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COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

11th COUNCIL INAUGURATED
OCTOBER, 1956

VOLUME LXXVII

1958

SECOND SESSION

(Continued)

14th October, 1958, to 17th October, 1958

List of Members of the Legislative Council

Speaker:

THE HON. SIR FERDINAND CAVENDISH-BENTINCK, K.B.E., C.M.G., M.C.

Chairman of Committees:

*THE HON. D. W. CONROY, O.B.E., T.D., Q.C.

Ministers:

- THE CHIEF SECRETARY (THE HON. W. F. COUTTS, C.M.G., M.B.E.).
‡THE MINISTER FOR FINANCE AND DEVELOPMENT (THE HON. E. A. VASEY, C.M.G.).
THE MINISTER FOR AFRICAN AFFAIRS (THE HON. C. M. JOHNSTON, C.M.G.).
THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (THE HON. M. BLUNDELL, M.B.E.).
THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (THE HON. J. W. CUSACK, C.M.G., O.B.E.).
THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (THE HON. W. B. HAVELock).
THE MINISTER FOR EDUCATION, LABOUR AND LANDS (THE HON. W. A. C. MATHIESON, C.M.G., M.B.E.).
THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (THE HON. D. L. BLUNT, C.M.G.).
THE MINISTER FOR COMMERCE AND INDUSTRY (THE HON. W. F. COUTTS, C.M.G., M.B.E.).
THE MINISTER FOR WORKS (THE HON. I. E. NATHOO).
THE MINISTER FOR COMMUNITY DEVELOPMENT (THE HON. C. M. JOHNSTON, C.M.G.).
THE EUROPEAN MINISTER WITHOUT PORTFOLIO (THE HON. N. F. HARRIS).
THE ASIAN MINISTER WITHOUT PORTFOLIO (THE HON. C. B. MADAN, Q.C.).
THE MINISTER FOR TOURISM AND COMMON SERVICES (THE HON. W. E. CROSSKILL).
THE MINISTER FOR HOUSING (THE HON. M. S. AMALEMA).
*THE MINISTER FOR LEGAL AFFAIRS (THE HON. D. W. CONROY, O.B.E., T.D., Q.C.) (Temporary).

Assistant Ministers:

- THE ASSISTANT MINISTER FOR EDUCATION, LABOUR AND LANDS (THE HON. WANYUTU WAWERU, M.B.E.).
THE ASSISTANT MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (THE HON. SHEIKH MOHAMED ALI SAID EL-MANDRY).

Constituency Elected Members:

European—

- THE HON. R. S. ALEXANDER (Nairobi West).
THE HON. F. W. G. BOMPAS, E.D. (Kiambu).
THE HON. R. B. CHADWICK (Mount Kenya) (Acting).
THE HON. S. V. COOKE (Coast).
†THE HON. W. E. CROSSKILL (Mau).
MAJOR THE HON. F. W. J. DAY (Aberdare).
†THE HON. N. F. HARRIS (Nairobi South).
AIR COMMODORE THE HON. E. L. HOWARD-WILLIAMS, M.C. (Nairobi North).
THE HON. MRS. E. D. HUGHES, M.B.E. (Uasin Gishu).
THE HON. SIR CHARLES MARKHAM, B.L. (Ukamba).
THE HON. J. R. MAXWELL, C.M.G. (Trans Nzoia).
THE HON. MRS. A. C. RAWSON-SHAW (Nyanza) (Acting).
MAJOR THE HON. B. P. ROBERTS (Rift Valley).
THE HON. C. G. USHER, M.C. (Mombasa).

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

African—

THE HON. F. J. KHAMISI (Mombasa Area).
 THE HON. J. G. KIANO, Ph.D. (Central Province South).
 THE HON. B. MATE (Central Province North).
 THE HON. T. J. MBOYA (Nairobi Area).
 THE HON. D. T. ARAP MOI (North Rift).
 THE HON. J. N. MUMI (Kitui).
 THE HON. M. MULIRO (Nyanza North).
 THE HON. D. N. MUXO (Machakos).
 THE HON. R. G. NOALA (Coast Rural).
 THE HON. J. J. M. NYAGAH (Nyeri and Embu).
 THE HON. A. OGINGA-ODINGA (Nyanza Central).
 THE HON. L. G. OGUDA (Nyanza South).
 THE HON. J. K. OLE TIPIS (Central Rift).
 THE HON. T. TOWETT (Southern Area).

Asian—

THE HON. S. G. HASSAN, M.B.E. (East Electoral Area).
 THE HON. A. B. JAMIDAR (Central Electoral Area).
 THE HON. J. C. M. NAZARETH, Q.C. (Western Electoral Area).
 THE HON. A. J. PANDYA (Eastern Electoral Area).
 THE HON. K. D. TRAVADI (Central Electoral Area).
 THE HON. ZAFRUD DEEN (West Electoral Area).

Arab—

THE HON. SHEIKH MAHFOOD S. MACKAWI.
 THE HON. SHARIF M. A. SHATRY.

Specially Elected Members:

†THE HON. M. BLUNDELL, M.B.E.
 †THE HON. W. B. HAVELOCK.
 LT.-COL. THE HON. B. R. MCKENZIE, D.S.O., D.F.C.
 THE HON. H. SLADE.
 †THE HON. M. S. AMALÉMA.
 THE HON. J. M. MUCHURA.
 THE HON. N. G. NGOME.
 †THE HON. WANYUTU WANJRU, M.B.E.
 †THE HON. SHEIKH MOHAMED ALI SAID EL-MANDRY.
 †THE HON. I. E. NATHOO.
 †THE HON. C. B. MADAN, Q.C.
 THE HON. N. S. MANGAT, Q.C.

Nominated Members:

THE HON. K. BECHGAARD.
 †THE HON. D. L. BLUNT, C.M.G.
 THE HON. J. H. BUTTER, M.B.E.
 THE HON. M. H. COWIE, E.D. (Director of the Royal National Parks).
 THE HON. MRS. J. T. GECAGA.
 COMMANDER THE HON. A. B. GOORD, D.S.C., R.I.N. (RNJ).
 CAPTAIN THE HON. C. W. A. G. HANLEY, O.B.E., R.N.
 THE HON. H. G. S. HARRISON, M.B.E.
 THE HON. SHEIKH MABARAK ALI HINAWY, O.B.E.
 COLONEL THE HON. H. R. JACKMAN.
 THE HON. E. T. JONES.
 THE HON. SHARIF KULLATEIN, M.B.E. (Northern Provinces).
 THE HON. J. A. LUSENO.
 THE HON. K. W. S. MACKENZIE, C.M.G. (Secretary to the Treasury).
 THE HON. V. A. MADDISON (Permanent Secretary, Ministry of Commerce and Industry).

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

Nominated Members—(Contd.)

THE HON. D. S. MILLER, C.B.E. (Director of Education).
 THE HON. BALDEV SARKH MOHINDRA, O.B.E.
 THE HON. ABDUL HUSSEIN NURMOHAMED.
 THE HON. JONATHAN NZIOKA.
 THE HON. SIR ENOCH PIRIBIAL, O.B.E.
 THE HON. P. J. ROGERS, C.B.E.
 THE HON. C. W. RUNA.
 THE HON. KIRPAL SINGH SAGOO.
 THE HON. SHIRIFF A. SALIM.
 THE HON. P. H. SUTHI.
 THE HON. R. J. M. SWYNNERTON, O.B.E., M.C. (Director of Agriculture).
 THE HON. G. A. TYSON, C.M.G.
 †THE HON. E. A. VASEY, C.M.G.
 THE HON. A. J. WALKER, M.D., M.R.C.P. (Director of Medical Services).
 THE HON. A. M. F. WEBB (Acting Solicitor-General).
 †THE HON. THE EARL OF PORTSMOUTH.
 †THE HON. SIR ALFRED VINCENT.

Clerk of the Council:

A. W. PURVIS.

Clerk Assistant:

H. THOMAS.

Assistant Serjeant-at-Arms:

G. L. STANLEY.

Reporters:

D. BUCK. MISS S. A. RIDDICK. MISS M. M. GARDNER.

Hansard Editor:

MRS. J. FRYER.

* Deputy Speaker and Chairman of Committees.

† Also included in the list of Ministers or list of Assistant Ministers.

‡ The Hon. K. W. S. Mackenzie, C.M.G., Temporary Minister for Finance and Development with effect from 17-10-58.



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

ELEVENTH COUNCIL

SECOND SESSION—(Continued)

Tuesday, 14th October, 1958

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Members:—

Ernest Leslie Howard-Williams.
William Allan Cunningham Mathieson.
Douglas Sinclair Miller.
Anthony Michael Francis Webb.
Richard Burrell Chadwick.

PAPERS LAID

The following Papers were laid on the Table:—

E.A. Statistical Department Annual Report, 1957/58.
Statistical Abstract, 1958.
The E.A. Hides and Leather Bureau Report for the years 1956 and 1957.
Record of Research for the period 1st July, 1956, to 31st December, 1957. Annual Report, 1957.
The British Nationality (Deprivation of Citizenship) Rules, 1958.
The Protected Areas No. 4 (Amendment) Order, 1958.
(BY THE CHIEF SECRETARY (Mr. Coutts))

Report of the Estimates Committee.

The Price Control (Sugar) (Amendment) (No. 3) Order, 1958.

The Price Control (Maize and Maize-meal) (No. 2) (Amendment) Order, 1958.

The Price Control (Maize and Maize-meal) (No. 2) (Amendment) (No. 2) Order, 1958.

The Price Control (Sugar) (Amendment) (No. 4) Order, 1958.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT) (Mr. Vasey))

African Affairs Department Annual Report, 1957.

Report of Working Party on African Land Tenure, 1957-1958.

(BY THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston))

Department of Veterinary Services Annual Report, 1957.

The Hide and Skin Trade (Imposition of Cess) Rules, 1958.

The Crop Production and Livestock (Livestock and Controlled Areas) (Amendment) Rules, 1958.

The Marketing of African Produce (Fees for Licences) (Amendment) Rules, 1958.

The Canning Crops (Pineapples) Rules, 1958.

The Water (General) (Amendment) (No. 2) Rules, 1958.

- The Water (General) (Amendment) (No. 3) Rules, 1958.
- The Crop Production and Livestock (Livestock and Controlled Areas) (Rules, 1958.
- The Crop Production and Livestock (Livestock and Controlled Areas) (Amendment) (No. 2) Rules, 1958.
- (BY THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell))
- The Kenya Regiment (Territorial Force) (Amendment) Regulations, 1958.
- (BY THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack))
- Medical Department Annual Report, 1957.
- Machakos Township (Vehicle Parking and Traffic) (Amendment) Rules, 1958.
- (BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock))
- Department of Lands Annual Report, 1957.
- Education Department—Triennial Survey, 1955-57.
- Report on Asian and European Education in Kenya, 1958.
- Survey of Kenya—Administration Report, 1957.
- The Education (Certificates for Teaching the Blind in schools for Africans) Rules, 1958.
- The Employment Ordinance (Cap. 109) —Application of Ordinance.
- The Examinations (Local Entry fees) Regulations, 1958.
- The Education (Health and Safety) Regulations, 1958.
- The Education (Exclusion from School on Account of Infectious Diseases) Rules, 1958.
- (BY THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison))
- Game Department Annual Report, 1956/57.
- The Forest (General) (Amendment) (No. 6) Rules, 1958.
- (BY THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt))
- Kenya Survey of Industrial Production, 1956.
- (BY THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Couitt on behalf of the Minister for Commerce and Industry))
- Probation Service and Approved Schools Annual Report, 1957.
- Annual Report of the Ministry of Community Development, 1957.
- The Probation of Offenders (Institutions) Rules, 1958.
- (BY THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Johnson))
- The Transfer of Powers (Minister for Tourism and Common Services) No. 1 Order, 1958.
- The Transfer of Powers. Variation (No. 1) Order, 1958.
- The Transfer of Powers Variation (No. 2) Order, 1958.
- (BY THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill))
- The Report of the Public Accounts Committee on the Colony's Accounts for the year ended 30th June, 1957.
- (BY THE CHAIRMAN OF THE PUBLIC ACCOUNTS COMMITTEE (Mr. Alexander))

NOTICES OF MOTIONS

MANAGERIAL CONTROL OF GOVERNMENT FUNDS

MR. BOMPAS (Klambu): Mr. Speaker, I beg to give notice of the following Motion:—

To ensure that the maximum benefit be derived from Government's capital and recurrent spending, and from deployment of its public officers, the Council urges Government to set up a system of managerial control similar to the accounts control operating under the Public Accounts Committee and the Controller and Auditor-General.

FORT JESUS

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council consents to the Governor declaring, under the provisions of section 3 of the Royal

[The Minister for Forest Development, Game and Fisheries]

National Parks of Kenya Ordinance (Cap. 215), the area of land containing approximately 5.7 acres situate in Mombasa Municipality (Island), being L.R. No. 1149/XXV/80 and being the land on which Fort Jesus stands and its surroundings, to be a Royal National Park for the purposes of the said Ordinance.

PUBLIC ACCOUNTS COMMITTEE REPORT

MR. ALEXANDER (Nairobi West): Mr. Speaker, I beg to give notice of the following Motion:—

THAT the Report of the Public Accounts Committee on the Colony's Accounts for the year ended 30th June, 1957, which was laid on the Table of this Council on 14th October, 1958, be noted.

SECONDARY EDUCATION FOR ASIAN CHILDREN

MR. TRAVADI (Central Electoral Area): Mr. Speaker, I beg to give notice of the following Motion:—

THAT directions be issued by the Minister to the Director of Education to see for certain that every child after Kenya Asian Preliminary Examination receives at least a four-year course of secondary education, irrespective of age limit.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 170

MR. ALEXANDER asked the Minister for Finance and Development on the basis of the proposals in Sessional Paper No. 5 of 1957/58 what would be the loss to the Colony Revenue in 1957 and 1958 if all owner-occupiers of residential property were exempt from income tax in respect of the net value of such property.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, the decrease in tax which would result from exempting net annual values of residential property occupied by the owner for year of income 1957 is estimated at £150,000 and for year of income 1958 at £165,000.

MR. TYSON (Nominated Member): Mr. Speaker, Sir, arising out of that

reply, will the Minister tell us who would have to make up this loss of revenue by giving preferential treatment to one particular class of taxpayer, namely the owner-occupier of residential property?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, the revenue would have to be found from other sources.

MR. ALEXANDER: Mr. Speaker, Sir, arising out of the first reply, has the Government considered whether such losses would be more than compensated in capital in revenue commitments if people were encouraged by exemption from this tax to build their own homes?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, the Government has consistently stated its policy which is in line with that of the Coates Commission which has already been amplified in this House on many occasions.

QUESTION No. 180

MR. ALEXANDER (Nairobi West) asked the Minister for Finance and Development what will be the approximate loss of revenue for the year to 30th June, 1959, as compared with the previous year resulting from the relief under the new Income Tax (Rates and Allowances) Ordinance in respect of individuals with total incomes between £200 and £1,000 per annum?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, £160,000.

MR. ALEXANDER: Mr. Speaker, Sir, in view of the urgent need to preserve the Government revenue, why was it considered necessary to forego this tax?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, the Government felt that it was a wise change of policy which has been urged upon it by hon. Members opposite from time to time to shift the burden of income tax from the individual more on to the corporate and private company.

MR. MBOYA (Nairobi Area): Mr. Speaker, Sir, arising out of the reply, would the Minister state what will be the approximate loss of revenue for the same period in respect of individuals with total incomes of over £1,000?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, approximately £700,000.

QUESTION No. 192

MR. OGUDA (Nyanza South) asked the Minister for African Affairs how many of our district officers and district assistants are Kenya born and what is the breakdown of this figure according to races?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Twenty-six district officers, one assistant district officer and 63 district assistants are Kenya born. The breakdown by races is as follows:—

European African Asian		
District Officers	25	1
Assistant District Officers	—	1
District Assistants	14	48
Total	39	50

MR. OGUDA: Arising from the reply, Mr. Speaker, would the Minister tell us why the number of Africans who have been promoted to the rank of district officer is so small compared with the number of Europeans?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Because, so far, only one has been found suitable, Sir.

MR. MBOYA: Mr. Speaker, Sir, arising out of the reply, would the Minister state on what basis the promotions take place?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): The selection of district officers from persons who were born and educated in this country is made by the Secretary of State's Local Selection Board, and officers are free to apply to be interviewed by that Board.

MR. MATE (Central Province North): Mr. Speaker, Sir, arising out of the reply, what steps is Government taking to promote more Africans to becoming district officers?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I have said in my original reply that there are 48 district assistants who are Africans, and those can naturally apply to the Secretary of State's Board.

MR. ARAP MOI (North Rift): Mr. Speaker, Sir, arising out of that reply, would the Minister tell us how many Africans have applied from the United Kingdom or overseas universities for that post and have not been successful?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): To the best of my knowledge, Sir, no Africans have applied at home, that is to say, in England, for appointment as district officers. A certain number have already applied here and will be interviewed shortly by the Secretary of State's Board.

QUESTION No. 193

Mr. Oguda asked the Minister for African Affairs to state whether it is still necessary to apply the Outlying Districts Ordinance to the Masai Reserve and, if so, why?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, the Government considers that it is still necessary to apply the Outlying Districts Ordinance to Masai for three reasons: for the safety and protection of visitors and travellers, in the interests of the Masai themselves and because the Masai wish it to be applied.

MR. TOWETT (Southern Area): Mr. Speaker, Sir, does the Minister imply that when I want to go to the Masai, I must get a pass?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): I must examine the status of the hon. Member, Sir, before I answer that question.

QUESTION No. 194

Mr. Oguda asked the Chief Secretary what steps are being taken by Government to encourage African students reading Arts in Makerere and in overseas universities to join the Administration after the completion of their degree courses?

THE CHIEF SECRETARY (Mr. Coutts): The Government has stated publicly on a number of occasions that it welcomes the appointment of an African to any post in the Government service for which he is qualified. The Appointments Board of Makerere College is kept informed of the posts in Government service for which graduates may apply

[The Chief Secretary]

and these always include posts in the Administration. All Arts students of the College are invited during their final year to apply for a post of their own choice and the way of candidates is made easy by special arrangements for selection interviews which are held each year. Government also maintains a Student Adviser in the U.K. who provides similar assistance to African undergraduates in that country.

MR. OGUDA: Mr. Speaker, Sir, arising out of the Minister's reply, would he tell us whether any students from Makerere with university degrees have applied, and what considerations were given by Government to their applications.

THE CHIEF SECRETARY (Mr. Coutts): A number of students, Sir, are always applying each year, and a number have already been engaged by the Government.

MR. OGUDA: Mr. Speaker, Sir, arising from that reply, would the Minister tell us how many have been engaged by the Government?

THE CHIEF SECRETARY (Mr. Coutts): I cannot answer that question, Sir.

MR. SLADE (Specially Elected Member): Arising out of the reply, Sir, are there ever any students of other races who apply unsuccessfully for posts in the Administration?

THE CHIEF SECRETARY (Mr. Coutts): Indeed, Sir.

QUESTION No. 195

MR. OGUDA asked the Chief Secretary:—

- Must Government officials necessarily pass a test in the Swahili language, and if so, why?
- Is the knowledge of the Swahili language of any importance and/or significance to African Government officials?

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, I beg to reply:—

- Yes, in order to allow them to carry out their duties more efficiently.
- Yes, for the same reason as given in (a).

MR. OGUDA: Mr. Speaker, Sir, in view of the Minister's reply to both sections of my question, would the Minister tell us how the knowledge of Swahili makes those officers do their duties more efficiently than they would if they did not pass a test in Swahili?

THE CHIEF SECRETARY (Mr. Coutts): All I can say, Mr. Speaker, Sir, is that I am amazed at this question, because everyone in this country must know that when dealing with the general public, it is necessary to be able to speak in Swahili because many people of more than one race are unable to speak English.

MR. MATE: Mr. Speaker, Sir, in view of the Minister's view about the importance of learning Swahili, why did the Government refuse a Motion which wanted more Swahili in Kenya.

THE CHIEF SECRETARY (Mr. Coutts): The Government refused this Motion because it believes, and I believe rightly, Sir, that to teach English to everyone in this country, thereby eliminating Swahili, is much better policy, and until that time, it is necessary for certain officers to know Swahili in order to be able to converse with people who do not know English.

DR. KIANDI (Central Province South): Arising out of the original answer are the people who pass a Swahili test compensated for it, and do the Africans, who know Swahili, gain from that knowledge?

THE CHIEF SECRETARY (Mr. Coutts): There is no compensation, Sir, for those tests or examinations which have to be taken as part of a person's service. Certain regulations impose tests on certain categories of officers and no money is paid for these at all. Similarly, applying these regulations to Africans, where Africans have to take this particular test because they happen to be in that particular grade, no money is paid.

MR. MATE: Mr. Speaker, Sir, in the Minister's reply, is the Government convinced it can eliminate Swahili from Kenya, or any other African language, and put in English instead?

THE CHIEF SECRETARY (Mr. Coutts): I am not convinced, Sir, but I believe that English in a comparatively short

[The Chief Secretary] time could be made the general language of this country, and particularly the general language of business.

MR. OGUDA: Mr. Speaker, Sir, arising out of the Minister's reply to the question before the question that has just been answered, would the Minister tell us what test African Government officials would have to pass in order to qualify for a special bonus?

THE CHIEF SECRETARY (Mr. Coultis): Mr. Speaker, I think that does not arise.

QUESTION No. 199

MR. OGUDA asked the Minister for Works why has a bridge not been built across the Kuja River to replace the ferry at Kanyadoto?

THE MINISTER FOR WORKS (Mr. Nathoo): A bridge at this point would be very expensive and quite unjustified by the traffic.

MR. OGUDA: Mr. Speaker, Sir, arising out of that reply, is the Minister aware that a bridge has been built near Maccalder Mines across the Kuja River at a very, very low cost?

THE MINISTER FOR WORKS (Mr. Nathoo): The building of bridges at different points have different costs, and I am told that in this particular instance, it would cost £10,000 and this is completely unjustified by the position of traffic.

MR. OGUDA: Mr. Speaker, Sir, is the Minister aware of the fact that at other points on that river and very close to that ferry, bridges could be built at a cost much lower than the estimated cost which he is telling us of today?

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, Sir, my technical advisers have gone into the question very thoroughly and their advice is that it is not essential to build any bridge round about this point.

MR. MBOYA: Would the Minister tell us when we might expect a bridge around this particular area?

THE MINISTER FOR WORKS (Mr. Nathoo): When the money is available.

QUESTION No. 200

MR. OGUDA asked the Minister for Works is Government going to

bituminize the Jesumai-Kisii road and if so, when?

THE MINISTER FOR WORKS (Mr. Nathoo): The Road Authority has no plans to bituminize the Jesumai-Kisii road. A traffic count in April of this year showed only 117 vehicles per day on the most crowded section of the road and this is not high enough to justify bituminization.

MR. OGUDA: Mr. Speaker, Sir, in view of the fact that the distance to Kericho from Kisii is much shorter if one goes via Jesumai, and in view of the fact that this road passes through a very rich agricultural area, and also in view of the fact that the extension of the railway from Lumbwa to Kisii is not a possibility in the foreseeable future, would the Government not consider bituminizing this road?

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, Sir, the Road Authority has to take into account all these claims on its funds, and it has to look at priorities for bituminization of roads. The hon. Member is fully aware of the fact that there are other roads which carry a much heavier traffic and which require bituminization before we can take on work for the purpose of this district.

MR. KHAMISI (Mombasa Area): Arising out of the original reply, would the Minister tell us the volume of traffic that would justify the bituminization of this road?

THE MINISTER FOR WORKS (Mr. Nathoo): In this country unless a road carries at least 300 vehicles per day, we do not dream of bituminizing it.

QUESTION No. 201

MR. OGUDA asked the Minister for Works how does Government propose to make it easy and safe for people to travel between the mainland and Rusinga and Migango Islands in South Nyanza?

THE MINISTER FOR WORKS (Mr. Nathoo): Government has conferred on A.D.C.s the power to operate ferry services and to regulate ferries owned by private persons. The Honourable Member is therefore invited to address any enquiries on the state of the South Nyanza island ferries to his African District Council.

QUESTION No. 210

MR. MBOYA asked the Minister for Local Government, Health and Town Planning whether it is true that in the Nairobi African Estate, employer-built housing plots have a 99-year lease whereas an African self-built housing plot has a 55-year lease. If the answer is in the affirmative, will the Government take steps to accord Africans who build their own houses the same 99-year lease.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): No, Sir. No leases are granted in the Nairobi City African Estates for as long as 99 years, either to employers or to individual Africans. All leases are for 40 years with the option of renewal for a further period of 26 years, but the relevant By-laws are now being amended by the City Council to permit 50-year leases with the option of renewal up to 31st December, 2022. As a result, all newly granted leases will expire on the same date, thereby facilitating future redevelopment.

QUESTION No. 214

MR. OGUDA asked the Minister for African Affairs under what terms did Maccalder Nyanza Mines hold their 6,000 acres of land during the ten years before 1950?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): This area of 6,178 acres was leased to Maccalder Mines Limited for 21 years from 19th May, 1942, at an annual rent of Sh. 1 per acre, payable to Government. In addition, the Company paid to the African District Council a commuted mining rent of £3,064 10s. in respect of the whole period of the lease.

QUESTION No. 215

MR. OGUDA asked the Minister for African Affairs:—

(a) What are the 310 acres of land, set apart at Gogo Falls going to be used for?

(b) What will happen to the compensation paid to the original landowners who have up to this time refused to accept it?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): (a) The land which has been set apart at Gogo Falls comprises 113 acres and not 310 acres as stated by the hon. Member. It is to be used for the purpose of a hydro-electric power scheme for the Maccalder-Nyanza Mines.

(b) The compensation will remain deposited with the district commissioner until it is claimed by the persons entitled to it.

MR. OGUDA: Mr. Speaker, Sir, arising out of the Minister's reply to the second part of the question, which is not in any way satisfactory, may I repeat the question again? What will happen to the compensation paid to these landowners who have refused to take it; and who have said they never will?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): I repeat, Sir, the compensation will remain deposited with the district commissioner.

MR. ODINGA (Nyanza Central): Mr. Speaker, Sir, arising out of that reply, will the Minister explain to us clearly whether the Government has taken the land from these people by force?

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): That does not arise out of the question, though you may answer it if you wish.

MR. MBOYA: Mr. Speaker, Sir, does the Minister not appreciate that his answer is totally unsatisfactory and consequently that it is necessary, in view of the refusal of these people to take the compensation, for the Government to try to resolve the situation by going ahead immediately and trying to discuss the future?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Sir, every effort has been made by the district commissioner to persuade these gentlemen, who number about eight, to accept the compensation. The full procedure, as laid down by the African Lands Trust Ordinance, was complied with.

QUESTION No. 217

MR. OGUDA asked the Minister for Internal Security and Defence:—

(a) Why did Kenya Government think it necessary and opportune at the time they did, to require the

[Mr. Oguda] services of the 1st Bt. York and Lancaster Regiments, which arrived at Eastleigh Airport, Nairobi, on April 16th, 1958?

(b) For how long will this Army stay in East Africa?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The Kenya Government did not require the services of the York and Lancaster Regiment. The Battalion was despatched by Her Majesty's Government as a precaution against possible trouble in the Aden Protectorate, for whence it left after elements of it had been in Kenya for six days.

QUESTION No. 218

Mr. OGUWA asked the Minister for Internal Security and Defence why should we have two local military forces (or units), namely: the King's African Rifles and the Kenya Regiment in Kenya?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Because this Government follows the United Kingdom practice, of which the value is too amply proven to be in dispute, of maintaining a territorial force (that is the Kenya Regiment) to supplement its regular force—the King's African Rifles.

Mr. MBOYA: Mr. Speaker, arising out of the reply, will the Minister state why the Kenya Regiment is reserved exclusively for one racial group?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, the reason is the law passed in this Council in—whenever it was, Sir.

SIR CHARLES MARIAM (Ukamba): Sir, would the Minister confirm that it would be quite possible for the Member for Nairobi Area to join the King's African Rifles?

Mr. MBOYA: Mr. Speaker, I would like to confirm what the Minister said—what law?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The Kenya Regiment Ordinance, Sir.

Mr. MBOYA: Mr. Speaker, Sir, the Minister has not answered my question which was: why is it reserved exclusively

for one racial group? That does not explain it, to tell me the law.

QUESTION No. 219

Mr. OGUWA asked the Minister for Internal Security and Defence:—

(a) Is Government satisfied that the employment of unskilled Special Branch police is vital and conducive to the maintenance of law and order in Kenya?

(b) What method, if any, do Government have of ascertaining that reports received by them about citizens from such officers are genuine?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The Government does not employ unskilled police in Special Branch or elsewhere; and the second part of the question does not therefore arise.

Mr. MBOYA: Mr. Speaker, is the Minister suggesting that people employed in the Special Branch are first trained, as such; if so, how long are they trained for?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Speaker, Sir, in reply to that, I would reiterate the invitation I have given several times in this House, particularly during the last Budget Debate, to the hon. Member, and others interested, to visit the Police Training School at Kiganjo and see these things for themselves.

Mr. OGUWA: Mr. Speaker, Sir, is the Minister suggesting that all the Special Branch police we have in this country have taken a course at the Police Training School at Kiganjo?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, all the police we have are trained at Kiganjo, and Special Branch officers receive special additional training.

Mr. OGUWA: Mr. Speaker, Sir, it would be interesting to know how many such trained Special Branch police there are in the Colony.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, they are all trained.

Mr. MULIRO (Nyanza North): Mr. Speaker, Sir, arising from the original reply, is the Minister aware of the fact

[Mr. Muliro] that we know some Special Branch people who are not at all trained, and we can give examples?

Mr. MBOYA: Mr. Speaker, Sir, the Minister referred to Special Branch "officers". There may be a difference in the definition of this term. By it does he mean all the Special Branch men, including the lower levels of the force?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Yes, Sir, I use the term "officer" according to its connotation in the Police Ordinance; it means all policemen of every rank.

Mr. ARAP MOI: Mr. Speaker, is the Minister aware that most of the Special Branch men do not even know how to read and write?

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That purports to be a statement of fact or perhaps not a fact but it certainly is not a question; it is not expected that Members rise to make statements.

QUESTION No. 220

Mr. OGUWA asked the Chief Secretary:—

(a) Does the Emergency Regulation and/or section 30 of the 1948 Police Ordinance, concerning restrictions on public meetings apply to all constituency Members of Legislative Council?

(b) Why did Government deem it fit to introduce these restrictions at the time they did?

(c) Is there any justification for the continuation of these restrictions now?

THE CHIEF SECRETARY (Mr. Coutts): (a) Yes.

(b) Powers to control assemblies, processions and meetings in public places have been part of the law of Kenya since 1930. Similar powers exist in other countries. The Government has been forced to use the powers to prohibit meetings more frequently in recent months, because it was found that there was a tendency for certain types of meetings to lead to breaches of the peace.

(c) The Government must maintain law and order, and while the danger exists that public meetings might result

in breaches of the peace, it is the duty of the Government to control the assembly of persons in public places.

Mr. MATU: Mr. Speaker, Sir, arising out of the reply, does the law apply to all Members, European, Asian and African Members?

THE CHIEF SECRETARY (Mr. Coutts): I have replied, Sir, yes.

Mr. OGUWA: Sir, arising out of his reply to section (a) of the question, is the Minister aware of the fact that African Elected Members are not allowed to address meetings in constituencies other than their own, whereas European Elected Members have been known to address meetings outside their constituencies?

THE CHIEF SECRETARY (Mr. Coutts): Sir, each application for a meeting is dealt with entirely on its merits, and as each application is received it is dealt with by the appropriate authority on that basis.

Mr. MBOYA: Mr. Speaker, Sir, will the Minister therefore agree that the merit in this particular case is none other than racial discrimination?

THE CHIEF SECRETARY (Mr. Coutts): No, Sir, I do not.

Mr. OLB TIPIS (Central Rift): Sir, arising out of the Minister's reply, does this imply that the only law-breakers in this country are the Africans?

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, the question does not arise.

Mr. ALEXANDER: Mr. Speaker, Sir, in judging the merits of applications, do the authorities take into account previous records of racial venom and hatred preached by some people from certain platforms in Kenya?

THE CHIEF SECRETARY (Mr. Coutts): Sir, I thought I had answered that question in (b) where I said that it had been necessary "to prohibit meetings more frequently in recent months, because it was found that there was a tendency for certain types of meetings to lead to breaches of the peace." That is the criterion.

Dr. KIANO: Sir, arising from the original reply, would the Chief Secretary tell us about how many non-African Members of this House have been denied permission to speak in constituencies other than their own?

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, I need notice of that question because I have not got the figures with me.

THE SPEAKER (Sir Ferdinand Cavenish-Bentlick): It does not arise. We will pass on to the next Order.

BILLS

FIRST READINGS

The Kings African Rifles Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Equitable Mortgages (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Foreign Judgments (Reciprocal Enforcement) (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Interpretation and General Provisions (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Guarantee (High Commission Railways and Harbours Loan) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

MOTION

TERMINATION OF EMERGENCY

MR. NYAGAH (Nyeri and Embu): Mr. Speaker, Sir, I beg to move:—

THAT this House, noting the restoration of peace and order in the Central Province and throughout Kenya, calls upon the Government to bring the Emergency Administration to an end promptly, and to step up the social and economic reconstruction in the affected areas.

Mr. Speaker, Sir, since I tabled this Motion, certain things have happened and for these I must say I am very grateful to the Government, since they have effected relaxations. I know certain restrictions affecting movement, curfew in certain places, and meetings, have been relaxed; and also it has been promised that one of the Emergency burdens on the Kikuyu, Embu and Meru, the special tax, will be wiped out. We are very grateful for the relaxation on those points.

Mr. Speaker, Sir, in moving this Motion I would like first of all to compare the situation in 1958 and the situation in 1952 when the Emergency was declared. I think those situations are very different. In 1952, if I remember correctly, close administration and policing in this country were very poor. I will give an example; in my own district—Embu—there was only one district commissioner, very much overworked, and one district officer. Things could have happened without being noticed. A number of old chiefs were there and that was that. There were no police officers at all in the district. Today, Sir, the situation is very different. We have a district commissioner, several district officers and district assistants—that is at the headquarters; there are several divisional headquarters, fairly well staffed with officers. There are several police stations and also quite a number of new, efficient and understanding chiefs, who could never let any serious situation arise in the district without reporting it. That is only one example of a district which, I believe, is quite common throughout the country.

There is also one small instrument, but a very powerful one, which the district commissioners have, a VHR set. A district commissioner is able today, as opposed to 1952, to contact and to get in touch with the men on the spot in the various divisions, to find out what the situation is. It was impossible in 1952. I believe today a district commissioner is able to get out more often and more freely; transport is not as bad as it was. There are various officers of the Government in the various departments who are able to assist in the maintenance of law and order in their daily duties as medical

(Mr. Nyagah) officers, agricultural officers, veterinary officers. Above all, Sir, I would like to state that there are a number of people, very loyal to the State, who have shown their loyalty during the rebellion in the way they have made sacrifices to fight for the maintenance of law and order.

As I say, Sir, there is closer policing today. There are several police stations in every district, with police officers of all ranks. Many Special Branch policemen also, of all ranks are able to mingle with the people freely, or not freely, and are able to inform the Government about what is going on.

Again, Sir, I think today the Government of the country is in a better position, through experience, to be able to detect any subversive activities going on, and is able to deal with the situation like that, if it arises. It can do, this more efficiently than it was able to in 1952.

Again, Sir, I would say that cases of arson, intimidation, murder, terrorism, do not occur as they did in 1952 at the height of the Emergency; if any such things occur, it is not because people in general in the country are supporting subversive activities or trying to overthrow the Government in any way.

I speak, Sir, with some experience of living in the area which is closely affected—the Central Province. As I said before, there are some points of relaxation on restrictions by the Government but there are others which still remain, and this country would be a better place if the Government were to remove them. I make this appeal, Sir, to the Government, that one of these aspects of the Emergency which is very oppressive, particularly in the Central Province, is the existence of the curfew. I am sorry, Sir, to say this in this House, but the majority of people in this House probably know the meaning of the word "curfew" as defined in the dictionary only; when I speak of the evil of the curfew today in the Central Province I speak with some experience of what I have seen done to others and also to myself. I have seen with my own eyes women with babies arrested because of this curfew. Nobody dared to interfere or ask what should be done with the children left at home. The

culprit would be locked up, sent to a civil court, African court, or magistrate's court, and sentenced to a fine. If she was not able to pay the fine, then the alternative would be prison. She would go into prison with the child. Nobody cared for the children that were left.

On behalf of the citizens of Kenya, I would appeal to the Government to consider most seriously the removal of the curfew. I will not dwell on some abuse that has been made of the curfew powers but there has been some, and I know wherever there has been abuse, and brought to the Government's notice stern corrective measures have been taken. However, I would appeal to the Government to see that the curfew is completely removed and individuals allowed freedom.

There is also the question of movement restrictions. These are very discriminatory. Sir, in that in certain areas poverty, through restrictions on trade and facilities for employment, is very rife and I would appeal to the Government, in order to help these citizens of Kenya, who are today running into poverty daily, to remove these movement restrictions.

I would like to touch on the public meetings, Sir, some experience of which I have also gained in the last few weeks. I know the Government has allowed some relaxation on the question of public meetings, but it has not always been very easy to make use of those relaxations. It has been somewhat difficult. The Government has its own terms on which a person can hold meetings but I believe the terms under which one could apply for permission to hold a meeting were never made public. As a result, it has put some Members—and I myself—to the greatest inconvenience; I ask for permission to hold a meeting, only to find that I cannot hold it. I would say, Sir, that the crowds are very orderly nowadays. People have surrendered, I should say, unconditionally, particularly in the Central Province, but very few, if any, would ever cause any trouble any more.

For those reasons, Sir, I would ask the Government to consider very seriously the relaxation of the restrictions on holding public meetings.

{Mr. Nyagah}

Also, Sir, the Emergency has been with us for a long time now, six years, very nearly as long as the duration of the Second World War. It is time that we told the Government, particularly the people from the very badly affected areas of the Emergency, that we think that there will be no trouble if the Emergency, and its restrictions, were removed. Today, Sir, those people who were very co-operative, gave themselves to fight on the side of the Government to preserve law and order for all good citizens of this country, suffer just as much as anyone who did not support that good cause. You will find that in some areas where suspicion rests on certain individuals, suspicion of being connected with the present subversive activities of K.K.M. the Government method of dealing with such groups of people in a village is not all that could be desired. They round up the whole village in search of culprits, and they round up the good people who are in the village. Why not go for particular individuals suspected?

I think, Sir, the Government today is in a better position than it was in 1952; they have good informers, the Special Branch, loyal citizens, to point out the actual bad cases. And it would be advisable for the Government to deal with such cases individually rather than deal with a collection of people.

