President may do all these things with no one challenging him, with the court unable to perform their functions, then, Sir, we shall not deserve our liberty and we can make no bones about it. Therefore the hypothetical position put forward by the Leader of the Opposition and his friends is entirely an expression of disbelief, lack of faith, and lack of confidence in our society and the Constitution and the leaders of this society. We in the Government refuse to accept that approach in trying to establish the foundation for the future Kenya.

But, Sir, why do we propose a Constitution in which the President can dissolve Parliament and Parliament can in effect dissolve itself and force a presidential election? This is not unique in parliamentary systems. It is because in the Parliamentary systems, it is to say the least any system the executive, that is to say Government, and the legislature, and both must have the support of the people. We cannot afford the frustration that might be caused by delays which would result from having a Government and a Parliament which were in continual conflict

and in some cases, which has lost the confidence and support of the masses of the country. If the Government is dissatisfied with the behaviour of Parliament or if Parliament is dissatisfied with the conduct of Government, Parliament or Government should be in a position to appeal to the people outside, so that those who have the support of the people will be returned to power with a mandate to carry on without obstruction from those who have lost that support. I would like just to reiterate what in fact we have now provided for in the Constitution, because this has been misinterpreted and people are being misled outside to believe in things which have not been written in these amendments at all. The first thing we have provided for is that the President can dissolve Parliament, and when he does dissolve Parliament the President himself would automatically resign as President—he ceases to be President himself, so that the President and Parliament would have to go back to the country for re-election and for the people to determine the issues upon which Parliament has been dissolved and to return to Parliament only those who the people continue to have confidence and faith in. The alternative that we have also provided for is where Parliament wishes to assess no confidence in the Government and its President. At the moment, according to our regulations, in this Parliament we have a quorum of twenty Members out of 120 and in the present arrangement these twenty Members who form the quorum could sit here, pass a vote of no confidence in the Government and force the Government to resign. Clearly that would not be Government by majority rule, it would be Government by minority rule. Therefore, to avoid this unfortunate provision in the present Constitution, we have arranged that a vote of no confidence, in order to be passed, would require a seven-days notice and when it is voted upon it would require an overall majority of all the Members of this House. To stop frivolous votes of no confidence and to stop irresponsibility among Members of Parliament, we have provided for the Parliament itself, once it has passed a vote of no confidence in the Government, to require the Government to resign within three days or for the President to dissolve Parliament. If the President does not take either of these actions, then on the fourth day the whole Parliament is dissolved and that day the President and the Government. Mr. Deputy Speaker, this is because we take seriously the matter of votes of no confidence, and it should not be made easy for Members of Parliament to think that just when they are not happy with the face of some Member of the Cabinet

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in this Act shall be construed as making any alteration to any provision of the Constitution, the Kenya Independent Order in Council 1963, or the Kenya Independence Act, 1963, in so far as those provisions are specially entrenched by virtue of section 71 (7) and Schedule 4 of the Constitution." Sir, this makes it quite clear that there is no intention in any way to encroach upon the entrenched provisions of the Constitution, and I would like to go further and remind the hon. Members that the reference by the hon. Member, the Leader of the Opposition, to Schedules 1 and 2 of the Constitution, and secondly to section 156, and thirdly to section 221, are entirely misleading. Mr. Speaker, and if the hon. Member would look at Schedule 4 of the Constitution he will see that there are certain Schedules of the Constitution which are specially entrenched and these are clearly recorded in the Constitution at the moment. These are Schedules 4, 5, 7, 8, 10 and 11. These are specially entrenched. I cannot understand where the hon. Member gets the idea that Schedules 1 and 2 are specially entrenched, when Schedule 4 clearly shows which Schedules of the Constitution are specially entrenched. It follows that Schedules 1, 2, 3, 6 and 9 are not specially entrenched and therefore, when we amend Schedules 1 and 2 in this Bill, we are not encroaching upon any of the specially entrenched Schedules or provisions of the Constitution, and I hope that the hon. Leader of the Opposition will have understood this provision now, and cease to misinterpret it and mislead his party.

As regards section 156, which lays down the procedure for certain financial provisions in this Constitution, the hon. Member again appears to be somewhat confused.

The purpose, and I made this point when I addressed the House in introducing this Motion, of appointing Professor Tress is to implement that section, and initiate the procedure so that financial provisions to which section 156 relates can be amended in due course. In the light of the report, and in the light of the Constitutional changes affected by the Bill, if the hon. Member would study the Bill carefully, he will see that the amendments made to the financial provisions, are amendments which do not in any way affect the provisions of section 156 or bring those provisions into play, I hope, Sir, that in the intervening period since he raised this on a point of order in the House, the hon. Leader of the Opposition has taken some time to consult his legal friends to ascertain the position and to stop using it as a red herring.

Now, the point made with regard to section 221 is a very trivial one indeed. That section is specially entrenched in so far as it relates to trust land, and not otherwise. If the hon. Member would be good enough to study the amendments carefully, he will see that it does not alter one single word of that section which relates to trust land, and I said it more than once, when I was moving this Motion, that we did not attempt to amend that section dealing with trust land, and I hope that this will now be accepted by everyone, and there is no reason to be misled by the hon. Leader of the Opposition.

I now wish to turn to the many assertions made in this debate that the proposed Constitution is not democratic, or workable. This was a continuing theme among some of the speakers or most of the speakers in the Opposition. It is, Sir, one of the easiest themes to try to advance, but none of them, when they spoke, indicated or pinpointed any particular provision in the Constitution which would justify their criticisms. I have said many of these criticisms are due to an inability to put sufficient trust, faith or confidence in our people, trust, faith or confidence in our institutions, or for that matter, trust, faith or confidence in our leading citizens. Therefore, I do not propose today, to answer everyone of those criticisms. I will concentrate, if I may today, on those points which appear to have been motivated by reasoned concern for the actual working of the Constitution.