Sometimes, Sir, movement in the Kikuyu, Embu and Meru areas takes no consideration at all of the so-called loyalists, and it is up to the Government to inspire more confidence in the people and to help them understand this kind of law and order by playing fair and letting them know that siding with the Government in times of trouble will bear fruit in times of peace. It is for that peace, Sir, that I am asking. I feel we can say that we are relatively in a period of peace; we do not hear of murders, we do not hear of arson, neither do we hear of intimidations. And if there is peace, it is high time the Government considered removing the restrictions which tend to destroy the confidence of some Kenya citizens in the Government.

I would say that the Kikuyu, Embu and Meru passbooks are very discriminatory also, and I think it is time that the Government saw fit to have these passbooks removed. The issue of Kikuyu,

Embu and Meru passbooks in some areas is very difficult. You find, Sir, that in some areas the passbook is given to anyone who has got a chance to come and work in Nairobi or on a farm; anyone can get one. But in other areas, the issue is restricted mainly to people with loyalty certificates. These loyalty certificates were mainly intended for the African elections in 1957, and the way they were issued was not what one would have liked it to be. There are very many good people, loyalists, particularly women who missed these loyalty certificates, and when they go to get a passbook, just because they cannot produce this evidence of loyalty they cannot get one. I think it is high time the Kikuyu, Embu and Meru passbooks were done away with.

Mr. Speaker, Sir, I would like to point out that it is a very worrying point to think that there are some citizens of this country who are still held in detention camps.

They were never given a trial in a court of law. I think that the Government, Sir, should expedite this and try to bring some of these people up for trial.

In conclusion, Sir, I would like also to say that particularly in the affected areas there are some officers who have been in these areas throughout the times of trouble. Admittedly, they have done some good work in the light of the times, and of the circumstances; but today, Sir, I think it would pay this country and the Government to think of transferring them to a place where they have never been in times of trouble. Other officers, in order to gain experience, should come to areas which are troubled and do the work of social and economic reconstruction. It would give them plenty of scope and plenty of experience. Also it will be a psychological approach for the reconstruction of the people there.

There are also some areas, Sir, where *Mau Mau* never operated. Some of the Emergency restrictions are still in those areas. I think, Sir, it is absolutely unnecessary in this year, 1958, to keep some areas under the Emergency, and I am appealing to the Government that they should do all they can to free this country from this heavy burden of the Emergency.

{Mr. Nyagah}

I must say, Sir, that this Government, through His Excellency the Governor, has got the power to declare a state of emergency in this country at any time if the situation deteriorated; and even if the Emergency restrictions were withdrawn, still the Governor and his officers can declare a state of emergency.

I know that some of the causes of the Emergency were hidden from us. This country has still got to solve the human problems which have plunged this country into such a chaos. I still maintain, Sir, that with good will and understanding these human problems can be solved.

Mr. Speaker, I beg to move.

DR. KIANDU: Mr. Speaker, Sir, I rise to second the Motion moved by my hon. colleague, the Member for Embu and Nyeri.

I entirely agree with him that the time has arrived when there should be total emancipation of the people of Kenya from the Emergency Regulations. I believe, Sir, that people on this side of the House are happy to notice that violence has been over in this country for the last two years or more. It is an accomplishment by the people of Kenya that the violent behaviour which occurred several years ago has been brought to an end; and I believe, Sir, that since the Emergency was put into operation in order to combat violence, now that violence is over I fail to see any reason for continuing this Emergency administration.

The people of Kenya, particularly those affected most by the Emergency Regulations, namely those in the Central Province, are in a very peculiar position today. They have, through the good will of Government, and also perhaps the pleadings of Unofficial Members of this House, received some relaxation of the Emergency Regulations. What is happening therefore is that they are a very hungry people who are and have been hungry for freedom from the Emergency Regulations and who have not been properly fed but have only been given a spoonful to consume. They have been told, "You can do this but you cannot do that". The result has been quite a lot of confusion in a number of areas. Some people in one division have been told, "You can do this", but that those in

another division could not do that. They have been told, "In town so-and-so you can stay out as late as you wish at night, but if you happen to be in town so-and-so, unfortunately, you must stay in and must not visit other houses after eight o'clock". The confusion that has arisen is such that a person can only be in Nairobi if he has a proper pass between six o'clock and six o'clock, but in order to make use of this a person must pass a restricted area where he must get a pass in order to get to Nairobi.

I have taken a tour of the Central Province to see how the relaxation of the Emergency is operating. I can say that although there is a general brightening of faces due to the relaxation of the Emergency, nevertheless, there is a lot of confusion because of the partial relaxation in one area and not in another, while the people say, "If we are considered to be good enough or law-abiding enough, then why is there this discrimination between district and district?" They find that things they can do in the rural areas they cannot do in Nairobi.

The other problem that has arisen as a result of this continued Emergency despite the peaceful conditions of Kenya is that although some of these regulations do apply to some of our people, nevertheless, in practice, they have tended to have a discriminatory effect. Not a very long time ago, this afternoon, we were told that restrictions or regulations regarding political associations applied to people of all races who are Members of this House; but in practice, Sir, we find that it is usually the African Members of this House who have difficulties in finding permits to address meetings in constituencies that are not their own.

The feeling is, if these people are the people who have been elected peaceably and according to law to be the spokesmen of their people then why is it that these same people are not considered safe enough to address their own people, except in their own districts? It appears to me to be rather ridiculous, or shall I say, rather contradictory, that what is said here in this House is reported nationally or territorially without what we say only going to our own respective districts. What we say here is reported throughout the territory; and yet to

[Dr. Kiako] speak outside our own territory is wrong—we must address people in our own respective areas; and this is a contradiction of practice. Are we restricted even in this House to have our words published in our own district? We should get rid of these restrictions which are most illogical and unnecessary and I must say, in practice, discriminatory.

Furthermore, Sir, in this country, we do not want to see development of subversive political behaviour. I think that my colleagues have indicated quite clearly that they, all of them, are completely and entirely opposed to subversive political behaviour. But, Sir, if the Government, like ourselves, wishes to see constitutional politics obtaining in this country, and if, like ourselves, the Government wishes to encourage above board behaviour in the political field, I fall to see the logic behind restrictions of the freedom of speech by those people who have been constitutionally elected so that they can develop and help the development of constitutional politics in the country. If you restrict at constitutionally elected person from expressing his ideas in areas other than his own, if you restrict the political meetings of people, and they are constitutionally elected according to a franchise system which was devised by our very Chief Secretary, when he has been elected according to those completely proper—although I might say not quite acceptable to us—procedures, then we feel that the constitutional development ceases and that the people elected by the people should and must be allowed to speak to the people.

Now, Sir, another problem which has arisen in the position of Emergency Regulations which we say are unnecessary at present, is that things do arise in the execution of the Emergency administration which I know even the Government Members themselves do not quite approve of or like.

I have just completed a tour of the Fort Hall District to see how the Government officers are going about fighting or, shall I say, suppressing the K.K.M. movement. I must say that efforts are being made by the Government to see that this organization does not spread and that it goes down and

down and down until it is entirely finished. In this task we are all together—in this task of seeing that subversive organizations do not spread in this country all of us are behind any person who fights against a subversive movement. However, Sir, I have noticed that in the attempt to fight against this movement some people, because of the great powers that have been given to them, tend to have perpetrated action which I am sure even the Government officers themselves will not approve. I do not intend to go into details of these things because they are the kind of details that should be discussed with the Minister concerned; but I can only say to those interested that if they would like to see Thuita village in Fort Hall, or the Kahuti village, in Location 10, or they might find things that can occur in the Emergency administration when junior officers are given too much power to exercise over their fellow citizens.

I have seen a situation, Sir, where a people, due to the information provided by sometimes questionable authorities, and when I say this I should say that I can substantiate this to the Minister concerned, curfews have been put over villages, people have been disturbed at night, and even in some cases manhandling has taken place, only to find out later that some person who provided information has confessed, himself, that it was not true. I saw this only last Sunday in a particular village and, as I say, I will give the details to the Minister concerned.

This has happened because too much power and discretion has been given to junior officers who, under civil and peaceful administration, would not ever dream of being in such highly powerful positions. These are the people who are making peaceful administration in Kenya difficult, even for the Government itself, because, even so, the Government does not approve of this kind of behaviour.

Now, Sir, we come to some of the details of the Emergency administration which are difficult even for the ordinary law-abiding citizen to observe. I intend, Sir, within a very short time to lay a question finding out how many Africans, particularly the K.K.M., are arrested nightly or weekly on the basis of these Emergency Regulations.

[Dr. Kiako]

Now, Sir, I do not believe in a breach of the law, but I also believe that a law should have as much as possible public opinion behind it; and when a law is so complicated and so difficult and so much of a nuisance that even the ordinary law-abiding citizen cannot observe it most of the time then there is something wrong with that law; and a situation has arisen in which hundreds and hundreds of Africans every week are arrested—people who are law-abiding—and expatriated from Nairobi simply because they happen to be five minutes late in getting into their houses.

Now, Sir, I ask—what are the constables supposed to protect in Nairobi? Does it mean that a person, just because he happens to have been born in Fort Hall or in Kiambu or in Nyeri or in Meru or Embu, just because he is born in any one of those districts, then he has criminal propensities? I know people who were born here and overseas who have criminal propensities, and for that reason, Sir, we cannot make regulations that refer to only one people just because they happen to have been born in one place and speak a particular language.

I believe, Sir, that criminals must be dealt with as criminals and that the laws must apply to all and that they must not apply to one tribe or one race and not to the other tribe or the other race. I do not believe, Sir, that I am more likely to break a law, because I was born in Fort Hall, than the Minister, because he was born elsewhere. For that reason, Sir, I think the laws governing his behaviour and mine should be the same.

Now, Sir, I come to the last point. It is said in the Motion that we should concentrate on encouraging social and economic reconstruction of the areas affected by the Emergency. Now, Sir, I am sure that the Government, as well as ourselves are concerned with the problem of reducing or fighting against poverty in this country. It is a problem which faces us all. I would ask what the plans are in meeting this challenge.

One of the most difficult ways of fighting against poverty is to try to improve the economy of the people, to improve the commercial activities of the people on, the one hand, and on the

other hand to bind these people, foot and hand, so that they cannot move. To encourage trade there should be maximum movement in the country. We should be able to move from Limuru to Fort Hall, from Kiambu to Mombasa, from Nyanza to Embu and Meru, in search of trading opportunities. Without free movement it is very difficult to have trade. That has been found out in all other countries. Free movement and the development of trade are two inseparable factors; and when we talk of improvement of social conditions and economic reconstruction in the affected areas, Sir, one of the most important things to be done is the question of the freedom of movement of the people of this country, irrespective of whether they are Africans or Europeans, Kikuyu or Wakamba—all must be given their freedom of movement.

Now, it is said that some of the reasons why this freedom of movement restriction continues is not only because of the problems of unemployment and of housing. I will not come to the question of housing and unemployment in this Motion, because if I did so, Sir, I would be debating an issue which is not directly relevant to the Emergency. All I can say, Sir, is that we do not solve our problems in this country by hiding our heads away from it. We do not solve the problem of unemployment in Kenya by hiding the unemployed in the Kikuyu areas. If they are unemployed in the Kikuyu areas then they are unemployed in Kenya, whether they are in Nairobi or not. That is why I do not believe that the argument on unemployment or housing is going to be the best answer to the question of removing freedom of movement.

Well, Sir, the next point I want to deal with is the question of political associations. Sir, the Government has its reason why it has been found necessary to put up this Emergency Regulation of saying that Africans will have political associations restricted only to their respective districts. Now, Sir, whatever the reasons are, we cannot run away from the accusation that if you continue to have restriction we are definitely assuming *a priori* that Africans are politically irresponsible and that everybody else is responsible; because, Sir, the non-Africans inside and outside this House

[Dr. Kilano] I am allowed to have their political associations in the way they want to have them. If they are allowed so to do then it is difficult to argue logically and fairly and according to the rules of justice that the African people must not do the same. The day has come when we, who sit in the legislature and make laws for the entire territory, and the people we represent, should be given the same regulations regarding political associations as any other group.

Sir, look at the ridiculous situation in which some of us find ourselves. I represent an area of three districts. Some of my friends represent areas with more than one district. We are supposed to have three or four political associations according to the number of districts that are in our constituency. Now, Sir, these are the people who have collectively voted for one person, but cannot form a political association in one unit. What the logic of that is I cannot see. All I know is that I will be told that once upon a time there was a political association in this country which the Government found most undesirable, and for that reason this law was found necessary. That being the case, are we being told that just because once upon a time a political association did things that the Government did not approve, therefore we shall not be allowed again to have a similar organization? I am sure that that is not the answer from the Government benches, but if it is so then a question must arise. Are we going to be allowed to form territory-wide political associations? Are we going to have to wait until someone on the Government side says that so-and-so and so-and-so are very reasonable politicians?

If the Government is waiting for us to be reasonable then the question is, whose definition of reasonableness is going to prevail? I am an Elected Member for a particular constituency, and I am particularly concerned about being reasonable to my people and about their demands as to whether or not the Government considers their demands are reasonable. I represent a people to whom I want to be reasonable and to whom I want to give reasonable leadership. But I am not going to wait for the Government to consider me reasonable, because the Government is not my electorate.

We will have to have a very objective person to define what is reasonable. I have already said that some of these Emergency Regulations are not reasonable. I know that the Government says that they are reasonable. There, I know, is a difference of opinion, and I personally feel that the only way in which you can find out how reasonable a person is is to let him act and find out how he acts. You cannot say that African political associations are going to be unreasonable until you have seen them working. Just because one was considered wrong that does not mean to say that the next one will necessarily follow the same line. I will not say that I am unreasonable because I will wait until I have organized a political organization or association. When I say that I do not say that to include me, but that includes the African people. When there is a territory-wide political association from Kisumu to Mombasa and from Taita and Taveta to the N.F.D. in existence then we can say that this, being enjoyed by non-Africans in the country, is also accorded to us. I do not believe that we must continue to be controlled by fear; and looking back at history, because this country has had a very disturbed history it does not mean to say that because the Africans have had such and such a thing they should not be allowed to have it again. I, personally, do not believe that history has a way of repeating itself, but the Kenya Government seems to believe that it does and they are afraid of seeing another organization which might resemble the Kenya African Union.

Now, Sir, I come to my last point, which concerns the closed districts. Now, Sir, I am not referring to the Northern Frontier District which has been closed for a long time and which was the subject of discussion a not very long time ago in a question, but I mean the districts which were closed during the Emergency, particularly the Central Province, which necessitated that any non-African, or even non-Kikuyu, should have a permit before he enters those areas.

Now, Sir, the first thing to mention is that this was one of those regulations which are becoming overbearing because I do find a lot of people in those areas whom I am sure have not taken the trouble to get passes. It is no longer

[Dr. Kilano] ... necessary that a person who is not a Kikuyu, Embu or Meru should first go to the district officer or district commissioner in order to visit his friend in the district concerned. This regulation is a nuisance, not only to the Kikuyu, Embu and Meru themselves, but also to all the people of Kenya and the visitors from overseas. It is when you consider this specific regulation, the question of tax, the question of curfew, the question of special passes into the closed district, the question of political associations, the question of too much power in the hands of untrained and rather irresponsible persons. When you consider all these, you ask yourselves, "Why are all these things continuing when violence is over?" We are likely to be told by the Government that if there had not been a recurrence of a movement known as the K.K.M., that this would not have been necessary.

I am sure that every person in this House regrets the recurrence of any kind of subversive movement. I, personally, however, do not believe that the way to do it is to punish by restrictions, by rules, by oppressive laws, every person in the Province irrespective of whether he is a law-abiding person, or not.

Mr. Speaker, I beg to second the Motion.

Question proposed.

SIR CHARLES MARKHAM: Mr. Speaker, it is perhaps opportune, as it is almost six years ago since the Emergency was declared, to state our views on this particular Motion, Sir, which has been put forward this afternoon.

For somebody who claimed that his tribe, or himself, was oppressed, I thought, Sir, that the seconder of this Motion was singularly fortunate. He spoke at length about the wrongs and the troubles affecting his particular tribe in the Central Province; and for somebody who is oppressed he certainly seemed very free in his remarks this afternoon.

Now, Sir, we all know, we all accept the fact that the Kikuyu have made great progress in recent years during the Emergency and that the Government themselves have, through a policy of

close administration, brought a measure of peace to the Reserve. At the same time it was perhaps unfortunate that K.K.M. broke out when a lot of us had hoped that the Emergency had nearly come to an end. I know, Sir, that the hon. Members on my left have all denied the K.K.M. and I accept that. Nevertheless, the fact that, in the midst of an Emergency, yet another secret society could come forward, surely must cause concern to all those who want to see peace finally brought to the Central Province.

Sir, in his speech, the hon. Member for Central Province South spoke at length about being the elected spokesman of his people and also the question of freedom of speech. He also talked about the rights of political organizations to be formed. Sir, I do not know where the hon. Member was during the critical years following the declaration of the Emergency, but I would like to remind him of the many thousands who died because of a political movement which brought the Central Province into a bloodbath which lasted for many years. Why did those thousands die, Sir? (And I do not think we will ever know the exact figures of the casualties inflicted by the Kikuyu on the Kikuyu.) Why did they die, Sir? I believe, they died, thanks to one individual person who is now a convicted criminal up at Lokitaung, Jomo Kenyatta. And, Sir, we are asked in this Motion today to lift the Emergency, yet at the same time, we have certain Elected Members who claim that Jomo Kenyatta is still the leader of the people. Yes, indeed, Sir, I am very glad to hear the Member for Nyanza Central confirm what he has said before. Right, Sir, he is saying "Quite right", and yet he is also asking in this Motion for the Emergency to be lifted. The one person, with his colleagues also convicted at Lokitaung, who caused the Emergency is still claimed by some of them to be their leader.

Now, Sir, it has been denied by many brave men in the Central Province that Kenyatta is still their leader. But others have not made their position clear, and I would like to ask all African Members who speak in the course of this debate whether they still think that Jomo

[Sir Charles Matham] Kenya, who, with *Mau Mau*, caused the blood bath which we had in the Emergency, whether they still think he is the leader of the people. Perhaps, Sir, the Member for Nairobi Area will state whether he thinks that is so, especially as his political party have asked for a day of mourning on the anniversary of the arrest of Jomo Kenyatta.

Cries of "no significance" —

Sir, it has plenty of significance. The fact is, this Motion is asking for relaxation and the end of the Emergency Regulations. As far as I am concerned, Sir, I have every sympathy with the idea of the Mover and the Seconder of this Motion to get the Emergency out of the way as quickly as possible, but I would like to remind the House of one particular issue: it was not only violence that caused the Government to start the Emergency in 1952. It was also the way that subversion was continuing throughout the Central Province and Nairobi. Has that situation improved today? Yes, Sir, I say it has, but there is still the danger that emotions will be stirred up thanks to misdirected remarks made by certain people in Kenya.

I do not claim, Sir, that I myself am free of guilt on some occasions, but the mob violence which can so easily be caused through the way of working out hate and venom against any one race must surely, Sir, be a lesson to us if we want the Emergency to end. I would say that the Emergency could be ended tomorrow morning, Sir, by the leadership of the African Elected Members. Their leadership must be there; it must not be directed, as it is in some cases, to revive and make a hero of the one man who has caused so much misery.

Sir, it is with regret, therefore, that I cannot accept and cannot support this Motion, and must oppose it.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I should like to congratulate the hon. Mover on his constructive and I thought, moderate speech, but it did appear to me that perhaps he drew some wrong comparisons. He made his comparisons 1952 and 1951. I feel, Sir, it would have been much more objective if he had made his comparisons between

1954, at the height of the Emergency, and 1958, today. And I propose, Sir, if I may, later on to elaborate on that theme.

Now, Sir, may I say that Government cannot accept the Motion as it stands, and later in my speech, with your permission, Sir, I will move an amendment. My friend, the hon. the Chief Secretary, will speak to that part of the Motion that deals with law and order in the Central Province and in Kenya generally, and I, Sir, propose to confine my remarks mainly to the social and economic reconstruction which has taken place, particularly in the Central Province over the past two years. But before I do so, Sir, I would just like to mention the question of detainees and *Mau Mau* convicts since the hon. Mover touched upon them. Hon. Members will remember that in the Budget speech, I said that of the 77,000 persons who had been detained during the Emergency, some 67,000 people had been released. To date, a total of 72,000 persons have been released from detention, and Government has taken a further bold step forward: of the 3,200 convicts, persons sentenced for *Mau Mau* offences sentenced to terms of imprisonment, some 2,900 have been transformed into detainees and will be placed in the pipeline for accelerated release. Of course, certain categories of *Mau Mau* convicts will not be so transformed—those persons up at Lokimung and others who were sentenced to death for murder and whose sentences were commuted to life imprisonment. I am glad to say, Sir, that this bold step in rehabilitation has been so far, on the whole, successful. But I would like to remind hon. Members that these particular convicts who have been transformed largely into detainees were among the very hardest core. They were for a long time at Embakasi building the airport, and if we are successfully to pass these convicts through our pipeline for release, we must do so carefully and we must keep Emergency regulations in being in order to see that when they are released, there is no recurrence of what went on before.

I am glad to say, Sir, that including these ex-convicts and detainees, there remain only 4,500 detainees in the pipeline, the vast majority of whom will be filtered out into the reserve.

[The Minister for African Affairs]

Now, turning, Sir, to the social and economic side, from what I have heard today, there does seem to be perhaps some lack of appreciation of what actually did occur in the Rift Valley provinces and in the Central provinces in 1953 and 1954 at the height of the Emergency. So perhaps, Sir, I could just briefly recall what was going on in those years, and then compare what was happening then with what is happening now. And I feel sure that hon. Members will agree that the reconstruction of social and economic life in the Central Province has been nothing short of remarkable and it has been largely due, Sir, to the loyal Kikuyu, to the Red Cross, to the civil servants who work in that Province and, Sir, to the fact that a Government has devoted a very large sum of money to the Central Province; let me repeat, Sir, a very large sum of money to the Central Province at the expense of other provinces who had no part nor parcel in the Emergency, and that fact occasionally escapes us.

Now, many hon. Members will remember in 1954 the criminal acts committed by the *Mau Mau*. They will recall, perhaps, that in one year in the hon. Mover's own district no fewer than 40 schools were burned down; they will recall, probably, again in the hon. Mover's own constituency, tea bushes were uprooted, coffee was slashed as was livestock, attacks were made on the training centres and markets, school teachers, agricultural instructors and veterinary scouts were foully murdered. And to prevent slaughter of the loyalist Kikuyu population, we were compelled in the Central Province to gather into villages all the Kikuyu, Embu and part of the Meru. And by gathering them into villages in order to protect them under the eyes of a homeguard post, Sir, we had also to guard them at work so that of these fertile acres in the Central Province, many of them were left untilled and went back to weed and bush. Acres of wattle were felled because they provided hideouts for the *Mau Mau*, and livestock had to be herded into the bomas with consequent loss of condition and death through disease for the same purpose. And, finally, the disruption of economic life in the Central Province was completed

by the return of literally hundreds of thousands of Kikuyu from other areas. Some, I admit, had been moved as a punishment by Government, but the vast majority had moved themselves because their *Mau Mau* leaders had told them to go back. Sir, in those evil days, there was no actual famine, but the Province was very near to it. Many hon. Members no doubt went to the Province in those days and saw these poor children suffering from malnutrition, there was a very high instance of kwashiorkor; many hundreds of children were orphans; their parents had been killed or had gone to the forest. That, Sir, I submit, was the picture in those days of 1954 in the Central Province; a Province engaged in a life and death struggle against the *Mau Mau*, a Province, built up over the years, of tremendous wealth, but devastated.

And now, Sir, in this year 1958 what has happened? Let me say a word or two about the social side first of all, the health side.

Many villages now in the Kikuyu District have a pipe water supply, a boon and a blessing for the Kikuyu wives who had to go down hills to fetch their water. Mobile ambulances tour the divisions; new health centres have sprung up; there are many more schools—schools that were rebuilt, having been burned down by the *Mau Mau*, and additional schools as well. There is a flourishing system of women's clubs all over the Province, thanks to the Red Cross and the community development, and they have dealt vigorously with the problems that presented themselves of malnutrition; they have organized children's crèches and clinics, and the health of the Kikuyu to-day is probably as good as it has ever been in a very short space of time. Finally, Sir, we have a series, a promising series of experiments going on with youth clubs.

And to turn for a brief moment, Sir, to the economic side. First of all, on co-operative societies. In January, 1955, there were 123 registered societies with a total membership of 18,600 and a turnover of £350,000. At the end of last year there was a total number of societies of 184 with a membership of nearly 50,000, and with a turnover of over £1,100,000. I do not think that is a bad record in the space of three years.

[The Minister for African Affairs]

The trading centres have been re-established and the markets and many of the restrictions that lay upon the trader have been removed. And, indeed, Government is actively encouraging wholesale companies, African wholesale companies, to set themselves up in the various districts of the Central Province.

And, Sir, just to turn again for a brief moment to the field of agriculture: the development has been spectacular. Land consolidation in Kiambu has finished; the fragments, over an area of 220,000 acres, have been completed and demarcated. A few more months will see its completion in Nyeri. Coffee, tea, acacias are expanding very rapidly indeed and a tea factory, costing, I am told, over £60,000 has been erected at Ragati by the Government from a loan. Farm institutes are being set up in every district in the Central Province. Improved livestock is being introduced, both shahiwal and exotics. Pyrethrum and tobacco has expanded, and there is a substantial irrigation project in Lower Embu. Loan facilities, while not meeting the demands, have increased and there was a special loan made to the loyalists.

Now, Sir, I believe that this record of achievement in the Central Province shows that the Government, with the assistance of voluntary associations and with the business houses of Nairobi, has, in fact, made the greatest possible effort to restore and to increase the social and economic services in the Central Province. And, Sir, proof that this is so was a conversation that I had the other day with a bank manager in the Central Province who said that his Savings Bank accounts two years ago were tens a month; last month, and for several months previously, his Savings Bank accounts are being opened in hundreds, and in November, he tells me that there will be over 1,200 accounts being opened in one bank in one town in the Central Province.

Now, Sir, I did say earlier that with your permission, I would move an amendment to this Motion, and the amended Motion I should like to move, Sir, is this: that this House, noting the improvement in peace and order in the Central Province, and throughout Kenya, calls upon the Government to bring the

Emergency to an end as soon as possible and to continue to step up social and economic reconstruction in the affected areas.

I beg to move.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack) seconded.

Question proposed.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think the words of this Motion are so similar to those of the original Motion that under Standing Order 62, I must rule that the matter of the amendment is not conveniently severable from the matter of the Motion, so that any Member in future who speaks to the amendment which is now before the House will be held to have equally spoken to the original Motion.

MR. OLE TIPIS: Mr. Speaker, Sir, I rise to support the original Motion, not the amendment. Personally, Mr. Speaker, I think we all recollect that during the Emergency most of our people saw the evils of *Mau Mau* and did everything possible to bring back peace and order into our community, and they did sacrifice a lot, serving day and night chasing the *Mau Mau* criminals into the thick forests and valleys and most of them lost their lives and property. Now it sounds to me, Mr. Speaker, rather illogical that those who really did their best to serve this country and fight the evils of *Mau Mau*, having brought the devil down to his knees and senses, they are still required to observe the curfew restrictions when the situation has so improved. For instance, you still find in some parts that a man who has been working the whole week long, and who attends a cinema show at night, as soon as he leaves the social hall, he is arrested outside that hall for breaking the curfew, whereas the same man was called upon during the heat of the Emergency to spend the whole night in the bush fighting these evil people. I am sure I do not understand this at all, and it is quite demoralizing, if I may say so.

Turning to movement restrictions, I think it is time the Government gave it serious thought because if a man has been so loyal throughout and if he is a sound supporter of the Government—he has no subversion in him, and he is all out to help the Government during the period of trouble—it is only fair

[Mr. Ole Tipis] that the Government should compensate him by allowing him at least to move freely within his province or from one district to another without any unnecessary restrictions. This especially applies to the small African traders who are the main originators of the homeguard movement.

The other point, Mr. Speaker, Sir, is that you find some farm workers in some parts even today in the Rift Valley Province who are not allowed to move from their farms to a trading centre without passes from their employers, and if they do so, they are open to being arrested. Now, Mr. Speaker, are we to go on encouraging our people in that way to be good citizens; if so, we should take stock of the situation as it stands today and try to put things right.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair]

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

On the other hand, Mr. Speaker, we all remember that when the Emergency was declared, some labour camps were put up in order to avoid the unnecessary roaming about of those who were not allowed to move about because of having good. There are some people in this country who would not like to see anything good, but would only like to see something bad. I would ask the Government to consider putting out those people who are making a lot of mischief and encouraging a lot of bitterness; they should screen them and put them out of this country if necessary.

With these few words, Sir, I beg to support the original Motion.

MAJOR DAY (Aberdeens): Mr. Speaker, Sir, I heard with interest what was said by the Minister for African Affairs and it is quite apparent that any sensible man of any community in this country must realize that the sooner the Emergency is brought to an end the better. I have felt, nevertheless, that the Minister painted perhaps too glowing a picture of the present position. I would beg Government to be most careful in any relaxation that they may have in mind to make. I would remind the House that though it may have no connexion with subversion, within the last year two

to join hands together and fight the forces of destruction. There are bad Europeans as well as bad Africans, so when you challenge us that some of our people are irresponsible, when are you going to deal with the irresponsible elements amongst your community?

Now, Mr. Speaker, before I conclude, I would ask the Government to really remember that in the old days, when we people, we Africans, were carrying on tribal wars, you could only raid an enemy, beat him and push him right on to the borders of his country. But if having conquered him you persist on pushing him, further punishing him unnecessarily, you are going to create a difficult position where this so defeated tribe would raise all its arms and fighting materials to resist such pressure.

That is the position we are now facing in this country. I would earnestly ask the Government to think this matter over very, very carefully and declare the Emergency at an end, because if that is not done it is going to create more and more bitterness and it is only going to help those who are out to destroy racial harmony and the economy of this country as a whole.

Now, Mr. Speaker, I think it is time we really got together and did something good. There are some people in this country who would not like to see anything good, but would only like to see something bad. I would ask the Government to consider putting out those people who are making a lot of mischief and encouraging a lot of bitterness; they should screen them and put them out of this country if necessary.

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[Major Day] murders have occurred in the Molo area under brutal circumstances. I would remind you, Sir, and the House, that this is not a question of seeming to retard the economic development of the African; it is rather a question of trying finally to produce a Kenya where law and order are established.

I would therefore support the amended Motion, Sir, but I would urge the utmost caution and care before any further restrictions are relaxed.

MR. MATE: Mr. Speaker, Sir, I rise to support the original Motion and to oppose the amended Motion.

Sir, before I do so, I would like to make some remarks about what I call side-lines that have been brought into the Motion by some speakers in order to cloud the issue. The issue concerns the general population of the Central Province which numbers around two million. The Member for Ukamba, basing his arguments on the words uttered by the Member for Nyanza Central—brought in the name of one member of these tribes who is serving a penal sentence today among many other prisoners and many other detainees. Both Members, I feel, are playing on the emotions of the people in order to cloud the issue regarding the real welfare of the people of the Central Province, because, Sir, as I said before, each country has a history. These political leaders had their part to play in the history of Kenya, not only by themselves but with others. I know other people who were detained and who were founders of political associations; I know the past president of the Kenya African Union, an able leader, who is Mr. James Gichuru; he is still restricted.

Now is one name more important than the two million inhabitants of the Central Province, so that Members of this House can play on these particular names in order to cloud the issue? I feel, Sir, that the individuals in bulk in Central Province are more important than any particular individual, and we should treat them as such.

I feel, Sir, at the same time that these particular people in prison and detention camps are subject to the same measures of rehabilitation as anyone else and they should be given the opportunity that others have had for coming back.

We know people who have already been in prison or detention camps; they have come back and have gone through rehabilitation. They have come back. But I do not see why any particular Member of this House, whether African, European or Asian, should all the time try to drag in or appeal to the emotions of the people in Kenya in order to cloud the issue.

No one here would argue that Mr. Jomo Kenyatta was not a politician before he was detained and before he was locked in with many other people; this we know as an historical fact in Kenya. But the problem today is: how shall we face the problem in the Central Province, including people in prisons and those detained. I would like these Members to tell the House what their particular feeling is about the ordinary man and woman in the Central Province who experiences the curfews. These are the day-to-day problems.

Looking at the other countries of the world which have had leaders at some time or another, and where things have changed, do they often feel it is so important to forget the other people detained and just keep on repeating the name of one man. He was, as far as conditions go, like any other person.

Mr. Speaker, Sir, coming to the Emergency in the Central Province, I would join my two other hon. colleagues, the Member for Central Province South and the Member for Nyeri and Embu, who said that they note with appreciation the lifting of certain restrictions in the Central Province in various parts, and they appreciate that only too well. They are our own constituents. But, Sir, there is the difficulty which many people not in the Central Province do not realize, that it is very difficult for the ordinary man and woman to go to an office or to a chief to apply for a movement permit; that is not easily appreciated by the Members of this House. How many see the district officer as and when they wish—and these are the majority of the population. But the laws apply so automatically that it means that these are the people who are complaining; and I do not see how anything short of a total relaxation of movement restrictions could help.

[Mr. Mate]

Just now we have had the curfew lifted in some parts and movement passes made easier. Since the curfew was lifted in the Meru district, there has not been any rush by the people to go out of their houses at night or even to cause any harm or anything; things are as normal as they could be and they are very happy about it. In the same way we could relax restrictions on movement. I think we are being a bit artificial when we talk about the dangers of lifting these restrictions. Sir, in towns like Nyeri, where the curfew has been lifted up to a certain hour each evening, we have not had any rush of people going out and doing evil things. Today I would like to speak on behalf of the ordinary man and woman—and that includes the loyalists and the people who have just come back from detention or elsewhere—all these people in the Central Province who are not big enough or important enough to go to a chief or a district officer and be regarded as someone; they are mainly told, "Go away and come back tomorrow".

I feel, Sir, the time is ripe for these people to feel that they are free.

Sir, the remaining restrictions include things like the curfew, limitation of drinking and association between people and things like the fact that no three Kikuyu, Embu or Meru can meet today and talk about anything because there is a rule that there should not be meetings of such people unless authorized. I feel that any time I meet my other two colleagues from the Central Province we are contravening the laws. That is happening every day in the Central Province. Government knows only too well that these laws are no longer needed. This is the kind of commonplace approach I would like to see in this Motion rather than taking the general question, as if the Emergency affects nothing, it is just a thing there—when actually it concerns the ordinary men and women in the Central Province.

There are other rules in the Central Province regarding what people ought to do here or what they ought to do there, things having to do with communal labour, things to do with whether they should drink beer or not, whether they should dance or not. Already I know many people who are finer because they

are found dancing, and because it is not allowed for people to meet. But it is so absurdly regulated that the chiefs have to arrest men and women, take them to law, fine them their shillings, when they have wasted money on buying records and needles and also getting themselves ready for the dance. Sir, this is one of the things that the ordinary men and women in the Central Province experience; it is one of the things that makes them so annoyed and one of the things that Government cannot see. The chief says: "It is absurd, but we must do it." Many people say: "It is absurd now, but we must do it." That includes the headmen.

Mr. Speaker, these are the small things that I feel matter more to the people in the Central Province, rather than mere generalizations about the Emergency.

Turning to another kind of argument that is felt advisable by the critics and those people who are very keen to see the Emergency continue, there are people who feel that because of the changes that have taken place in the Central Province—things like villagization, land consolidation, the appointment of many Government officials, headmen and district officers, the nomination of committees and their presence today in the Central Province, the many schemes—if the Emergency were lifted these schemes would be interfered with by someone and it might hinder progress. There are people who feel that because of the Emergency laws people can live in villages and they cannot act or do anything subversive, and so it is a good thing. I think Government should look for people who are not afraid of problems and put them in these positions, rather than have extra laws in order that they may not be criticized by the people. Just now, it is felt that if they criticize a chief or a district officer something might happen. One might go to an office and be unable to get a pass because he was found talking at a meeting. In a public meeting, many people are afraid to speak just because there is this shadow of the Emergency.

I would say, Sir, that the people in Central Province will have their own problems like the people in any other part of Kenya, their problems such as landlessness—that is not peculiar to these

[Mr. Mate] people, now or even before the Emergency. So it is up to Government, when they talk about land, to take it as a separate issue. There is the question of communal labour. It is a burning problem in the country as a whole; it is not merely a Central Province affair. There are other things like congestion of population and the problems of farming; these are not peculiar.

If there are any wrong aspects or criticisms concerning land consolidation, or where people want elections for a committee, or headmen, or chiefs, these are not peculiar and no Emergency administration should be used to enforce this kind of thing. It should not be said that the Emergency cannot be removed in case things go wrong. What we want are able administrators who can understand this problem and see it through.

Mr. Speaker, on the question of meetings and associations, we have condemned subversion because we believe that it is not the right way of doing things, but the opposite of that is open and free expression; and if the people are not free to criticize the schemes that are going on, if they are not free to criticize the behaviour of a chief or a district officer, without any fear of incrimination later by the Government, and just because the Emergency is here—if they are not free to do that then how can you expect the Kikuyu, Embu and Meru to be different from any other people in the world and not talk about their problems? It is up to the Government to say that these are human problems and to solve or face them and not postpone because of a weak ruler or a weak administrator. Mr. Speaker, I feel that if any other interpretation is put in when speaking about politics it is not a peculiar thing to the Kikuyu, Embu and Meru. They are going to be proud of themselves. They are going to be proud of being Africans. They are going to be proud of being Kenyans. Further, they are going to have opportunities to talk politics and study their problems. This is not an Emergency problem. So I feel that we must be free to talk and give views on political issues. This is not too much for a district officer or a chief to fear what the people have to say according to how they feel about particular issues.

We have been given the opportunity of forming district associations. Are they political or non-political? Are they afraid of these associations because of talking politics. The people have the right to organize themselves properly and talk politics. I feel, Mr. Speaker, that the Government should deal with the problem as far as possible. We cannot hope that the Kikuyu, Embu and Meru are going to keep quiet all this time and have nothing to do with these things.

Mr. Speaker, coming to the question of subversive activity in the Central Province, we feel that it is really putting the clock back that some people should find the time and energy and waste that time and energy in organizing themselves in not settling their problems fully. It is clear that the Government have the control and are able to keep the people in the particular areas in order to do this kind of thing, but I feel, Sir, that where the people demand political freedom they must be given that opportunity where they can air their feelings, because otherwise the ordinary man is likely to fall into the hands of a bad man just because he says: "I know the way out and I am going to help you".