I would like now to take the various sections to which Members referred, and deal with them one by one. Some Members referred to section 72. In this there seems to be a misunderstanding, as to the actual impact or content of section 72 (f) of the proposed Constitution. All that this subsection does is to vest the executive authority in the Head of State in the same way as under the present Constitution. The executive authority is vested today in the Governor-General, as the representative of the Queen and the Head of State. This does not mean that the Governor-General or the Queen can play the tyrant as some Members seem to suggest. The vesting is "subject" and I hope that they will be reading the meaning of these words quite clearly in the Bill—"to this Constitution", in other words, although the executive power is vested in the Head of State—in this case the President—the authority can only be used subject to the Constitution, and that means subject to the other clauses or provisions of the Constitution. It is entirely misleading for the hon. Leader of the Opposition, and Members in the Opposition, to try to read section 72 (f) out of context from the rest of the Constitution. And

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that is exactly what I am trying to warn the hon. Member against, exactly what he is doing, taking section 72 (f), and isolating it, and saying that it is. Of course, you have to read it in the context of the entire Constitution. None of the provisions of the Constitution can stand alone. They all stand together and they must be read together. Of course, I understand the hon. Member for— I cannot remember his constituency, but I do not even remember his name. But the hon. Member sitting opposite me waving a copy of the Bill is making the mistake which the Leader of his party has been making all along, and that is trying to read this subject in isolation. The point, as I have said, is to read section 72 (f) with the rest of the Constitution, and I would like to point out that in this case the President acts with his Cabinet and with his Cabinet has collective responsibility to Parliament. That is provided for in section 76, which means that Parliament may remove the President and his Cabinet, and that can be found in section 65, and it is when you read all these together that you will begin to understand how this executive authority vested in the President will operate. It does not operate by the President acting individually or acting as Head of Government in isolation from the Cabinet, or for that matter, the Cabinet acting as though the Parliament did not exist. Therefore, the fears expressed by some hon. Members on this particular question are entirely without foundation.

An hon. Member: They are not!

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, the hon. Member seems to have difficulty in being able to read the Constitution.

Mr. Speaker, Parliament makes the law. These laws will limit the executive power of the President, and this Parliament, under the amendment, will have the power to confer particular powers on other persons or authorities. Subsection (2) of section 72 says: "Nothing in this section shall prevent Parliament from conferring functions on persons or authorities other than the President." That, Sir, must be read also in conjunction with section 72 (1). This is the correct constitutional formula, whether as now, the executive authority is vested in a constitutional figurehead or whether, as in the proposed Constitution, it is vested in the Head of State who is also Head of Government. Perhaps this is one of the difficulties which some hon. Members have in understanding the workings of this Constitution. Here we are dealing with a President

who will be, at the same time, Head of State and Head of Government. On occasions he will act as Head of State, but as Head of Government he will always act within the concept of collective responsibility of the Cabinet and accountability to Parliament. Sir, that is a very important explanation for those who have misunderstood this particular provision.

The wording of section 72 (1) and (2) as amended is precisely the same as that employed in the Constitutions, for example of Nigeria, India and others, and I believe that the hon. Leader of the Opposition and also Members of the Opposition would agree easily that India and Nigeria are Parliamentary democracies.

Now, Sir, let me deal with the second aspect of the points made by the hon. Leader of the Opposition and some of his friends. He referred to the Cabinet and made a lot of noise about the Cabinet being a rubber stamp. We were treated to so much of these rubbery ideas that I do not know where they came from. The hon. Leader of the Opposition has said that section 76—that is the section dealing with the Cabinet—will turn the Cabinet into a laughing stock, and that there can be no collective responsibility because power is vested in one man by section 72. I have already dealt with that and I do not wish to repeat my arguments.

Under the present Constitution, however, it is the function at the moment of the Cabinet to advise the Governor-General. The Cabinet is collectively responsible to Parliament; this is in the present Constitution. Now, Sir, if the argument of the hon. Leader of this Opposition is that because Cabinet will aid and advise the President it is going to be a rubber stamp of the President, he might as well tell this House that the present Cabinet and Prime Minister are also a rubber stamp of the Governor-General, because constitutionally the present Cabinet advises the Governor-General. But I did not hear him say this, and I believe he agrees that the present Cabinet and Prime Minister are not a rubber stamp of the Governor-General. They, in effect, govern this country. The Governor-General fulfils his constitutional function of Head of State, advised by the Cabinet. Mr. Speaker, this again is the position in other Parliamentary democracies. I could not quite understand what the hon. Leader of the Opposition particularly wanted to convey, except perhaps to hope that in this way he would be using a general form of slogan which he would find easy to sell among some of his friends.

Mr. Speaker, against the background that Parliament can force the President and his

[Mr. ole Tipli]

K.C.C. factory was 5,000 gallons of milk per day, can he now tell us what is the average production of milk in Nyeri today?

Dr. Kiako: Mr. Speaker, Sir, I must say that I would appreciate notice of that question, but I must also point out that the hon. Member is asking for the average of milk production in Nyeri, which might include both the settlement and the non-settlement areas. That is why I would require notice of that question.

Mr. Murgor: Mr. Speaker, Sir, arising from one of the Minister's replies, when he said he could not tell what the milk consumption was, would the Minister now agree with me that the Minister cannot forecast for more than two years any production?

The Speaker (Mr. Slade): I would remind hon. Members that questions are supposed to seek information.

Question No. 713

WATER SUPPLIES FOR UGENYA

Mr. Ratala, on behalf of Mr. Odera-Sar, asked the Minister for Natural Resources whether, in view of the fact that greater parts of Ugenya's Constituency which were agriculturally productive had no water, the Minister would consider supplying the following areas with borehole water: Uriya, Ulelo, Anganga, Siritwa and Hafumbre?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. I have pointed out very frequently, Sir, that there is a clearly laid down procedure for rural water supplies' applications. This procedure must be followed, whether water supplies are required in Ugenya Constituency, Githunguri Constituency, or even Kitutu West Constituency. The application should, in the first instance, be made to the District Agricultural Committee which will, if it deems this necessary, allocate the district priority and recommend this to the Central Agricultural Board for allocation of National priority and provision of financial assistance. In this way, I and my colleague, the Minister for Agriculture, will receive proper advice at district and central level, in respect of relative priorities for the limited finances available for rural water supply development.