Mr. Speaker, the Minister for African Affairs says that a lot of schemes and improvements have taken place in the Central Province. I agree entirely and I appreciate what the Government is doing in the way of trade, farming, and many other improvements. But there are still many improvements that we want sorting out. We want people to be able to talk more freely. We want the lifting of restrictions and we want to get richer; but we will not do that without the lifting of restrictions. Without the removal of restrictions we cannot do that. We would like even more loans, but all I am saying is that the Government, in achieving this, is appreciated, but we must do more if we are to prosper even more.

Mr. Speaker, I feel that we should think of the ordinary man more than people who find it easy to get the passes or any other thing, and the general behaviour of the people of the Central Province. Where the restrictions have been lifted we see how the people behave at public meetings, such as locational meetings; there have been no incidents. But the Government is not prepared to

[Mr. Mate] listen to what people have to say about education, politics in Kenya, about the Constitution, and so on. When that attitude prevails I do not see how we can hope for any kind of thing that the Government wants because I know that if we are political we will not be given room to talk politics.

It has been said that we are free to talk. Would any Member like to attend a meeting with my constituents—and see how they are not free to talk. They are afraid. In this House we are free enough; but what of the ordinary man in the countryside?

Mr. Speaker, I beg to oppose the amendment.

Mr. MBOYA: Mr. Speaker, Sir, it is once more unfortunate that the Government has seen fit to try to water down the Motion which I thought was moved with all sincerity and a sense of reasonableness to try to see both sides of the picture. It is not only disheartening but very frustrating that this sort of situation should exist time and again. It is also very disheartening that when African Members bring such Motions into the House some Members specialize in trying to introduce irrelevant issues in order to try to cloud the whole thing and probably misdirect the attention of the House to issues that are not involved at all, with the hope, I think, that by so doing, they will probably inject some misunderstandings among us, or, probably, cause the whole country, through the Press or through various people, to misunderstand exactly what we stand for. I will not labour on this particular question.

I think, Sir, that there is evidence that the African Members, in moving this Motion, are asking the Government to consider a situation which is, after all, human. We are asking the Government to consider a situation in which the majority of the people of this country have to live under Emergency laws when the actual reasons that led to the declaration of the State of Emergency have, in fact, ceased to exist, to the degree that justified, in 1952, the declaration of a State of Emergency. It seems to me, Sir, that some hon. Members and even the Government, in their attitude and arguments, are trying to tell the

House that the Emergency shall only come to an end when we can live for one year without reporting a murder case, a robbery, or some other crime of violence. Mr. Speaker, if we accept this argument, if we accept this situation, then, Sir, I suggest and seriously submit that London, New York and Paris, would constantly and always be under a State of Emergency. We would not, Sir, try to exploit Emergency legislation to combat or deal with normal and ordinary crime. Crime exists, not only in Africa, but it exists, and particularly crimes of violence, exist in every country in the world. That has not led to the declaration of a State of Emergency in these countries.

Yes, Sir, there still is crime. That is quite true. But this is a situation and the background must be related to this: that in 1952 there was a particularly high degree of a certain type of organized crime for which reason the declaration of the State of Emergency was thought necessary. Sir, is that the situation today? My submission is that it is not; and if it is not I think there can only be one argument to sustain the present situation and state of mind of the Government and that is fear—fear of what might come when the State of Emergency is lifted. But, Sir, no state can live under those conditions, and no attitude of a state should be governed by such a situation—namely, fear.

Mr. Speaker, what does a state of emergency involve? It involves, as my colleagues have tried to explain, the creation of a situation in which the Government is justified in using collective punitive measures—measures which do not discriminate as between the criminal and the innocent. This is my submission, Sir—that it is only where the situation extremely justifies it that a state should take measures that are likely to punish the innocent. It is the normally accepted principle that in trying to punish or melting out punishment it should be proven beyond doubt that a person is guilty.

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) resumed the Chair]

Our Government, in continuing a State of Emergency, is, in fact, saying to us,

[Mr. Mboya]

"We do not care whether we prove you guilty. All we are interested in is because your neighbour did something, and you cannot tell us where he is, and we cannot find him, you are as guilty as he is unless you can prove that you are innocent". That is what the State of Emergency involves. It is very easy for my colleagues representing Ukamba to come here and shout about the irresponsible attitude of African Members, but has he lived under these Regulations? Has he tasted what it means to live under curfew orders? Has he been arrested for not carrying passes at a certain time? On the contrary, He has been arresting people, probably, and supervising the arrests; and he comes here and tells us that we are irresponsible. Has he seen how women, during the night, and at two o'clock in the morning, have been woken up and lined outside their houses because somebody wants to check whether they have passes or not. Has he seen the curfews really operated on him or his wife? He has not, Sir.

MR. ODINGA: Quite right.

MR. MBOYA: Mr. Speaker, we are speaking from experience—the experience of living under these conditions—which he has not had. If I took his vindictive attitude and what is being submitted to him, Sir, that probably the British would have nothing to do with the Germans at all after the last world war. But is that the position today?

Mr. Speaker, this thing calls for human understanding of the other person's problem; and the problem we are asking our colleagues here to understand is the human problems of the African who must live under these conditions; of the African who must constantly live in fear, because if he says something he thinks that some informer is going to tell the wrong story or is going to inform on him; of the African who must live in fear that any step he takes might be one that would be deemed as breaking the law. Mr. Speaker, we have got to take into account the fact that the majority of the people who we are dealing with today might never have had anything to do with violence. How, Sir, does the Government justify, and indeed how does the Member for Ukamba justify the continu-

ation of the State of Emergency in such areas where there are no crimes of violence. How does he justify the continuance of the Emergency, especially in the Nyanza Province and the Coast Province. Are we being told today that it is the Government's position that it is the whole extent of violence was widespread and countrywide, whereas, on the contrary it has been the case that the Government has consistently stated during the State of Emergency that this was a limited crisis covering only one particular area.

If that was true and unless there was a desire to mislead the world on this particular question then I submit the Government should tell us why an Emergency administration should continue in those areas that were not affected at all. That is the question. My colleagues have referred to certain aspects of this State of Emergency that caused a lot of bitterness and frustration. That many people in this House of other races have not experienced and I dare say some of other tribes have not experienced, but I happen, Sir, to represent an area which unfortunately has had to taste some of these experiences. The Kikuyu, Embu and Meru passbooks for example; here you have a document that was designed at the height of the Emergency to meet a particular situation but what is it being used for today? Ostensibly it is meant to enable a person in possession of a passbook to come to Nairobi and seek employment, but is it not a fact, Sir, that there are many cases and some of which were brought even to the notice of the Government, where passbooks have been used for purposes that are completely contrary to what it was meant for in the first place? There have been cases where passbooks are endorsed for people—Kikuyu, Embu and Meru people—who come to work in Nairobi for reasons unexplained to them, for reasons unknown to them, not to return to Nairobi permanently. Now, Sir, send them back to the reserve, yes, but what do they do there? How do they live? And yet, Sir, the Government is telling us this is a process of solving the problem. It is a process, Sir, of removing the problem from one area, putting it in another place and behaving like an ostrich and saying it does not exist.

[Mr. Mboya]

There are cases, Sir, when passbooks are endorsed not to return to Nairobi for six months. What are the reasons? What is the special treatment that this man gets in the reserve for six months to make him a better citizen, especially when he is not told why he is being returned to the reserve and all we can contend here on the Government benches is that it is good for them. Good for them in what sense? Apart from making them more frustrated and probably less inclined to think well of this Government. And, Sir, there are cases where a person gets employment in Nairobi and a passbook is endorsed "Return to the reserve on discharge". And it does not matter how long he works in town, it does not matter whether he has worked in Nairobi for the last five years or six years or more, the history does not matter but the fact that he is discharged from his employment means a one-way ticket back to the reserves and no reasons have to be given. Now what greater enslavement of a person could you have? It means, Sir, that if I came to work under such a passbook I would have to be submissive, obedient, and completely enslaved to my employer, whether he abuses me, whether he does what I cannot reply because if I do reply he might just decide to discharge me and if he discharges me that is the end of my being able to get my livelihood. That is what the Emergency regulations mean. That is what the Member for Ukamba will never experience, because he happens to belong to the other side of the colour line.

AN HON. MEMBER: Point of order.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Yes, you are going far beyond what is permissible or proper in speaking to this Motion by attacking persistently another hon. Member. Every Member of this House has a right to express his own opinion without being personally attacked by another Member.

MR. MBOYA: Mr. Speaker, Sir, I thank you for your correction. I will stop attacking the hon. Member for Ukamba when he does stop to utter some very responsible statement.

AN HON. MEMBER: Point of order.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Mr. Mboya, there are no conditions attached, you will kindly obey what I say. I give you a formal warning. I shall have to ask you to discontinue speaking, or leave. You may now proceed.

MR. MBOYA: Mr. Speaker. Take the question of the Emergency Regulations in the Nairobi area. The curfew restrictions in Nairobi are meant for members of the Kikuyu, Embu and Meru tribes. In the height of the Emergency members of the Kikuyu, Embu and Meru tribes were made to live in particular estates where it was easy, probably, to administer some of these regulations. In the last two or three years this situation has changed and members of these tribes are to be found today living in practically all the estates, in other words, all over Nairobi. And yet, Sir, the curfew regulations for members of the Kikuyu, Embu and Meru tribes still exist. The application of these regulations requires, therefore, that certain checks are done in the process of which, in view of the fact, that it is not just one place in which they live, the checking has to be practically all over the town, and therefore the people who do not belong to those particular tribes are made to suffer the consequences of these regulations. Now, Sir, I am not pleading here for members of the other tribes but I am saying two things, firstly, that the application of this law has become so cumbersome that it obviously punishes people for whom it was not meant. And, secondly, Sir, that it has a discriminatory effect that is completely unjustified in view of the fact that all these people live together in all areas. In recent months I have made complaints to the Government regarding the discriminatory steps taken to punish one particular little estate in Nairobi—Bahati—where originally the Kikuyu lived. Everybody seems to think that any Kikuyu who lives outside Bahati is probably to be forgotten and that only those who live in Bahati must continue to suffer these Emergency Regulations—curfew regulations. It is my submission, Sir, that from the simple point of view of application, this law is unfair, because it cannot physically be applied without making innocent people suffer and even people for whom it was not designed under the law, and secondly, Sir, the situation in Nairobi is such today that

[Mr. Mboya]

the continuance of these regulations is unjustified especially in view of the passage in this House, a few months ago, of certain legislation that empowered the police to take certain action after darkness, to stop people in suspicious circumstances and that sort of thing. Now I think that those laws provide enough facility for the Government to do whatever checking they wish to do. There is also, I think, Sir, the increase in the number of administrative officials, within the Nairobi area, and, therefore, Sir, if there was any question of the Government being concerned on developments in Nairobi, they are, I think, and they have said this many times, in a position because of their improved police force and efficiency within that force, to carry on their work without the necessity for curfew regulation.

Mr. Speaker, it is my submission that in fact the continuation of curfew regulations in Nairobi is totally unwarranted and should be discontinued.

Mr. Speaker, there has been a lot of talk about rehabilitation and about how far the Government was going with it and so on. But there is one particular aspect of the Emergency administration that should be also considered and that is the possible abuse of these powers to which my colleagues have referred. And this cannot be overlooked, Sir, because in a situation such as we have, the Government carrying out on the one hand their rehabilitation of people from detention camps, and might I suggest, Sir, that it might be very necessary under these circumstances—and certain incidents have proved the necessity for it—that rehabilitation should not only be limited to people in detention camps but rehabilitation might be useful for certain officials who have worked during the height of the Emergency and have not had the time to change their attitude, and who may need just a bit of this rehabilitation to begin thinking properly and thinking in normal peaceful times, instead of thinking and acting as though it was a state of war. So probably the Minister for African Affairs or Internal Security might consider rehabilitation for administrative officers to at least revert their minds to thinking in terms of people in normal and peaceful times.

It is quite possible that in certain circumstances the continuation of an attitude that prevailed during the height of the Emergency, on the part of civil servants or officials, is causing greater friction and making it impossible for the country to revert to normal and peaceful life.

Mr. Speaker, in conclusion, the Government has amended the Motion—I see the Minister for Agriculture is a bit worried—and said that noting the improvement in the position of peace and order in the Central Province and throughout Kenya to bring the Emergency to an end as soon as possible. Now, Sir, the important words here are "as soon as possible". "As soon as possible" could mean another ten years, because the Government will have to decide how soon is this "as soon as possible". The Government's criterion for judging this, it seems to us, is dependent on issues, probably that are not entirely the issues that justify the declaration of the state of Emergency. This causes a great deal of concern in our minds, because it means that probably so long as there are certain crimes of violence reported each week, there will be no end to the state of Emergency; and also that in the opinion of the Government the question of the ending of the state of Emergency is no longer related to the existence or continuance of crimes of violence but even today it is related to the actual political atmosphere in the country. The Government stated several times in this House: "How can we declare this state of Emergency at an end when some African Elected Members are making speeches such as they have done. How can we when the African Elected Members' public meetings are disorderly and probably do not respect law and order". My submission, Sir, is that this is not, one of the factors that should properly be considered. I say so not because I agree with the Government's attitude to African political meetings, or the Government's attitude to African political speeches. I entirely disagree with their attitude on this, but I say so because I think that the normal and natural development of African politics in this country must be left free; whether or not the ultimate result of African political speeches or African political activity will lead to violence is not a

[Mr. Mboya]

matter which can be decided now. In fact, Sir, how do we know that the continued restrictions, as my colleagues have pointed out, might not, in fact, have that very effect, and that the freedom of African political activity might, in fact, create a situation where no one would ever think of violence? What is the use of our being told from day to day that we should impress on our people the necessity for constitutional and peaceful politics, when there are regulations and restrictions that make it impossible for us effectively to operate or to organize our people and create a healthy political movement? These are the issues which the Government has got to take into consideration and there is no use belittling the importance of ensuring the freedom of association and speech and assembly of the African people in our efforts to ensure that there is no reverting to violence.

This is important: the Government has now got to decide whether or not we should be free, free to take part in the political activity of our country. It is true that we are allowed within the context of district political associations to organize our people, but much as the Government may think that pure legislation is going to be effective in this matter, it is not quite proper that we, the Elected Members in this House, should be allowed to form an Elected Members Organization, which in effect is national in its outlook and outside this House we should not be allowed to co-operate and together work out national policies. I think, Sir, it would be more helpful to the country that the African Elected Members are able to operate outside this House in creating a national policy, a policy that will apply in all areas, and creating a national political attitude and outlook among the Africans. If that national outlook is—and I hope that in this House the policies that we have created are aimed at the improvement in the political situation of this country, then I think that the more we have the opportunity to be able to create the same outlook and attitude, then our people outside this House will be helpful generally to the political situation. There has been very little convincing argument produced by the Government to defend its present attitude on African politics, apart

from pointing at its past history. Now past history can be very educative but dependence on past history cannot be helpful, as has been proved elsewhere, and in fact it is not the normal thing that we should always say that because in such and such a year "X" did this, we shall not allow you to organize on a similar pattern because you might do the same thing. How do you know? We may or may not. You may be taking a risk but which country exists without taking risks? The axiom of fear in this Government has led to a situation where some of its administrative policies, and probably this is conveyed to its junior officers in the field, have led to a serious degree of misunderstanding and conflict, and we hope, Sir, that the Government will not just interpret this "as soon as possible" into a matter of another ten years. We hope that Members of this House who are not of the Kikuyu, Embu and Meru tribes, or those who are not Africans; will begin to look at these problems as human problems and not in theoretical terms, that we want law and order alone. Law and order at the expense of innocent people is not going to do this country any good!

I beg to oppose the amendment and support the original Motion.

Mr. MULIRO: Sir, I rise also to join in this debate. I must say, I have been very disappointed by the attitude of Government. This Emergency administration, Mr. Speaker, affects Africans more badly than any other person in this country. This very Government goes on day after day saying that we are creating a common society of all Kenyans. But this common society I do not see, because the Government's officials in the field do not share those platitudes which the Government Ministers usually display in this House. Mr. Speaker, these restrictions on the African people are indeed very serious to proper racial and harmonious understanding of Kenya problems in this country. I happen to belong to a tribe or a section of the community which indulge in a former religion known as *Dini ya Mwasambwa*; now this section of the people are still called *Dini ya Mwasambwa*; and they are always reminded by officials that they are *Dini ya Mwasambwa* and that is as old as ten years. Now, it is commonly

[Mr. Muliro] forgotten in the minds of many peace-loving people in that district, that those people are hardworking, busy growing their coffee, rearing their pigs, and making fishponds, yet they find Government authorities who are not rehabilitated in their attitude towards the Africans still calling them all names. Whenever a small thing happens they will say: "You are believers in the *Dini ya Musauwba*". This is not a good lesson to any person at all. It is a pity that most of the Government Front Benches have never been teachers: if they had been teachers they would have known that to get a child used to punishments is to make him a rebel, and if the Government of this country says that the Africans would only be law-abiding as long as we keep on Emergency administration, I feel this Government is doing a lot of disservice to Kenya as a whole.

What does this Emergency administration consist of? You will find in African areas throughout the country, let alone the Central Province, the Government can get up and say there was virtually civil war in Central Province, and one finds in that area like Southern Province, Coast Province, or Nyanza Province there was no civil disobedience whatsoever. You find the Emergency administration in those areas are in fact worse than they are in the Central Province, to say the least. What about people in areas very remote like Samia, who never have heard anything about *Mau Mau*? Those who read the papers have heard about it, but people are very peaceful there. They are always going about the Lake trying to get fish to sell, and yet the Emergency administration applies to them. Worse still, the district assistants and many of the district officers now working in Nyanza Province are those trained on the fields here, at the height of the Emergency, when actually they knew nothing of the African except the African whom they had been striking every day, and now those are the people whom you say should go into the non-Emergency areas because they are under the same restrictions throughout Kenya. You find that the police are everywhere in the country; you do not know any country that the particular person you are talking to is a free man like yourself or is an informer.

I must look around and ask who is this person. All the time I must know whether he is an informer or not. Well, many of the African Elected Members have adopted a very blunt attitude, whereby we tell these chaps that this is the view of the African Elected Members. I had two sent to me, and what I said to them is, go and tell them that the Africans demand their national place in this country. I told one of these chaps very precisely what I was doing. I took him around a coffee plantation which I have and showed him how I feed the pigs. He smiled and walked off.

Now, Mr. Speaker, you find that although, on another question today, the Minister for Internal Security said that all the Police Special Branch informers are trained. Some of them are trained. There are trained ones, we know, but there are hundreds and thousands of them everywhere in the country not trained at all. I know one near my home. I can point him out to you. This boy has been told: "If you get as many as 150 cases, we shall send you to Nyeri for training". Now the Government tries to tell us everything is all right; these people are well trained. They are not trained.

Now our question on this issue is the splitting up of the country by these district posts. You find everywhere now, even in areas which are as harmless as the Coast Province—which the hon. Specially Elected Member says has very peaceful people—they knew nothing about politics—in one division after division you find one or two district officers. One is the divisional district officer and one is the district assistant—they call them district assistants—in every location. For instance, in our division we have two district officers; one is district assistant and one is district chief's posts in the division are taken over by two senior Government officials.

Now, where are we going? We must ask Government where they are heading to. No one knows. They alone can tell us where they are going. They are making this claim about the Emergency administration in order to bring about restriction after restriction, but what I can say about the restrictions is this, Mr. Speaker, that once people become so restricted they in turn go underground

[Mr. Muliro] in their political activities. Restriction breeds, in the long run, violence. The Government says that they do not want violence. We all on this side hate violence like poison. If we hate this, the thing the Government should do is to remove these restrictions as quickly as possible, and not just say "very soon". One month, two months, by the end of this year. In the Governor's Speech next month, we should know more about the Government's attitude, so that "very soon" should not be interpreted as ten years.

Another issue I have to put across to the Government—and particularly to the senior civil servants like the Chief Secretary, the Minister for Education, Labour and Lands, and the Minister for African Affairs—is that British civil servants have always been noted throughout history for their integrity; but I am sorry to say that this indiscriminate appointment of district assistants and district officers is bringing disrepute to the British civil service. This being a British Colony—that would not be wished for by people like myself.

My last point but one is the question of social reconstruction. The question of social reconstruction is very, very important. The Government can talk about rehabilitation; the Government can talk about social reconstruction; but what is required is action. Throughout Kenya we are making laws for restriction after restriction. This is not going to get Kenya anywhere at all. What we need is action. In my own area you find locations like Tiriki, Maragoli and Bunyore which are highly congested—very, very congested. These people cannot go anywhere. They have no land. Some of them are moving to Uganda some of them are moving to Tanganyika; some of them are becoming social victims, day after day. The Government must consider these people very, very seriously—their accommodation on land somewhere, can be made available for them.

In the Central Province the Government talks very glibly of land consolidation everywhere. We know the figures of the people who are released. There are so many people released; 72,000 people. Where are the people going? What has the Government done? Government can pride themselves in having kept them

very peacefully behind barred wire. When they come out they will be a social problem, but being a social problem should not keep them behind barred wire for ever. The Government should think constructively. Probably a look at the Royal Report on Population and Land in East Africa would help the Government.

On the question of the detained Africans, some have been released but there are some who are still behind barred wire. My question has been, and is still—I have discussed this issue with the district commissioners in my area—that there were about 70 or 80 Africans from Nyanza Province who were detained. Many of them never went before a court, but the Government of this country has not seen fit that these people should be released. I do not know whether these 70 chaps from Nyanza were hard core. If they were, my question becomes: "How many people did each of these people kill?" If, actually, they were mere suspects who never murdered anybody at all, my question is: "Why are these people still behind the barred wire?" If the Central Province Africans are going through the pipeline—various processes of investigation, getting some elders to talk to them—why are these opportunities not extended to other non-Central Province Africans? If these facilities are not extended to these people they will be left there for ever. Now this, I suppose, could be answered by the Government or by some private negotiations between the Ministers concerned—the Minister for African Affairs and the Minister for Internal Security and Defence.

Mr. Speaker, Sir, in conclusion I must say that I hope the Government will do what it can in the next couple of months to wipe out this suspended sentence on all Africans in this country of living under Emergency administration.

With this, Mr. Speaker, I support the original Motion.

THE CHIEF SECRETARY (MR. COULT): Mr. Speaker, Sir, in rising to support the amendment, I want to deal first with certain remarks which have been made by my hon. friends, the African Members, about public meetings. Earlier this afternoon, when I was replying to a Question, I stated that the regulations

[The Chief Secretary]

which we have in Kenya are applicable in other countries. I should like to mention that these same regulations, although perhaps the wording is a little different, are also applicable in a country called Ghana, about which we have heard a considerable amount recently. In Ghana the Assistant Superintendent of Police, or anyone senior to him, has got complete powers to control meetings, to stop meetings, to stop processions, to impose such conditions as he likes, if he so wishes. We do exactly the same here for the same reason as they do in Ghana and in other countries, and that is in order that we may preserve law and order. When I said earlier that each case was looked at on its merits, we must examine it with a view to preserving always and eternally law and order in this country, and if any of the Members feel that there has been any discrimination—for that was the word used—by the Government, then all I can say is: if the cap fits then they must wear it.

I should like to go on now to deal with the question of the political associations, which has also been mentioned. I should like to say that in various conversations which we have had with African Elected Members, we have always urged upon them that they should make the district political associations work. After all, they have now the chance of making these district political associations into political bodies. In the Central Province we have already agreed that the composition of such associations may be widened, that those people who are now in it may invite other members to be members of the political associations; whereas in the past they have been restricted, they are not so restricted now. My suggestion to them, instead of their always asking about Colony-wide political associations, is to do what in fact the Government asked them to do when they brought in this original regulation, that is, start the district political associations, make them work and then come back to us afterwards.

Now, I should like to say, Sir, that there has been a certain amount of criticism about the fact that Government have not accepted the Motion but, nevertheless, have amended it. I should

like to say that this amendment shows that the Government feels very strongly about this matter, that they feel the Emergency must come to an end at some time. I would agree with some of the Members that everyone, I hope—not only in this House, but in the country at large—would wish to see the end of the Emergency. Having an Emergency can do none of us any good at all. In fact, I would project it beyond this country, and say what a lot of us would like to see is peace in our time throughout the whole world for a matter of 50 years, so we can settle down and really put our affairs in order. There is not a person on this side of the House, I can assure you, who would not wish to see the Emergency go, not only as soon as possible but tomorrow if we could do it, but there are good reasons why we cannot do it.

I would like to turn to the remarks which were made by the hon. Member for Nairobi when he says that one has got to live for one year without reporting a robbery or a murder (and he went on to say there will always be crimes of violence) until we remove the Emergency. Sir, I should like to refute that completely. I will give my reasons in a moment or two why we are keeping the Emergency on, but it does not, in fact, relate directly to crimes of violence or robbery or murder. But I would like to say, while I am on this subject, that at the present moment it is almost impossible for the police to deal with criminals owing to the fact that they can get little or no help from the vast population in this country, and that, I think, is a deplorable situation. If, indeed, the people of the country themselves would be prepared to help the police, then I think the situation as regards crimes of violence and every other crime would be very much better than it is at the present moment.

I would also like just to dwell briefly, Sir, very briefly, on what I regard as an unwarrantable attack on the part of the Member for Nairobi on the Member for Ukamba, and particularly his wife. Sir, I cannot deplore this too much. We are now in the middle of a rump session. It is not the beginning of a new session which is going to begin on November 4th, and if we are going to go into this new session with such a spirit in this

[The Chief Secretary]

House, all I can say is that all our goodwill and everything that we want to do will be frustrated if we use personal attacks on individuals. I would ask all Members of the House to try and keep matters as impersonal as possible and to stick to the subject.

The hon. Member mentioned K.E.M. passbooks, and he said that people who contravened certain laws were sent straight back to the place where they came from and that did not in fact help the situation at all. I would remind the hon. Member and the House that in fact all cases of such nature go through the courts and it is for the court to decide whether or not he should remain in Nairobi or go elsewhere.

He also mentioned the curfew in Nairobi, which I think I will deal with in a moment when I am dealing with the question of relaxation.

Now, Sir, my hon. friend, the Minister for African Affairs, dealt with two matters: one was social reconstruction and the other was the release of detainees. I regard the release of detainees as one of three main reasons why the Government cannot at this moment lift the Emergency. At the moment there are more extreme detainees being sent into the pipeline and therefore being rehabilitated than we have had up to now, and I do not consider that as long as that great experiment—and I call it a great experiment—goes on, that we can possibly lift the Emergency. We are now in the process of taking convicted prisoners and putting them through the pipeline and rehabilitating them and letting them go back to their people. As long as that is in the experimental stage we cannot possibly afford to lift the Emergency. I should like to add, Sir, that I believe that this is a great record on the part of this Government. 77,000 people is the number that were in detention originally. There have been great cries about the fact that they were not put before the court and convicted, but the Government has done everything in its power to get them back into their own home land, and the result has been, after a short period of two and a half years, that 72,000 out of 77,000 have been returned to their homes.

Now, Sir, the second reason is the existence of this organization known as

K.K.M. It is the aftermath of *Mau Mau*. We know also that it is deep and it is well organized. Amongst those people that we have found in K.K.M., 95 per cent of them have been people who actively assisted *Mau Mau*. They have been people who were generally known as food carriers—people also who were members of the passive wing, but nevertheless assisted, and they are the people who have started this illicit society. Recently, I regret to say—because it has been a matter of pride for the Government that there were no detainees found—amongst the K.K.M.—recently I regret to say that we have found some detainees actually in some rather well organized cells in the district of the Mover of this Motion.

Now, Sir, when we have that—when we have all in the same district people who apparently are storing up rat poison (this, I may say, is a new feature) presumably for criminal purposes; when they are still taking the bestial oaths about which everyone knows from *Mau Mau* times, when they are still taking the double killing oaths, that is, "If I do not kill someone, then may this oath kill me", for all these reasons, Sir, I do not see how the Government can possibly lift the Emergency at this moment. When we considered relaxations—and the hon. Members have admitted that there have been relaxations—we did so on a particular basis. We said, if the people were prepared to behave and it is apparent that they are prepared to help the Government, then we will relax such restrictions as there are, with the result that we relaxed the curfew almost totally in Meru, we reduced the effect of the curfew in Nyeri, and in the Fort Hall District, at Kandara, where at one time the K.K.M. was worst of all, we again relaxed the restrictions of the curfew because the Kandara people themselves had come out and assisted the Government 100 per cent in eradicating this scourge from amongst them. Therefore, I say if other people are prepared to do the same thing, the same type of relaxation will come about, and the same applies to Nairobi where there has been an impassioned plea that the curfew should be relaxed. If the people are prepared to assist the Government, then the Government is prepared to assist them.

[The Chief Secretary]

The third point, Sir, is what I have referred to as the "Jomo Cult". There were some people this afternoon who were talking about helping the development of the country. Well, if helping the development of the country means building up a mystique about a certain man whom we know was convicted—he was not a detainee, but he was a convicted criminal whose conviction was supported by the Privy Council itself—if to work up a cult is development of a country, it is not my idea of it. It is a mystique which is well known to us; it has happened in other countries. I might put it in this phrase: keep the name of the man green. For what purpose? I can only say, Mr. Speaker, that the purpose can only be ultimately for the subversion of law and order. This man was responsible, in my view, for the Emergency. And I would like to remind hon. Members what in hard cash that Emergency meant. They have perhaps forgotten that we spent £53,000,000 on the Emergency, of which £15,000,000 came from the pockets of the people of this country, and we are still paying for it in many ways, particularly in recurrent expenditure.

I would like to ask Members of this House, all of whom are particularly interested in the education of their children, just how much education that £15,000,000-plus would have given to their children. If we had it now, we would be in a much better position to do what we want to do than we are at the moment, when the Government is busy pulling in its horns.

This was the man that did it and yet this cult still goes on. Sir, I cannot say too strongly that the Government deplores this with all the strength in its heart. I would like to remind hon. Members that the remedy is to a large extent in their own hands. As long as there are these detainees to be released, as long as K.K.M. flourishes and people are either so foolish or so wiffully abandoned as to promote the "Jomo Cult", then the lifting of the Emergency in Kenya must inevitably be delayed.

Sir, I support the amendment.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Mr. Speaker, in order to give the Mover an ample

opportunity to reply, I would like, under Standing Order 64, to move that he now be called upon to reply.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I think this particular Motion has had considerable discussion and I am of the opinion that the Motion which has just been moved by Mr. Harris is not an abuse of the proceedings of the Council or an infringement of the rights of Members. I therefore propose to put the question, which is that the Mover be called on to reply.

The question that the Mover be called upon to reply was put and carried.

MR. NYAGAH: Mr. Speaker, Sir, in reply to this Motion, I must say I am rather disappointed at the allegations which the Government seems to have made about my Motion. The Minister for African Affairs seems to think that the Motion did not imply that something has been done to improve the economic and social reconstruction of the affected areas. The Motion says "to step up"; something has definitely been done, is being done and all that the Motion was asking for was that we should go ahead and do more, more quickly.

Again, the Government says "as soon as possible". We do not know how long "as soon as possible" is; it may mean at the end of this evening, it may mean tomorrow, it may mean at the end of five or ten years. If the Government could define what it means by "as soon as possible", that would be a great relief to the minds of the people, particularly those in the affected areas.

I know much has been said by many people and I do not wish to repeat every single argument that has been put forward, but I would like to give reasons why I took 1958 and 1952 as my basis for comparing the situations. I entirely agree with the Minister for African Affairs about what took place in 1953 and 1954, and I am indeed sorry that such things did take place at the height of the Emergency; the burning of schools in my area, as he says, indeed took place. But in 1958 such things did not take place. In 1952, such things were in the minds of the people; today they are not. Therefore I am taking 1958 as the date on which the Government should review

[Mr. Nyagah]

the state of the Emergency administration.

The relationship between the people and the Government should be clarified. A lot of people living in villages would hate to see the country plunged back into bloodshed. But if the Government have got to wait until there is no more crime committed in the country—such as the two murders referred to by one hon. Member here—then I must say that the state of Emergency will continue, as you say, for a very long time—for an indefinite length of time indeed.

Mr. Speaker, Sir, I do appreciate the numbers given as showing considerable work done on rehabilitation. 77,000 people detained, 72,000 out. But there are still 5,000 by the look of it. I do appreciate the change in the experimental thinning out of convicts from prisons and the fact that they are being helped out, but among the 72,000 released it should also be realized that there are some people who see the unfairness of the Emergency and the Government from the fact that they just happened to be in Nairobi or in the affected areas and they were swept away during the big "sweeps". They had done no crime, there was nothing wrong with any of them; they have had to undergo the process of going through the pipeline. Some of them were civil servants and Government workers, and yet when they came back from the detention camps, because of that, they have lost all their pay and prestige and some of their emoluments. Those people will never be convinced that the Government is fair.

Mr. Speaker, Sir, the Chief Secretary has given information that K.K.M. exists in my district. It is true; I have spoken against it most openly. But I would deplore the implication about the Embu District as given by the Chief Secretary. The Government has purposely made Embu District a dumping place for all these convicts of Mau Mau and K.K.M. in the Mwaa plains. That should not be used against the Embu people at all or the Embu District.

Sir, I think several people in this House have tended to confuse the issue. I purposely, in moving the Motion, avoided mentioning the names of individuals. I put forward my arguments

on the basis of what I know and what I have seen. I argued on such things as curfews; the curfew was necessary when the Mau Mau adherents used to go out killing people, oathing people, collecting money for their organization. Today, curfews have a different meaning; they tend to suppress justice in the African courts, which is a very deplorable thing and something I would hate to see continued.

The three reasons given by the Chief Secretary as the ones that the Government hold for continuing the Emergency are very upsetting because there are few top-rank convicts who are being put through the experimental detention; they should not hold up the future of the millions of Africans under the Emergency restrictions and administration. Does he mean to say that if K.K.M. had not sprung up at this time the Emergency would have been ended? If we have to wait until all the people in this country move at the same rate, think alike, then we shall go on for a very long time before we make any progress in this country.

Some people, Sir, believe in what the Chief Secretary describes as the "Jomo Cult", and they have all different ideas about that. But there are millions outside who have not expressed their views and it is for those millions who have not expressed their views that I would like to say that the Emergency is a burden and that the Government should specify what it means by "as soon as possible" and try to finish the Emergency.

Mr. Speaker, Sir, there are thousands of ex-detainees in the districts of the Central Province who are unemployed.

It is true that in Kiambu, some relaxation has been effected by the Government. When some of us asked or tried to put to the Government the problem of unemployment, we were told that it is not really serious, but certainly it is bad. "Bad" gets worse and we are just trying to avoid serious situations. Collective punishment still goes on; it is still going on in Tebere in an attempt to curb the activities of K.K.M. People are indiscriminately put side by side by the preservers of law and order. Surely it is for the Government to try to inspire the confidence of the people by in-

[Mr. Nyagah] having understanding and knowledgeable officers in this country. I know very many of them are extremely devoted to their work; they do excellent work, but there are some among them whom the Government would do well to get rid of. Some of them—I mention just one class—are the ex-terrorists who are now used as members of the Special Branch. They are not helping in the Central Province, Mr. Speaker.

Mr. Speaker, Sir, in conclusion, I would like to tell the Government that during these three weeks, I have made a tour of my constituency, I have condemned K.K.M. and subversive activities and I have tried to sound the opinions of the people, the ordinary folk in the *shamba*—I will not say in the street, but in the *shamba*—and they say, and I believe them, that they are no more interested in violence. I bring this information to the House for the Government to take note—that these people want this curfew lifted, the restriction on movement removed and Government's peaceful guidance towards a prosperous Kenya.

With these remarks, Sir, I beg to move.

Question that the words to be left out be left out and carried.

Question that the words to be inserted therefor be inserted and carried.

Question that the Motion as amended put and carried.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the end of the business on the Order Paper. I therefore adjourn the House until 2.30 p.m. tomorrow, 15th October.

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

Wednesday, 15th October, 1958

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

NOTICES OF MOTION

TRANSPORT OF OIL REQUIREMENTS

MR. SLADE (Specially Elected Member): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council recognizes the importance of allowing a reasonable proportion of the Colony's oil requirements to be transported from Mombasa to Nairobi by road, both in the public interest and in fairness to existing contractors.

TRANSFER OF POWERS—MINISTER FOR TOURISM AND COMMON SERVICES

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council approves the Orders entitled:—

Transfer of Powers, Minister for Tourism and Common Services (No. 1) Order, 1958.

Transfer of Powers (Variation) (No. 1) Order, 1958.

Transfer of Powers (Variation) (No. 2) Order, 1958.

BILLS

SECOND READINGS

The King's African Rifles Bill

Order for Second Reading read.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Speaker, Sir, I beg to move that the King's African Rifles Bill, 1958, be now read a Second Time.

Sir, my speech will bear no resemblance in length to the length of the Bill itself, nor, Sir, in my view, need any ensuing debate.

In this matter, Sir, our work has largely been done for us elsewhere; that is, in the House of Commons at Westminster. This remark is not, however,

[The Minister for Internal Security and Defence]

intended to denigrate in any way from the considerable task of drafting which this Bill caused to our Legal Draftsman.

I do not intend, Sir, to go through the 217 clauses of the Bill or say anything in detail about its nine separate parts, but intend instead to give an indication of its main purposes and historical background.

In 1954 a select committee reported to the House of Commons on the Army Act of 1881. The select committee had sat for over two and a half years, and was the successor of a previous select committee which, in fact, never completed its deliberations and which had sat for six years. In presenting the report of the select committee in the House of Commons, the chairman of the committee, Sir Patrick Spens, said that he had been appalled at the extent of the committee's task. These remarks I make, Sir, in order to point out that what we are dealing with is, in fact, a matter which has been very deeply considered in another place, and on which the work has been done for us in the way I have described by two lengthy select committees.

Sir, in the debate on the report of the select committee in the House of Commons, it was generally agreed that the new Army Bill was not a matter of political controversy and there was, in fact, very little controversy at all except for the introduction of some racial bitterness by some Scottish Members who objected to the imposition of English law on Scottish soldiers.

The Army Act of 1881 was very much out of date and the new Army Act of 1955 abolished many obsolete provisions. Many of these provisions, Sir, were enshrined in the King's African Rifles Ordinance of 1932, which the present Bill seeks to replace. They were enshrined in it, Sir, because this was, of course, based on the old Army Act. Sir, hon. Members of this House who served with the King's African Rifles may perhaps be surprised at having their memories refreshed about some of the clauses of that Ordinance to which they were subject, and to which indeed serving members of the King's African Rifles today are subject under the current

Ordinance. Under section 39 of the present King's African Rifles Ordinance, fighting or promoting or being concerned in a duel is an offence. Other sections, Sir, make it an offence to leave the ranks to secure horses or to cause false alarms by drawing swords and beating drums. The old Ordinance, Sir, provided for Lewis gun porters, and indeed I remember them in the early days as part of the King's African Rifles. It provided also, Sir, for an organization by brigades which no longer exists, which was un-economic and tactically inflexible and which is unsuitable for our present circumstances.

However, the main purport of the Bill which is now before the House is less to remove these interesting and quite agreeable archaisms than to provide a diminution in the military offences for which the penalty is death, and, very importantly, by importing sections of the Courts Martial Appeals Act of 1951 to permit appeals from courts martial to the Supreme Court. There are other changes which are throughout for the benefit of soldiers in making conditions more in line with modern thought and legal practice.

The main differences, Sir, if I may read them, are that the rules of evidence of the law of Kenya, Kenya law, are adopted instead of the rules of procedure in the old Army Act. In other words, the Kenya law of evidence is applied.

Matters such as rates of gratuities are omitted from the Ordinance itself and will be made by regulation—a necessary piece of flexibility.

Procedure as regards courts of enquiry, which are now to be termed boards of enquiry, is brought up to date. The powers of confirming officers of courts martial are increased in accordance with the new Army Act to allow for the substitution of a valid finding and sentence to replace an invalid one without having to refer back to a reassembled court martial.

District courts martial and general courts martial may be convened by persons not holding a courts martial warrant. This should result in less frequent use on active service of the field general court martial, which previously was the only court martial which could

[The Minister for Internal Security and Defence] be conveyed by a commander who did not hold a warrant.

The antiquated provisions to which I have already referred about duelling and the like are no longer proposed in the new Bill.

Some offences, such as drunkenness, desertion and mutiny, are defined, thus simplifying-disciplinary cases.

The use of statutory declarations is introduced; barrack-room damages are introduced; discharge by purchase is introduced. There are increased powers to make regulations and rules of procedure.

Sir, under the present Ordinance the Army Act is applied when troops are on active service anywhere. Under the new Ordinance, the Army Act can only be applied when troops are serving outside the three East African territories and Zanzibar, Mauritius, British Somaliland and the Seychelles. In other words, the soldiers will take our law with them to those places.

There are some further considerations. Sir, I should perhaps stress again that this new Bill is indeed the British Army Act modified for Kenya with the additional introduction of the Courts Martial Appeal Act, to which I have already referred.

Now, this Bill, or rather a similar Bill, has already been passed in the legislatures of Tanganyika and Uganda, and if this House agrees to this Bill there will be a uniform Ordinance for the whole of the East Africa Command. Furthermore, there is an additional advantage—though perhaps it is not one I would wish to make a great deal of—and that is that seconded personnel from the United Kingdom who serve with the King's African Rifles will be operating an Ordinance with which they are familiar, because it will be the same law that applies in the United Kingdom. Also the King's African Rifles officers of every race whom we are nowadays beginning to send to Sandhurst will there become familiar with the English Army Act and consequently this will be familiar to them when they return to take up their duties with the King's African Rifles in East Africa.

This, Sir, is consequently the new law about soldiers which is as applicable, in the Government's view, to all East African soldiers as it is to any other British soldiers anywhere. It has been drafted, Sir, in consultation, of course, with the East African Command, with the Director of Army Legal Services, and as I have already said, with the Tanganyika and Uganda Governments. This gives the advantage that there need be no lack of cohesion between King's African Rifles battalions from the different East African territories when they are acting together.

Now, Sir, this Bill seeks to repeal some existing Ordinances as mentioned in the last clause of the Bill, clause 217. In fact, all the units raised under the Military Units Ordinance were transferred to the King's Africans Rifles by virtue of section 9 of that Ordinance in 1937: the units to which I refer are such units as the East African Signals, the East African Army Service Corps and similar corps of that kind. That has already been accomplished. There is, however, one unit, if that is in fact the correct name for it, which is not covered by this Bill and which remains to be dealt with and which equally requires to be dealt with by similar legislation agreed by the three territories. The unit comprises the Army Chaplains who are unsuited to control by a Combatant Ordinance. They will have to be cooped with a little later on.

Further, Sir, the King's African Rifles Reserve Ordinance is repealed and this Bill makes provision for the Reserve, which is not the Reserve of officers.

Sir, I think I have very little more to say. Again, referring to the old Army Act which was enshrined in the current King's African Rifles Ordinance, which we now seek to repeal, I might perhaps say that it was originally based on Elizabethan Articles of War. It is all a very slow historical process and, as I say, it is out of date. The main purport of those Articles of War was to prevent officers commanding regiments from showing the strength of the regiments at so many hundred men and drawing their pay, and really only having very few men on their strength, and pocketing the difference. So we have come rather a

[The Minister for Internal Security and Defence] long way in history from the original Army Act which we now seek to bring up to date in this country.

The variations from the Army Act, such as they are, are few, and are related solely and necessarily to local conditions. They are related, for instance, to the position of the Governor as Commander-in-Chief and related, for instance, to the fact that we have in the King's African Rifles, and not in the British Army, the rank of *esfendi*. So there are places in the Bill where suitable local provision is made for local conditions. This does not, however, detract in any way from the main point I am trying to make that this is really the British Army Act.

Sir, as I have said, this, or a similar Bill, was considered in the House of Commons to be uncontroversial. I hope, Sir, that the Second Reading of this Bill will be taken similarly here.

Sir, I beg to move.

MR. WENN seconded.

Question proposed.

MR. ARAP MOI: Mr. Speaker, I need not bring the Bill with me because I am opposing the whole thing. My opposition, Mr. Speaker, is that I do not see any security for an officer serving in the King's African Rifles as it is stated in the Bill.

The terms of service as stated in clause 7 do not show exactly whether the future of an ordinary King's African Rifles Officer is bright.

I do not object to the training of military men from among our own people—in fact, I am proud myself of representing the people who, most of them, almost the whole of the King's African Rifles, come from my own constituency. That is why, Mr. Speaker, I feel that this Bill does not bring any bright future for these young people.

The King's African Rifles men who fought during the war, some of them died, and their children now find very, very great difficulty in getting fees for their schoolings. For this reason, Mr. Speaker, somebody who lost his life during the war was given only Sh. 600, and as far as I understand now, I think the figure has now risen to Sh. 800—this is not enough. Since this affects the

future and the protection of this country, I should have liked to see some form of security for those who lost their lives during the war, and whether they will be given anything at all.

Furthermore, Mr. Speaker, in the King's African Rifles, to my own knowledge, you will find Africans, most of them Africans, Kenya Regiment ought to have been abolished and then have all people of all races in one army instead of having two separate military services in the Colony, it is far too expensive to maintain both sections merely because of racial differences.

Mr. Speaker, as I oppose the Bill in the present form I need not make more comment. For one thing I should have liked to see commissioned officers. The present attitude of the Government is not encouraging our young men to join the King's African Rifles. The *esfendi*, who are good young men, ought to have been made officers, captains and majors; some posts ought to have been created for Africans. They are very intelligent and they are courageous. They have shown their courage during the wars in Burma, in Mogadishu, and elsewhere in Africa. The Government ought to have shown some great interest in these people and raised them higher than they are at the moment.

Because of these views, Mr. Speaker, I oppose the Bill.

MR. TOWERT: Mr. Speaker, Sir, as the other hon. Member, Mr. arap Moi, here has said that the people in the army come from his tribe, I would say that they come from my tribe too.

Now, Sir, one thing is that the Minister has told us that this matter did not actually cause a lot of controversy in Great Britain apart from what the Scottish Members said. I would like to support the Scottish M.P.s, and say that we do not want the English law to be imposed so much on us without the African law being incorporated in that law.

I have actually looked at the Bill, and when we are told that the select committee which considered this thing in England did not think it was controversial, well, I do not think that we Africans were included in that select committee. So we have got to consider this thing, not politically, but with feelings of the

[Mr. Towell]

African law and custom which is very fragmentary at the moment.

It has been said by the Minister that the Uganda and Tanganyika Governments have passed the Bill or have accepted it, but does this Bill incorporate the amendments of the two Governments or territories? If the Uganda Government and the Tanganyika Government have actually passed amendments—we would like to see the amendments before we accept what they passed, if at all we have got to abide by what they passed. I think we should not have the Uganda and the Tanganyika Governments here as examples of support but that we should consider it without reference to them.

Now, Sir, going to the Bill, there is an appended slip here which says: "The Clerk of the Legislative Council presents his compliments and has the honour to advise that the attached King's African Rifles Bill, 1958, is substituted for the Bill originally issued in January, 1958". Now, why should this be a substitute? Is the first one issued in January, 1958, considered not proper or is it because some of our new Members have come in and have not received copies issued in January. If there is something wrong, if there was something wrong in that one issued in January, 1958, then I think that this is not far from being correct.

Now, we go right inside the Bill, and I start on page 489. Down below it says, "Warrant officer includes an *effendi*". If a warrant officer includes an *effendi*, why should we have *effendi* as a name? It seems to me to be illogical. Why not have warrant officers without these *effendi*. I feel that the inclusion of *effendi* or the title *effendi*, wherever it came from, must have an illogical construction and is very discriminatory so far as I am concerned.

I now turn to clause 3 (4). "The Governor may order that any officer or soldier of a unit of the regiment raised under this Ordinance shall proceed to any place outside the Colony, either within or beyond the territories for the purpose of undergoing instruction or training or for duty or employment." There it does not explain whether such person will be sent to foreign States or only to places within the British Com-

monwealth. I would like to have it put in this way—". . . places within the British Commonwealth or places to be attacked by the British Commonwealth".

Mr. Speaker, going on to Part II, clause 5 (2), it is said: "A recruited officer shall not enlist a person under the age of 18 years unless consent to the enlistment has been given in writing by his parent or guardian or, where the parents or guardians are dead or unknown, by the district commissioner of the district in which such person resides." I feel that it should be given by the chief and not by the district commissioner of the area concerned. Somebody may come from a location Y and the district commissioner who is at the headquarters may have somebody saying to him: "I want to go into the King's African Rifles". The district commissioner then says: "All right, I will give you a permit to say that your parents are dead or that they are unknown". The person who should know about him more, better than the district commissioner, is, I believe, the chief from where that person comes from.

Going on, I now come to clause 9 (5). "A soldier of the regiment who is discharged in the Colony shall be entitled to be conveyed free of cost from the place where he is discharged to the place stated in his attestation paper to be the place where he was attested or to any place at which he intends to reside and to which he can be conveyed with no greater cost."

Coming now to the greater cost. If I actually joined the army while in Nairobi and my home happens to be in Kericho, when it comes to the date of my being discharged, well, then they will bring me and leave me at Nairobi because it happens that if they take me to my home, that will be a greater cost. Well, I feel that they should say "to be taken free of cost to where he wants to be or to his home"—to the place where he resides, or to his home. From that, I hope the Minister for Internal Security and Defence will amend that to include "to his home" rather than leaving it as vague as it is at the moment.

Clause 13, they say "A soldier of the regiment may be discharged by the competent military authority at any time during the currency of any term of engagement" and then, under (c), "on reduction

[Mr. Towell]

of establishment". Now, I think there should be something more logical here to say that some people should actually be employed with the understanding that they may be discharged on reduction of establishment at any time. But when you get a man and you say: "All right, we forecast that you are of good character; you will be able to work for about 12 or 18 years"; then when the establishment is reduced, when this man has made all his plans and is going to be a good man in the army, and in return get something from the army and go home and settle after he has retired, you can dismiss him like that because of a reduction in establishment. That is certainly creating some feelings of unrest as far as the military service is concerned. Once I know that when establishment is reduced I will be among those who will be asked to leave, well, I will not put my whole heart into the work. So we should actually consider having two sets of them; those who are on temporary employment and those who have had it confirmed (unless their characters prove to the contrary) that they will work until they complete the period intended for them.

Mr. Speaker, I hope I am not seeming to be very long, but I will try to be very short, but having these things established with our support must take time.

Clause 14 is a rather interesting thing: "A soldier of the regiment should be entitled to claim his discharge at any time within six months after the date of his first attestation, and if he makes such a claim he shall on payment of one hundred shillings be discharged with all convenient speed but until discharge shall remain subject to this Ordinance", and then it goes on, but I do not want to go on. Why do we have to purchase discharge? I think it is only fair to say that when you want to be discharged, you give notice of so many days or so many months, but you cannot purchase a discharge because, you may not have money; there is no money! So I think that the Minister for Internal Security and Defence would defend this clause by excluding this payment of one hundred shillings when I want to be discharged.

I am going now to clause 17 (c). It says here, "Any person subject to this Ordinance who with intent to assist the

enemy— . . . having been made a prisoner of war, serves with or aids the enemy in the prosecution of hostilities or of measures calculated to influence morale or in any other manner whatsoever not authorized by international; or (c)"—which I do not want to touch on. Now, I feel that sometimes it may be excusable to serve the enemy in order to escape to inform your party that there is something going on. So if you serve in this way, do not consider that as service. So I hope that also will be considered.

Now, something more serious, Mr. Speaker. Clause 24, section (3) of that clause: "In this Ordinance the expression "mutiny" means a combination between two or more persons subject to service law, or between persons two at least of whom are subject to service law". Now, I consider that the number two is very small. It should be the number four, and not two. Two people may be having a *réve-à-tête* and then that is considered to be a mutiny, but when it comes to four, I think that is the figure we should aim at. I think that if it two is good in Great Britain, it is not good here in Africa, or as far as my people and their feelings are concerned anyway, Mr. Speaker. I think we should consider that the number four be put in place of the number two. And I am going to move an amendment to that effect in the Committee stage.

Clause 27, section (1) of that clause: "Any person subject to this Ordinance who, in such manner as to show a willful defiance of authority, disobey any lawful command given or sent to him personally shall, on conviction by court martial, be liable to imprisonment or any less punishment provided by this Ordinance." I would like to propose that we put the word "knowingly" disobeys": "Any person subject to this Ordinance who, in such manner as to show a willful defiance of authority, knowingly disobeys any lawful command given or sent to him personally shall, etc."

I will go on to clause 31; it says here, "Any person subject to this Ordinance who—absents himself without leave; or persuades or procures any person subject to service law to absent himself without leave, shall, on conviction, etc." and punishment follows. Well, I would like

[Mr. Towett]

to say what about when leave is refused and somebody's marriage arrangements are made at home? That is a serious matter, you know. It is with you see, with us, I will give you a typical example. With us, marriage, as with most people, is a special thing. Now, parents make arrangements for a wedding when you are away, and believe that you will be present on that day because they do not believe that you would refuse to be present when it comes to your own marriage. Now, I know my own people's feelings. What they will do is, if leave is refused when it comes to marriage, they will go. This is not rubbish; you may say it is rubbish when it comes to leave, but I say what I do know. So we should consider them, and if the army people or the officers in charge of the army would just note this in their minds wherever they are that marriage is a special thing and that should not be treated with laughter. It is very special. And again, when somebody's mother or father dies, that is something else at which you must be present—you must be there, you have got to be there. And if you do not, you will be visited by spirits, like most of us here; we believe in spiritual revival. And if you do not go to your mother's or father's death ceremony, it is something bad. You will lose the spirit of your mother or father who died come to haunt you. This is something serious, so I hope the Minister has noted that.

Clause 32 says this: "Any person subject to this Ordinance who—

(b) knowing that any person subject to service law has deserted or absented himself without leave, or is attempting to desert or absent himself without leave, fails to report that fact without delay, or fails to take any steps in his power to cause that person to be apprehended, shall, on conviction—and conviction goes on. Now, there is something which is also bad, you see. It is to Kipsigis, the man I know best, it is a very serious offence, as far as that tribe is concerned, to go and report something about your friend. So when I am with another soldier in the army, if he deserts, I just say nothing. If I go and report him, I will be acting against my feelings. And this is what they feel at home. They prefer to say: "I don't know"; you say:

"Did you see him?"; and he says, "I don't know". It's always: "I don't know". So this thing should be considered especially for my people. Do not make them betray their friends. On the other side, the British common law comes in, and so you have got to strike a balance somewhere in the middle. Now, I hope the Minister will find where that middle is, I will now go on—I do not want to waste much time. I said I do not want to waste much time, so let us go on.

Clause 44: "Any person subject to this Ordinance who, being the pilot of one of Her Majesty's aircraft, flies it so as to cause, or to be likely to cause, unnecessary annoyance to any person shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Ordinance". Is there anything more nonsensical than that? If today, the Pumwani "people want to apply this rule, how many pilots will they prosecute under this clause? Who is going to decide on the depth of the annoyance the noise caused, the unnecessary annoyance the noise produced? When I am reading a book, and then an aircraft passes, a certain amount of annoyance is caused to me. Must I go and report that? It is nonsense; I think it should be scrapped out.

Let us go on. Clause 49 (d): "Any person subject to this Ordinance who—when a witness, refuses to answer any question which a court-martial has lawfully required him to answer". There again, you see, a Kipsigis in the army should not be asked to give evidence against his friend. I am just about to finish.

Clause 53, Mr. Speaker, Sir. Here it says: "Any person who, when before a recruiting officer for the purpose of being attested in pursuance of Part II has knowingly made a false answer to any question contained in the attestation paper and put to him by or by the direction of the recruiting officer shall if he has since become and remains subject to this Ordinance be liable, on conviction by court-martial, to imprisonment for a term not exceeding three months or to any less punishment provided by this Ordinance". Now, my problem here

[Mr. Towett]

is the problem of language. Unless we people go out and use the language—not the interpreted language—but the language of the persons whom we want to enlist, it will always be difficult to tell whether false evidence or false statements have been given. Language is a real problem here, so I would suggest that the army authorities take on training some people from each and every tribe, one man from a particular tribe, and say: "Now, when you go out to recruit people, you must be accompanied by that man who is competent in the language of those persons and who will actually question the person who is enlisting, to avoid quoting what someone else says he said or what someone else says he heard him say in Swahili. You have got to be careful on that, so that when you say a false statement has been made, it is not actually a 'misunderstanding'. So I hope a note has been taken on that by the Minister concerned.

There is something here under clause 69, section (3) (a) (i). They say here: "Otherwise the commanding officer shall proceed to deal with the charge summarily; and if he records a finding of guilty, he may award one or more of the following punishments, that is to say (a) (i) dismissal from Her Majesty's service". Now, a commanding officer is given powers here to dismiss somebody who has spent all his life in military work, and then one man one day comes and tells him: "Get out, you are finished".

I think that dismissal from Her Majesty's service should not actually be done by one person. It should be two officers if need be, but not one officer. Supposing that particular officer had given a rule that this thing was bad and should not be done, this man happens actually to work contrary to that rule of that officer; he will be dismissed. I do not think that is quite fair. I think our men should be a little bit wiser and revise that.

And again below, there is another soldier also to be dismissed by this same officer just like that. I think this side of the House should actually consider that. When you have only two years to complete your colour service, you can be told by

one man "Get out of service; you are finished". I think that is too much. We should not give such an awful amount of power to one man called commanding officer.

Now, clause 77, Constitution of general courts martial. I understand here that it will be difficult for an African to be a member of this courts martial or district courts martial or general courts martial or field courts martial because there are stipulations given. It is said that "A general court martial shall consist of the president and not less than four other officers". Now, who are these officers? "Save as hereinafter provided, an officer shall not be appointed a member of a general court martial unless he belongs to Her Majesty's military forces, is subject to service law and has been an officer in any of the armed forces of the Crown for a period of not less than three years or for periods amounting in the aggregate to not less than three years". Well, as far as I know, unless I am very much mistaken, I do not think there is any African who will go to the court martial. So I will go on and leave that to the other Africans.

I now go to somewhere near the end, clause 98. Here it is said, "Approval as well as confirmation required for certain death sentences". Clause 98, section (2) thereof: "Without prejudice to the provisions of sub-section (1) of this section, a sentence of death passed by a court martial shall not be carried into effect in the territories unless approved "by the Governor of that one of the territories in which the person under sentence is serving at the date of the sentence". That is very nice, I welcome that, but who is going to advise the Governor?

Clause 113, Enquiries, sub-section (2): "A board of enquiry shall consist of such number of persons as may be provided for by rules made under paragraph (e) of sub-section (2) of section 121, who shall be persons subject to service law and the president of a board of enquiry shall be an officer now below the rank of lieutenant or corresponding rank." Also, the Africans will be excluded. And something very very tiny here, clause 116: "The appointment of a judge-advocate to act at any court martial may be made by the Governor or the convening officer". Now, what are the qualifications

[Mr. Towett] of these judge-advocates? That is a simple question which the Minister for Internal Security and Defence will, I hope, answer when he comes to speak on that. I want to know the qualifications of this judge-advocate; what are they? Are they a group of people in the army, or are they from outside the army?

Now, this is the last one, and I hope everybody will be happy now. Clause 126 says this: "Any determination by the Supreme Court of any appeal or other matter which they have power to determine under the provisions of this Part shall be final and no appeal shall lie from the Supreme Court to any other court". That is dictatorship in number one stage. How can you leave it to the Supreme Court and have no other appeal court? I do not like that, just saying "Stop there". Why? Let us stop only when the hierarchy of appeals courts ends.

Mr. Speaker, I have taken some time, and I hope I have not overindulged myself by delving into this serious matter which is very important for the future. I hope somebody will disprove my facts.

Mr. Speaker, Sir, I hope to reserve my support for my proposition.

MAJOR DAY: Mr. Speaker, Sir, I have two points to make. The first is, Sir, that having served in the King's African Rifles fairly recently, the previous speaker but one entirely neglected to mention the fact that in the King's African Rifles, certainly in 5th King's African Rifles, by far the majority of the people were the Wakamba tribe. That is one inaccuracy. As regards the more recent hon. speaker, Sir, I can only hope that as a result of what we had to listen to from him, the Government or the Minister concerned will feel now that this experiment, this bold experiment which is being made to introduce in the future, African commissioned officers in the King's African Rifles, will not result in the waste of time and inefficiency which would follow. I think, unless the candidates for commissions are selected on a rather more careful basis than certain of my friends, the African Elected Members, appear to have been, because when all is said and done, there is a limit to the amount of time one can waste and with the utmost

deference, I think I have seldom ever listened to a bigger conglomeration of nonsense than that uttered by the last speaker since I have become an adult.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Order, order, I am afraid that I must rule that "conglomeration of nonsense" as applicable by one Member to another Member's utterances in this House is an unparliamentary and improper expression.

MAJOR DAY: I am sorry, Sir, I did not quite catch what you said.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): It is improper to refer to a fellow-Member's speech or utterances in this House as a "conglomeration of nonsense". Whatever a Member may feel in such matters the word "nonsense" as applied to another Member's speech has always been ruled to be unparliamentary.

MAJOR DAY: Well, in that case, Sir, I beg his pardon, and I beg yours, but I must nevertheless say that I considered it a complete waste of our time.

CAPTAIN HAMLEY (Nominated Member): Mr. Speaker, Sir, having listened to the last speaker but one, it occurs to me that there is a grave omission in this Bill, and that is that no provision is made for the dependents of ex-service personnel talked to death in Legislative Council. I cannot think that my friend, the African Elected Member who last spoke, has any glimpse of the requirements of discipline when he talks as he did, and I regret to say that I must agree with the last speaker that the speech was an entire waste of time.

To talk about soldiers being able to give notice and not having to buy themselves out is futile; I have served in the armed forces myself. I have often felt like giving notice, generally when I was told I had the potatoes to peel. Can he imagine the chaos which would arise if any member of the armed forces could say: "I want to get out tomorrow"? These things cannot be done. The hon. Member has made some very good speeches; he has made some extremely constructive speeches, but I would ask him please to confine himself to subjects which he knows about, because discipline, army discipline, service discipline, may look on the surface of things to be an extremely simple subject, but it is not. It is an extremely complex subject,

[Capt. Hamley] and if I can give him a little honest advice, not patronizing (as the hon. Member for Nairobi Area will probably say of it), let him take a little honest advice—talk about things he knows something about, and not about things he obviously knows nothing about.

LT.-COL. MCKENZIE (Specially Elected Member): Mr. Speaker, Sir, after looking at this Bill and reading it through, I had no intention at all of talking today until I noticed that the King's African Rifles at some future date were going to take up flying. I noticed that arising out of flying, in clause 43 and clause 44, mention is made of flying Her Majesty's aircraft. I would like the Minister in his reply to let me know what would happen in the case where the United Nations forces are called out, if the King's African Rifles could go overseas and flew aircraft belonging to other people. Also, Sir, in clause 51, mention is made of any place in the Commonwealth. What again would happen in a trusteeship country, within part of the Commonwealth; what would happen in a foreign country, a friendly foreign country? It seems to alter all the way through, going either from Commonwealth or the territories or a foreign country. Surely treatment under the clauses ought to be identical under each territory or Commonwealth or friendly foreign country. And, Sir, under clause 62, punishment; could he also explain the difference between dismissal from Her Majesty's services after a court-martial and cashiering. Could he also tell me why at the end of clauses 13 and 14 he allows his own army personnel to take two years to decide whether a chap is any good or not if he only allows the chap who comes into his forces six months to decide whether he likes the forces or not. Could he explain why the one is two years and the other is six months.

Also, Sir, I see nowhere in the Bill at all anything about receiving a foreign decoration. If he could tell me what the answer is on that one with King's African Rifles serving in perhaps another Commonwealth country, or in a friendly foreign country and being offered decorations by other services.

There is one other point, Sir. Under 61—bearing in mind the trouble which

the Americans have had with civil law in Japan in a very unfortunate case—again if the King's African Rifles are used outside the Commonwealth, is the Minister satisfied that under this Bill the same problem will not arise?

Otherwise, Sir, I beg to support.

MR. OLD TIPSIS: Mr. Speaker, Sir, before I commence, I am rather surprised to hear the hon. Nominated Member, Captain Hamley, criticizing my hon. friend, the Member for Southern Area, and yet he at the same time added nothing absolutely new and constructive to the debate.

Now, Sir, the Bill before us is a very important one, and I think I am right in saying that we people of Kenya are very fortunate in having the best fighting men in this country. This has been proved beyond any doubt in various operations and in different theatres of war during the last two world wars. The African has proved that he can compete and thrash the enemy like any other race in the world.

Now when we do criticize the Government in the way it has framed this Bill, then it surprises me to hear at least a few of the Unofficial Members on my right saying that the African does not know what he is talking about; we represent these people, they are our brothers. Do I understand that we do not know what we joined the forces in the last war for?

Sir, I want to talk in very general terms because admittedly I have not quite completed going through this Bill. Now when it comes to this rank of *officer*, I think it should be entirely abolished. Are there any other British soldiers holding the rank of *officer*? Or is this something to appease the African? There should be no appeasement whatever as far as our military personnel, who offered themselves to serve this country and died doing so, are concerned; as far as that goes, I do not think we should get away with anything that smells of discrimination.

Now, on the other hand, Mr. Speaker, I like my hon. friend, the Nominated Member, am an ex-serviceman and speak from personal experience. I was disappointed during the last war to see

[Mr. ofc. Tips]

that an African warrant officer should be a subordinate officer to a British non-commissioned officer, who is seconded to a King's African Rifles unit. It is quite illogical and I think it is only fair that if I am a sergeant-major I should be treated like a sergeant-major, irrespective of the colour of my skin. After all, we all shed our blood on the battlefields, without any discrimination, to defend our country, and there should be no discrimination as far as the conditions and terms of service are concerned.

I now turn to the question of uniforms for our King's African Rifles men. It is funny, very odd indeed, to see that the African ranks in the King's African Rifles are issued with a different type of uniform, very queerly-shaped jumpers without a collar or anything of that kind. When it comes to these King's African Rifles units going abroad, as they did in the last war, when they went to Burma and other theatres of war, then whatever authority there was saw fit—because it would degrade the authorities of this country if their very good fighting men went abroad with that queer uniform—to give them the same uniform as that issued to the Europeans. There was no discrimination then because they were going abroad, but when they come back the discrimination is once more there.

Now, Sir, when it comes to the question of war service gratuities and pensions for our ex-servicemen, I think we should tackle the situation with open minds and be thankful to these people, otherwise, if we do anything that seems like trying to get rid of them, they will feel they have done a thankless job—which is not the case. It depends on the treatment they get from the Government on their release. As far as pensions and war service gratuities are concerned, I think it is wise to tell the Government that at least most Africans who served during the last war were very disappointed in the amount of war service gratuity paid to them. How they were assessed, I do not know, but I think the Government should bear in mind that it should be brought in line with any other force within the British Commonwealth, irrespective of whether a man is black or white or yellow or brown or what.

Now, Sir, another question which also surprises me is the so-called territorial force in this country, the Kenya Regiment. I am surprised to see that this force is created for one particular racial group. During the last war, this force was done away with; the men were all dispersed and posted to King's African Rifles and other military units, and together we really waged good battles and defeated the Italians here on the border. We were together, there was no territorial force then. If they were important so that they deserved special attention or training, why did they not do it all by themselves? I think we ought to be very, very fair on this subject. For instance, if we are to have African commissioned officers in Her Majesty's forces in this country, it is time that our young men, who have the qualities of military men, in secondary schools should at least be given some military training whilst at school, or even when they undergo higher education. That, of course, will produce the best officers to guide their people and lead them wherever they are required.

Sir, I think I have not got very much to say about these things, but I would only say that when the Minister introduced the Bill he said he thought the Bill was non-controversial. Well, I cannot help feeling that there are some aspects, as far as salaries and conditions of service affecting the African personnel of the King's African Rifles are concerned, which are different from those existing as far as the other races are concerned. The difference is already there and he cannot possibly separate the two. Now I only hope that instead of trying to do that all is very well, he will do everything possible to encourage the Africans and to show them that they are indispensable as well as being very important in the defence of this country by attracting them, by affording training facilities up to the higher army training schools here and overseas if necessary.

With these few words, Sir, I beg to oppose the Bill as it stands.

MR. NGOME (Specially Elected Member): Mr. Speaker, before I approve or oppose this Bill, my first submission is to ask the Government to send this Bill to a select committee for examination before it becomes law. The committee should consist of some people with

[Mr. Ngome]

with military experience, some of them from this House. The King's African Rifles are mostly African people in this country and the whole world is aware of what the King's African Rifles have to do and what they have been doing in this country for many years, especially in the first and second world wars.

With regard to the word appearing in this Bill, Mr. Speaker, that is the word *effendi*, I think my hon. friend on the opposite side, the Minister, had a protest from me about this word before coming into this House, and I am sure he will see the desirability of removing this unnecessary word—a word not suited for the purpose in this Bill.

Mr. Speaker, with these few words, I will reserve my speech.

MR. SLADE: Mr. Speaker, Sir, it does appear to me that a great deal of irrelevant matter has been raised in the course of this debate; and I shall say straight away that I do not associate myself with the hon. Member who says that this Bill offers no future to the people of this country. Indeed, Sir, it does not really concern the future; it is concerned with the establishment, government and discipline of the King's African Rifles, of which I need hardly say we are all very proud. When it comes to the question of the future, that I should have thought rested partly on rates of pay and allowances and partly upon a man's individual capacity to take advantage of opportunities. Rates of pay, I think I am right in saying, Sir, are quite separate from his rank, and individual capacity, of course, is something on which no one can legislate.

Nor, Sir, do I associate myself with the hon. Member who somehow wanted to embody in this Ordinance some African law. I need not aware that there was any separate African military law that controls the warriors of African tribes outside the King's African Rifles. I should be very interested to hear more of it. Nor, Sir, do I associate myself with those hon. Members who, irrelevantly but quite persistently, talk of abolishing the Kenya Regiment. They talk without a word of appreciation of the service rendered by that regiment, both as an officer-training unit during the last war, and as an embodied unit in the recent rebellion. Nor is there a word of appreciation for

the many members of that regiment who died in the last war and in the recent rebellion, for the country, including all loyal citizens of the country. I hope we shall not hear any more of that, at least without a corresponding and gracious appreciation of what is owed.

Nor, Sir, can I associate myself with any of the *jeux d'esprit* of the hon. Member for Nyanza Southern Area, except one: section 126 provides, as he points out, that "any determination by the Supreme Court of any appeal or other matter . . . shall be final and no appeal shall lie from the Supreme Court to any other court". Now, Sir, the Supreme Court is empowered to entertain appeals, subject only to leave of the Supreme Court, against all convictions by court martial and sentences. It does seem to me a very unusual and undesirable thing to provide that the appeal shall stop at the Supreme Court, particularly if it comes to a point of law; and I would ask the Government to reconsider that provision, and allow appeals to take their ordinary course up to the highest authority, as I say, particularly on any point of law.

Now, Sir, for the rest, this is a very desirable piece of legislation that is long overdue, to bring our King's African Rifles Ordinance up to date. Nevertheless, we have had a very similar Ordinance in existence for many years, and I have not heard before much complaint about it. Indeed, Sir, I was privileged to serve, for about a year and a half, during the last war, as Deputy Judge-Advocate-General of the East African forces, which meant, of course, that I had to watch continually the administration of this law; and I must say I found very little occasion to complain of injustice in its form or its administration.

And there is one further thing I would say, Sir, from that experience and that is, how much I welcome the knowledge that we now are to have uniformity of legislation on this subject between the three territories. Having to advise on three separate King's African Rifles Ordinances, with different provisions, each different according to the battalion concerned, and sometimes different according to the individual seconded from one battalion to another, was an absolute nightmare, not made better by

[Mr. Slade]

the fact that the law officers of the various territories concerned took delight in clinging to their peculiarities rather than trying to sort them out by compromise. I am glad to see they have now become more enlightened in that matter. For that reason, in particular, Sir, I welcome this Bill and support the Motion.

MR. MBOYA: Mr. Speaker, Sir, I was not going to intervene in this debate at all, except for some of the points that have been made in the course of the few speeches. I am asked by my friend, the Member for Southern Area, to draw the hon. Nominated Member's attention to the fact that he did not say that soldiers should be allowed to quit the army; he said that rather than being asked to pay Sh. 100 they should be allowed to give so many month's notice. He would be glad if the hon. Member would take note of that particular point.

Sir, I do not claim any particular personal knowledge of the army or for that matter any great experience with this type of thing, but it does seem to me that in the course of this debate some few points have arisen which ought to be put and made very clear. In so far as this army is concerned—the King's African Rifles—it is an army for this country, to defend this country primarily, and consequently it is of great interest, I think, to us all not only in terms of what its structure is and what conditions the soldiers enjoy but also in terms of how much opportunity there is for members of all our communities to advance in it to various ranks and positions.

When the Minister spoke, he referred in passing to the fact that today some people are being sent from this country for training overseas, for commissioned ranks. This is a welcome development in this country because for a long time we have asked the Government to throw open the door for local people to be trained for commissioned ranks, to come back and take over commissions in the King's African Rifles. However, despite this opening, I think it must be pointed out, Sir, that in so far as there is this opening we have got to be assured that the opportunities will be equitably distributed to all sections of our community, and there is no gnawing the

fact that the King's African Rifles is primarily an African army in so far as the majority of the soldiers are Africans; in terms of language and customs and general understanding of various social problems, as far as these are concerned, it is highly desirable that there should be more Africans with commissions. We hope, therefore, that the training facilities provided overseas will be open more and more to Africans, rather than that we should just be told that they can now go overseas for training. We would like to hear from the Minister, when he speaks in reply to this debate, what arrangements are made and what is the basis on which people are selected to go overseas for training. We understand some people have gone; we would like to know how many people have gone and what is the composition of the number of those who have gone.

Mr. Speaker, reference has been made to the term *effendi*, and here I do not claim very particular knowledge of the setup. But, Sir, it does seem a curious invention in so far as ranks already exist and a structure already exists; we would like to know from the Minister why it became necessary to invent this particular rank of *effendi*. I have heard it said in certain quarters, jokingly sometimes, that the origin of this name *effendi* is the fact that for a long time the African soldier was used to saluting his superiors—that is, European superiors—as *afwandi*, and so the term *effendi* developed. At the moment, it is restricted to African soldiers which has a terrible connotation, and unless it is absolutely necessary that this sort of rank be invented, we would like to see it disappear and the normal process take place, so that Africans who are good enough to be selected for special training or training for commissioned ranks should be so selected and given that training rather than be whitewashed locally with this idea of *effendi*.

We would also like to know where it fits in and especially how it relates to warrant officers in the normal course of things.

Mr. Speaker, there is one other point which has not been very much emphasized here and on which I particularly feel very strongly. That is the position of the ex-servicemen. I do not know

[Mr. Mboya]

whether this is the appropriate place to deal with it, but it is, I think, appropriate to mention here that in trying to deal with the question of the King's African Rifles, the position of ex-servicemen needs very urgent and immediate consideration. It has been stated in many circles that it seems, for a lot of African ex-servicemen, the only future is in getting a watchman's job now, and that invariably many of them who come back disabled find themselves, after a few months, in a very hopeless state, especially as they do not get sufficient gratuity or pension to sustain them for a long time. We understand from this Bill that there will be an increment in the pensions from Sh. 600 to Sh. 800. Now, Sir, I think due consideration should be given to the future, the welfare of the ex-servicemen, and especially to that of the disabled ex-servicemen. I think that very little has been done in so far as the rehabilitation of ex-servicemen is concerned, putting them back into normal civilian life, getting them jobs and that sort of thing. We should like to see some better arrangements made, whereby these people can, in fact, be taken care of.

Now, Sir, my friend, the Specially Elected Member, when speaking, did refer to the Kenya Regiment and the statements that have been made about it. I agree with him, Sir, that some appreciation has to be recorded for what the men of this Regiment have done. But, Sir, this is no justification for the existence of a wholly racial regiment in this country. We will appreciate whatever they have done, and indeed we do appreciate it, but that, Sir, I submit, does not and could not rule out the argument that was put forward that it is totally unjustified that there should be a racial regiment in this country. This point is especially important, in so far as we have been told on some occasions that the Kenya Regiment is used as a training ground for future officers of the army in this country. If that is the case, Sir, then are we being told that there is no deliberate scheme to ensure that members of other races are equally equipped or trained or given the background necessary to be trained for commissioned rank in this country? Whatever the Government may say in this connexion, there can be no argument to

justify the existence of a racial regiment in this country.

THE CHIEF SECRETARY (Mr. Courts): Mr. Speaker, Sir, on a point of order; I did not want to interrupt the hon. Member when he was speaking, but I would ask you to rule whether or not the Kenya Regiment has got anything to do with the Bill we are now discussing. I think it is entirely out of order.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Strictly speaking it is out of order; on the other hand as we are discussing the armed forces and certain new arrangements, I have deliberately allowed a certain amount of latitude; but I must now rule that to continue discussing the Kenya Regiment is out of order.

MR. MAXWELL (Trans Nzoia): Mr. Speaker, Sir, I fully support this particular Bill, therefore I have little to add to this debate. The hon. Member for Central Rift mentioned the courage of the African forces. I think that is not in dispute. At the same time, Sir, would I be out of order in fully supporting the remarks made by the hon. Member for the Aberdares and, in more modified terms, by the hon. Nominated naval Member, because I support their views fully?

Sir, I have one little modification which I suggest might be made and that is to clause 44. It says "Any person subject to this Ordinance who, being the pilot of one of Her Majesty's aircraft, flies it so as to cause..." I would rather see the word "deliberately" included—or some such word—if that paragraph, so that it reads "deliberately causes it to fly..." If it is deliberate, then it is quite agree, but it might be quite accidental that it causes annoyance. I would like the hon. Minister for Legal Affairs to take note of that. That is the only modification I suggest, Sir.