As far as the five places mentioned in the question are concerned, these occur in an area of relatively high rainfall and, generally speaking, it is unlikely that they will warrant a high national priority. However, an application for

assistance will be considered if it is submitted through the appropriate channels.

Mr. Bala: Mr. Speaker, Sir, would the Minister sum up briefly what he has said.

Mr. Sagini: Mr. Speaker, it is really unnecessary to repeat, but if they want to apply they should make an application to the District Agricultural Committee which will, of course, allocate the priority and the later get in contact with the Central Agricultural Board for consideration.

Mr. Gichoya: Mr. Speaker, arising from the Minister's reply, and in view of the fact that the Agricultural Committee he is referring to have incompetent powers to deal with it, could he tell us the method which the Government applies in appointing this Committee?

Mr. Sagini: Mr. Speaker, I am afraid I cannot interfere, because this is not my Ministry.

Mr. Tannu: Mr. Speaker, Sir, will the Minister tell us whether he is aware of any applications which have been made to the District Agricultural Committee?

Mr. Sagini: Should I know? That is a local matter. All I know is when it reaches me.

Mr. Tannu: On a point of order, may I seek your ruling as to who should answer for the local people?

The Speaker (Mr. Slade): I think that one is in order. The Minister has said that he cannot deal with applications until they reach him. I think that is fair enough.

Mr. Anyeni: Mr. Speaker, Sir, we know that in the past there was an arrangement in the other places for the supply of water from the Central Government, and will the Minister now tell us as to whether from now on this Ministry does not have a policy on water, they only rely on the applications from the local people?

Mr. Sagini: Mr. Speaker, Sir, this will need a long answer. To start with, there is what you call a collective responsibility. Suppose the Ministry of Education was building a school, that is a secondary school, in Maseno or Kisii, and there was a shortage of water, naturally he would come and see me or send an official to talk to me about supplying water, and this is how it works. It is a question of collective responsibility. If it is the county council, it will have to approach us, and we will look at it, and if they match it—they have money to do it—they go ahead. If it is impossible, I say no.

(Mr. ole Olotitip crossed the Floor)

NOTICE OF MOTION FOR THE ADJOURNMENT

MEDICAL PERSONNEL AND EQUIPMENT, WESTERN REGION

The Speaker (Mr. Slade): I would remind hon. Members that on the adjournment today Mr. Gichoya is to raise the matter of a reply to Question No. 688—Banks Giving Loans to Co-operative Societies.

I also have to inform hon. Members that I have received notice from Mr. Makokha of his desire to raise on an adjournment the matter of a serious situation in the Western Region as a result of the shortage there of medical equipment and personnel. I propose he should raise that on the adjournment tomorrow, Wednesday, 4th November.

MOTION

REDUCTION IN BILLS PUBLICATION PERIOD

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to move the following Motion:—

THAT this House agrees that the period of publication of the National Youth Service Bill and the Detention Camps (Amendment) Bill be reduced from fourteen to seven days.

The urgency in the matter of the National Youth Service Bill will be obvious to Members in view of the fact that the National Youth Service has already been established and it is necessary to have the legislation that will enable us immediately to begin to open and operate the various National Youth Service camps. I am sure that hon. Members in all the different parts of the country, including the constituencies, will be anxious to have the youths from their areas recruited and put in these camps at once. We cannot do that until this legislation is ready, and therefore we are asking the House to reduce the period of publication from fourteen to seven days.

In the case of the Detention Camps (Amendment) Bill, it is in regard to the problems and the emergency situation in the North-Eastern Region. It has become necessary to establish in that region a number of detention camps, and it is urgent that these are established as soon as possible and that there is legislation under which they will operate, and it is for this reason again that we seek to reduce the period of publication from fourteen to seven days.

This, Sir, is not a discussion of the merits and demerits of the Bills as such, the Bills will be debated in the House at the appropriate stage,

when Members will be able to discuss the merits and demerits of the Bills. All that is being asked for at this stage is the reduction in the period of publication from fourteen to seven days. I beg to move.

The Minister for Labour and Social Services (Mr. Mwendwa) seconded.

(Question proposed)

Mr. Ngala: Mr. Speaker, Sir, I first of all want to say that I support the Minister in moving the Youth Service Bill, and also moving that the period of maturity should be reduced to seven days and not fourteen days. Mr. Speaker, Sir, I think we shall have a lot of time to discuss this question when the Bill comes, as far as the merits and demerits are concerned, but I would like to say that the National Youth Service has been very much delayed by the Government, but we are now becoming more hopeful when we see that the Minister is at last bringing this Bill. The promise was given by Government on the 1st of June, so I think the Government is now four months late. I would only want to say that since the Minister has said that there is urgency in establishing the camps as soon as possible as regards the youth, I would like to give a warning that in many regions projects that should occupy the Youth Service are not ready yet, and I hope that will also be given attention so that we do not pass this Bill and find the youths just hanging around in the regions or in the towns of the regions doing nothing, as I see them doing in Nairobi today.

Mr. Speaker, as far as the Detention Camps (Amendment) Bill is concerned, I think this is also very much overdue. Government has been told of the seriousness as far as the Somali *Shifita* efforts are concerned, and for a very long time Government has been very slow. Now I would like to emphasize one point here, that it is no use detaining the people if we are not going to take serious steps to see that all the implications of the Bill are carried out.

The Speaker (Mr. Slade): I do not think this is relevant to the Motion, Mr. Ngala. If you go on to speak about the urgency and the possible delays of Government and so on, anything to do with timing, is relevant; but not the actual merits of the Bill.