The hon. Member for the Central Rift also brought up the question of uniform. Sir, we have a variety of uniforms in the army and in the navy. Do we have a uniform applicable to the Members of this House?

Sir, I beg to support this Bill.

MR. COOKE (Coast): Referring to the point which was raised by the hon. African Member for Nairobi, that

[Mr. Cooke] nobody is looking after the interests of the ex-King's African Rifles, there is, Sir, in existence, the African Section of the King's African Rifles of which I happen to be a member.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The British Legion—not the King's African Rifles.

MR. COOKE: I beg your pardon, I meant the British Legion, the African Section of the British Legion of which I happen to have been a member for some years. I think that several thousand ex-soldiers are members in Kenya, and if they have grievances they can get them redressed. That African Section of the British Legion has done a tremendous amount for discharged soldiers.

As an old member of the King's African Rifles I must dissociate myself from the implications in the remarks made by the hon. Member for the Aberdeenshire which were supported to a certain extent by the hon. Nominated Member for the Coast, Captain Hamley. I think that certainly 99 per cent of the officers of the King's African Rifles would welcome very much this proposal of having Africans as officers in that very distinguished Regiment. I myself have heard no complaints whatsoever over the intention of Her Majesty's Government to open up the King's African Rifles to commissions for African soldiers. If my hon. friend wishes to indicate that there is any strong feeling amongst the officers of the King's African Rifles against this then I must say that it has never come to my knowledge in any way. I hope that when my hon. friend the Minister for Defence gets up he will have something to say on this matter because it may have very serious repercussions in this country.

I would also say that I think it is rather unfair to cast aspersions on other Members by, especially, a new Member of this House, in saying, as I think he did say, that he hoped that the authorities would be more careful in selecting people for commissions in the King's African Rifles than they, the people of this country, have been in selecting the African Members of this House. I think that is an uncalled for remark and I

with to dissociate myself from it entirely.

MAJOR ROBERTS (Rift Valley): Mr. Speaker, Sir, one thing which has pleased me very much is to learn how proud the hon. African Elected Members are of the King's African Rifles. I agree, Sir, that they have every reason to be proud, but I would like to point out that the reason that the King's African Rifles have reached the present high standard is because they have, through the instruction given to them by British officers and British non-commissioned officers, inherited the traditions of one of the finest fighting services in this world. This Bill, Sir, ensures that those traditions and the discipline which goes with it are retained, for without that discipline no army could survive.

There is, however, Sir, one point on which I do wish to support the hon. Member for the Central Rift, and that is over the question of uniform, and I think it is absolutely essential that a soldier should be given every means of having as smart an appearance as possible in order to ensure that he has pride in his regiment and, above all, a pride in himself. I feel that the uniform which is given today to the King's African Rifles is a disgrace and that they warrant and deserve something very much better.

I would, Sir, like to take up one point on what was said by the hon. and gallant Selected Member over the question of aircraft pilots and point out to him that it is quite frequent that army personnel are called on to fly aircraft. I would remind him of the Glider Pilot Regiment and the spotters of the Royal Artillery.

Sir, I beg to support this Motion.

MR. WEBB (Nominated Member): Mr. Speaker, there are one or two legal matters which have been raised in the course of this debate to which I would like to reply. The most important was that raised by my hon. and learned friend, the Specially Elected Member, and also by my hon. friend the Member for the Southern Area with regard to clause 126 of the Bill dealing with appeals and the fact that there is no appeal from the Supreme Court. This, of course, is something which is being given now in this Bill for the first time and in that we are following the English

[Mr. Webb] Act of 1951 which gave an appeal from a court martial to the Court of Criminal Appeal in England. The position in Kenya will, in fact, be slightly better than the position in England if this Bill is accepted as it stands. In England there is an appeal from a court martial to the Court of Criminal Appeal, the equivalent, in a way, of our Supreme Court here. There is no appeal from the Court of Criminal Appeal in England, except by leave of the Attorney-General to the House of Lords: In this country, on the other hand, there will always be an appeal as of right to the Judicial Committee of the Privy Council because it is not within the competence of our legislature to deprive any subject of Her Majesty in Kenya of that right of appeal which is granted by an Act of the United Kingdom Parliament. I think, therefore, that troops in this country will lose absolutely nothing by accepting the Bill in the form in which it stands.

The hon. and gallant Specially Elected Member raised the question of clause 51 and the question of the limitation of that clause to the Commonwealth. This clause is limited in its scope to civil offences and the execution by the police officers of warrants for the arrest of persons who have committed or who are suspected of committing civil offences. It would be quite improper for us to try to legislate in that regard in respect of a foreign country, and it is therefore limited to countries within the Commonwealth.

The same hon. and gallant Member also referred to clause 61 which also deals with civil offences and he mentioned the recent case involving an American serviceman in Japan. That position could, in fact, arise under this clause and it is the general rule that when a serviceman commits a civil offence in a country, he is liable under the civil law of that country. When troops are stationed in a foreign country on a semi-permanent basis—occupation or otherwise—an agreement is normally entered into that where what is technically a civil offence concerns only military property, it will be dealt with by the military authorities. But where he commits an offence which is of its nature civil, then he is normally handed over

to the civil powers to be dealt with according to the civil law. Now, whether or not a particular offender is to be handed over is, of course, a matter of policy and it could not be otherwise.

Several hon. Members have referred to clause 44 and have suggested that it is in some way lacking. This refers to clauses 43 and 44. The clauses are specifically limited to Her Majesty's aircraft and if persons subject to the Ordinance happen to be flying a Danish aircraft under NATO arrangements he would not be liable under these clauses.

As to whether or not an offence under clause 44 is deliberate, it is, I think, axiomatic that if he committed the offence accidentally there could be no prosecution. There is also this point. Virtually, every aircraft which takes off or lands causes a certain amount of noise as it passes over the immediate heads of those in the vicinity of an airfield. Now, every landing or taking off is deliberate and it is necessary to qualify the clause, and the qualification occurs in the word "unnecessary", and that is how the point which the hon. Member for Trans Nzoia mentioned is dealt with.

MR. KIRAMISHI: Mr. Speaker, I have got only one or two points which I would like to bring to the notice of the Minister dealing with this Bill.

In the first place, I should like to support the plea for the reference of this Bill to a special select committee of this House. It should then be brought before the House for further scrutiny and debate.

Secondly, Sir, I would like to go through one or two points, Sir, which I think I am not happy about. On clause 18, sub-sections (1) and (2), I think it would be very difficult for anybody to prove whether a certain person has assisted the enemy with real intention, so as to cause him the death sentence, or whether he has only communicated without authority to the enemy anything, Sir, in connexion with military forces.

In the first instance the man would be liable to a death penalty and in the second instance he would be liable to imprisonment. I think that these offences are almost the same and I think a uniform penalty would be better, but I would not support the death sentence in this particular instance.

[Mr. Khamisi]

On clause 28 which concerns obstruction of provost officers, I am not quite aware of the military terms and I do not know what a provost officer is, but according to sub-clause (b) it says: "Any person subject to this Ordinance who—(b) when called on, refuses to assist any person known to him to be a provost officer...." may be imprisoned. I do not know whether it is clear enough there. The provost officer may ask him to do something which may not be proper for him to do as a soldier. In that case I do not know whether it is fair that the provost officer may ask any soldier to do anything and if he refuses the man is court martialled and gets a sentence up to the maximum of two years. I think that the offence is very trivial, and unless it is something serious in connexion with the conduct of the duties of the soldier I do not think the maximum sentence should be two years.

On clause 35 here again the clause says, "Any person subject to this Ordinance who is guilty of drunkenness, whether on duty or not, shall...." Well, Sir, I do not know whether in that clause is forbidden to drink at all because according to this clause a soldier is not allowed to drink. I think that also is a trivial offence and it is very common for soldiers who are in barracks when they go to town to get drunk, and therefore because a soldier is drunk he will be liable to be imprisoned for two years. I doubt whether any officer in the Army would do away with drink or whether any Member of this hon. House would do that.

Now, Sir, clause 37 again sets out certain things and my comment there is that it does seem to me that throughout this Bill the only penalties that the Army are very inclined to offer is the maximum of two years, whether the offence is serious or trivial and from that they go to the death sentence. I think that the sentences for some of these offences are so trivial that they could easily scale the ceiling down.

Another thing which gives me a bit of worry is clause 58. There a soldier is almost meant to close his mouth on reporting anything at all which he finds is wrong, because unless he is able to prove it then he is liable to face a

prison sentence of a maximum of two years. I think there also the soldier should be given a reasonable allowance to be able to state his case and make his accusations against any officer and if it is proved that the soldier is wrong then the matter is dismissed in the same way as the man who accuses the Minister for Internal Security and Defence in court is dismissed if he loses the case. Therefore I do not think the soldier should be victimized after that by being liable to imprisonment.

Now, Sir, the last thing which I would like to mention is that when I was reading through this Bill I discovered that there was nothing at all to do with the pensions or provident funds of the soldiers. But in paragraph 183 I find some mention that in fact there is a pension, allowances and gratuities which are payable to the members of the King's African Rifles. I would like the Minister to tell us the nature of these allowances and pensions, because it does seem to me that although the British Legion is doing voluntary work for these people when they are discharged their work leaves much to be desired, and I think that a definite scale of provident fund and pension is very desirable for these people. They are taking on a very risky sort of work because they are at any time liable to be called to the front line and fighting for their lives to save their country in and for the Empire. For that reason, Sir, something definite should be made for them so that their morale will be better and so that they will be better soldiers than they are even now.

With those few remarks, Sir, I support the Bill.

MR. NGALA (Coast Rural): Mr. Speaker, Sir, I also support the idea of putting this Bill before a Select Committee of this House. I think it would be very helpful if people who are more knowledgeable had more time to study this and bring it before the House.

I have only got three points, Sir. The first point has been touched on by the hon. Member for Mombasa Area and that is the question of drunkenness. I would like the Minister to clear the point that has been touched on by the hon. Member for Mombasa and furthermore on the same point I would like to know the procedure under which drunkenness

[Mr. Ngala]

will be determined. From experience, Mr. Speaker, our people have been alleged as being drunk on a question of just tasting or having a glass or two and I think that there is a point which should be made clear by the Minister.

Another, Sir, is the question of bad language being used by subordinate officers to their superior officers. In my experience, I have found that superior officers also have used quite a lot of bad language to their subordinate officers. Now, there is no provision here to penalize a superior officer who uses bad language on his subordinate officer. I would like the Minister to explain how the situation would be if a superior officer was in the habit of using bad language. We have heard very bad terms used in Swahili, for example, while training is going on and the subordinate officers have got to swallow it from their superior officers. I think this is a very serious thing.

Then, Sir, there is the question of security in the case of a soldier who dies, that is, security for his family. This requires some explanation so that people who join this army or the forces know exactly what the destiny for their wives and families is so far as security is concerned.

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

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, the hon. Member for Mombasa Area and the hon. Member for the Coast Rural have both asked questions about clause 35 which deals with drunkenness, and I hope that I can give them some expert advice on the subject.

Sir, when I was a soldier I once asked a witness, "Was the accused drunk?" and the answer I got was, "No, Sir, he was still twitching". That is not quite the test we apply here. The test we apply here is contained in clause 35 (2). If the hon. Members would look at that sub-section it says: "For the purpose of this section a person is guilty of drunkenness if owing to the influence of alcohol or any drug, whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty or with any duty which he may be called upon to perform, or behaves in a disorderly

manner or in any manner likely to bring discredit on Her Majesty's service".

Therefore, Sir, if a man is slightly elated but still capable of performing his duty then he is not drunk within the definition of that Ordinance. But if, on the other hand a man is "stoutious", which means that he is quite unconscious and unable to do anything at all, then he is drunk. That is the test.

Sir, the other matter which perhaps I could give a little assistance with was raised also by the Member for Mombasa Area and arose out of clause 58. He said that he thought the offence of making false accusations was unfair because a soldier might make an accusation which failed and that therefore the soldier would be guilty of this offence. If the hon. Member would read this clause carefully he would see that the offence of making false accusations is only committed where the accusation is made by a person which he knows to be false. So you can only commit this offence deliberately. You can only commit this offence with criminal intention. In order to be convicted of it the prosecution would have to prove that the accused made an accusation, made an accusation which was false, and made an accusation which when he made it he knew was false. So this section is not unfair in view of that qualification which is contained in it.

Sir, I beg to support.

MR. MATE: When the Minister was introducing the Bill, Mr. Speaker, I felt quite hopeful when he said that it was an improvement on the old one. But, Sir, there are some things which I feel are very important.

The army, as a career, has become important for Africans and they look forward to going to the army for a lifetime of service and looking at the section dealing with the terms of service I do not see any quotations that make it much more attractive or interesting for the African ranks. I would like to know what plan the Minister has in making it more interesting, especially for the young African who is keen to enter the army and make a career. At the same time I would like to offer congratulations to the Government for sending some young people to Britain to train as officers who come back and start in

[Mr. Mate] the army here. I think that is the right direction we should follow for the future in sending more and more Africans to training colleges in order to qualify as officers.

Connected with that, Mr. Speaker, is this new rank of *effendi*. As the Member for Nairobi Area said earlier, it is not understandable why Africans should be side-tracked to a different rank. They take it as an order from others, but they do not like it at all. I would like the Government to give this matter some second thought and see whether there is need to side-track these officers into a different rank just because they are Africans or because they are not well educated or experienced. I remember hearing a story about the last war—I was not there myself—that when an African attained the rank of lieutenant he was side-tracked to what they called a platoon commander. No African in Kenya can understand why this has been, especially when we talk about multiracial Government and co-operation between the races. So I feel, Sir, that the question of promotion and training of young Africans to become soldiers is very important. When it comes to the same service I believe that the salaries and the treatment differ with the ranks. If the African has to remain in the lower ranks it means that he will get less pay, less emoluments, and less better conditions. Why should that be the case? I think that the Government should give that a better thought.

Mr. Speaker, the second feeling I have about this Bill is what my friend the Member for Coast Rural mentioned as the security of the particular soldier when he leaves. The terms and conditions of service; they should be given a particular thought, and the Government says that the Africans today, or many of them, are conscious of the army as a career. They do not go on into the army because of wars and they should be considered.

The other thing is education, especially languages, for these people who might be promoted so that they are able to read some English or even write some English so that their promotion is not hampered by lack of education. The Government could organize courses in order to help these people.

My last point, Mr. Speaker, is that I do not see why we have two regiments in Kenya. We should have only one army and the King's African Rifles should be the only army. It is known as the King's African Rifles and it means black men or people who have made their homes in Kenya. I do not think that if we are all called Kenyans or Africans there should be two regiments with a division of duty. They do the same job and it is time the Kenya Regiment was abolished and that money put to better use.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (MR. CUSACK): I believe that you, Mr. Speaker, have already ruled that this topic of discussion is out of order.

SIR CHARLES MARKHAM: Sir, in view of the fact that this Bill is really only bringing up today what has been established for many years, I beg to move under Standing Order 64 that the Mover be now called upon to reply.

THE SPEAKER (SIR FERDINAND CAVENDISH-BENINCK): I think that everybody has had more than a fair chance to express their opinions on the Bill and the points which have been raised: Most of the points now being pressed are Committee (of the Whole House) matters. Therefore I do not think this course would be an infringement of the rights of Members.

Question proposed.

The question was put and carried.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (MR. CUSACK): Mr. Speaker, Sir, I have certainly been given a bewildering variety of material to try to reply to. The hon. Member for North Rift raised the question of the future and the security of officers. It is of course the fact that all officers serve on the Queen's pleasure as in fact do all members of the colonial service. That does not, necessarily, mean that they enjoy in reality any real great insecurity of tenure. The same hon. Member and a number of other Members raised the matter of encouraging men—and by that, they mostly mean African young men—to join the King's African Rifles. Sir, sometimes wonder what some hon. Members do with all their time. I am a fairly busy man, but I did find time to listen about a week ago to the Com-

[The Minister for Internal Security and Defence]

manding Officer of the Eleventh King's African Rifles on the wireless describing the prospects of promotion and the kind of career that a young man of any race in Kenya would have were he to join the army. There was that broadcast which hon. Members might well have listened to; there has been a considerable amount of publicity in the papers; there are King's African Rifles officers visiting the schools of all races in this Colony with the intention and endeavour to get the kind of people that we want to be able to train to send to Sandhurst to get commissions in the East African land forces. A number of Members raised the question of *effendis*. I am afraid I do not myself quite understand their difficulty in this. *Effendi* is an old rank in the King's African Rifles which fell into disuse, I suppose, about the end of the Kaiser's War, until recently. I myself know some distinguished and old retired African soldiers who still use, and rightly use, that rank; *Effendi* Farrah Rabeh, D.C.M., is one man who comes to my mind immediately.

Sir, when we over the past few years have been considering the future of the King's African Rifles, particularly with regard to getting African and other local officers into it, we found that there were, in fact, a number of the most excellent, brave, skilful soldiers who were Africans but who could not, from lack of education in many cases and other mental incapacities (and I do not mean that in any rude kind of way) could not make the hard road of an officer by going to Sandhurst and passing through all the examinations and training that are necessarily given there to produce an officer who will be an officer by any comparative standard; by that, I mean he will not be an officer's bracket, African close bracket; he will be a British officer. Sir, there are some, as I say, excellent men who could not possibly have made that grade. We therefore revived for them the very, I think, distinguished title of *effendi* and made them in effect senior African warrant officers. They are in reality perhaps almost a little better than that. They wear stars on their shoulders; they wear sam brown belts and they are greatly respected by everybody, Africans and British officers alike. They do not

as I say enter the category of commissioned officer, only just do not. The commissioned officers are the people we are trying to get to send to Sandhurst and give the complete training there that I have spoken about.

Sir, the Member for Nairobi Area. I think specifically asked (I have so many notes, it is a little difficult to find here) about the equitability of the choosing of people for overseas training for commission, and how many have gone overseas. I can do no more, I think, than assure him that the choice is equitable, that it fell last recruiting period, which was last year; that of the candidates who were initially chosen, there was one European, three Asians, of whom one was a Goan, and one African. They did the preliminary attachment, which they have to do in this country, with the Fourth King's African Rifles in Uganda. I think I am right in saying, and later were interviewed before being sent overseas to continue their career at Sandhurst; and in the course of that period, some of them fell by the wayside. In fact, they went to Sandhurst and another military college at home, and in the end, three of these people have been selected of whom one was a European, one was a Goan and one was an Asian. I have already spoken about the recruiting campaign, one might call it, which is taking place at the moment.

Now, Sir, the hon. Member for Southern Area said, I think I am right in saying, that what we wanted was not the British Army Law brought into Africa, but we wanted African military law taking account of African law and custom. Well, Sir, he then quite frankly gave me, anyway, such a grisly glimpse of what apparently African military law might lead to that I was extremely glad that we had stuck to the rather old and tried Army Act.

Sir, one really cannot envisage amongst the many things that he said that soldiers could, for instance, and should, for instance, take leave, apparently without permission, to go and get married. Sir, I can well envisage circumstances which might arise amongst almost any race where soldiers would prefer honeymoon to battle.

He asked a great number of things, Sir, and out of courtesy to him, I will

[The Minister for Internal Security and Defence] to deal with them. He asked under section 34 about powers of the Governor to order any officer or soldier to proceed to any place outside the Colony for the purpose of undergoing instruction or training; and I think the point he made was that it should be restricted to the Commonwealth. Well, it readily comes to one's mind that one might well hope that at some stage an African officer might, for instance, be attached to NATO, a command which would not necessarily be situated within the Commonwealth, and he might go there for instruction or duty or employment, and I think we might well look forward to that.

He then, on section 5 (ii) queried whether the district commissioner was the right person to certify in the case of an under-18 year old person whether he could join the army if his parents or guardians were dead, and said it should be the chief. Well, Sir, these are trivial things. The district commissioner would, of course, in the normal routine, consult the chief. He is a wise man; he does what is sensible and right on these occasions. He then went on to raise a point that a soldier of the regiment should be entitled to be conveyed free of cost, if he is discharged, to the place where he was attested. He went on to say, no, he should not be conveyed to the place where he was attested; he should be conveyed to wherever his home was. Well, it is common form of law that with anybody whom you engage in employment your liabilities to him cease at his place of engagement. The Colonial Office's liability to me ceases unfortunately in London, not in Dublin, because I was engaged in London. Similarly, this happens with anybody else who is engaged in a particular place. In addition to that, the hon. Member, I think, coming as he does from a martial race must be well aware that the normal method of recruitment to the King's African Rifles is by recruiting *safaris* amongst selected tribes at selected seasons. That is to say, they go for instance to the Samburu to select a certain number of Samburu during one year; and in order to balance the intake of Samburu, they go perhaps next year

to the Kipsigis or Nandi (and it is indeed more frequently than annually). So normally, and I would think personally in almost every case, the King's African Rifles soldier is enlisted on a recruiting *safari* in his tribal area.

The hon. Member then raised a question about reduction of establishment under section 13 (c) being a reason why a soldier can be discharged. Well, Sir, that is, unfortunately, common to all forms of the Queen's service: anybody is liable to be discharged on reduction of establishment. A soldier is neither better nor worse off than anybody else in the Queen's employ. He questioned also section 14 (2) about a soldier who wished to claim his discharge within six months of the date of his first attestation, and had to pay a hundred shillings to do so. The reason is patent. You take a man who has no military training at all, and you spend six months getting him into form, to stand up straight, and know something about a rifle, and you kit him out with uniform; and at the end of it all, he says he does not like it, so he is a dead loss to you, so you rather discourage that kind of thing and you get one hundred bob back.

He raised a further point on section 17 (c) about a person having been made a prisoner of war, serving or aiding the enemy, and suggested that possibly a man might do so in order to escape. The answer is, of course, that in those circumstances, he would not have been doing it within the terms of the clause in order to assist the enemy.

I have already dealt with the remarkable suggestion that people should go absent without leave in case of marriage. The hon. Member wondered, under section 32, whether a Kipsigis who found himself assisting a deserter and did not, in fact, report that he was sheltering a deserter—the hon. Member thought it would be very wrong, in fact, for the man to report, and said, I think, that he himself would not do so. The clause, if he had only read it properly, applies only to any person subject to the Ordinance. Sir, I perhaps could wish the hon. Member was subject to this Ordinance for some purposes.

He then spoke about section 49 (d) about a witness refusing to answer a question. Sir, a witness in an ordinary

[The Minister for Internal Security and Defence] a court of law who refuses to answer a question can, subject to the correction of my learned friend behind me, be put away for contempt.

Section 77, the hon. Member said that the composition of courts martial excluded an African sitting on them. That is oddly enough in a different context a matter which was considerably debated in the House of Commons when the Army Act was discussed there, as I mentioned earlier today, the point being there, of course, not that he was an African or not an African, but whether a private soldier or a non-N.C.O. should be entitled to sit on a court martial. Now, this section of the Ordinance, of course, does not say that Africans shall not sit on the court martial; it describes what a court martial shall be: it shall consist of a president and not less than four other officers.

Now, the answer is that a private soldier or a non-commissioned officer may not, is not entitled and cannot be entitled to sit on a court martial. When we get the African officers about whom I have spoken, they will be able to sit on a court martial just as any other officers are, and just as any British private soldiers or N.C.O.s are not entitled to do.

He asked, under section 98, who would advise the Governor in the case of a death sentence passed by a court martial. The answer is contained in the Royal Instructions and it is the Council of Ministers. He asked, under section 116, what a judge advocate general was. I think the hon. Specially Elected Member, Mr. Slade, has told him: a judge advocate General is a qualified lawyer. He is normally a lawyer, in these circumstances, in the army legal service, but might quite conceivably be appointed *ad hoc* for the purpose.

The question which the hon. Specially Elected Member, Colonel Bruce McKenzie asked, related to the matter of flying aircraft, my hon. and learned friend the Acting Solicitor-General has already dealt with. He asked also about why there was no clause dealing with foreign decoration. The answer is that foreign decorations just do not come within the

ambit of an Ordinance of this kind. The acceptance by, I think I am right in saying this, the acceptance by British subjects of foreign decorations is a matter for Her Majesty in which Her Majesty exercises her discretion.

The hon. Member for Central Rift spoke about *effendis* and my hon. friend Mr. Slade has already dealt with that.

Now, Sir, the hon. Member for Aberdare and the hon. Member for the Rift Valley both mentioned the uniform; they both said they did not like it.

Sir, matters of this kind can only be matters of personal opinion. One reads, I think, that Norman Hartnell designs a new hat for the Women's Royal Army Corps; some of them like it and some of them do not. Uniform, if one really casts back in one's own mind, has altered remarkably over the years—red coats, blue trousers, helmets with spikes on them and so on; the uniform has become more and more utilitarian. I do not think the battle dress and trousers in khaki serge of the ordinary British line regiment is particularly attractive either, but we must bear in mind that uniforms, however much we regret it, have ceased largely to be for attractive display and really are becoming what may be the protective requirement of an atomic war.

There has been considerable mention of pensions and of looking after discharged or retired members of the King's African Rifles. Sir, without more ado, I would merely ask Members to refer to section 213, which gives the rule and regulation-making powers for all these things: "... promotion, pay, allowances, pensions and gratuities of the officers and soldiers ...". There are obviously good reasons why pay and pensions should not be the subject of an Ordinance; as times change and pay increases, or something of that kind, it would mean constant reference back to this House to amend the Ordinance. Consequently they have very wisely been put into a rule-making power.

The hon. Specially Elected Member, Mr. Ngonje, and one or two other Members, including I think, the hon. Member for Mombasa Area, suggested that the Bill should be sent to a select committee. Well, Sir, as I pointed out when I spoke originally on this, it has already

[The Minister for Internal Security and Defence] had eight and a half years of select committees in another place, and I think possibly that is long enough.

The hon. Member for the Coast spoke about the work of the British Legion for retired ex-servicemen. Sir, I would like to associate myself with everything he says in that respect about the excellent work done by the African Section of the British Legion. I should like to add, from this side of the House, and indeed on behalf of all Members of the House, that the Estimates contain a considerable subsidy for the African Section of the British Legion; the House votes several thousand pounds each year, so that indicates, perhaps more nearly than I can, the belief that the House has in their good work.

The hon. Member for Mombasa Area was unable to distinguish between the purport of section 17 (1) and the purport of section 17 (2). The difference, very briefly, is that 17 (1) deals with treachery and 17 (2) deals with cowardice. He also wanted to know what a provost officer was. Sir, he is not a p-r-o-v-o-s-t officer, he is a provost officer and he wears a red hat and belongs to the Corps of Royal Military Police.

The hon. Member for Coast (Rural) wanted to know what happened to officers who habitually swore at their men. Sir, if they did it too much and too long and too noticeably, they would be subject to section 60, I think, of the Ordinance, which covers conduct to the prejudice of good order and discipline, and could be court-martialled for doing it.

The hon. Member for Central Province North asked several things which had already been asked and which I have answered just now, and he also asked about education in the army. Sir, a very great deal of education is carried out in the army; there is the Army Education Corps, there are officers and other ranks of it here, and I have, when speaking previously, I think, in the Budget debate, made mention of the various army schools which I have myself visited.

Mr. Speaker, I have, I hope, with the help of my hon. and learned friend who

spoke also, covered all the points raised and I beg to move.

The question was put and carried.

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair]

[Mr. Deputy Speaker (Mr. Contoy) took the Chair]

The Equitable Mortgages (Amendment) Bill

Order for Second Reading read.

Mr. WEBB: Mr. Deputy Speaker, I beg to move that the Equitable Mortgages (Amendment) Bill, 1958, be now read a Second Time.

Mr. Deputy Speaker, an equitable mortgage may frighten some people and it is a very peculiar English institution. In England there is no registration of title to land, for the most part, and therefore there is no system for the registration of transactions concerning land or interests in land. Conveyancing is a matter between the parties concerned. In England it has developed into a technical and very complicated matter and in no part more so than that which relates to mortgages, the pledging of land to secure loans. So complicated in fact did this procedure become that a typical British compromise was invented to avoid the need of a duly executed legal mortgage, a document which is virtually unintelligible to a layman and extremely expensive; yet it was necessary to secure the interests of the lender. This device is the equitable mortgage which, in its commonest form, takes the shape simply of a deposit by the borrower of the title deeds of the land which he wishes to charge with the lender. If the borrower defaults, the lender has his remedies, but they were not remedies which in the old days, were enforced by the common law courts but by the courts of chancery as an equitable doctrine.

Now this practice of the deposit of title deeds to secure a loan has no place in a system of land law which is founded on the registration of title, in which conveyancing is regulated by ordinance and proceeds upon the use of statutory forms

[Mr. Webb]

and the registration of every transaction, so that no transaction has any legal effect unless it is registered. Yet the principle of equitable mortgage was very early recognized to be a useful idea, and as long ago as 1909 the Equitable Mortgages Ordinance was enacted. At that time, the Crown Lands Ordinance of 1902 was in force and that made no provision for any form of transaction that was not registered. The 1909 Ordinance enabled an equitable mortgage to be created in Kenya, despite the Indian Transfer of Property Act of 1882, which was imported into East Africa in 1897, and also makes no provision for this equitable device.

Sir, the last half-century has revealed certain defects in this Ordinance, and this Bill can therefore hardly be said to be rushed. There are only three clauses in this amending Bill. The Ordinance refers only to transactions to which the Crown Lands Ordinance refers; it ignores the Land Titles Ordinance and the Registration of Documents Ordinance, both of which create mortgages, called by the name of charges. That is the first amendment which this Bill will make.

The second odd thing, perhaps, about the 1909 Ordinance is that it only contemplates mortgages created in favour of creditors. People frequently do borrow money from their creditors, but for the most part loans are raised from people to whom the borrower does not at that particular moment owe money; and therefore the second amendment which we propose to make is to throw open the doors of the equitable mortgage to any person who is prepared to lend money.

Clause 3 of this Bill, Sir, is however prompted by other considerations; partly as a result of proposals made by my hon. and learned friend, the Specially Elected Member, Mr. Slade, we have been undertaking a considerable revision of our property legislation with a view to bringing it as far as possible into line, one ordinance with another. All the Ordinances concerned were passed at different times and they are not always very consistent. In the course of the next year, I hope that a number of Bills will be presented to this Council of a tidying-up nature. One of these Bills will propose amendments to the Indian Transfer of Property Act of 1882 in a number

of respects, but in particular, in the present context, to confer additional powers on mortgages and charges, that is to say, the people who lend money on the security of land. It is very necessary to ensure that this Ordinance, the Equitable Mortgages Ordinance, cannot be construed so as to cut down these wider powers; and clause 3 of this Bill is designed with that in view.

I think, Sir, that is all I need to say about this Bill and, I hope, non-contentious Bill, and I accordingly beg to move.

THE CHIEF SECRETARY (Mr. Courts): seconded.

Question proposed.

Mr. TOWETT: Mr. Deputy Speaker, I rise not to say much but to say I support the Bill in view of the fact that people have been making mistakes and have been trying to correct them. So I support this effort to correct mistakes.

The question was put and carried.

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

The Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Bill

Order for Second Reading read.

THE CHIEF SECRETARY (Mr. Courts): Mr. Deputy Speaker, Sir, I beg to move that the Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Bill be now read a Second Time.

For the information of Members of this House, I would like to give them a little bit of background to this Bill. For some years past, we have been giving Commonwealth representatives of officer status the same privileges as those which the Anglo-United States Consular Convention, which is the most generous actually of all conventions, confers on consular officers in the United States. In so doing, we have been following the practice which at present obtains in the United Kingdom. Whereas, however, in the United Kingdom the grant of privileges is based on an Act of Parliament, that is the Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Act of 1956, in Kenya the privileges of the same Commonwealth

[The Chief Secretary] officers have so far had no legal backing whatsoever. In other words, we have been granting them these privileges entirely on an administrative basis.

In December, 1955, at the time when the United Kingdom Bill was being prepared, the Secretary of State suggested that all colonial territories should enact legislation on the lines of the United Kingdom Bill.

The Bill was drafted in Uganda and submitted to the Secretary of State for his consideration. With the amendments introduced by the Secretary of State which were accepted by Uganda it forms the basis of this Bill which is now before the House. The only changes which have been introduced into the Uganda model are minor drafting amendments which result from adapting the Uganda legislation to Kenya needs. Tanganyika, I may mention, has also accepted the Uganda Bill as a model for legislation with certain minor changes resulting from the fact that some of the financial privileges of the Commonwealth officers are already covered in their existing legislation.

Now, this Bill provides that the Governor in Council of Ministers may confer on Commonwealth officers the same immunities and the same financial privileges as those conferred on consular officers of any foreign country. I do want to make a point here, Sir, that these are consular privileges and not diplomatic privileges which are granted to embassies or legations.

The purpose of clause 4, which is the main clause in the Bill, is to enable us to confer on Commonwealth officers the best of all the privileges contained in the various conventions. Under clause 6 the Bill restricts the power of entry of the official premises of Commonwealth commissioners and those parts of the private dwellings of Commonwealth officers which are used exclusively for official purposes.

I do not think there is very much else that I need add to this, Sir. They are the sort of privileges which are known to the majority of Members of this House—they are the privileges of franking letters, of being exempt from certain customs duties, of being allowed to have duty free petrol and so forth. They are

privileges, as I have tried to point out, which are common to other countries and also those which are accorded by the United Kingdom.

I beg to move.

MR. WEBB seconded.

MR. TRAVADI (Central Electoral Area): Mr. Deputy Speaker, Sir, I am not happy about the clause 6 (b), which says—“Provided that the foregoing provisions of this section shall not apply in relation to any entry effected—... (b) by a police officer having reasonable cause to believe that a crime involving violence has been or is being or is about to be committed in the official premises”. I would suggest as an amendment, Sir, that this officer should be defined in a way that he should not be below the rank of an inspector of police. Sir, I would refer the House to the beginning of clause 6. There it is said that if the officer objects, the consent of the Governor is to be obtained. Here it appears that he goes in premises without being an authorized man. And according to the Police Ordinance an ordinary *askari* or even a constable can get into that privileged officer's house and do whatever he likes, which violates the dignity of a privileged man.

If my memory does not betray me, I seem to remember, Sir, that during these *Mau Mau* days one of these people went into one of the consular offices, and eventually the Government had to apologize. So in this case, instead of a policeman it would be better to have someone not below the status of an inspector of police, or something like that.

Hence, Sir, I move that the definition in this sub-clause (b) be amended to include "... by a police officer not below the rank of inspector of police".

I beg to move that amendment, Sir.

THE DEPUTY SPEAKER (Mr. Conroy): You cannot move an amendment on Second Reading. The time to move amendments is at the Committee Stage.

THE CHIEF SECRETARY (Mr. Courts): Mr. Deputy Speaker, Sir, while appreciating the motive of the hon. Member for the Central Area in suggesting such an amendment might be made, I would like to say that I do not consider that the Government could accept such an

[The Chief Secretary] amendment. After all, Sir, in a consular office suddenly screams for help from an unfortunate person who said he was about to be murdered, were heard and the only person present was someone below the rank of inspector, I think that, if the police officer had to go to the nearest police station in order to get assistance for that unfortunate person about to be murdered, in those circumstances it would be extremely dangerous to accept such an amendment. In those circumstances I think that hon. Members would prefer to have the Ordinance as it stands. However, Sir, I have no doubt that the hon. Member will argue his point in Committee in due course.

Sir, I beg to move.

The question was put and carried.

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

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

[Mr. Bechgaard took the Chair]

The Foreign Judgments (Reciprocal Enforcement) (Amendment) Bill
Order for Second Reading read.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Deputy Speaker, Sir, I cannot flatter myself that this Bill is going to be received with passionate interest by hon. Members, with possibly one exception.

I think that probably the best way for me to deal with this Bill is to tell hon. Members that the Memorandum of Objects and Reasons contains a full explanation of the Bill, and say that I shall be delighted to do my best to answer any questions, particularly any questions that learned Members may wish to ask, and propose that this Bill be now read a Second Time.

MR. WEBB seconded.

Question proposed.

MR. TRAVADI: Mr. Speaker, Sir, I beg to support, but I have one observation to make, and that is that it does not appear that there is as yet any arrangement between India and the Colony whereby any of their judgments can be properly

enforced. I therefore suggest to the Government that negotiations be opened through the Colonial Office or the Home Office in England to the effect that some such arrangements be made in order to avoid difficulties and decrees obtained could be reciprocally enforced.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): I think that if the hon. Member will read chapters 14 and 45 of the Laws, he will find that this provision has already been made to allow foreign judgment to be enforced here.

Sir, I accordingly beg to move.

The question was put and carried.

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

The Interpretation and General Provisions (Amendment) Bill
Order for Second Reading read.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Deputy Speaker, I beg to move that the Interpretation and General Provisions (Amendment) Bill be now read a Second Time. This Bill, Sir, seeks to have the Interpretation and General Provisions Ordinance amended in three ways.

The first is to effect amendments which are consequent upon the Kenya (Constitution) Order in Council, 1958. Hon. Members, if they look at clauses 2 and 5, will find that it deals with the disappearance of the Executive Council. Clause 7, Sir, brings the law into line with the practice that has always prevailed here and it consequent again upon the Order in Council. It says that when an Ordinance provides that power be vested in the Governor, the Governor need not consult the Council of Ministers, but that when the power is vested in the Governor in Council of Ministers the Governor is under a statutory duty to do so.

The second type of amendments are verbal and minor amendments which I do not think I need bother hon. Members with.

The third type of amendment is contained in clause 8 which provides that where any written law confers power to issue any licence, permit or authorization then unless the law expressly or impliedly prohibits it, a condition may be attached to the issuing of such licence, permit or

[The Minister for Legal Affairs] authorization. Sir, I think that is delatory of the common law and brings our law into line with the practice that has prevailed in many cases.

Mr. Deputy Speaker, those are the main purposes of this Bill, and I accordingly beg to move that it now be read a Second Time.

Mr. WEBB seconded.

Question proposed.

MR. TRAVAYI: Sir, here there is a little omission. I would refer to clause 6 where it says, "... or the Governor in Executive Council—in both places where it appears therein". But there is some omission of the mention of the marginal note. Perhaps this would be effected as a consequential amendment. I am simply drawing attention to that.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Sir, I am much obliged to the hon. and learned Member for drawing my attention to the fact that the marginal note to section 37 of the principal Ordinance is not amended by the Bill, but then you see a marginal note does not form part of an Ordinance and therefore we are incapable of amending it here. It is not a part of the Ordinance, Sir, and we cannot amend it. It will be amended in due course by the Commissioner for the Revision of the Laws when the laws are next revised. For that reason, Sir, I am afraid that it will remain misleading for some time.

I beg to move.

The question was put and carried.

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

The Guarantee (High Commission Railways and Harbours Loan) Bill

Order for Second Reading read.

MR. MACKENZIE: Mr. Deputy Speaker, Sir, I beg to move that the Guarantee (High Commission Railways and Harbours Loan) Bill, 1958, be now read a Second Time.