Mr. Ngala: Thank you, Mr. Speaker, for your ruling, Sir. Here, I would like to repeat that the Detention Bill has been very much overdue. Government this House has often told the Government that it has been too slow in establishing means and means of eradicating the nonsense that

[Mr. Ghebru] We have a leakage which he knows every day. I believe, in that a lot of East African money escapes through Aden and until that loophole is filled it is not going to be easy even if we had exchange control.

Mr. Anjenji: Mr. Speaker, Sir, in view of the fact that a lot of the insurance companies in this country are the chief exporters of our money, what arrangements is the Minister making to ensure that any money put into insurance remains in our country, as they have done in Tanganyika?

Mr. Ghebru: Mr. Speaker, I am making every effort to establish a Kenya National Assurance Company. In this way, I hope we shall be able to control any outflow of money through insurance.

The Speaker (Mr. Slade): Now we are getting rather far from the original question.

Question No. 681

MILITARY COLLEGE FOR KENYA

Mr. Theuri asked the Minister for Internal Security and Defence—

(a) when a military training school would be established in Kenya; or, alternatively,

(b) if Kiganjo Police Training School could be of a military training college status?

The Parliamentary Secretary for Internal Security and Defence (Dr. Waiyaki): Mr. Speaker, Sir, I beg to reply: A military training school has existed in Kenya since 1957. The existing Military Training School at Nakuru has its own officers' cadet wing where at present officer cadets of the Kenya Army are being trained. The Kenya Government has no intention of altering the status of the Police Training School at Kiganjo which is designed and run purely as a police training establishment and does not cover the syllabus required for a military training organization. The work done there differs in scope and content from what is taught in a military training establishment. There is no need for the four police schools to be used for military purposes.

Mr. Theuri: Mr. Speaker, arising from that reply, is the Minister aware that it was not for a military training school that I asked but for a military training college where the young men of this country could be training in military procedure?

Dr. Waiyaki: Mr. Speaker, I think the difference that the Member is endeavouring to put across is one of a choice of words, whether it is school or college, it is the same.

Mr. Khasakhala: Mr. Speaker, Sir, in view of the fact that a military college deals with some science, would the Minister tell the House whether at the present Kenya Military School science is taught so that they can produce hydrogen bombs?

Dr. Waiyaki: Mr. Speaker, I am not aware that a hydrogen bomb has ever been produced anywhere in a military training school! However, we are doing everything we can to teach our officer cadets military science, as opposed to the ordinary side of pure science.

Mr. Toret: Mr. Speaker, Sir, in view of the fact that the Minister agrees that there is no difference between a college and a school, would he consider changing the school into a college?

Dr. Waiyaki: Mr. Speaker, Sir, what I am prepared to commit the Kenya Government to is to retain the word "school" in its terminology.

Mr. arap Moi: Mr. Speaker, Sir, arising from that reply, does he not consider it necessary for the Kenya Government to have a bigger training school to cope with the number of youth being trained for the nation?

Dr. Waiyaki: The number of youth being trained for the nation, Mr. Speaker, I thought was the important part of the question. We are training military, not the ordinary youth.

Mr. arap Moi: Mr. Speaker, I meant when recruiting youth for military purposes, it means youth, I do not mean old men.

Dr. Waiyaki: Mr. Speaker, actually, we find that our school at Lanet caters for the size of our army quite well and we have, in fact, room for a little more expansion.

NOTICE OF MOTION ON THE ADJOURNMENT

UNSATISFACTORY REPLY TO QUESTION NO. 681:
MILITARY COLLEGE FOR KENYA

Mr. Khalif: Mr. Speaker, Sir, in view of the very unsatisfactory reply to Question 681, I would like to raise this matter on the adjournment.

ORAL ANSWERS TO QUESTIONS

Question No. 658

EMBU COFFEE CO-OPERATIVE

Mr. Mbogoh asked the Minister for Agriculture and Animal Husbandry, now that Embu Coffee Co-operative Union had taken the role of a farmers co-operative union, and that the Ministry was refusing to register any other

[Mr. Mbogoh] farmers societies, when would this union begin serving other farmers who grow—

(a) vegetables;

(b) cotton;

(c) sisal; and

(d) maize?

The Minister for Commerce and Industry (Dr. Kioko): Mr. Speaker, Sir, it is incorrect to state that my Ministry is refusing to register any other farmers co-operative societies. It is the policy of my Ministry to consolidate existing societies into strong economic units. Any application to register a new farmer society is considered in the light of this policy.

The Embu Co-operative Union Ltd. was registered a year ago. Its objects cater for the acceptance of all farm produce including vegetables, cotton, sisal and maize. The Ministry of Agriculture approached the Embu Co-operative Union Ltd. both verbally and in writing with a view to appointing them agents of maize and other produce, and is still waiting for their reply.

The Embu Co-operative Union Ltd. is an autonomous body and is responsible for day-to-day running of its own affairs, including the acceptance of crops, but my Ministry is always ready to give help, guidance and advice in every way possible.

Would the hon. Member for Embu North undertake to approach the Embu Co-operative Union Ltd. to find out whether they would indicate their willingness or otherwise to become agents for maize and other produce.

Question No. 656

BRANCH OF K.C.C. FOR KIGANJO

Mr. Theuri asked the Minister for Agriculture and Animal Husbandry whether in view of the fact that Nyeri milk production had increased consequent upon the introduction of settlement schemes, the Minister would tell this House what plans he had to help the people to establish a Kenya Creameries Co-operative branch at Kiganjo.

The Minister for Commerce and Industry (Dr. Kioko): Mr. Speaker, Sir, it is anticipated that there will be a considerable rise in milk production in Nyeri consequent upon the establishment of settlement schemes. However, may I point out that in Nyeri, like in other settlement schemes, there was no immediate rise in milk production and, in fact, we could not except an immediate rise in the initial stage during the change-over of

land ownership and the reorganization of the whole farming programme after the change-over. As a matter of fact, there was some drop in milk production, but we have no doubt whatsoever that there will be a rise in milk production in course of time.