[Mr. Bechgaard left the Chair]

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

The Memorandum of Objects and Reasons on page 5 gives most of the information which it is necessary to give about this particular Bill. Its object is to enable this Government, together with the other East African Governments, to guarantee a loan of £8,500,000 for certain purposes detailed in the Schedule to the Loan (Railways and Harbours) Act, 1957, High Commission Act, No. 12 of 1957. Those purposes are the provision of additional locomotives and rolling stock for the Railways, the provision of new berths in the harbours of East Africa, various miscellaneous general improvements, and the expenses of issuing the stock.

If this Bill becomes law, the Government of each territory would enter into agreement with the other two territories so as to limit its liability under the guarantee to one-third of the total amount involved, so that Kenya's total contingent liability, if this Bill becomes law, would be reduced to one-third of £8,500,000, a little under £3,000,000.

There is one point to which I should draw attention, in which this Ordinance differs from the 1956 Ordinance, which guaranteed a Railways and Harbours loan. That is that under clause 7, the Governor is empowered to execute an approved instrument. This has become necessary because the Railways and Harbours Loan Act of the High Commission contains the provision that part of the money may be loaned by the International Bank for Reconstruction and Development, and that Bank will not lend money unless there is specific legislation in the territories enabling the Governors of the three East African territories to execute such instruments; that is the purpose of the new clause 7.

This Bill necessarily guarantees also repayments to the United Kingdom Treasury of any sums raised by the International Bank; that again is one of the requirements of the International Bank in making loans.

Sir, I beg to move.

Question proposed.

SIR CHARLES MARKHAM: Mr. Deputy Speaker, the Bill before the House is asking us to guarantee a certain amount of money regarding these payments. Now it is a matter, I think, which is of great concern to this House, especially in view of the financial position of the Colony. Some year and a quarter ago, Sir, there was a Motion moved in this House by my hon. friend the Member for Nairobi South—since those days he has crossed the floor, and is now looking at me instead of sitting with me. That Motion, Sir—I would like your permission to read out from HANSARD. Needless to say, Government amended it later on. The Motion was, Sir: "That in order to ensure that road, rail and air facilities in East Africa are respectively used and developed to the best advantage, Government is urged to approach the other East African Governments with a view to setting up a central advisory body to co-ordinate the development, operation and financing of such facilities". Sir, I would advise Members who have not already done so to read that speech, which can be found in Volume 72, Part II, of 1957. In his speech, Sir, the hon. Member for Nairobi South gave good reason why such body would have been desirable, but he would now have great difficulty in supporting that. Needless to say, Government had their usual amendment, which on this occasion was not too bad a one, and the Government amendment was to cut out the question of an advisory body and to use the words "with a view to achieving the maximum co-ordination". Sir, the speeches made by the Minister for Commerce and Industry and the Minister for Finance both expressed the view that co-ordination was desirable.

We have in Kenya the High Commission who are responsible for the Transport Advisory Council. Now, that Council, Sir—I say this quite advisedly—is concerned with the allocation of funds for the Railway and I believe for air. In our view—and I expressed it rather forcibly in discussing the Nakuru Station—it was highly desirable to have some body co-ordinating the capital needs of both road and rail and not a body just deciding on those two priorities of air and rail. It is difficult for us in this Council, Sir, to have any say in what

goes on through the High Commission except through our own Members on that Assembly. But it is the difficulty, as I see it at the moment, of who is to be allowed to decide whether the economics of a road or the economics of rail should have the priority. I am not giving this House an example of where these have gone wrong, but I noticed in the paper the other day that a scheme for an extension of the line in Tanganyika was approved by the Central Legislative Assembly. I would like to ask, Sir, the Secretary to the Treasury, when he replies, whether any idea is being given by the Kenya Government as to whether sometimes it would not be cheaper to have a tarmac road instead of a rail service to certain areas. At the moment it seems to be a lack of co-ordination on the capital requirements for the development of our transport system. I do not wish this afternoon to make any attack upon the Railway; I do not think it concerns this speech at all, but there is the point that we have been asked to pledge our credit—and I use those words quite reservedly—we are being asked to pledge our credit for further extension of developments of the Railway, without anybody to co-ordinate whether those works are necessary or whether they could not be in addition to, or perhaps in opposition to, what we call a road service. We do not know, I think, Sir, that we have surely reached the stage of our development in this Colony where we do require somebody responsible—I do not think, Sir, we have anybody at the moment who is—somebody who is responsible for co-ordinating the capital needs of all transport services.

I can give a lot of examples of where perhaps in the past, expenditure on the railway might, in the long run, have proved rather profitable compared to expenditure on roads, and I can give the same examples of expenditure on roads which might well have gone to the railway; but the point is this: that in view of the fact that the Government have come back to this Council asking us to guarantee further sums to the High Commission for the railway, we in this Council have every right to ask for details—not of where the money is going but as to whether the economics of any scheme have been considered, and if so, by whom.

[Sir Charles Markham]

We asked in that Motion moved by my hon. friend, the Member for Nairobi South, for a co-ordinating advisory body to co-ordinate. The Government could not accept that suggestion. I am asking again now for such a body to be set up. We have heard time and time again from the Minister for Finance of the difficulties facing him in trying to obtain finance for the capital development of this Colony, and we will be faced next April or May, when the Budget is presented, with the possibility of again further funds being required for urgent schemes.

I would ask the Government whether they could not consider the suggestion that one of the many Ministers on the Front Bench should not, in conjunction with the High Commission, undertake the job, as far as Kenya is concerned, of being this person who co-ordinates the capital needs, if I do not know whether the present Development Committee even considers matters such as we are discussing this afternoon.

There are a lot of other details, Mr. Deputy Speaker, regarding road and rail competition which do not concern this Bill, but which are coming up in a Motion moved by my hon. friend the Specially Elected Member, Mr. Slade. I think, Sir, that that will be the time for Government to make their detailed statement of policy regarding road and rail transport, and all I wish to emphasize this afternoon is this question of the capital aspect of it rather than the detail.

Sir, I cannot support this Bill this afternoon unless I get an assurance that there is going to be some sort of economic planning before we are asked to guarantee large sums of money.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Mr. Deputy Speaker, may I start by congratulating the hon. Member for Ukamba on an excellent paraphrase of my 15 months-old speech. In fact, I felt, listening to it from this side, that it improved on being paraphrased. However, Sir, I am in the very fortunate position this afternoon of being able to say I initiated something on one side of the House and saw it working on the other.

We already have, Sir, a thing called the Economic Co-ordinating Committee. The Kenya representatives on that committee are the Minister for Finance, the Minister for Commerce and Industry and the Minister for Agriculture. They are concerned with the whole question of the co-ordination of the economic development of the territories, particularly in relation to development funds. They have been giving thought recently to the question that the hon. Member mentioned at the end of his speech just now—the question of road/rail competition. But, Sir, this Government to which I now belong has even improved on the ideas that the hon. Member quoted from my speech, because, Sir, not only does this Economic Co-ordinating Committee cover the very point that I made—that I thought there should be co-ordination in the allocation of development funds on all forms of transport—but they have gone further and they now consider such matters as rail/gate freights which affect the economic life of the country in a very different way; but that is part of their duty.

There has been, under the Commission for Transport, considerable discussion on the relationship of road transport and road regulations in the three territories. Those discussions are still going on. I am quite sure if the hon. Corporate Member for Commerce and Industry put on his Airways hat this afternoon, he would agree that the recent capital development of East African Airways has been the subject of very considerable inter-Governmental discussion. It may, of course, Sir, be that those discussions were to his embarrassment, but they have at least taken place.

Now, Sir, the history of this particular Bill that we are discussing this afternoon is this. In 1956 the Railways and Harbours Committee recommended the authorization of a loan development programme costing £34,000,000 for the period 1958/1961. They also—perhaps it was because of a speech I made in the Central Assembly—said that before that was approved it should be submitted to the Governments for correlating with their own development programmes. This was done and the suggestion that it should be referred to the territories was endorsed by the Transport Advisory

[The European Minister without Portfolio] Council. As a result of the deteriorating financial position and the difficulty in obtaining loan funds, that £34,000,000 loan scheme was in fact cut to £11,000,000 to £11,500,000, the idea being that the railway should take its place in the queue with all the other development projects of the three territories, and the total should be co-related in exactly the way that my hon. friend asks us to do this afternoon. In fact, it is hoped that this £11,000,000/£11,500,000 will be found as to £8,000,000 by loan by the Bill we are now being asked to approve, and the balance from retained earnings.

So, Sir, I think I probably have said enough to show that when responsible suggestions are made from the opposite side in this House, the Government not only takes note and not only acts on the recommendations made by the Opposition, but goes further and goes beyond the suggestions that are made for the greater benefit of Kenya and the East African territories.

MR. SLADE: Mr. Deputy Speaker, it was very interesting to hear of the hon. Minister's tremendous success wherever he goes, and very cheering, too, to know that this economic co-ordination is developing so fast.

There is one thing, though, he did not tell us, which I would like to know about. When the development programme of the railway was referred, at his request to the various territorial Governments—and I gather particularly to this Economic Co-ordination Committee—did that Committee agree with the programme as it now stands, or is any programme now being followed up in spite of their disagreement?

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): On a point of order, I would like to state that I did not say it was referred necessarily at my request; I said perhaps it was coincidental.

MR. MACKENZIE: Mr. Deputy Speaker, Sir, my hon. friend, the Minister without Portfolio, has answered most of the points which have been made, except for the one which has just been raised by my hon. friend, the Specially Elected Member. The answer to his point is

that the Governments, in considering this programme, went into the matter extremely carefully and did satisfy themselves that the content of this particular development programme was a bare minimum and was of the greatest essentiality for the development of the three East African territories and that in so far as the Kenya Government was concerned, we were entirely satisfied that it would be of equal benefit to us as to the other territories.

Sir, I beg to move.

MR. SLADE: If it is not too late, Sir, I am not sure that the hon. Member quite got the point of my question, which was: had the Economic Co-ordinating Committee had a say in this and agreed to this development programme.

MR. MACKENZIE: The point there, Sir, is that the committee does have the programme in front of it and that there was nothing in the programme with which the committee did not agree. In other words, the railway did not put anything into the programme which will be covered by this loan with which the Committee for Economic Co-ordination was not in agreement as being essential to the economic development of the territories. I hope that answers my hon. friend's point.

The question was put and carried.

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

MOTIONS

FORT JESUS

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Mr. Deputy Speaker, Sir, I beg to move that this Council contents to the Governor declaring, under the provisions of section 3 of the Royal National Parks of Kenya Ordinance (Cap. 215), the area of land containing approximately 5.7 acres situated in Mombasa Municipality (Island), being L.R. No. 1149/XXV/80 and being the land on which Fort Jesus stands and its surroundings, to be a Royal National Park for the purposes of the said Ordinance.

Sir, this is the last stage but one in handing over Fort Jesus to the Royal National Parks Organization, and I am

[The Minister for Forest Development, Game and Fisheries] very glad to have the honour of proposing this Motion. I do not propose to go at any length into the position, since we had a considerable discussion of it on 4th June this year, and although there are some hon. Members who were not present, the majority, I think, must know the position in regard to the fort.

During that previous discussion I endeavoured to outline the history of the fort in recent years and the hon. Corporate Member for Commerce and Industry filled in the gaps that I left.

Under the Royal National Parks Ordinance, once an area of land has been declared by the Governor with the consent of this Council by proclamation in the Gazette to be a national park under section 3, the Board of Trustees appointed under section 5 is responsible, under section 6, for controlling, managing and maintaining the park, including objects of historical and archaeological interest and so on contained in it.

It was agreed, Sir, as long ago as 1947, that Fort Jesus should become eventually a national park. Various things have occurred in the meantime to delay that coming about, but in May of this year the Gulbenkian Foundation gave £30,000 for the development of Fort Jesus as a museum, and that sum will enable the Royal National Parks to go forward with their plans. I had hoped that the Director of the Royal National Parks might be here this afternoon, but I am afraid he was unable to come, or he might have given in some detail the proposals for the development, but I would say, Sir, that there is now being formed a strong advisory committee with representatives of Members on the other side of the House, with local representatives from Mombasa and representatives of the Royal National Parks to advise on the development of the Fort.

I should only like now, Sir, to repeat my thanks and the thanks of this Government to the Gulbenkian Foundation for this most generous gift, and particularly to thank His Excellency, the Portuguese Ambassador in London, and Mr. Sanderson, who is the head of the United Kingdom and British Commonwealth Branch of the Foundation, for

their great help in securing this grant for this development. I would also like, at the same time, to refer to Mr. Kirkham and the work that he has done. It was really on his initiative, through the National Parks, that this has come about.

In June last I gave an undertaking that the Government would see that the Fort is properly maintained in the future, and that it is maintained as a standing monument to Portuguese influence on the East African coast, and perhaps even further afield. I have no doubt that one cannot leave it in better hands than those of the Royal National Parks.

Sir, I beg to move.

THE CHIEF SECRETARY seconded.

Question proposed.

MR. KHAMISI: Mr. Deputy Speaker, Sir, I would like to congratulate the Minister for bringing about this Motion on Fort Jesus and I would like to say that we are very grateful that finally the idea of having a museum at Mombasa has materialized for which I think we thank all those who have been responsible and all those who have been kind enough to give donations or gifts of money in order to bring this project to finality.

I would, however, like to know the membership of the Board of Trustees on this side of the House where they have been appointed and since they represent all shades of life I should like to know whether there are any Africans on the Board of Trustees of the Museum and, if so, who they are.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): On a point of explanation, I did not say they had been appointed, I said they were in the process of being appointed.

MR. COOKE: Mr. Deputy Speaker, Sir, I wish as a Trustee of the National Parks since its inception, and in the absence of Mr. Cowie, to say how very much we welcome this project. It may seem an anomaly to some people that the National Parks should take over a museum; there is, of course, the example of the National Parks looking after ancient monuments but this is the first time it has taken over a museum. No doubt the time will come when there

[Mr. Cooke] will be a separate Ordinance for museums and it may then be possible to transfer the ownership, as it were, from the parks to the museums: it seems a more natural thing to do.

If I may say, in answer to the hon. Mr. Khamisi's remark, there are several Africans who are going to be asked to be members of this committee and it is hoped that the Africans themselves will take a very prominent part in this museum's administration.

Museums, of course, have a very big cultural value in a country such as this and we hope and, indeed, believe that the Africans will play their full part in advancing something which will be to the benefit both of African culture and European culture.

I beg to support.

MR. USHER (Mombasa): Mr. Deputy Speaker, Sir, I also welcome the Motion. Excavation has in fact begun, Mr. Kirkham is burrowing here, there and everywhere like a mole and has discovered Ming china and modern willow pattern and all sorts of bits and pieces already.

Now, Sir, I think perhaps I would like to say a word about the ambitions of some of us in regard to the future of Fort Jesus. Mention has always been made of a museum. I am not quite sure what we have to put in the museum except a few pots and pans and a very nice carved door, but possibly other exhibits will be forthcoming with the effluxion of time. One thing which has been suggested and I hope will be pursued, is that we should have a naval room to contain records and memorials of the conspicuous acts of the Royal Navy on the coast of East Africa.

Another project, of course, Sir, is that we should have in the course of time an institute of historical research which would, perhaps, cover a good deal of the basin of the Indian Ocean, the Persian Gulf and the Red Sea—in fact the project does contain already provision for accommodation for travelling scholars and such like—and we are in a position now to get on with that part of it.

I think, Sir, finally, if I might say that the idea of the Advisory Committee is

an excellent one and I can see nothing but the prospect of a happy relationship with the Trustees.

Sir, I beg to support.

MR. NGALA: Mr. Deputy Speaker, Sir, I would also like to join hands in supporting this idea, only I would like to point out two things. The first is the Fort Jesus Museum is a very historical and very educational chance for schools within Mombasa and outside Mombasa. I hope that when this Bill or Ordinance becomes law it will not be accompanied by the many restrictions that go with Royal National Parks and that the Minister will see that the site and area are easily accessible to schoolchildren and teachers without the section 12 of the Royal National Parks Ordinance, chapter 215, being applied very rigidly on the people living there.

Secondly, Sir, I would like to point out that five acres for the Island of Mombasa is quite a good bit of land and at the moment inhabitants of Mombasa are enjoying the surroundings of the building itself. I hope that there will be some amount of understanding and relaxation and leniency in regard to people who like to go round and enjoy themselves or enjoy the vicinity of the building.

Lastly, Sir, I hope the Minister will not keep dangerous animals in the middle of a thickly populated area in Mombasa.

With those few words I would like to support.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Mr. Deputy Speaker, Sir, I welcome the suggestions made by the hon. Member for Mombasa for developing in the future. I would only sound one note of warning, and that is that although we have this very generous gift for development of £30,000, that is not going to provide us, I am afraid, with all the things that he suggests we should like to see. Nor in the immediate future will the Government be able to assist on a large scale in that sort of development. I believe that we shall have to enlist the support of the public and that we may, in due time, get further assistance of this kind for further development of this project.

[The Minister for Forest Development, Game and Fisheries]

The hon. Member for the Coast Area made two points. He hoped that no restrictions would be made in the surroundings of the Fort or on visits from schoolchildren and others to the Museum. The whole object of such a museum is largely educational and I can assure him that the Trustees will not place any unnecessary restrictions on visits—in fact they will, I have no doubt, do everything they can to encourage as many people to visit the place as possible.

Lastly, I would assure him that there shall be no dangerous animals kept in the area.

Sir, I beg to move.

The question was put and carried.

MANAGERIAL CONTROL OF GOVERNMENT FUNDS

MR. BOMPAS: Mr. Deputy Speaker, I beg to move:—

THAT to ensure that the maximum benefit be derived from Government's capital and recurrent spending, and from deployment of its public officers, the Council urges Government to set up a system of managerial control similar to the accounts control operating under the Public Accounts Committee and the Controller and Auditor-General.

MR. DEPUTY SPEAKER, this Motion is no brain-child of my own. It is no brain-child of the group on whose behalf I am privileged to move it. Rather is it a crystallization of the thoughts of a large body of responsible public opinion in this Colony: thoughts germinated by a dismay at the seeming official insensitivity and indifference and lack of realistic approach to the new conditions into which this Colony has been rather hurriedly precipitated.

Before the turn of the year, Sir, there was an awakening amongst producers and merchants as to what was happening to prices of commodities, locally produced, in world markets, and an awakening to what was happening to the spending capacity and the spending inclination of our own people, within our own frontiers. Like responsible

people, for the most part, they started to seal their houses, as best they could, against the economic draughts which were already starting to whistle about their ears. These people expected, as they were entitled to do, that Government would act with similar responsibility and urgency. Instead, if one possibly except warnings by the Minister for Agriculture that producers must expect hard times, they were subjected to a most unconvincing and rather bogus governmental bedside manner which totally failed to convince those who were suffering from fiscal headaches that they were, in fact, in the rudest of health.

This phony phase was followed by an indication, during the Budget Session, by the Minister for Finance that Government was seeking economies and reductions in expenditure—an indication, may I add that was in fact totally inconsistent with the nature of the Budget which it purported to support. It is small wonder that a wave of indignation brought a spate of resolutions from Chambers of Commerce, producer associations and others.

I need not stress the significance to Kenya's economy, of our coffee industry, nor need I stress the vital necessity to maintain the high quality for which Kenya's coffee is so justly famous, and which alone lifts it out of the common ruck of world coffees. At this year's Kenya Coffee Conference, which even the most detached of hon. Members opposite will concede is very influentially and widely representative of that industry, the following resolution was unanimously carried. I quote, Mr. Deputy Speaker: "In view of the difficulty of maintaining coffee plantations at the highest standards under the proposed levels of new taxation, this conference presses the Government to institute an independent enquiry into Government expenditure with a view to ending the need for such high taxation".

MR. DEPUTY SPEAKER, in course of his remarks, the Mover of that resolution had this to say and again, Sir, I quote: "We have produced the greatest share of the revenue of the country and I think we are justified in demanding an enquiry into the extravagance of Government. We feel there is a happy spree of spending in anticipation that more revenue is

[Mr. Bompas] going to roll in from sources which have already been drained to their utmost". That is the end of the quotation, Sir.

The Solai Association remitted a Resolution to the Kenya National Farmers' Union in these terms: "That the Government be asked whether it would cooperate with, and implement the recommendations of, a commission carrying out an independent enquiry into Government expenditure if sponsored by public subscription". A few days before that Resolution by Solai was publicized, Sir, I was bultooned by a friend, a Nairobi merchant in quite a modest way of business, who said to me something of this sort: "Do you think that Government would be prepared to have an independent enquiry into Government spending if the public would pay for it? For my part I am prepared to contribute up to £20 if other merchants will do the same, and I am sure that a large number of them would be prepared to do so." There, Mr. Speaker, from Solai, and from the Nairobi pavement, are two offers to pay, which ought to gladden the heart, warm the heart, of the Minister for Finance. But, Sir, this is no joking matter; the mere fact that such Resolutions are passed and that such offers are made, indicates the very real anxiety and the very real resentment which has been so generally felt at Government's apparent complacency. I use the word "apparent" advisedly, Sir, because I believe that the official conscience has been belatedly pricked and pricked to no mean extent by this growing body of public and Press opinion. It would be ungracious at the least did I not say how welcome are the signs of an accelerated interest by Government in the problem of expenditure, an indication of which we have so far had by public notification in Government's announcement on 22nd August; and also we are encouraged by the belief, if not the knowledge, that people in high places have assumed a personal lead. I hope, Sir, that Government will take an opportunity during this debate to give us, and the country, some interim report on progress in this matter.

Sir, my colleagues and I are not looking for a Geddes' axe in this Motion. Conversely, we will not be satisfied with

a mere *ad hoc* enquiry shrouded in official mystery to deal with a transient—and we hope very, very transient—necessity. We do seek, Sir, the dissipation of public uncertainty, of public suspicion, by the knowledge that enquiries will be made in a neutral, as opposed to a purely official, manner (or perhaps I should say Civil Service manner), and we do seek, Sir, that the continuing collective responsibility of this House may be brought into its proper perspective. Because there is no more justification for waste and inefficiency in fat times than there is in lean times, we must look, Sir, not for an axe but for a pruning saw, a tool that can be used season by season, and will be used to ensure that our public service tree is kept controlled in its growth and is kept vigorous and productive. What is the shape of this tool? Sir, I visualize a standing select committee of this House with a title such as Organization, Methods and Efficiency Committee, with a membership akin to that of the Public Accounts Committee, that is, with a chairman and a majority of members from this side of the House. This committee would operate in the same sort of relation to a controller as does the Public Accounts Committee through the Controller and Auditor-General. It is for consideration whether the Controller and Auditor-General and the controller of efficiency, for lack of a better term, should not be one and the same person. In my view this is probably desirable, but I appreciate that the Director-General of Overseas Audit might have some reservations over his consilium assuming that dual mantle. Perhaps not; for the modern trend is undeniably towards the qualitative as well as quantitative audit.

The Auditor-General is now primarily concerned with the actualities of money. We would be asking him to apply himself, and his officers, to the less tangible aspects of value; value in its precise definition of Sh. 20 for a pound, and its more nebulous aspects of wastage of manpower, of abortive effort, of unproductive duplication, and, of course, to limit and motion. If the course I advocate is adopted, an expert or experts would have to be made available to the Auditor-General and he (that is the Auditor-General) would be empowered (a) to receive and to consider the reports

[Mr. Dompas] of the Organization and Methods Teams at present functioning within Government; (b) to curtail, to disband, to reinforce and generally to control the operations of these teams; (c) empowered to make recommendations and suggestions to Ministers and the executive for remedial action. Finally, (d) to report to the standing select committee, that I have mentioned, upon action and inaction. The objection, Sir, will of course no doubt be advanced that it is one thing to have an organization and methods team working within a Ministry, but quite an other thing to have that team reporting to a controller, and thence, after a winnowing of the chaff, on to a select committee; that such a course is an infringement upon the autonomy of Ministers and executives and tantamount to a lack of confidence in them. If such objection has any validity at all, like objection must apply to the existing methods, the existing system of accounts audit. But because the latter is an old-established method—to which all are accustomed—no executive, no clerk, no cashier feels that because an auditor carries out a physical check of, say, his petty cash that he is under suspicion either of dishonesty or of inefficiency. Audit, Sir, of any kind serves the dual purpose of protecting the owner and of protecting reliable agents and servants. There is, in fact, no difference in principle between a count of cash and, say, a count of heads employed upon a particular task, for in the final event, those heads equally represent cash.

When the hon. Member for Nairobi West enunciated ideas on all fours with the present Motion, the Secretary to the Treasury, whom I am glad to see has returned to us from his Highland fastnesses in Yorkshire; the Secretary to the Treasury had this to say, and with your permission, Sir, I will quote from HANSARD on 17th June last: "I have said this before, Sir, but I think it is part of the auditor's function to bring to light through the accounts cases of inefficiency, to bring them to the notice of the Public Accounts Committee, and that has been done, Sir."

Mr. Speaker, if it is proper for the auditor to bring some cases of inefficiency to the notice of the Public Accounts Committee, it is of course,

equally proper for him to bring all cases of inefficiency to the notice of the Public Accounts Committee without there being any infringement upon executive prerogatives.

Automatically, it would be equally proper for the auditor to be charged specifically to apply himself and not merely incidentally to apply himself to qualitative audit and to report to a select committee, whether that select committee be the Public Accounts Committee or whether it be the parallel committee which I am seeking. There can be no question of degree or propriety in a matter of this sort, any more than it can be said that it is all right to cheat at cards if you only cheat a little, but that it is fundamentally wrong to do so if you cheat a lot.

The Secretary to the Treasury, Sir, continued in this wise, and again, with your permission, Sir, may I quote his words from HANSARD: "But, Sir, it is the question that it is for the executive to ensure that and it is the executive's job, things should be put right when inefficiency has been brought to notice". That is the end of the quotation. Still, I am of course in complete accord with the Secretary to the Treasury. It is indeed the job of the executive to put things right when inefficiency has been brought to notice. I am only asking for positive definition of the duties of the controller and for more effective ways of unearthing inefficiency and waste which the controller would bring to the notice of the executive in terms of the advice tendered to us by the hon. Member. Only where remedial action was not taken, would the select committee be burdened with detail, and it would then be a task of that committee to examine the practicability, the desirability and the rights or wrongs of the controller's recommendation. It could be that the controller or auditor was wrong, for, with all respect to my hon. neighbour from Nairobi West, even auditors are liable to error, human error, in fact, or judgment. To this extent, the select committee would stand as a buffer between the auditor and the executive.

Mr. Deputy Speaker, I do not know if you wish me to continue, but if it is your wish, this would be a convenient time from my point of view to break off.

ADJOURNMENT

THE DEPUTY SPEAKER (Mr. Conroy): Standing Orders allow me no discretion in the matter. I must accordingly interrupt business as the time has now arrived, and I adjourn the House until 2.30 p.m. tomorrow, Thursday, 16th October.

The House rose at fifteen minutes past Six o'clock.

Thursday, 16th October, 1958

Council met at thirty-three minutes past Two o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentick) in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:—

John Henry Butler.

PAPERS LAID

The East African Trypanosomiasis Research Organization Report, July, 1956—December, 1957.

(BY THE CHIEF SECRETARY (Mr. Coutts))

The Annual Report of the European Hospital Fund Authority for the year 1957.

(BY THE CHIEF SECRETARY (Mr. Coutts) on behalf of the Minister for Local Government, Health and Town Planning)

The Printing and Stationery Annual Report, 1957-58.

(BY THE CHIEF SECRETARY (Mr. Coutts) on behalf of the Minister for Tourism and Common Services)

ORAL ANSWERS TO QUESTIONS.

QUESTION No. 166

MR. MATE asked the Minister for Agriculture, Animal Husbandry and Water Resources what plans are envisaged by Government for the introduction of better grazing schemes, including provision of watering facilities in the Tharaka and Mberere areas?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Bundred): The start of schemes of grazing management including the provision of additional water supplies in the Tharaka and Mberere areas of Meru District depends almost entirely on the clearance or reduction of tsetse fly in the areas concerned. A trial tsetse clearance scheme is making satisfactory progress in the Abothughoch location and it is hoped to extend this work to the Tharaka and Mberere areas as soon as staff and finance permit.

MR. MATE: Mr. Speaker, Sir, arising out of the reply, would the Government

[Mr. Mate] consider starting such schemes in those Tharaka parts and areas which are free from tsetse fly?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Sir, if such areas exist, I will be only too happy to consider it.

MR. NYAGAH: Arising out of the original reply, Mr. Speaker, has the Minister got similar plans for that part of Mberu which is in the Embu District?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, we have plans for all areas, but the implementation of the plans is entirely limited by the finance available.

QUESTION No. 177

MR. TRAVADI asked the Minister for Education, Labour and Lands whether the Visiting Commission on Asian Education has yet submitted its report, and if so when does Government expect to lay its recommendations thereon on the Table?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): The Report has been received and was released to the public on 10th October. The Government expects to make its views on the Report known as soon as possible after consulting Education Advisory Councils.

MR. TRAVADI: Arising out of the answer, would the Minister definitely indicate the date because it has already been four months since July from the time of the actual receipt of the Report. Would you actually define "as soon as possible" so that we may know when you are going to submit your recommendations and when you are going to lay it on the Table?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, I consider it is very important that we should take the views of the Advisory Councils concerned on this Report. As soon as that can be done, my Ministry will proceed with the formulation of views and present them to this Council as quickly as possible.

MR. TRAVADI: Mr. Speaker, Sir, the question is this: that the examination, the Kenya Asian Preliminary Examina-

tions, as it is called will be held in November, and it would be too late then.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): Mr. Travadi, I am afraid I must rule you out of order; you have had your answer.

MR. PANDYA (Eastern Electoral Area): Arising out of the reply, can the Minister indicate how soon he expects to call a meeting of the Advisory Council on Asian education?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): The Director of Education has that in hand. It will be called as soon as is convenient to members.

QUESTION No. 183

MR. ARAP MOI asked the Minister for Education, Labour and Lands whether he is aware that the Kalenjin are completely dissatisfied with the £10,000 allocated for the urgently needed Teacher Training Centre at Hunter's Trees in Nandi?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): No.

MR. MATE: Arising out of the reply, what is Government doing to put this position right?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): I am not aware, Mr. Speaker, of the position which the hon. Member wishes me to put right. But if he would care to inform me more precisely, I would be happy to see what we could do about it.

MR. ARAP MOI:—Mr. Speaker, Sir, arising out of the Minister's reply, would the Government indicate that the current rumours that the Government might abandon the project are not true?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, these rumours have not yet come my way.

QUESTION No. 186

MR. TRAVADI asked the Minister for Education, Labour and Lands in what circumstances Government takes over Grant-aided Primary Schools (Asian)?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson) Section 59 of the Education Ordinance (No. 58 of 1952), provides that whenever an order

[The Minister for Education, Labour and Lands]

has been made by the Minister under the preceding section for the closing of any school he may take over the school if it appears to him to be in the interests of education in the area in which it is situate that the school should be re-opened.

Furthermore, when the compelling interest of the community or communities served by a grant-aided school so dictates, Government is prepared to consider taking over such a school by voluntary arrangement with the managers.

MR. TRAVADI: Arising out of the answer, were any representations made by the Nanyuki Indians?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, the question of the school at Nanyuki was raised some time ago by the Advisory Council on Asian education, but I have no trace of any representations being made to the Department or my Ministry since 1955.

QUESTION No. 196

MR. OGUDA asked the Minister for Agriculture, Animal Husbandry and Water Resources what qualifications must one have if one wishes to become an Assistant Agricultural Officer?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): The qualifications required to become an Assistant Agricultural Officer are either—

- (1) a degree or diploma in agriculture or horticulture of an approved agricultural college; or
- (2) a Cambridge School Certificate standard of education with a good knowledge of agriculture and practical experience of modern farming methods; or
- (3) in exceptional circumstances, outstanding agricultural and administrative ability whilst holding the appointment of Senior Technical Assistant (Senior Agricultural Instructor).

For certain posts connected with soil conservation, dam construction and irrigation, special qualifications or experience relating to those subjects may be required.

MR. OGUDA: Arising out of that reply, Mr. Speaker, is the Minister suggesting to us that there are no Assistant Agricultural Officers in this country who have neither requisite qualifications or experience for that post?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): No, Sir.

QUESTION No. 197

MR. OGUDA asked the Minister for Agriculture, Animal Husbandry and Water Resources:—

- (a) Are there any parts of Nyanza Land Unit where tobacco could be grown?
- (b) Are any steps being taken by Government to encourage the growing of tobacco by Nyanza Africans?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): (a) Tobacco trials were undertaken in 1955 and 1956 in Central and South Nyanza, but the results were discouraging. The possibility of laying down further trials is being studied.

(b) Government does not propose to encourage the growing of tobacco by Nyanza Africans unless trials indicate areas where good yields and good quality of tobacco can be grown.

MR. OGUDA: Arising out of the reply, Mr. Speaker, is the Minister aware that the Nyanza folk have been growing tobacco from times immemorial and it has always done very well?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, the hon. Member may be correct in his assertion. The problem that concerns us, however, is whether the quality of the tobacco grown in Nyanza for export is likely to be suitable for those who wish to smoke cigarettes who were not born natives of Nyanza.

MR. OGUDA: Mr. Speaker, Sir, arising out of that reply, would the Minister tell us what the failure of these experiments has been attributed to; is it climate or bad soil, or what?

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): That does not arise out of the original question.

QUESTION No. 198

Mr. OGUDA asked the Minister for Agriculture, Animal Husbandry and Water Resources if the Government were aware of the seriousness of the almost annual outbreaks of famine in areas of low productivity in South Nyanza and, if so, are any steps being taken to combat effectively this dreadful phenomena in that district?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Sir, Government is aware that local food shortages do occur in the Lake Shore Area of South Nyanza from time to time, but there has not been a famine in South Nyanza for many years.

MR. ODUGA: Mr. Speaker, Sir, arising out of that reply, what steps are the Government taking to combat any serious food shortages that might occur in that district?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Sir, a concerted effort is being made to persuade farmers to carry out the elementary principles of good husbandry, such as enclosure, early planting, correct use of manure, better weeding and control of stock.

Secondly, the Department of Agriculture is also trying to persuade farmers to plant drought-resistant crops such as sorghum, cassava and sweet potatoes and increase their cash income by increasing the acreage under cotton—a drought-resistant crop—groundnuts and other crops. In addition, the Agricultural Department are now investigating the possibility of setting up a white sugar factory in East Koinyango area. If this project should prove possible, it would provide a source of cash and create employment for the local people.

QUESTION No. 203

Mr. OGUDA asked the Minister for Education, Labour and Lands do headmasters and headmistresses of primary, intermediate and secondary schools receive any allowance for the extra duties performed by them, and if not, why not?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson):

Sir, all teachers are on career salary scales which, at their higher points, are normally appropriate to the duties of headmasters. Where this is agreed not to be so, the Government has granted shorter promotional scales specifically for headmasters.

MR. NYAGAH: Sir, arising out of that reply, does the shorter scale take into consideration the headmistresses' scale?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): I am afraid, Sir, I would require notice of that question.

MR. OGUDA: Mr. Speaker, Sir, arising out of that reply, is the Minister aware that additional payment is given only to T.4's who have reached the maximum of their pay and not to other grades of teachers, for example, T.2's and K.T.'s who are headmasters?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, I am aware of that.

MR. MATE: Mr. Speaker, Sir, is the Minister aware that this is causing a lot of hardship for these teachers and affecting the standard of African education?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I understand there is a considerable degree of dissatisfaction over the arrangements for the payment of headmasters, and it is a matter I propose to look into fairly closely in the coming months.

QUESTION No. 204

Mr. OGUDA asked the Minister for Education, Labour and Lands are teachers' salaries determined only by their academic and professional qualifications and not by the value of services rendered by them to the country?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, teachers' salaries on first appointment are determined on academic and professional qualifications and on previous approved experience. Thereafter, in the light of performance, teachers may gain increments and promotions on the normal civil service scales. The value of their services to the country is inestimable.

QUESTION No. 205

Mr. OGUDA asked the Minister for Agriculture, Animal Husbandry and Water Resources: what steps, if any, are being taken by Government to ensure that there should always be a plentiful supply of good water at trading centres situated in dry areas where there is always a shortage of water during the dry season?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): When a water shortage at a trading centre is reported by the district commissioner, a technical report and recommendation is prepared by the Chief Hydraulic Engineer of the Ministry of Works for consideration by the Water Resources Authority in connexion with the remedial measures necessary.

The Water Resources Authority is advisory to the Minister on water development and the allocation of priorities and, in assessing priorities, the development importance and economic results of individual schemes is taken into account.

All such supplies are, however, kept under continuous review for allocation of funds when the financial position improves. I would refer the hon. Member to my speech as recorded in column 896 in Vol. LXCVI (Part 1) of HANSARD for the 27th May, 1958 when I dealt with the question of the shortage of funds and the allocation of priorities for water in connexion with the debate on my Ministry's financial Estimates.

QUESTION No. 211

Mr. TRAVADI asked the Minister for Education, Labour and Lands:—

(a) What are the present ages of admission to schools for African, Asian and European children?

(b) When was the 5½ years of admission age-entry to schools brought into operation? and at what places?

(c) What were the previous ages of admission to schools during the last five years?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): (a) The age of admission to African schools is seven years, European and Asian children

who have reached the age of five years and six months on 31st December, may enter school at the beginning of the next year if accommodation and staff are available.

(b) The 5½ years' age of admission for European and Asian pupils was introduced in the first term, 1958 for all European and Asian schools. As far as is known all these schools were able to accept children of that age.

(c) The age of admission for African pupils was seven years during the previous five years, for Asian pupils it was six years, while for Europeans it was six years for day pupils and seven for boarders.

MR. TRAVADI: Mr. Speaker, Sir, arising out of the second part of the reply, does the Minister know that this age of entry has not been applied to Mombasa Asian schools?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, I was unaware of that fact.

MR. MUMBI (Kitui): Mr. Speaker, Sir, arising out of the Minister's reply to section (a), why is it that there is a difference in the age of admission to African and European and Asian schools?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Sir, the reasons are largely historical and will disappear as we make progress in developing the education of this country.

MR. ARAP MOI: Mr. Speaker, Sir, arising out of the Minister's reply, when will this discrimination disappear?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I am afraid I have not yet fully developed the prophetic gift that would be necessary to reply to that question.

SHEIKH MAIFOOD S. MACKAWI (Arab Elected): Mr. Speaker, Sir, arising out of that reply, what is the entry age of Arab children admitted to these schools?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, I am afraid that at this juncture I would require notice of a question of that complexity!

MR. NGALA: Mr. Speaker, Sir, arising from the reply about the entry at the age

[Mr. Ngala] of seven, would an African child from a nursery school, who is exceptionally bright and still under seven, be accepted into a primary school or would the Minister consider that this is an exceptional case?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Sir, I would always be prepared to consider any exceptional case if the hon. Member would care to come and talk with me about it.

MR. ARAP MOI: Mr. Speaker, Sir, arising out of the Minister's reply, would the Minister make the entry age uniform throughout the country for all races?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I do not think I can give that undertaking at this time.

QUESTION No. 216

MR. OCUA asked the Minister for Community Development:—

(a) How many assistant probation officers are there in Kenya and what is the breakdown of this figure according to races?

(b) What facilities, if any, are afforded these officers, to enable them to move more easily and quickly in their areas of operation in the rural areas?

(c) Are those officers in rural areas given good and proper accommodation?

THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Johnston): (a) There are 60 assistant probation officers (re-designated probation assistants) in Kenya. All are Africans.

(b) Hired transport (i.e. public service vehicles) is used extensively. In some areas, however, Government vehicles are provided, while in others, officers use their own transport, i.e. bicycles, motorcycles and motor-cars, purchased through Government loans and for which they are paid appropriate allowances.

(c) In nearly all cases the officers concerned are housed in quarters similar to those allocated to other civil servants of equivalent status, but in a few cases it has only been possible to provide temporary

housing which is being replaced as better housing becomes available.

MR. MBOYA: Mr. Speaker, Sir, would the Minister state the reason for this resignation from assistant probation officers to probation assistants? Will he also state if there are people under the title of assistant probation officers and what race they are and what they did in the past?

THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Johnston): Sir, I thought I had covered those points except for resignation. I have said in my reply that there were 60 assistant probation officers. They have been redesignated probation assistants because it is a more convenient term.

MR. MBOYA: Mr. Speaker, would the Minister state whether there are any people at the moment known by the title of assistant probation officers apart from the probation assistants?

THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Johnston): Mr. Speaker, Sir, at present they are called assistant probation officers and they will be redesignated in the future probation assistants.

MR. NGOME: Sir, arising out of the Minister's reply, can he give us the qualifications of assistant probation officers before they are employed? What are the qualifications of these people when they are given such employment?

THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Johnston): I would like notice of that, Mr. Speaker.

MR. ARAP MOI: Mr. Speaker, Sir, arising out of the Minister's reply, does it mean that by making assistant probation officers into probation assistants a promotion?

THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Johnston): Mr. Speaker, Sir, in the administrative service we have changed the designation of assistant district officer to district assistant. This is precisely the same sort of change as is occurring in the Ministry of Community Development.

MR. MBOYA: Sir, are these people assistant probation officers or probation assistants? If they are probation assistants, would the Minister state whether there are other people under the title of assistant probation officers?

THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Johnston): Sir, I am afraid I simply cannot follow the hon. Member's point.

MR. MBOYA: Mr. Speaker, Sir, will it help the Minister if I tell him that when the title of assistant district officer was changed to district assistant, there were still some people in the Administration with this title. The point I am trying to get at is this: when the designation changes to probation assistants will there be other people within the Department known as assistant probation officers? If that title still remains, I would like to know if the people who will be called probation assistants will be new entrants into the Department or part of this 60.

THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Johnston): I thank the hon. Member for making that clear to me. The new entrants will, in fact, be called probation assistants. The present entrants—the present serving officers—will be redesignated probation assistants. The post of assistant probation officer will be abolished as indeed happened with Administration. I hope my answer satisfies the hon. Member, Sir.

QUESTION No. 227

MR. TRAVADI asked the Minister for Education, Labour and Lands to state the number of Asians unemployed in Nairobi and Mombasa; and if it is not possible to give accurate figures, will he take steps to find them out?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): The numbers of Asian work-seekers registered at employment offices in Nairobi and Mombasa at the end of the months of August and September, 1958, respectively, were:—

Nairobi	284 and 312;
Mombasa	72 and 105.

These are accurate figures but they do not, of course, include any persons unemployed who have not sought work by registering at employment offices.

QUESTION No. 230

SIR CHARLES MARKHAM asked the Minister for Legal Affairs in view of the recent statements concerning Jomo Kenyatta by the People's Convention Party:—

(a) Whether that Party has made application for registration or for exemption from registration under the Societies Ordinance, 1952;

(b) whether the Constitution of the Party has been approved;

(c) the total membership of the Party;

(d) to what extent the officers of the Party are responsible for such statements.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): There is no such society as the People's Convention Party.

A society called the Nairobi People's Convention Party was registered on 23rd August, 1957, and its constitution was then approved. In its annual return, made on 30th March, 1958, this society stated that its total membership was 630.

So far as I can trace, no officer of this society has made any statements of the kind referred to in the Question.

Its principal officers were Clement Lubembe, chairman; Aggel M'inya, vice-chairman; James Dennis Akuma, general secretary; Alfred Aketch, treasurer. Of these, the general secretary resigned in April and the other officers in July, 1958, and no new officers have yet been appointed, although attempts have been made by the society to do so.

The statement to which the Question refers was made by Clement Lubembe, purporting to be vice-president of the society.

SIR CHARLES MARKHAM: Do I understand from that—

MR. ODINGA: On a point of order, Mr. Speaker, it has been inferred that the People's Convention Party is non-existent. This reply is therefore irrelevant to the question.

SIR CHARLES MARKHAM: Mr. Speaker, arising out of the Minister's reply, I understand, or do I understand that there are no officials of this society at the moment?

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): That is so, Sir. The society appears to have got itself into a legal muddle, from which it is now trying to extricate itself.

MR. MBOYA: Mr. Speaker, Sir, would the Minister not state that any political society is free to make any statement, however distasteful it is to some people, providing it is within the law.

SIR CHARLES MARIKIMU: Mr. Speaker, Sir, would the Minister state whether the Member for Nairobi Area has applied to become President of that particular Society?

SUSPENSION OF STANDING ORDERS

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, the Sessional Committee has asked me to move (a) that Standing Orders be suspended to the extent necessary to allow the Council to take Orders 6 and 7 before Order 5 in today's Order Paper; and (b) that the debate on Order 5 should be limited and if not completed by 12 noon on Friday, 17th October, 1958, the Mover shall then be called upon to reply and all questions necessary to dispose of the Motion shall be put at 12.30 p.m.

Sir, I would like to apologize to the hon. Mover of the Motion now standing at Order No. 5 as today being Thursday and Private Members' Day it is correct that he should have priority over other business. The Sessional Committee did, however, feel that if we did not take the Bills today and tomorrow, and the amendments to the Bill, the House would have to reassemble next Tuesday merely to take Third Readings. In these circumstances the Sessional Committee felt we should try to finish the Rump Session by 12.30 tomorrow.

In these circumstances, therefore, the Sessional Committee felt that the Orders Nos. 6 and 7 should be transposed with Order No. 5, and I trust that hon. Members will agree that that is the correct course.

Sir, I beg to move.

THE MINISTER FOR LEGAL AFFAIRS seconded.

Question proposed.

The question was put and carried.

MINISTERIAL STATEMENT THE GOVERNOR'S SPEECH

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, I beg leave of the House to make a short statement on the ques-

tion of the speech to be made by His Excellency the Governor on 4th November.

It is His Excellency's pleasure that we might this year depart slightly from previous procedure in that it is now suggested that this year he should make a somewhat shorter speech than he has been in the habit of making in the past, and that at the same time the Government should lay a Paper containing all the matters of policy which are normally included at the latter end of that speech.

The object of this is two-fold: first of all to shorten the speech so that Members of the House and others will be able to listen with more ease to that speech; secondly, to give Ministers a chance of including further items within this statement which will be laid by the Government which they might otherwise be precluded from so including because of the preternatural length of the speech if they were so included.

I would like to give all Members an assurance that the document to be laid by the Government will be in the hands of all Members well before 4th November so that they will have plenty of time to study it, and that also included in the Motion to be moved there will be a reference to this document so that any matter of principle mentioned in the document can also be debated.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read, Mr. Speaker left the Chair.

IN THE COMMITTEE

[D. W. CONROY, Esq., O.B.E., T.D.,
Q.C., in the Chair]

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Sir, on a point of order, would you rule whether it is in order for the Committee to be insulted at the title on this Order Paper?

THE CHAIRMAN (Mr. Conroy): That is a *lupus calumini* rather than an insult. It is not a fundamental mistake.

The King's African Rifles Bill
Clauses 2 and 3 agreed to.
Clauses 4 to 8 agreed to.

Clause 9

MR. TOWETT: Mr. Chairman, I would like to amend sub-section (5). It should read as follows:—

"A soldier of the regiment who is discharged in the Colony shall be entitled to be conveyed free of cost from the place where he is discharged to the place stated in his attestation paper to be the place where he was attested or to his home or to any place at which he intends to reside and to which he can be conveyed with no greater cost."

THE CHAIRMAN (Mr. Conroy): Standing Order 90 (2) provides that no amendment shall be moved to any part of a Bill by any Member, other than the Member in charge of the Bill, unless written notification thereof has been given to the Clerk before the commencement of the sitting at which that part of the Bill is considered in Committee. I understand that you are moving an amendment now, but you have not given written notice to the Clerk.

MR. TOWETT: Mr. Chairman, I withdraw my intention to amend.

Clauses 9 to 14 agreed to.

Clauses 15 and 16 agreed to.

Clauses 16 to 43 agreed to.

Clause 44

MR. MAXWELL: Mr. Chairman, I did mention yesterday the words "deliberately" or "with intent to cause annoyance".

MR. WEBB: Mr. Chairman, I dealt with this point yesterday. I explained to the hon. Member that the limitation here was the word "unnecessary".

Clauses 44 to 121 agreed to.

Clauses 122 to 139 agreed to.

Clauses 140 to 145 agreed to.

Clauses 146 to 164 agreed to.

Clauses 165 to 191 agreed to.

Clauses 192 to 200 agreed to.

Clauses 201 to 217 agreed to.

First Schedule agreed to.

Second Schedule agreed to.

Title agreed to.

Clause 1 agreed to.

The Equitable Mortgages (Amendment) Bill

Clauses 2 and 3 agreed to.

New Clause

MR. WEBB: Mr. Chairman, I beg to move that a new clause be added to the Bill in the terms of the notice which has been given on the Order Paper; this will read as follows:—

"Nothing contained in this Ordinance shall affect any action, suit or proceedings commenced before 2nd September, 1958."

The purpose of this amendment, Mr. Chairman, is so that any proceedings which may have started before the date on which the Bill was published, which is 2nd September, are not prejudiced in any way by the enactment, in particular, of clause 3 of this Bill.

New Clause read a Second Time.

THE CHAIRMAN (Mr. Conroy): If any other Member wishes to move any other amendments to this clause, now is the time to do so.

Question proposed that the new clause be added to the Bill.

The question was put and carried.

Title

MR. WEBB: Mr. Chairman, I beg to move that the title be amended according to the notice given by adding the words, "AND FOR PURPOSES INCIDENTAL THERE-TO." The title relates to the amendments, and does not cover the transitional provision which this Committee has just approved.

Question proposed that the title as amended be approved.

The question was put and carried.

Title, as amended, agreed to.

Clause 1 agreed to.

The Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Bill

Clauses 2, 3, 4, 5 and 6 agreed to.

Title agreed to.

Clause 1 agreed to.

The Foreign Judgments (Reciprocal Enforcement) (Amendment) Bill

Clause 2 agreed to.

Title agreed to.

Clause 1 agreed to.

The Interpretation and General Provisions (Amendment) Bill

Clauses 2, 3, 4, 5, 6, 7 and 8 stand part of the Bill.

Title agreed to.

Clause 1 agreed to.

The Guarantee (High Commission Railways and Harbours Loan) Bill

Clause 2 agreed to.

Clauses 3, 4, 5, 6, 7 and 8 agreed to.

Preambles agreed to.

Title agreed to.

Clause 1 agreed to.

THE CHIEF SECRETARY (Mr. Coutts): Mr. Chairman, I beg to move that this Committee do report to Council its consideration of the Bills on the Order Paper.

The question was put and carried. Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

REPORT

THIRD READING

The King's African Rifles Bill

THE CHAIRMAN (Mr. Conroy): Mr. Speaker, Sir, I beg to report that a Committee of the whole Council has considered the King's African Rifles Bill and approved the same without amendment.

Mr. Speaker, I beg to move that the King's African Rifles Bill be now read a Third Time.

Mr. WEBB seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

REPORT

The Equitable Mortgages (Amendment) Bill

THE CHAIRMAN (Mr. Conroy): Mr. Speaker, Sir, I beg to report that a Committee of the whole Council has been through the Equitable Mortgages (Amendment) Bill and approved the same with amendments.

Report ordered to be considered tomorrow.

REPORTS

THIRD READINGS

The Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Bill

THE CHAIRMAN (Mr. Conroy): Mr. Speaker, Sir, I have to report that a Committee of the whole Council has considered the Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Bill and approved the same without amendment.

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, Sir, I beg to move that the Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Bill be now read a Third Time.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

The Foreign Judgments (Reciprocal Enforcement) (Amendment) Bill

THE CHAIRMAN (Mr. Conroy): Mr. Speaker, I beg to report that a Committee of the whole Council has been through the Foreign Judgments (Reciprocal Enforcement) (Amendment) Bill and approved the same without amendment.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to move that the Foreign Judgments (Reciprocal Enforcement) (Amendment) Bill be now read a Third Time.

Mr. WEBB seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

The Interpretation and General Provisions (Amendment) Bill

THE CHAIRMAN (Mr. Conroy): Mr. Speaker, Sir, I have to report that a Committee of the whole Council has considered the Interpretation and General Provisions (Amendment) Bill and approved the same without amendment.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, I beg to move that the Interpretation and General Provisions (Amendment) Bill be now read a Third Time.

Mr. WEBB seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

The Guarantee (High Commission Railways and Harbours Loan) Bill

THE CHAIRMAN (Mr. Conroy): Mr. Speaker, Sir, I have to report that a Committee of the whole Council has considered the Guarantee (High Commission Railways and Harbours Loan) Bill and approved the same without amendment.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): Mr. Speaker, Sir, I beg to move that the Guarantee (High Commission Railways and Harbours Loan) Bill be now read a Third Time.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

MOTION

APPROVAL OF TRANSFER OF POWERS ORDERS

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): Mr. Speaker, Sir, I beg to move:—

THAT this Council approves the Orders entitled:

Transfer of Powers, Minister for Tourism and Common Services (No. 1) Order, 1958.

Transfer of Powers (Variation) (No. 1) Order, 1958.

Transfer of Powers (Variation) (No. 2) Order, 1958.

Mr. Speaker, Motions of this nature are generally accepted as formal, and I do not propose to take up much time of the Council knowing that they can ask any questions on which they require clarification. I would just like to say, however, that the first part seeks to transfer to the Minister for Tourism and Common Services the ability to establish a central hotel authority and subsidiary hotel authorities. That up to the present time has been exercised by the Governor in Council of Ministers, and it is con-

sidered that this is a power which could be delegated in order to save the time and work of the Council of Ministers.

The second part of the Motion and the third part of the Motion, both seek to transfer to the Minister for Tourism and Common Services powers which hitherto have been exercised by the Minister for Commerce and Industry who has been responsible up to now for hotels. The specific powers are firstly to authorize reimbursement of travelling expenses of members of the Hotel Appeal Tribunal and to authorize payment of prescribed fees to members of the Hotel Appeal Tribunal. And, lastly, to approve regulations made by the central hotel authority and to vary the schedules of the Ordinance.

Mr. Speaker, I beg to move.

THE CHIEF SECRETARY (Mr. Coutts) seconded.

Question proposed.

The question was put and carried.

MOTION

MANAGERIAL CONTROL OF GOVERNMENT FUNDS

Continuation of debate adjourned on 15th October, 1958.

Mr. BOMPAS: Mr. Speaker, Sir, my speech on the Motion which re-appears as number 5 on today's Order Paper was, of course, interrupted by the clock yesterday evening. This was unfortunate because I was trying by consecutive arguments to build up so logical a case that Government would have little excuse for not carrying out, what I believe to be the overwhelming and unmistakable wish of the majority of the thinking people in this Colony. And in that context, Sir, I would include a vast number of inarticulate civil servants in their private capacities. That the continuity of my argument may not be broken too abruptly, I hope, Sir, you will not take it amiss if I "play myself" in for a short while, by a very brief recapitulation from where I left off.

Yesterday, Sir, I advocated diversion of control over organization and methods teams to the auditor; I advocated an extension of his duties to qualitative audit; I advocated that the auditor-traveller reporting to a standing select should stand in the capacity of a con-

[Mr. Bompas]

committee of this House, and I concluded by saying that, that standing select committee would stand as a buffer between the executive and any unreasonable or mistaken requirements of the controller. Shortly after this Motion was drafted, Sir, the president of the Associated Chambers of Commerce of Eastern Africa took the opportunity in Kampala, last month, to pose very similar suggestions. The Minister for Finance was reported as saying (and here, Sir, I must quote from the local Press):

"The Kenya Government will never accept the position where people who carry overall responsibility shall be interfered with by people who do not carry that responsibility. It is better to be blunt."

I am indeed sorry the Minister is again "up in the air" for I did wish to say to him in the words of the popular song, "Come down, come down from your ivory tower". The Minister, Sir, obviously meant blunt in the usual meaning of outspokenness, but there are a variety of meanings to that word, and I am by no means convinced that he was not being studiously and deliberately "slow of discernment" or "dull in understanding". Certainly, his reply to the president of the Associated Chambers was a pure generalization and completely, in my submission, inappropriate to a request for an examination, by a select committee, of our spending; unless, of course, it is the Minister's contention that this House has no responsibility for spending the taxpayer's money. If this is his belief, and if that belief is shared by Government, then indeed, we, on this side of the House; the Nominated Members opposite, and indeed a number of other Government Members, are pure ciphers, wasting their time and the Colony's substance, by attending here at all. Again I say, Sir, I am sorry that it has not been possible for the Minister for Finance to be here today because I feel that we are entitled to some explanation of his words, his rather extraordinary words, I feel, in Kampala.

And, if Government is not prepared to accept this Motion, we are entitled, Sir, to some really convincing reasons to the contrary and to some positive and practical alternative.

Mr. Speaker, what are the rights, the responsibilities, of this Council in respect of the economic and efficient management of our country? Using a commercial analogy, I would liken hon. Members to directors of a vast organisation, and I would liken Ministers to managing directors of departments of that organization. Our board of directors—cumbersome and unwieldy as it may appear—is concerned not only with matters of policy, but is entitled, nay, is under obligation as trustees, to enquire when necessary even into matters of detail. In practice, such enquiry obviously involves considerable devolution to committees or to agents. The harder the times facing the trading of our company, the more detailed, the more punctilious, the more candid must such explorations be; if the shareholders are to be satisfied that their trustees are, in fact, fulfilling their trust.

Moving from that analogy, Sir, to the parliamentary scene. As a newcomer to the House, I would not presume to enunciate my own opinions. Hence, I must fall back upon quotation and seek the indulgence of hon. Members if I quote at some length from the preface to Mr. Basil Chubb's book "The Control of Public Expenditure". This, *inter alia*, is what Mr. Chubb has to say:—

"The House of Commons is interested in finance at two broadly different levels. It is concerned, first, with questions of policy—what shall be the amount of taxation and expenditure and to what objects public money shall be applied. This policy aspect is the more spectacular, but to view the House only as the 'grand forum of debate', or as a legislative production line, is to miss other important, though less exciting, aspects of its work. For it is concerned second to ensure that the policy which, though it is the Government's in origin, it endorses and makes its own, shall be carried out accurately, faithfully and efficiently.

Its aims here are different from those at the first level. Policies are settled and 'politics' ought to play a minor part.

No party has a greater interest than another at this stage and it is the House as a corporate body, which is here concerned. Hence, the institutions

165 Motion—

[Mr. Bompas]

and procedures for deciding policies and engaging in 'politics' are no longer appropriate. Other institutions and procedures are necessary and exist. Consideration and debate in the full House are replaced by the enquiries and deliberations of select committees."

Mr. Speaker, I hope that hon. Members will strongly support this Motion and that Government will not only accept the underlying principles, but also the desirability of a chairman and a majority of unofficial members. In justification, Sir, I hark back to the quotation I have just read to underline these words: "... to ensure that the policy which, though it is the Government's in origin, it endorses and makes its own, shall be carried out accurately, faithfully and efficiently". And again to underline: "... it is the House as a corporate body, which is here concerned".

These words, Sir, establish the position as it exists in Britain where Members of Parliament are there by the will of the people. Here in Kenya, it is only we on this side of the House who have to account directly to the electorate of the Colony. I submit that in addition to our corporate responsibility for calling the tune, we, as the elected representatives of those who pay the taxes are entitled to take a major share in seeing that not only is the proper tune played, but that it is played in the key and in the tempo in which it was composed.

When, earlier this year, Sir, Elected Members asked Government to examine economy as an alternative to increased taxation, they were chided, nay, that is perhaps too mild a word; they were challenged from the ministerial benches with not having suggested specific reductions in expenditure. One cannot make constructive suggestions without data any more than could the Israelites of old make bricks without straw.

In this Motion, Sir, I ask that Government will in future give us that straw, even though we may have to fetch it ourselves.

Mr. Speaker, to conclude, there is an old Italian saying that "the eye of the master fattens the ox". That we in Kenya soon, and for all time may have fat oxen, I beg to move.

MR. ALEXANDER seconded.

Question proposed.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Mr. Speaker, Sir, I first of all would like to congratulate the Mover on putting his case so lucidly, but in giving us some of the history of the Motion which he mentioned came from there—I think it was—the Coffee Board, the expression was used that Government was now going in for "high expenditure and a happy spree of spending". Mr. Speaker, it seems to be forgotten that spending stems directly from policy; and that policy is dictated by public opinion. Now, Sir, the Mover, towards the end of his speech, said that challenges had been issued from these benches during the Budget Debate asking Members on the other side to make proposals for economies, but that these were impossible without the data. Sir, although it may be almost impossible to make suggestions for economies, that is no reason why hon. Members on the other side should invariably ask for increased expenditure.

An analysis, Sir, of the Budget debate this year showed that the proposals for increased expenditure coming from the other side were far greater than any suggestions for economies. And, Sir, if the hon. Member for Ukamba would care to study the Motions that have been initiated from the other side during the last eight months, he will find that a great number of them asked for increased expenditure and these culminated, Sir, the day before yesterday, in a Motion, notice of which was given by the hon. Member for the Central Area asking for secondary education for four years for everyone. What the cost of that would be—

SIR CHARLES MARKHAM: On a point of order, Sir, is the hon. Member in order in raising matters on a Motion which has not yet come before the House?

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): The hon. Member has not so far discussed it in detail. He should not discuss a matter which is coming before the House, and I believe notice has been given.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Thank you, Sir, notice has been given, but I understand that it is not coming before the House.

[The European Minister without Portfolio]

Now, Sir, the hon. Member for Kiambu also mentioned in his history that there was a wakening of the present situation among producers and others, and that was one of the reasons leading up to the Motion which he quoted. I would say, Sir, that whilst those producers were awakening, the Government had already awoken and had set up from among its own ranks four economy committees, which have been announced by the Minister for Finance and which have been working pretty hard during the last few weeks. Now, Sir, not very long ago, I was one of those who enjoyed, without very much responsibility, clamouring for economy from the other side of the House. I suppose it is proper judgment on me that I should find myself on all these four committees; and trying to find economy in Government expenditure is very much more difficult when you know that you are affecting policy by making those economies than it is by making the suggestions without having the responsibility of altering policy, always, policy which has been determined in this House. And, Sir, there are always many conflicting interests when one suggests economies. I do not know, Sir, how the hon. Member for Nyanza would face the suggestion that the Sotik transport subsidy should go; I do not know, Sir, how the Member for Western Area, if he were here, or the Member for Eastern Area, for that matter, would react to a suggestion that the sugar subsidy should go. When we come down to personnel, some Members I know would like to suggest economy in the numbers of police. There are others who I know would oppose such economy. And, Sir, some might believe that we are overdoing education and that we should economize on teachers, but it would not, I am sure receive the unanimous support of the other side of the House if such a suggestion were made. Nor would similar economies in agriculture meet with unanimous approval.

I, Sir, as I said just now, have spent a month, a pretty concentrated month, considering where it is possible to economize in Government expenditure. I would now like, Sir, to invite Members on the other side to come into this exercise, to set up their own committee,

and make recommendations to Government as to where we should economize. It is not a question, Mr. Speaker, of making bricks without straw. It is, to make worthwhile economies, a matter of deciding which policies, to which we are already committed, shall be scrapped and which shall be seriously curtailed because that is the way to make worthwhile economies.

I am pleased to tell you that in one of these committees we did save £730 a year but it took several Ministers far more time than their salaries warranted in finding that particular expenditure. In case I should depress Members on the other side, Sir, I would say that it is not the only economy we have found.

Now, Sir, we would be very glad to listen to any recommendations of a committee such as I have suggested. I think it would be fair to say we would give them as much assistance as was possible. But, of course—and I am not going to dwell on the responsibility of Ministers that was mentioned by my hon. friend—I must say that it is for the executive to determine finally what policy shall be. In any case, Sir, we have had machinery for performing exactly the function that is suggested in this Motion. The only trouble is that it has not worked very satisfactorily to date.

MR. ALEXANDER: Question.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. HARRIS): I am talking about the Estimates Committee. The policy was there, Sir, and if the hon. Member for Nairobi West thinks it is not the right machinery, let me remind him that two or three years ago the Estimates Committee went very carefully through the Estimates of the Public Works Department and effected economies; it is because of their recommendations that today there is no Director of Public Works.

The answer I believe, Sir, to this is to try to see whether we cannot make the Estimates Committee a more effective instrument than it is today. The fault I am sure is not with the procedure. We have the procedure. But, Sir, a study of the deliberations of the Estimates Committee has been, in the past, disappointing.

The hon. Member for the Coast, Sir, reminds me that I was the chairman. I

[The European Minister without Portfolio]

was the chairman for one meeting which I did not attend.

However, Sir, I come back to the point that the determination of policy is the duty of the executive and not of the legislature. There seems to be some extraordinary idea abroad in this country that this House is the Government. This House is not the Government. The executive is the Government, and this House is there to prod the Government as much as it likes. The more it prods, the more effective it will make Government policy. But in the ultimate it must be Government that determines policy.

Now, Sir, the hon. Member made considerable play on the difference between the control of accounts, through the Public Accounts Committee, and the general efficiency of the service. The duties of the Controller and Auditor-General include bringing inefficiencies to notice, but, Sir, as this is essentially a Civil Service matter I intend to ask my hon. friend, the Minister for Finance, to dwell upon it at greater length when he speaks later in this debate. I would only make one point, and that is, that the Public Accounts Committee and the Controller and Auditor-General do control their affairs through concrete accounts and not by a committee working in a rather woolly fashion without a solid basis of knowledge.

The Motion, Sir, mentions the question of the deployment of personnel. Once again, it must be the executive that deploys the personnel as a result of policy determined by this House, and if the executive has the responsibility for carrying out the policy determined by this House then it must be allowed to the executive to deploy its personnel.

The other matter, Sir, on which I wish to touch is the question of the Organization and Methods reports. The Organization and Methods reports at the present time are confidential to the Minister whose Ministry is under inspection, and through that Minister, to the Government. If, Mr. Speaker, the reports of the Organization and Methods branch are going to be made available to a wider circle, it is quite obvious that those reports will not be nearly as frank as they are at the present time. And it is

by having these frank reports that Government itself is able to do many of the things which the committee proposed in this Motion would do.

Sir, surely in commercial life, if a firm employs efficiency experts or business consultants, which are the equivalent of the Organization and Methods branch, they report to the directors—and, Sir, I would like to dispute the Mover's suggestion that in this House are the directors; of course they are not. In fact, the Government is the directors and the gentlemen sitting on the other side of the House, Sir, are the representatives of the shareholders. I am in the peculiar position of being a representative of the shareholders and a director; I have got my qualifying shares. But, Sir, I have never heard of business consultants referring their report to a meeting of shareholders.

Therefore, Sir, for all these reasons, and remembering my invitation to the Members of the non-Government side to form a committee whose suggestions and recommendations will receive full consideration from Government, I regret that I must oppose the Motion.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): If no other hon. Member wishes to speak, I will call on the Mover to reply. If hon. Members do not rise to speak but persist in remaining seated awaiting other speakers, I shall terminate the debate.

MR. CHADWICK (Acting Mount Kenya): Sir, before the last war and before this Council was unfortunately swollen to the size it is today, the control of the Colony's expenditure was, I understand, largely in the hands of a select committee on estimates, and this committee consisted of the treasurer and his advisers and all the Elected Members sat on it. I understand that their strong objections and suggestions were usually accepted by the Government Members of that committee. This was known as government by agreement as opposed to government by oligarchy which is what I submit we have today.

A few days ago I reminded a Government official, who is a friend of mine and who used to sit on this committee of those days, and he said, "Oh yes, but you must remember that at that time the total expenditure by Government was only in the region of 5,000,000 a year".

[Mr. Chadwick]

Well, Sir, it seems to be rather paradoxical that when a comparatively small amount is involved we on this side of the House are allowed a very large measure of control, whereas when the expenditure is five or six times that amount we are not.

Now, Sir, I am not suggesting for one moment that all the Elected Members on this side of the House should now be allowed to sit on a select committee on estimates, as I can visualize the astonishing result that might ensue from such procedure, such as the spending of thousands of pounds on providing honeymoon suites for deserting soldiers. But, Sir, I do suggest that we should be allowed to take some part, in a small way, in a measure of control such as that proposed by the hon. Member over the expenditure of money which has been provided by us and especially by those of us who have conscientiously, albeit unwillingly, paid up our income tax during the last 20-odd years.

Mr. Speaker, Sir, it is most disheartening to us to see money, which we feel is urgently needed for such things as the keeping of the police up to the old standards of efficiency and for the development of our roads, and the establishment of a European Education Authority, being squandered on interest on loans to erect vast Government buildings, on salaries of the Statistical Department and such like, and, if I may say so, the payment of hon. Government Nominated Members.

I suggest, Sir, that it would be equally disheartening for the hon. Minister for Works if he were to see money which he had hoped to spend on a new bridge across the Kuja river being squandered on a new casino at Mombasa.

I feel, Sir, that it is ungenerous of Government to reject this Motion, and I consider that their action is like that of the head of a family who has taken money from its members for the purpose of building a house, but does not consult them as he goes along as to the economies and improvements which could be effected over the original plans. A house built on that basis, Sir, will never be a happy one nor will the family be a prosperous or contented one.

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

MAJOR DAY: Mr. Speaker, Sir, I rise to support the Motion because I am most sincerely convinced that the suggestion in the Motion is a good and sound one. In fact, I find it difficult to understand why the Government have been ungenerous enough to disagree with it. Anything which could contribute to the pruning of this top-heavy Government expenditure surely must be a good thing, and I feel we should explore every possible avenue in order to effect these economies.

I realize, and I think everyone realizes, that there is a feeling in this country today that Government expenditure has passed the bounds of reason, and I think it is shared by all communities. Now, I am a new Member of the House, Sir, but I do feel that we cannot afford to neglect public opinion in this country. I know the Government is aware of the need for economies. Indeed, the European Minister without Portfolio has just told us that he has succeeded in effect in the magnificent sum of £730. I feel, however, that this is a triviale and something more than that is needed to restore the confidence in this country at this juncture. Perhaps it is not generally realized, the feeling, so to speak, of defeatism that exists. It is all very well to say, Sir, that nothing constructive has been produced in the way of possible economies, so if you will forgive me, Sir, I will suggest two which at least I feel will succeed in effecting greater economy than £730. They are these. First of all, I would suggest that the business in this House be taken slightly more expeditiously—and a great deal of money could be saved that way. That may or may not be parliamentary procedure, but I think when we are faced with a crisis like this unnecessary and unimportant frivoly in speeches should in some way at least be discouraged if not prevented. Secondly, Sir, I think that even more important it is necessary to give some gesture to the people in this country, and I consider that if it is possible the House—whether they are shareholders or directors, I am not quite clear, but after all it is the representative body of the people of this country—should voluntarily agree to a token reduction of their emoluments and allowances. I am not suggesting, Sir, that you will get a great

[Major Day]

deal of saving this way but it would be more than £730, and further I feel that the moral result of such a gesture would be incalculable to the people of this country.

I beg to support.

MR. ALEXANDER: Mr. Speaker, Sir, I would like to start with what the Member for Nairobi North has already quoted from the *East African Standard* of 5th September, 1958, which concerns a statement by a very responsible Minister of this Government when he said quite clearly that Government were not prepared to be interfered with by people who do not carry responsibility. That, I believe, Sir, made the case for us, because we are not in the position in which people are in the more advanced countries of ever providing an alternative Government. Therefore, the need is greater that we should be properly and reliably informed, and the only way in which we can be reliably informed is for Government to agree that we have a committee of the nature proposed, with an expert, like the Auditor-General reporting to it. I believe, if that was the case, Sir, from this side of the House there would be far more informed, reliable and responsible opinion.

This is not a question of our asking to interfere in Government. This is clearly a question, as we do have it with the Auditor-General, of being adequately and sensibly informed and I regard it as most unfortunate that a senior Minister of this Government should infer in his words that we on this side of the House are intending to interfere with Government in an irresponsible fashion.

The European Minister without Portfolio spoke on this subject, but I regard it as most unfortunate that he took the whole of the debate on to a place that deals with economies in Government expenditure. Mr. Speaker, let us get it quite clear right now that this is not the purpose of this Motion. On economies in the past I stated our attitude quite clearly; let me state it again and let us not have any more in this debate about economies in Government and what Government are doing to economize. The statement I have made before is that we do not ask for economies in the

manner of refraining from useful expenditure; what we do ask is for economies in the way of wise organization and sensible direction of the money that we vote.

The Minister without Portfolio trotted out the typical cliché and at one moment, when I shut my eyes, I thought that the Minister for Finance was still with us. He has certainly taken on his mantle in a mighty hurry. What he said was that policy is dictated by public opinion. Yes, it is, Sir, but what he did not explain is again that in this particular system of government that we have in this Colony, where we cannot form an alternative government, that public opinion is not always accepted by the Government and is very often ignored.

May I ask him, for instance, what public opinion it was that created the Supplies and Transport Department? What public opinion was it that created the Nairobi African housing project under the Ministry of Local Government?

AN HON. MEMBER: African public opinion.

MR. ALEXANDER: Under the Ministry of Local Government. There is a perfectly adequate organization and it did not need the Ministry of Local Government to deal with it. What public opinion dictated that? And what public opinion dictated the provision of accommodation for the Information Department by the purchase of Information House? What public opinion was it that dictated a courthouse at Kilifi? Is this the sort of public opinion that Government is supposed to be listening to? I am surprised that the Minister without Portfolio has raised this particular cliché.

Then he went on, as I have just said, to draw this great smoke-screen about Government economies and what Government are doing to economize. He, in fact, went on to invite Members from this side of the House to make the enquiry. Sir, that is just what this Motion seeks to avoid. We do not want to enquire and I deplore the thought that Ministers of our Government are themselves, on £4,000 a year, making detailed enquiries about petty items of expenditure. What we ask for is the expert eye. The expert eye, like the Controller and Auditor-General, to report to a select

(Mr. Alexander)

committee of this House. If Ministers of the Government are reviewing policy, then I can understand that they are doing what they are intended to, but if Ministers of the Government are running around, looking to see how they can save £730, then, indeed, Sir, we are over-paying our Ministers greatly.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): I made it quite clear, Sir, that it was in a review of policy that economy was being found and that is what the hon. Ministers are doing.

MR. ALEXANDER: Thank you for that explanation, Mr. Speaker, but there is a clear inference in what the Minister said; in fact, he prided himself on the fact that he had got four committees like this going round, and in which Ministers are involved. Surely, the place for Ministers to deal with a review is in the Council of Ministers and not running round on matters concerned with petty expenditure.

Then he went on to claim that in fact what we are asking for already exists. He referred to the Estimates Committee. He did admit that there was some weakness in its working in the past, but he claimed that they had done a good job in connexion two years ago with the Public Works Department. May I remind him that that particular effort of the Estimates Committee in that instance arose because there had first been an independent enquiry, and it was from that stage that the Estimates Committee proceeded? That is the difference and he did not mention that. In point of fact, what we are asking for, Sir, is exactly the same circumstances as those which led up to the Public Works Department situation two years ago; but we want it on a permanent basis and we want it to be part of our system of the control of expenditure.

He then went on to say that policy is the duty of the executive. Very true. And that the executive must deploy the personnel. But what he did not tell us is who, once the executive has deployed the personnel, decides whether they are doing the job they are supposed to be doing and if they are doing it efficiently and if there is no waste of the money being paid. May I just give a simple illustration, Mr. Speaker. I would delight

in having the opportunity of having 48 hours on the steps of the Central Government offices. The executive have deployed the staff. I do not know how many messengers there are there, but let us, for the sake of example, suggest that there are a hundred, the executive has deployed them, but who is to say how many of them are going out doing the *memsahib's* shopping?

AN HON. MEMBER: Organization and Methods.

MR. ALEXANDER: And Organization and Methods report to the Minister over that particular department. I will deal with Organization and Methods in one moment.

We are told that Organization and Methods are responsible to the Minister and that their report, in turn, might get to the Council of Ministers. The objection here, Sir, is that the Organization and Methods branch are not, and can never be, a body independent of the Government, in the same way as the Controller and Auditor-General. What we are asking for is a system, established in much the same way as the judiciary, as the Controller and Auditor-General, so that the person who is making the enquiry can feel completely independent of any minister. The very fact that he has to report to the minister, I believe, detracts from the value of his work.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): They can build outhouses at Kilifi!

MR. ALEXANDER: If there are any more outhouses to be built, Mr. Speaker, they will be to try the Minister without Portfolio.

Then very cleverly this Minister tries to confuse us about directors and his great breadth of knowledge about commerce and what goes on there, and he contradicted my good friend on my right, the Member for Kiambu, who had drawn this analogy. What he forgot to tell us, and very cleverly forgot to tell us, Sir, is that available to all shareholders of a company is a right, in certain circumstances, to form a committee of shareholders to go inside the company. We have got no right to do that on this side, we do not particularly want it. What we want is an expert to tell us what is going on on the other side. So please,

(Mr. Alexander)

Mr. Speaker, next time this Member tries to draw a herring across the path of that particular trend of thought, I hope that he will be dealt with suitably.

My understanding of the attitude of the Government is that the present system of the control of expenditure is satisfactory and adequate; and it is so, or so they claim, because we have already two systems working—firstly the system under the Auditor and Controller-General and then the system which has already been referred to of the Estimates Committee. To have it quite clear in our minds, let me just quote, Mr. Speaker, with your permission from a memorandum by the Controller and Auditor-General which was issued on the 5th November, 1953; and it is in fact reprinted in the current Report of the Public Accounts Committee to the 30th June, 1957, which was tabled two days ago. This is what he writes in connexion with financial audit, and I quote: "This audit consists of looking into waste and extravagance and might involve going beyond the normal accounting records where necessary—investigation into potential extravagance, control in the use of Government transport, examination of contracts, rationing systems in hospitals, schools, prisons, etc., the examination of records of materials issued for works as to their quality and their control after issue". There is no reference in that to the technique of time and motion studies, of personnel organization, to the study of the efficiency of mechanical equipment. This is the limitation in the auditor's work. There is a quite clear distinction in the technique between what he is trying to do here and in what we are seeking, and that is, how can we find out that we are getting value for money, how can we find out that every Sh. 20 spent is not wasted.