When production increases sufficiently in the area, the Kenya Co-operative Creameries will consider establishing a factory at Kiganjo or Karatina, but it would be uneconomic to open one unless there are supplies of at least 5,000 gallons a day.

Mr. Mutiso: Mr. Speaker, Sir, arising from that reply from the Minister, could the Minister enlighten the Members of this House as to what he would consider to be a sufficient production of milk that would warrant the establishment of a milk factory?

Dr. Kioko: I have just said, 5,000 gallons a day.

Mr. Shikuku: Arising from the previous reply of the Minister, is he aware that the question of an increase in this production of milk will not arise in Nyeri in view of the fact that the hon. Minister's Ministry has already sacked eight of the African settlers and therefore the increase will not arise.

Dr. Kioko: Mr. Speaker, Sir, I think the Member is absolutely confused. In the first place, Sir, my Ministry is not in charge of the administration of the settlement schemes; secondly, the people were not sacked, they failed to pay their obligation to Government.

Mr. arap Moi: Mr. Speaker, Sir, arising from the Minister's last reply, he is aware that the people find it difficult, particularly those who own plots in various schemes, to pay the interest and instalment required by the Government because they are unable to sell their milk? Therefore, in view of the fact that the Nyeri people fail to sell their milk, because they are unable to find—

The Speaker (Mr. Slade): Order, order, where are we getting.

Mr. arap Moi: Mr. Speaker, Sir, I am asking the Minister whether the Government considers it necessary to help these people who are unable to sell their milk?

Dr. Kioko: Mr. Speaker, Sir, despite the sympathy indicated by the hon. Member, the fact is that we do not want to establish an uneconomic factory.

Mr. de Topp: Mr. Speaker, Sir, arising from one of the Minister's replies that the minimum requirement to warrant the establishment of a

[Mr. Moss]

No such negotiations as referred to have been going on at all for establishing an approved school at Sangalo. What has, in fact, happened is that the Western Regional Assembly has offered Sangalo as a possible site for an approved school and this is being considered along with other sites in the Western Kenya.

Mr. Barasa: Arising from the Junior Minister's reply, Mr. Speaker, is the Junior Minister aware that the Chief Inspector of Approved Schools near Bungoma has been asking for such an institution?

Mr. Moss: Mr. Speaker, Sir, I did not get the question. Could he repeat it?

Mr. Barasa: Is the Junior Minister aware that the Chief Inspector of Approved Schools went to Sangalo and asked the Regional Government Agent in Bungoma to set aside land for such an institution?

Mr. Moss: If the hon. Member listened very carefully, he would have heard me say that the Regional Assembly has offered Sangalo as a possible site for an approved school; but provision has been made in the 1964/65 Estimates for an approved school to be built in Western Kenya, and the Children's Department of the Ministry is now collecting statistics necessary to determine the most suitable location. At the moment, it cannot be said for certain where it would be built, nor can a guarantee be given that Sangalo will be the chosen place.

Mr. Barasa: Arising from the Junior Minister's reply, Mr. Speaker, would the Junior Minister deny the fact that the Ministry is intending to establish such an institution near Kisumu?

Mr. Moss: Mr. Speaker, Sir, I am not aware of that.

Mr. Mongare: Mr. Speaker, Sir, arising from one of the Junior Minister's replies, may we know how much money has been set aside for this institution, wherever it will be in Nyanza?

Mr. Moss: It is not a question of money, Mr. Speaker. When a project is—

The Speaker (Mr. Slade): That is a different question.

Mr. Masinde: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, could he tell this House the other places in Western Kenya which are set aside to be considered for the site of this school?

The Speaker (Mr. Slade): That is a different question, too.

Question No. 79

QUALIFICATIONS FOR REGISTRAR-GENERAL AND DEPUTY

Mr. Ochwada asked the Minister for Justice and Constitutional Affairs what qualifications were required for appointment to the following posts:—

- (a) The Registrar-General?
- (b) Deputy Registrar?
- (c) Assistant Registrar?

When did the Minister think that these posts would be Africanized.

The Minister for Justice and Constitutional Affairs (Mr. Mboya): Mr. Speaker, Sir, I beg to reply.

The Registrar-General must hold a legal qualification and have experience of company registration, trade marks, patents, insolvency and trusts. He must command the professional respect of leading practising advocates.

I presume that by "Deputy Registrar" and "Assistant Registrar", the hon. Member means "Deputy Registrar-General" and "Assistant Registrar-General". These officers also require legal qualifications, but less experience than the Registrar-General. An African Assistant Registrar-General was appointed in 1955, but was later transferred to another appointment, and today sits in this House as the Attorney-General.

All these posts will be Africanized as soon as suitable applicants are available; but I really cannot specify when this will be.

Mr. Ochwada: Mr. Speaker, Sir, would the Minister tell the House what efforts the Ministry has made to make sure that there are no Africans available in this country who can fill these three posts?

Mr. Mboya: Mr. Speaker, Sir, we have made no efforts to make sure that there are no Africans, but we have done the opposite, we have tried to make sure that we find Africans who can fill these posts, and we will continue to do so.

Mr. Ochwada: Mr. Speaker, Sir, would then the Minister tell the House whether, as a result of having done the exact opposite of what I asked, there are no Africans available to fill these posts?

Mr. Mboya: Mr. Speaker, Sir, we have not only tried to find qualified Africans to fill these posts.

[Mr. Mboya] but we have also started a school of our own to train Africans with a view to being able to fill the posts.

Mr. Mutiso: Mr. Speaker, Sir, arising out of one of the Minister's replies, could the Minister tell the House what amount of legal experience is required for an African to qualify for these posts?

Mr. Mboya: Mr. Speaker, I said a legal qualification, I did not say legal experience; a legal qualification and experience of company registration, trade marks, patents, insolvency and trusts.

Question No. 651

OUTFLOW OF MONEY FROM THE COUNTRY: STOPPING OF

Mr. Mbogoh asked the Minister for Finance and Economic Planning what he was doing to stop the great numbers of Asian businessmen taking money out of this country in large amounts and exporting it to Britain, India and Pakistan?

The Minister for Finance and Economic Planning (Mr. Gichuru): Mr. Speaker, Sir, I beg to reply.

The figures suggest that no great outflow of funds from Kenya is now taking place. As explained in my reply to Parliamentary Question No. 175 earlier this year, a directive has been issued to the banks requesting them to refrain from making overdraft facilities available to individuals and companies in Kenya in order to enable them to transfer money overseas. The banks have also been asked not to provide overdraft facilities to individuals or companies which have transferred money out of Kenya which could now be brought back in order to provide them with working capital. There are some signs that money that was transferred out of the country earlier this year is now coming back.

Mr. Mbogoh: Mr. Speaker, Sir, could the Minister tell this House whether the Government is taking any steps to control immigration and the rising Asian birthrate in the country, so that we can be sure that there will be no more money going out of the country?

Mr. Gichuru: Mr. Speaker, Sir, I think that question is really out of place.

The Speaker (Mr. Slade): I could not hear it so I am afraid I cannot judge.

Mr. Gichuru: He is asking me about immigration, Sir, and I deal with finance and not immigration.

Mr. Anyalen: Mr. Speaker, Sir, would the Minister tell this House what guarantees the Ministry has worked out to make sure that money does not go out through it being carried either by individuals going overseas or through the banks? What guarantees are there?

Mr. Gichuru: I think I have said enough about the banks. On the question of people carrying money in their pockets, occasionally we do catch one or two people and we did catch one two or three weeks ago who was trying to transfer about £7,000. This money was confiscated because it is contrary to the regulations.

Mr. Ngala-Abok: Mr. Speaker, Sir, since as far as I am concerned it is unsatisfactory to request a bank to control the outflow of money and I consider, in my opinion—

The Speaker (Mr. Slade): Order, order, what is the question? You do not need all this preamble about your own opinion.

Mr. Ngala-Abok: The question is, Mr. Speaker, Sir, would the Minister agree with me that the best way of controlling the outflow of money is to establish a central bank to control all the other banks here, and will the Minister tell me whether he agrees with me and when he is going to establish one?

Mr. Gichuru: Mr. Speaker, Sir, I did answer this very question not so long ago. The East African Governments are making all the effort they can to establish a central bank. A central bank is not a thing that can be established tomorrow and we have asked the International Monetary Fund to provide us with experts who are going to give us advice. These experts are coming over here this month with their proposals. If we agree with them, we hope to get a report written by them in January or early February. I do not say that at the end of February we shall have a central bank, but we shall definitely have the material on which to work to establish a central bank.

Mr. Janani: Mr. Speaker, does the Minister not agree with me that the best way to control an outflow of money is the imposition of the exchange control regulations as has been done by Zambia?

Mr. Gichuru: Mr. Speaker, Sir, the hon. Member does not realize that exchange control in itself would not solve our problems, as I said here the

The Speaker (Mr. Slade): I am sorry, Mr. Masinde. As I said to Mr. Gichoya, we cannot discuss the rival claims of other districts when we are dealing with Mr. Muranga.

Mr. Kagula: Mr. Speaker, Sir, in view of the fact that some Members in this House, have been accusing the Minister for Commerce and Industry of concentrating all industries in Muranga, will the Minister confirm today, that Muranga has not got a single industry?

Dr. Kiambu Mr. Speaker, Sir, that question does not arise because the hon. Member for Kandara should know that it is not what other Members have been saying in the House.

The Speaker (Mr. Slade): It is actually relevant to the original question, but you need not reply.

Question No. 715

AFRICANIZATION: ALL TOWN CLERKS

Mr. Barasa asked the Minister for Local Government when the Minister intended to Africanize all the posts of Town Clerk in towns such as Nakuru, Mombasa and Kitale, since they were the only towns which still had expatriates in these offices?

The Parliamentary Secretary for Local Government (Mr. de Konckhalla): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply.

The Town Clerks of Nakuru, Mombasa and Kitale are all selected officers which means that they are under contracts which will terminate in November 1965.

I understand that the Municipal Council of Nakuru has not yet formulated a stated policy in regard to the appointments of officers upon the termination of the present selected officer's contract. The council is, however, training African officers who may well prove suitable for appointment as Town Clerk. The council may also at the time decide to invite applications from public advertisements as well as consider existing officers of the council for promotion.

In the case of Kitale, the council has not yet decided on its plans for filling the posts of selected officers, but I understand the matter is already on the agenda for discussion shortly.

Finally, in the case of Mombasa, the House has already been informed in my previous reply to Question No. 647 that the council has decided to create shadow posts from 1st June 1965, in respect of the post of Town Clerk and a number of other selected officers' posts.

Mr. Kanurena: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply. Could he

tell us how many, in numbers, expatriates in those offices are leaving Nakuru?

The Speaker (Mr. Slade): You mean leaving the post of Town Clerk?

Mr. Konckhalla: Yes, Mr. Speaker, Sir, we are dealing with Town Clerks.

Mr. ole Tipis: Mr. Speaker, Sir, can the hon. Parliamentary Secretary tell us what is the Government doing to expedite the Africanization of these Town Clerks?

Mr. Konckhalla: Mr. Speaker, Sir, we have some training schemes. Briefly, council's training programmes cover training locally at the Kenya Institute of Administration, and training with the councils and tribal assistance with correspondence courses.

Mr. Masinde: Mr. Speaker, Sir, in view of the fact that the Ministry of Local Government is in touch with the various county councils, could the Parliamentary Secretary assure this House that in future salaries attached to posts of Town Clerks are going to be as high as they have been today? In fact, they are earning more than the Permanent Secretaries in the Government.

Mr. Konckhalla: Mr. Speaker, Sir, I think this is another question dealing with salaries. We are not dealing with salaries now.

Question No. 716

AFRICANIZATION: POSTS IN THE PROBATION SERVICE

Mr. Barasa asked the Minister for Home Affairs to state whether he was considering having the posts of Chief Inspector of Children, Approved Schools, and Principal Probation Officer, Probation Services, Africanized by promoting the present officers who had been acting in these posts for well over a year?

The Parliamentary Secretary for Home Affairs (Mr. Moss): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply.

The Minister does not appoint nor promote officers as this is a function exclusively within the jurisdiction of the Public Service Commission, but for the hon. Member's information, the post of Principal Probation Officer has already once before been advertised and has recently been re-advertised with a view to appointing an officer substantially to it. Whether, in fact, the Acting Principal Probation Officer will be promoted will depend on the Public Service Commission.

The Post of Chief Inspector of Children will in due course, be filled in the same way.

Mr. Khalif: Mr. Speaker, Sir, in view of the fact that the Parliamentary Secretary said that his Ministry is not responsible for the Africanization of the aforesaid posts, would the Parliamentary Secretary agree with me that although the Civil Service Commission is an independent authority a Ministry has to be responsible and, as such, we consider that the Home Ministry is responsible?

The Speaker (Mr. Slade): No, Mr. Khalif. That is not a proper question.

Mr. Khasakhala: Mr. Speaker, Sir, arising from the Parliamentary Secretary's reply, could he tell the House the reasons why the post of the Principal Probation Officer has been re-advertised, for we know that there are people already in the service who are working. Is it that they did not find suitable candidates when it was first advertised?

Mr. Moss: Mr. Speaker, Sir, the Civil Service Commission is responsible for the promotion of officers to this post and it is entirely their duty to advertise any post within their own capacity, if they think it fit.

Mr. Khasakhala: Mr. Speaker, Sir, the Parliamentary Secretary has not answered my question. My question is that he stated to the House that the post was advertised and has been re-advertised. Could he tell the House why they did not find a suitable candidate from within the department? In order to qualify his statement, could he tell us those people within the department who applied and fail to obtain promotion?

Mr. Moss: That is not the question, Mr. Speaker, but however, the question why the post has been re-advertised remains the responsibility of the Public Service Commission, and it is none of my business nor my Ministry's. I would only be too glad to know the reason from the Public Service Commission.

Mr. arap Moli: Mr. Speaker, Sir, arising out of the Parliamentary Secretary's reply, is the Minister aware that his Ministry is responsible for such posts and therefore, it is the Ministry which has to inform the Public Service Commission that such posts are now vacant and they should be filled?

Mr. Moss: I am not aware, and my Ministry is not responsible.

The Speaker (Mr. Slade): Order, order. I will have to explain again to the House, what I explained the other day, and what I think Mr. Khalif was trying to get at when he made a

long speech in the guise of a question. It is this question of responsibility in this House of one Ministry or another to speak for any authority in the country, however independent. I pointed out that under Standing Orders, questions may be asked of the Government, not only on matters for which a Ministry is directly responsible, but also on matters with which a Ministry is officially connected, and the House is entitled to hear, as far as the Ministry can tell the House, what an independent authority, like the Public Service Commission, is doing about things, even if the Minister does not have direct responsibility.

Mr. Kanurena: On a point of order, Mr. Speaker, is it in order for the Parliamentary Secretary to avoid the question from the hon. Khasakhala?

The Speaker (Mr. Slade): Yes, as I have said many times, it is quite in order for any Minister to avoid any question whatsoever if he wants to. Only he cannot give the lack of direct responsibility as a valid reason to do so.

Mr. Khalif: On a point of order, Mr. Speaker, now that my question is considered to be in order—

The Speaker (Mr. Slade): Your question was not in order, Mr. Khalif, though it would have been so had it been raised as a point of order.

Mr. Kagula: Mr. Speaker, will the Parliamentary Secretary answer in simple words as to why the Ministry could not get a suitable person in the first advertisement?

Mr. Moss: Mr. Speaker, Sir, the answer is also simple. It is the Public Service Commission which advertises the job, and they are the people to consider the candidates who have applied according to their own merits and efficiency, and any suitable candidate coming within their own mind's is then appointed.

Question No. 717

APPROVED SCHOOL FOR SINGALO

Mr. Barasa asked the Minister for Home Affairs whether in view of the fact that negotiations to establish an approved school at Singalo, near Bungoma in Western Region, had been going on for a long time, the Minister would state how soon he planned to implement the work on this project?

The Parliamentary Secretary for Home Affairs (Mr. Moss): Mr. Speaker, Sir, on behalf of my Minister, I beg to reply.

Tuesday, 3rd November 1964

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

SENATE AMENDMENTS TO BILLS

The Speaker (Mr. Slade): Hon. Members I have to inform you that I have received the following communications from the Senate. The Senate returns the original copies of the Cotton Lint and Seed Marketing (Amendment) Bill and the Kenya Meat Commission (Amendment) Bill as further amended by the Senate, with copies of Votes and Proceedings of the 23rd and 27th October 1964, showing the amendments made thereto, and desires the concurrence of the House of Representatives to the amendments agreed to by the Senate.

The Senate returns the original copies of the Cereals and Sugar Finance Corporation (Amendment) Bill with the copy of the Votes and Proceedings for 7th October 1964, indicating the amendments made thereto, and desires the concurrence of the House of Representatives to the amendments agreed to by the Senate.

The Senate returns the original copy of the Post Office Savings Bank (Amendment) Bill and the copy of the Votes and Proceedings for 9th October 1964, indicating the amendments made thereto, and desires the concurrence of the House of Representatives to the amendments agreed to by the Senate.

The Senate has agreed to the Appropriation Bill without amendment on 27th October 1964.

The Senate returns the original copy of the Referendum (Amendment of the Constitution) Bill with a copy of the Votes and Proceedings dated 29th October 1964, indicating the amendments made thereto, and desiring the concurrence of the House of Representatives to the amendments agreed to by the Senate.

PAPERS LAID

The following Papers were laid on the Table:—
Report to National Assembly as required by Article 5 of External Loans (General) Ordinance No. 43 of 1963.

(International Development Association Credit 64 KE for Tea Development.)

(By the Minister for Justice and Constitutional Affairs (Mr. Mboya) on behalf of the Minister for Agriculture and Animal Husbandry (Mr. McKenzie))

The Marketing of African Produce (Kenya Agricultural Produce Marketing Board) (Movement of Regulated Produce) (Amendment) (No. 2) Rules, 1964.

(By the Minister for Justice and Constitutional Affairs (Mr. Mboya) on behalf of the Minister for Agriculture and Animal Husbandry (Mr. McKenzie))

ORAL ANSWERS TO QUESTIONS

Question No. 659r.

WATER DEVELOPMENT IN KITUI DISTRICT

Mr. Mati asked: The Minister for Natural Resources what plans the Government had for water development in Kitui District and is particular in the Northern Division?

The Minister for Natural Resources (Mr. Sagini): Mr. Speaker, Sir, I beg to reply. As I have said very often in this House, my Ministry does not plan water development on a division or constituency basis, but on a district basis. As far as Kitui District is concerned, the County Council has already submitted a list of priorities for the year 1964/65. The schemes are now being investigated by my Ministry. At the moment, also, the construction of a pipeline from Ngomeni Dam to a point 8½ miles to the north is nearing completion, and work has begun on the extension of the Kyuso pipeline. May I mention, Sir, that this work is being made possible by the initiative and co-operation of the Kitui County Council. My Ministry has made provision of £2,500 in this year's Development Estimates for water supplies development in Kitui District. In addition, a water supplies inspector of my Ministry has been seconded to the Council to assist them in planning their development. This is, in effect, a grant from the Government. As far as the Northern Division is concerned, the internal allocation of funds within the district is based on the County Council's priority list, as approved by my Ministry. If the Council gives priority to the Northern Division, then this priority is likely to be approved by my Ministry.

Mr. Mati: Mr. Speaker, Sir, would the Minister tell this House how much money the Government is prepared to spend on water in Kitui and how much of this will be spent in the northern part of Kitui?

Mr. Sagini: Mr. Speaker, Sir, I would need notice of such a question.

Question No. 711

ESTABLISHMENT OF INDUSTRY, MURANGA

Mr. Kaggia asked the Minister for Commerce and Industry if he would tell the House what plans his Ministry had for establishing at least one major industry in Muranga with a view to providing employment for thousands of landless and unemployed in that part of the country?

The Minister for Commerce and Industry (Dr. Kiatio): Mr. Speaker, Sir, I beg to reply.

Industrial development in Muranga will depend very largely on self-help and initiative of the Muranga people themselves, as the district is not among the most attractive areas to foreign investment.

But Government is making every effort to try and accelerate Muranga development. As the hon. Member is aware, the Industrial Development Corporation had plans to start a Blotting Paper Factory in Fort Hall Township, but detailed investigation of this project discovered that it was not economically feasible. In view of this, a new project has been prepared to establish a small ready-made clothing industry and funds have already been allocated to assist this enterprise. It is hoped that if this clothing factory is successful, it can become the nucleus of a bigger ready-made clothing industry in Fort Hall. The Government is also investigating other possibilities for industries in the Muranga District. Detailed investigations are already proceeding regarding the establishment of a factory to utilize plums which are grown in the upper areas and also the establishment of a maize starch and maize mill, possibly at Muragua. It is considered that a maize starch factory in this area might be able to supply the new textile mills at Thika with their starch requirements. It is common knowledge that investigations are already being carried out into the possibilities of establishing a large fruit and vegetable canning factory at Sagana, seven miles from Fort Hall Town. Although I realize that Sagana is just outside Muranga borders, such a factory will be of immense benefit to the whole area for it will not only create new employment opportunities but will also establish a market for small holder grown vegetables and fruit. My Ministry is always open to suggestions and I do invite the Member for Kandara to bring to my Ministry some concrete suggestions regarding any industrial possibilities for his area. We shall gladly consider such suggestions.

Mr. Kaggia: Mr. Speaker, in view of the fact that the Minister has the custom of promising the people of Muranga this or that industry, will he tell this House what he is doing to create one industry, and not just promises?

Dr. Kiatio: Mr. Speaker, Sir, I do think that the question is ill-considered because, as far as the clothing industry is concerned, the hon. Member would like to know who the Africans are who are getting the money and if they come from his own area. With regard to the maize starch industry, I have requested the hon. Member for the area to instruct these people to bring in their applications. We cannot just go ahead and throw up an industry unless we get a legal body which is to receive the money and I make this announcement here so that the hon. Members can instruct their members to make the applications.

Mr. Kaggia: While I am prepared to ask my people to bring in applications, would the Minister indicate as to when we could expect the results of the investigations which he has told us about?

Dr. Kiatio: Mr. Speaker, Sir, as far as the clothing industry is concerned, the matter is all ready; no longer just under investigation, but complete. It is only a matter of the people coming forward and negotiating to take the loans.

Mr. Gichoya: Arising from one of the Minister's replies, Sir, is he prepared to give us the conditions which necessitate the ready-made clothing industry being put at Muranga and not at another place? And, also, Sir, that the starch industry, which is dealing with maize, is it going to be where it is, as much of the maize comes from Kirinyaga?

The Speaker (Mr. Slade): I am afraid that we cannot allow questions like that, which will take us all over the country.

Mr. arap Moi: Mr. Speaker, Sir, arising out of the Minister's reply, would the Minister agree with me that Fort Hall, Muranga has had more than any other district and, therefore, the Member should be satisfied.

Dr. Kiatio: Mr. Speaker, Sir, I would rather that question did not arise because it is entirely false.

Mr. Masinde: Mr. Speaker, Sir, would the Minister assure this House that for any industry to be established in this country, it should go to some particular raw material, it should go to the area where the raw materials are found and, for that matter, since the starch industry is going to—