So far as responsible opinion goes on this, Mr. Speaker, may I quote from this authoritative publication which has already been referred to and which is often quoted to us from the other side, I only quote from it because the inclination of the other side has always been to accept this type of authoritative work and to quote it as being gospel. So I imagine that the other side accepts what this says. This is Basil Chubb in his famous work, "The Control of Public

Expenditure", and concerning the Public Accounts Committee and its limitations, which I have just been trying to refer to, he says this: "If history and analysis bear witness to the success of the Public Accounts Committee they should show equally its limited field of action. They show too its limitations are inevitable and are indeed conditions of its success. A division of the field of accounting control, and some other control is inevitable. The story of the attempts to devise these other methods of control is more chequered." That is the end of the quote. Mr. Speaker, and it is quite obvious that our Government intends to chequer it as well.

If I may quote him again, Sir, he goes one slightly later, on page 242, to say this, and I quote: "Time and experience showed that though financial records may reveal the existence of such waste; money figures are but a reflexion of the conduct of business and a way of expressing the use of men and material. Further, they are only one method of expression, and a control by accounts is only one method of control, and that inadequate. Other forms of records could be devised and ought to be used, and other methods of ensuring value and the eradication of waste seem necessary." That is the end of the quote.

Mr. Speaker, it is these other methods of ensuring value and eradication of waste that have seemed necessary to us on this side, that have seemed necessary to the great bulk of responsible public opinion in this Colony, and yet our Government are denying us.

The other aspect of the control of expenditure which Government claims is satisfactory is the Estimates Committee. If I may, Mr. Speaker, I will quote from the Report of the Estimates Committee, which was tabled here only two days ago by my friend the European Minister Without Portfolio. This is what he said, "In view of the fact that this is the second consecutive occasion on which an inconclusive report of this kind has been necessary the Committee would suggest that the Council instruct the new Committee to review the practical value of this Committee with a view to making recommendations in the matter." Sir, it is signed, "Norman, F. Harris, Chairman".

Now, Sir, it was only yesterday that this same Minister was claiming to us

[Mr. Alexander] with great humility—that is the word—how the Government, the wise Government accepted responsible words from this side of the House, from him when he was Chairman, and that in fact they were so good that when those words got over there they improved them. Now, I am suggesting, Mr. Speaker, that this same Minister might take to heart what he has again said here. He said it in connexion with the Road, Rail and Air Transport Motion, some time ago and it has now turned into great wisdom apparently, and I suggest to him that there is another opportunity for him to do the same. When he does it, Sir, all I ask him to do is to think carefully on this Motion and what has been said today. This Select Committee on Estimates has been inconclusive simply because we have not had anybody reporting to us in the same way as the Public Accounts Committee has the services of the Controller and Auditor-General. It is only that that makes it inconclusive, and if I may use the vernacular, completely *hure*. This Estimates Committee is completely *hure* and the sooner it is disbanded and the money saved on it the better it will be for the revenues of this Colony.

If I may again just quote from Basil Chubb, Mr. Speaker, this is what he says on select committees, and I quote: "If a select committee to examine expenditure is to work efficiently there are five essentials. It must have . . . and I quote only the second piece— . . . and I need to adequate information, and remembering it is a committee of laymen, expert aid and advice to enable it to report on the matters referred to. This raises questions of how to find starting points, of what types of information are most useful, of how to measure administrative qualities and of the position and status of investigators". That is where we are lacking in our present Estimates Committee. Adopt this Motion, or at least be wise enough to give us a clear indication that you are prepared to study it seriously, and we will achieve its results that I am sure we all want.

I know that it is very natural for the Government to answer by the procedures of this House, adopted of course from the Mother of Parliaments, are quite adequate. Their argument understandably, is that through question time

and through debates on the adjournment there is adequate opportunity for Members to deal with Government wits. But, Sir, surely if that is their attitude it is a complete negation of the full responsibility of this House, because surely what they should seek is to see that we on this side are fully informed. Surely they would far prefer criticisms and questioning to come from reliable information rather than from haphazard questions from this side. They are haphazard, and I admit it. There are questions which I have asked here which have had to be fairly widely directed in order that I might hit some target. Surely they would prefer a system such as we want where we have less of this irresponsibility that we might display in this House because Government will not inform us fully in the way that we wish to be informed.

Then, of course, Government argue that any system such as we want interferes, undermines, the Ministerial responsibility, that it is likely to probe and snoop into Ministerial departments. Surely again, Mr. Speaker, that is an attitude of fear; that is an attitude that displays a lack of confidence, because if any Minister is pleased and satisfied with the departments under him, then surely the first thing he would wish is that somebody independent should come in and say: "We have looked: we have looked at this with an independent eye; and all is well", because any Minister worth his salt is going to proceed on his course if he knows that what he is doing is right. If he knows what he is doing is right he need have no fear that he will finally be unduly or irresponsibly criticized from this side. Surely, Mr. Speaker, is that not the record of the Public Accounts Committee that has, by long tradition, become regarded as a very responsible, and a very well respected part of the machinery of Government. It is suggested that because we have this system of the Public Accounts Committee the Ministers fear that their responsibility will be undermined? Surely they are delighted—and I can see the Chief Secretary frowning: he is delighted when he finds that his Ministry has been looked into—particularly the Department of Information—and all is found to be well.

May I just, while I am on this, before I conclude with the relationship between

[Mr. Alexander] of the Public Accounts Committee and the Estimates Committee, and the shortcomings of the Estimates Committee, conclude with one final quotation from that very fine officer of the British Government, Sir Frank Tribe who was for many years the famous Controller and Auditor-General of Her Majesty's Government. This is what he said—and I am still quoting from Basil Chubb's book—in addressing the Institute of Public Administration, and I quote: "I do not believe that any examination based on figures alone, and ignoring such matters as personnel management, installation of machinery, and general office or factory organization, can lead to a proper judgment on the efficiency of a concern." I trust that the Minister of Agriculture will find that I have made myself perfectly clear. I know that he going to speak in this debate, and as a man of great wisdom I am sure by now he has grasped what we really want to get at on this side. I am sure he would be delighted, with the vast organization that he controls, to know that he has available to him the expert eye that can go and say whether every pound is being properly spent—not that it is being spent in accordance with the vote of this legislature (that is the job of the Auditor-General), but that it is not being wasted. Such an expert eye can assure this House, to his own personal gratitude and satisfaction, that our money is not being squandered.

On the weakness of the Estimates Committee, Sir, let me bring this House right up to date with the Report, or an extract from the Report of the Estimates Committee—the present Estimates Committee—of the House of Commons; and this is taken from a journal called "Accountancy", which is the journal of the Institute of Chartered Accountants, for September, 1958. This is what it says, and I quote: "Anyone who wishes to know how the Treasury controls the expenditure of the Government departments and how the control is limited and qualified will find it all set out in the Sixth Report from the Select Committee on Estimates. The Committee, dissatisfied with the existing system, or rather with the complex of administrative practice that has grown up over the centuries, wants a

detailed and expert enquiry to be made by a small independent committee." That, Sir, came from the British House of Commons only a few weeks ago—this House of Commons that we are constantly being told from the other side to respect and accept as gospel. Our own Estimates Committee, just to show its shortcomings, had referred to it, as a result of the debate on the adjournment in this House on 11th December, 1957, the question of the Supplies and Transport Department. Mr. Speaker, that was, all but short of two months, almost a year ago.

The Minister for Finance, when speaking in that debate, had this to say, and I quote: "Or I can suggest another alternative which I think could be carried into effect and that is that we have sitting an Estimates Committee which has on it many Members of the Council including the hon. Member for Nairobi West, the hon. Member for Nairobi South and the hon. Member for Nairobi North, I think all of whom are intimately concerned with the commercial aspect of the matter. We could then discuss this matter in detail, call the head of department in front of us and ask him to give us evidence. We could cross-question him and then the Estimates Committee can make up its mind quite clearly on the evidence laid before it and recommend to this Council all that it felt should be the steps and the policy of it." That was nearly a year ago and today, Mr. Speaker, we know very little more about the Supplies and Transport Department than we did then.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havlock): Why not?

MR. ALEXANDER: You want to know why not? I will tell you why. It was simply, Mr. Speaker, that we had the Controller before us and he gave evidence. We then wished to proceed to get Government departments and from people outside Government and who are informed on this subject, and to this very day we have not yet proceeded to take that evidence. We did have a date at one stage, but some Minister was away somewhere or we ran into some difficulty, some routine difficulty, but nevertheless on a very vital matter to this Colony, Mr. Speaker, whatever the

[Mr. Alexander]

reasons are, nearly a year after this matter was raised we still know very little more about the Supplies and Transport Department which the Minister without Portfolio tries to suggest to us was set up as the result of public opinion. What we do know is that one of the most kindly gentlemen, and one of the most courteous gentlemen that ever set foot into this Colony, is head of it. We know that. We know that there is a vast expanse of magnificent building off the Athi River Road. We know that, Mr. Speaker. But what we do not know is how necessary it is, how much waste has been coming out of it. Only the other day I noticed that a headmaster of one of our schools in a speech referred to some peculiar system down in the town which produced beds which school-boys had slept in and which fell to pieces fairly quickly. I presumed that he was referring to the Supplies and Transport Department.

On 20th September—that is nearly a month ago—concerning the Supplies and Transport Department, I asked a question, a very simple humble question, a very unnecessary question, but there was a matter of principle in it. I asked, Mr. Speaker, why it was necessary for a four-ton truck with a driver and two assistants to deliver one packet of duplicating paper to the Duke of York School and thereafter six packets of soapflakes to the Prince of Wales School. To this very day—this happened on 20th September and we are going to finish our business tomorrow—I have not received a reply to it. I do admit that I also asked in the question what the calculated cost of such delivery was, including depreciation and overhead expenses. I thought perhaps that the only thing they were having trouble with was working out the overhead expenses, because they have had a Minister since then and they have got to have something for him as well.

Before I finish Mr. Speaker, may I say something which has distressed me greatly? I am just coming to a stage where I find I have got a Government for which I have considerable respect, and it distresses me greatly, that as a result of the most unfortunate and, I will say, irresponsible handling of the Income Tax Management Act, in the last

few months, is finding itself diseased in the public mind by its actions in that respect. They are being blamed because the public are not satisfied about matters right outside income tax, matters on which I am, the first to come to the defence of the Government; and it does distress me that they should be brought into disrepute in this way for a mere irresponsible handling of a very vital matter to this Colony. I can tell this same Government right now that if they reject out of hand this Motion today this disease, this canker, this disrepute of themselves, will spread further and further in the public mind; and I do beg, Mr. Speaker, this Government, for which I have very great respect, to think again. I beg to support.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, hon. Members will have heard from this side of the House, or will hear from this side of the House, the point of view of the European Minister without Portfolio, and later the Minister for Finance. I seek the indulgence of the House to speak as I am a Minister who controls what is a considerable spending Department and I think, with all due humility, that it might be of interest to the House if I describe how the pressures of expenditure are built up and how the pressure of greater efficiency tends to be generated.

I want to do this, not because I think many Members in this House need education in that matter but because I do feel that in the public mind outside there is a complete misunderstanding of the situation. And, after all, as a Minister who need not be Minister and who could sit on the other side, I think it is only reasonable that we should try to put before the public what is the actual position that happens in a Ministry such as mine.

Now, Sir, expenditure is generated from two sources mainly: one is public opinion through the pressure of the public on the Minister and all the bodies surrounding the Minister which advise him and of which there is a plenitude in this country. Secondly, Sir, expenditure develops purely and simply from continuing policy. I propose to dismiss the latter in a few words because it is so self evident.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

In the case of compulsory education the size of families dictates automatically the expenditure on education, and until we can arbitrarily regulate the size of families we cannot regulate the expenditure. Similarly, the activities of the judiciary and the general state of law and order dictate, for instance, the expenditure on prisons. Those sort of expenditures therefore are controlled by policies outside, very often, the Members of this Council, by the public. At the same time I am particularly concerned with expenditure which is generated from the public opinion, and I want to deal with it because it is inherent in this Motion that the expenditure of the Government is too great and that the efficiency of the Government is too little.

The hon. Members for Mount Kenya and for Aberdare used the words "squander" and "top heavy expenditure".

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair]

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

I thought it would be of interest to hon. Members, and to the public, if I gave them a résumé of what has happened in my Ministry in a year. We have had demands for expenditure ranging per item from £1,000 a year to as much as £3,000,000 over the whole field of agriculture—the veterinary services, finance in so far as it affects agriculture, the general development of agriculture, and water. I had intended, if I had not spoken earlier, Mr. Deputy Speaker, to read out to Members the tremendous demands which public opinion is making on my Ministry. I am not going to do so because it would take a considerable amount of time and I think would give details which would bore Members. But at any rate, if hon. Members would look at this page of foolscap they will have an estimate of the tremendous demands, constantly being made on a Ministry such as mine by the public, for expenditure. Briefly they range over research, quela control, more plants and seeds for Africans, accelerated development of cash crops, increased agricultural education, more livestock research, foot-and-mouth

research preparations, more laboratory facilities, sheep officers, pig officers, poultry officers, more money for development loans, assistance to innumerable numbers of industries, increased funds for market research, farming control, and so on. So, Sir, in a Ministry such as mine it is erroneous to say that it is the Government that is squandering on development. The whole of the pressure in a Ministry such as mine is for the public to ask for more and more services, and those services can only be met by the expenditure of public money.

Now I think it is most significant that the Mover, in opening this Motion, quoted a resolution of the Kenya National Farmers' Union, which asked for an independent enquiry into Government's expenditure. Yet I can assure the hon. Member that in the list which I now present to him, hardly a single item has not been asked for by that same Kenya National Farmers' Union.

Now, Sir, the Government has been forced by the financial position of the Colony to examine—not in the detail which the hon. Member for Nairobi West suggested but the whole question of policy with a view to achieving substantial economies in public expenditure, and I do Mr. Deputy Speaker, want to make a prophesy. When we bring before this Council the results of that examination, I do assure hon. Members they will be dismayed at the acceptance which will be forced upon them for the elimination of what they have come daily to regard as absolute necessities in Government expenditure. That I hope will bring home to Members the fact that it is public opinion the whole time which, as I have said already, is generating this public expenditure.

Now, Sir, I want to deal with the question of efficiency, because the two are tied together, and I can best put it by taking the Estimates in my Ministry for the current year, the year in which we are now spending. The public pressure is presented with great virility and tenacity through pressure groups which are either statutory boards, associations of farmers, or even those representatives of the electorate, the Elected Members themselves. The Minister has to assess which of these demands are

[The Minister for Agriculture, Animal Husbandry and Water Resources] justified, which need to be met in terms of the responsibility which he bears, and then in terms of that decision the Estimates are placed to the Treasury for approval. I can say unhesitatingly that for a number of years now, due to the pressure of Emergency expenditure and the progressive reduction of the contribution from Her Majesty's Government, no ministry has ever been able to meet the demands made upon it.

I compared figures in my own Ministry for the current Estimates On those Estimates, development and recurrent, these reductions which were forced upon us by the state of the public purse, were just short of £1,000,000, or 16.4 per cent of the Estimates. Now, Sir, that is significant because in the final analysis as the Minister responsible I try and give, however badly, service to the public, and when I am satisfied that the public have indeed a case for the development of a service, I try to meet it. It automatically follows that if I make a 16.4 per cent cut in my Estimates of expenditure, we go through every post, every service in the Ministry, with a view to seeing what we can eliminate, because unless we do that there is not a hope of meeting the public pressure. I do submit that because of that there is automatically severe pruning, which is the word I think the hon. Member for Aberdare used, with every department if it is to get anywhere, meeting and satisfying the public demands made upon it.

Finally, mine is one of those Ministries which, in the early days of taking my present responsibilities, was examined by the Organization and Methods team, and the result of that, as I have already stated in this Council, was the reorganizing and regrouping of ancillary services in the Ministry and the saving of no less than 17 posts. Now, Sir, that I think shows where the pressures for expenditure come, how Ministers have automatically been forced to argue and discuss with their advisers whether individual posts are necessary, because the Minister must assess for himself what, in the whole gamut of his responsibilities, has got to be attended to.

Secondly, Sir, I should like to come to the question of the efficiency of the

public services, and I want to speak on it with some spirit. When I read motions passed by chambers of commerce in particular, one would think that the public service was exceedingly inefficient. Well, Sir, it is a common criticism from the business and trade interests that the Government machine is inefficient, and before I became a Minister I was lucky enough to be at the head of, or intimately concerned with, businesses, which turned over slightly less than the total amount of money which my Ministry today expends. I have no hesitation in saying that those businesses were no less and no more efficient than my Ministry. The truth is that no great agglomeration of spending can be any more efficient than the average of the area from which the staff is drawn. In other words, we cannot gear the efficiency of the public machine above the general level of efficiency of the people we can recruit. If we gear up that efficiency to the highest level then an enormous number of people will be dismissed, the efficiency of the public service will immediately evaporate because nobody would join (the service on those conditions. I refute strongly the inference that all Government machines are inefficient. We have no more and no less efficiency than the norm of the people from whom we are able to recruit. I have no hesitation in saying today that if we were forced to recruit solely from the people of this country, then the efficiency of Government would deteriorate very strongly. I emphasize that because I do not think it is in the interests of the public service for constant attacks to be made on the efficiency of officers. Every Minister, who has been on the other side of the House and enters the public service machine, will have his own impressions of that machine. I will say that in many cases I have been astonished at what the public servant in the departments under my control achieves with the minimum of effort compared with what I was able to achieve myself in the same sphere when I was a farmer. I am saying that genuinely and sincerely.

Now, Sir, I see in this Resolution—and I would like the hon. Mover to dispute it when he replies—an attempt to shift responsibility from the Minister for his departments to a body which examines

[The Minister for Agriculture, Animal Husbandry and Water Resources]

reports upon his departments. If that is so, Sir, then I myself would not accept the responsibilities of being a Minister. I would, however, make certain suggestions later in regard to hon. Members opposite and the natural concern that they have over the machine for which they will not, many of them, have responsibility, and over which many of them feel that they have no control. I think it is fundamental that in the final analysis the decision as to what is to be done must be the responsibility of the Minister. He has got to accept that, although he controls an enormous machine he may not be fully apprised of the detail, and hon. Members opposite are fully entitled to criticize us as much as they like. That is clearly indicated and is particularly relevant to my Ministry in the Crichel Down enquiry. The enquiry was ordered not by the Parliamentary Committee which queried the whole matter but by the Minister himself, and although out of the Crichel Down enquiry intense criticism of the public service came, it was the Minister himself who deemed himself responsible and who resigned. So if the hon. Mover has any suggestion in this Motion that ultimately responsibility of the Minister is to be impaired, I myself would not accept the responsibilities of being a Minister.

Now, Sir, going on from that I would like to say this. It is my personal view, and I think it would be supported by every Minister on this side of the House, especially those who have what I call the larger spending Ministries, that I do not mind what methods are brought into being to analyse the efficiency of my Ministry. I would only ask three things: the first is that my responsibility as a Minister is not impaired, because in the final analysis I am the man who has to stand before the public and justify what I have done. Secondly, Sir, no method must destroy the morale, enthusiasm and integrity of the public service. The public service, Sir, is not, as the hon. Member for Nairobi West assumes, merely entries in a paper ledger. The public service is human beings and they are subject, like anybody else, to enthusiasms, depressions, and a feeling of weariness if they do not get the right leadership. The

integrity of the service must not be impaired. My third point is the most important of all: experience shows us that indeed we must pay great attention to it. I do not mind what methods are employed for judging the efficiency of my Ministry provided they do not land us up in increased public expenditure. I want to emphasize that I have in my Ministry two heads of department, who I am fortunate enough to be able to respect completely. I am going to analyse them, embarrassing as it may be to this Council. I have hardly ever demanded from one of them new posts, more expenditure, without his immediately saying, "Sir, that will involve us in public expenditure, and I do not think it is justified". On many occasions when I have said I would like to do it he has said, "I cannot justify it from the point of view of public expenditure". He is a head of department who is a Scot. I have been immensely impressed by the training which he received as a young man over waste of public expenditure. The other head of department is a man universally respected in this country. He has immense experience of the public service, has come up from the bottom and we were discussing in my Ministry today on another matter altogether, the question of public expenditure. He produced a phrase which I would like to repeat, because I think it is so true: "It is my experience of every re-organization, my experience of every method of achieving greater efficiency in expenditure, that in the end more Government officers are employed and the bill grows bigger". I want to emphasize that to hon. Members, but lastly, may I end by saying this. I think a Motion such as this, and I have been a little long in trying to explain how expenditure is generated so that by the very nature of things we have not so much money that we can afford to be grossly inefficient and extravagant in our disposal of public moneys. I feel that much of this has come out because we have, in recent years, developed a parliamentary system in this House which is slightly ahead of our parliamentary maturity.

Now I hope hon. Members will bear with me, but I regret to say that the passage of years is now making me, with one or two notable exceptions I

[The Minister for Agriculture, Animal Husbandry and Water Resources] can see immediately opposite, one of the older Members of this House. When I first joined this House every Member on the opposite side had an opportunity to participate in, discuss, advise, and agree on the detail of public expenditure. He could do that through the mechanism of the Standing Finance Committee. I believe it was invaluable in training younger Members, as it then was, in the whole gamut and development of the Government. But I would remind hon. Members, and I would ask the hon. Corporate Member for Commerce and Industry, whether he does not agree with me; what was the most significant result of a Standing Finance Committee system? Invariably an increase in Government expenditure. I wanted to mention that, Sir, because I do not think today that we can go back to the procedure of the Standing Finance Committee. What I am convinced of, however, is that we have attempted, in spreading our wings, to become larger than we are mature enough to be. We have attempted to follow too slavishly a parliamentary system which is based on a matured democracy, where hon. Members opposite know that what they say and do today they will have to justify tomorrow by undertaking the responsibilities which for instance I have today, and I think, Sir, that truthfully hon. Members opposite have, as a result of that, become excited slightly from the daily discussion and detail of Government business, which would satisfy I think of their fears. That being so, Sir, I wanted to make this offer, and I am certain that every other Minister would support me in this. I am very pleased, Sir, at any time, to set aside as much time as hon. Members like, to discuss in detail the Estimates of my Ministry—the places where the officers are put, the reasons why they are there, and to justify the dispositions of the bodies used in public expenditure. I would even go further and I am prepared to listen to the advice, the criticism and the suggestions of hon. Members opposite in regard to this matter, provided that the three points which I emphasized—which are my ultimate responsibility, the morale of the public service, and no further expenditure be created—are met.

Lastly, Sir, may I say this. In this country we tend to confuse—because we have not got a mature parliamentary system—the functions of Government and Opposition, and I say it in no insulting matter because I would wish one day perhaps to be able to sit again on the other side of the House, where I will say unhesitatingly that life is very much freer. I feel, Sir, that in effect, distasteful as it may appear, with a quasi imposed Government such as ours, the Opposition cannot govern. The function of the Opposition is to criticize, to suggest and to give advice and in so far as my Ministry is concerned, I welcome that and I offer the time to any hon. Member to put his views before me.

Mr. Speaker, with those words I fear I must oppose this Motion.

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): Mr. Deputy Speaker, I am very glad to see that the hon. Member for Nairobi West has returned from his tea, because he did raise the question of this Supplies and Transport Organization which is now my baby. I say "baby", but I do not mean necessarily a bad baby. All babies are at some times a nuisance and a worry and are not fully capable of performing the job for which they were designed. One has to give them time, and during that time one has to exercise patience. Maybe it is so long since the family of the hon. Member has grown up that he has forgotten what a nuisance and worry they are.

Now, Sir, he did say that he was participating in an enquiry to which Government had agreed but it was only half complete. Now I do say that he is responsible for not seeing that that enquiry is complete, or else should come to me and ask that I should intervene and see that the enquiry is completed at the earliest possible date. The hon. Member has not been to me, and therefore I presume that he was satisfied or had made satisfactory arrangements for the completion of the enquiry in the near future.

The hon. Member was rather frivolous.—if one may use the word "frivolous"—about the hon. Member for Nairobi West—he talked about, I think, a five-ton lorry taking a packet of duplicating paper to the Duke of York School and a packet of soap-flakes to the Prince of

[The Minister for Tourism and Common Services]

Wales. How is he to know that it has not already taken five tons of beds to the Kenya High School? I think questions of detail such as that are fairer if they are raised during hours when I can check up on them, or outside this Council. But perhaps they were only meant to be frivolous.

He said, Mr. Deputy Speaker, that public opinion on Supplies and Transport—

MR. ALEXANDER: I did not. On a point of explanation, I said exactly the opposite. I queried what public opinion had ever created Supplies and Transport.

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): Thank you, Mr. Deputy Speaker. The answer is, of course, that it was not created at the request of the public, but on the advice given by experts sent out by the Crown Agents for the Colonies to prepare a report. That is the origin of the formation of the Supplies and Transport Organization, and I should like to add that if this baby is allowed to grow it will exercise great economies and be of great financial advantage to the country.

MR. ALEXANDER: Question!

THE MINISTER FOR TOURISM AND COMMON SERVICES (Mr. Crosskill): He referred to the transaction which took place for the Duke of York School, and I would just like to tell him of two recent examples whereby public money was saved. In the purchase of milk for the Duke of York School and three other schools through negotiations—and purchase by the Supplies and Transport Organization, £1,000 of public money was saved at the expense of the dairy farmers of the country. Another example was that last year the Education Department came to the Supplies and Transport Organization and asked whether they would purchase paper for them. As a result of that, £7,000 of public money was saved.

But I would like to emphasize, Mr. Deputy Speaker, that the situation is in the hands of hon. Members opposite. An enquiry has been half conducted but not completed. As soon as they wish this to be completed it may be completed, and the sooner the better. He challenged hon.

Members on this side, and I will say to him that any enquiry is welcome. An inspection is welcome. Any discussion is welcome. If that is inadequate then I am perfectly prepared to move in this Council Chamber a Motion to the effect that this Council has confidence in the Department, but first of all I would like to explore all possible other cheaper avenues such as discussions in committee rooms or elsewhere, because that is cheaper than having a full debate in this Council Chamber, unlike some hon. Members opposite who ask ignominious questions, who do not perhaps realize the cost of that to this country. I should like to pursue this matter as far as hon. Members would like to go on the other side of this Council in other ways. If that is inadequate I am perfectly prepared to move a Motion so the question can be debated in this House. I would ask hon. Members opposite that this should not be required during the next month, during which time Members of Government are very busy—extremely busy—on investigating ways and means of carrying out economies.

Mr. Deputy Speaker, I beg to oppose.

MAJOR ROBERTS: Mr. Deputy Speaker, Sir, first of all I would like to refer to a matter raised by the hon. Member who has just sat down over the supply of paper to the Education Department by the Supplies and Transport Organization. I understand, Sir, that the quality of that paper proved to be completely unsatisfactory for the purpose for which it was required, and I believe had to be used for quite a different purpose.

Now, Mr. Deputy Speaker, Sir, there seems to be some misunderstanding on the part of Government over this Motion, because this Motion is not calling for drastic cuts in Estimates. It is asking Government to examine the interior economy of their ordinary day-to-day work. By that, Sir, I mean an examination of waste and inefficiency which public opinion today does believe is very, very great.

Now, Sir, in rejecting this Motion I feel that Government infer that they are beyond reproach, an attitude that I find most distasteful. The government of a democratic country are the servants of the people, not their masters. But in Kenya I sometimes wonder if this is

[Major Roberts]

realized, for I do believe that the phrase "your obedient servant" is now no longer used in Government correspondence. Unfortunately here in Kenya we are not in a position to bring about a change in Government. As a result, they can adopt high-handed attitudes with no fear of consequences of a general election. If one faces the position in Kenya today, it is more than obvious that Government expenditure is out of all proportion to the size of the country and the economic resources of the present time.

That phase has already passed the limits that can be accepted as even reasonable. I would liken the taxpayer to a sleeping partner in a partnership business; that is, the man who puts up all the money but has no say in how the business is run, and I believe the time comes when that sleeping partner starts to get short of cash and cannot produce any more money. That is the position the taxpayer is reaching today. When that happens, the sleeping partner calls for an enquiry into the managerial position of that firm, and as a result economies are made and usually the firm thereafter pays a profit. But today in Kenya the taxpayer wants such an enquiry made into the managerial system of Government, and I cannot see that he can be blamed for it, nor that he is being unreasonable or that he is asking for something which he is not entitled to. But, Sir, for the Government to refuse this and really to go further and tell the taxpayer to mind his own business is, I contend, so high-handed that it amounts to nothing more or less than dictatorship.

It would be no answer, Sir, to the problem of cutting down on expenditure for the Government just to introduce, say, a 10 per cent overall cut in expenditure. There are certain matters where cuts would be most undesirable and, indeed, fatal. There are other places, Sir, where I believe most drastic economy could be brought about.

Some departments, Sir, I feel could be amalgamated. Some overlapping must certainly does exist and this could, with careful planning, be eliminated. With more careful handling of transport, as has already been suggested by the hon. Member of this Motion, a great saving could be brought about, and I am sure there are hundreds of ways, if one were

really to look into this interior economy, where saving could be brought about which in the aggregate would amount over a year to a very large sum of money indeed.

I believe that our plight today has been caused, to a great extent, by the fact that during a period of prosperity Government did enter into a spending spree instead of setting aside money for a rainy day which today, with the slump upon us, would do so much to avoid the unemployment problem and economic problems which are now facing us. These economies could be made, I believe, and a limit of taxation could be reached, thereby enabling the farmer or businessman to plough back profits into his business, with great economic advantage and the saving of unemployment; alternatively it would enable Government to go ahead with development plans, which would have much the same result. In any case, Sir, there is all to gain and nothing to lose if such a managerial examination as this Motion envisages could be accepted by Government. Rather than oppose such an idea, I would have thought Government would—having the interests of this country at heart—welcome it.

Sir, I would like to take three examples of where I believe a great saving could be brought about if the system we suggest were adopted. First of all, Sir, over this question of the Supplies and Transport Organization, buying in bulk centrally and, I understand, storing spares, these expensive items which Government requires; I honestly believe that if it were looked into it would be found cheaper if Government were again to resort to local purchase, thereby saving the storage and overheads of storing these commodities.

Secondly, Sir, I should like to take the question of home leave. I do not like this word "home" leave. I would rather call it overseas leave, for I regard Kenya as my home. Now, Sir, I understand that there is a recurring expenditure on these passages in round figures of £500,000 a year. Well now, Sir, to that must be added the cost of the salaries of relief personnel and also the money in revenue that is lost by all the money which should be spent in this country being spent elsewhere. Well now, Sir, I would agree that so long as it is necessary to recruit personnel from overseas—and I hope that

[Major Roberts]

necessity will get less and less—then I do believe at the end of their first four they should have the right to go back to their home country at that time in order to make sure that they really and truly want to adopt this country as their future home, but once they have done so, Sir, and returned for their next tour, I believe that the vast majority do not want to be made to take leave every three years, for the very simple reason that they cannot afford to do it, and that what they want to be able to do is to save money for their old age. But if at the end of every three years that saving has to go in order to be able to spend six months in England, which they do not want to do, then their savings never materialize. I honestly believe that the majority of them do not want to go. What they do want to do is to have a scheme whereby a certain amount of money could be put by each year so that after a period of time, if the necessity arose, they would know that they had the wherewithal to go to England.

Now the third place, Sir, where I believe economy would result in such an examination, is the overlapping of the functions carried out by the administration and by local government. I believe very strongly that a lot of functions carried out today by the administration, could be carried out by local government, and if that were done then there must be a run down in the administration, which would thereby save money being wasted by duplication.

We must face the facts that we have reached the limit of taxation that we can stand in this country and it is retarding development, discouraging overseas capital and making our own local government ineffectual as there are no funds for them to carry out their duties and therefore they cannot have any further increase in local development. But by saving money in this interior economy, more money would be available which could be granted to the local governments, thereby helping them to carry out many more duties. I consider it essential, therefore, that the whole interior economy of Government be investigated, and I most sincerely ask Government to reconsider their attitude towards this Motion and to realize that

we are only asking for something which we, as taxpayers, are entitled to demand. I beg to support.

MR. ROGERS (Nominated): I wish to deal with the principle involved in this Motion, that Government be asked to set up a system of managerial control. I feel that the control as exemplified in the Motion is very different from managerial control. Control of accounts is, I think, pretty exactly parallel to the system which applies in the business field. You have internal audit, which is an audit carried out by the firm or organization itself, and then you have external audit, which is carried out by an external person, almost always a qualified person. Now these controls that exist in business have, in fact, no connexion with managerial control, or if they have, only to a very, very small extent. They are almost entirely financial controls, and normally the word audit conveys the meaning properly. They principally see that the money of an organization is spent as has been directed. They also see that there is no question, for instance, of illicit rich gifts such as vicuna coats; and certainly these organizations are not permanent; they do not sit over the firm in which they are investigating. I feel that any permanent standing managerial control is unwarrantable, and more, it is highly undesirable.

We must give the person—the department, the organization, the Minister—we must give him his job and leave him alone to do it. I feel that it will be far more reasonable and, indeed, fair to the man to do this and it is my experience that to get the best out of any person or organization one should give them the responsibility and let them run the jobs themselves.

Now, of course, situations arise where it is necessary to investigate these organizations and perhaps take even more drastic and quick, urgent action, but we have that safeguard at our disposal and I myself do not think we should fear in that direction. I suggest it would create a quite impossible situation: to have one organization sitting over another, as it were, breathing down its neck. Furthermore, I feel that if we adopt the principles set out in this Motion, I wonder where we shall stop, if Government agrees to this proposal. Shall we then, a little later on, be

[Mr. Rogers]

asked to agree to another managerial control or another unit or organization or set-up sitting over the one that is asked for today? I do not think that efficiency lies in that direction.

I must oppose the Motion.

Mr. MULIRO: Mr. Deputy Speaker, Sir, I find it very difficult this afternoon to see how the Government has rejected this Motion. This Motion is very straightforward, simple and very well reasoned by the hon. Mover, and the Member for Nairobi West clarified the position even further.

The Government recently declared that they were putting up a committee and under the chairmanship of the Permanent Secretary of African Affairs to see where the Government could make some economies. Now, what I say is this, that this Government in so appointing this particular committee is like judges going to sit in the courts to judge cases which are their own. The judges, however wise they are, cannot sit in their own judgment. They have to go before another judge. The European Minister without Portfolio—I am sorry he is not here—argued that the Government policy is dictated by public opinion. I wonder where this Government gets that public opinion. If we, the representative members, elected by the public to put things across to the Government and if the Government, in turn, rejects that very public opinion, which public opinion is dictating actually Government policy?

Now, one of the Government Ministers, in considering this Motion, said that public opinion actually dictates the policy which the Government adopts. He also said that the Members on this side term to think that we are to govern this country or make the policy for this country. He argues that it is the executive that has to decide the policy. But the executive cannot decide that policy disregarding completely the opinion of the representative members.

He also argued that the Government should not worry about people on this side, that is to say those who do not bear any responsibility. I challenge the Government that we are irresponsible. We are not irresponsible. We are responsible to the electorate, the people

who elected us and therefore we are responsible Members. If we are responsible Members, whatever we put across to the Government is actually responsible and this Motion today is showing that responsibility of the Unofficial Members. How could the Government argue in their own case that if the Elected Members want to effect some change in the Government spending the Elected Members should go and discuss these issues with the Minister concerned—discuss the estimates of the Ministry concerned? These Ministers justify everything that they have got in their estimates. If any of the Elected Members could go to the Government and ask them that that particular item is not essential in their estimates, they could bring all sorts of reasons why this goes up to try and prove why that particular item is included.

Now, the Minister for Agriculture who has sneaked out of the House, argued that our case is to criticize, advise and suggest, but we do criticize and we have criticized the Government in this particular Motion. We have suggested and advised the Government but the Government does not accept our advice and our suggestions because the Government, being a colonial government, is not subject to public opinion because if this Government was elected we would have called upon the Government to resign, but because you are covered by that omnipotent Colonial Office rule you will continue in office as you wish and be as deaf as you like to whatever we ask on this side.

Now, what actually we want in this Motion is to examine and make recommendations where the cuts ought to be, for instance which Ministers are essential. We have heard in the past the Minister for Community Development and the Minister for African Affairs being two ministries. Now, the elimination of the Community Development as a Ministry has occurred and we are paying only on Minister to do the work which two people were doing.

Now, although the same Government is splitting up work, the Ministry which was formerly called Local Government, Health and Housing is now being done by two people. Now if we have asked a

[Mr. Muliro]

permanent committee to look into this, we could recommend where there ought to be pruning. This country now has something like 17 ministers, far more than South Africa which is only now contemplating increasing its government to about 15 or 16. Now Kenya is far poorer than South Africa, without any wealth at all, but is very interested in creating post after post and public money is being spent without taking heed of whatever we say on this side. For instance, the Ministry for Local Government, Health and Housing is now split into that of Housing and a Ministry of Local Government, Health and Town Planning. Definitely, Mr. Speaker, the person who plans the town should build the houses.

AN HON. MEMBER: Question!

Mr. MULIRO: We have been building them all the time and now they are being changed.

Now the Minister for Local Government and the Minister for African Affairs, the district councils are instruments of the Government and the administration is another one again. Now definitely there should be a merging there again and that would be a saving to Kenya.

Tourism and Common Services, the baby has run out, but as one of the hon. Members said, it is a stillborn baby. Tourism and Commerce and Industry could be under one Minister and thereby economize and therefore the taxpayer would be saved from these heavy taxes. I think the time has come when the officials or those on this side should think of what to do to this other side whenever any of us moves across and becomes a Minister like the one for European Minister without Portfolio whereas he was concerned with us here, now he has moved over that side he has a very broad smile because the taxpayers are suffering in maintaining him there when they ought not to maintain him there. Mr. Deputy Speaker, They know very well that if a body like this could come across to try and investigate probably this body would say, "Look here friend, come on this side back where you were because there is no money for you now". Therefore, our

friends across the way are very keen in opposing this Motion.

Mr. Deputy Speaker, I think this Motion has been very well reasoned out by this side of the House, bearing in mind that whatever is going from this side is voiced because the taxpayers outside this Council who elected the Members on this side are actually bleeding very heavily and they have no way to get this relief.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): The hon. Member is not the only taxpayer! Cries of "Order, order".

Mr. MULIRO: The hon. Minister for Agriculture who is also a farmer is paying some income tax, but he is put in that position now that he does not feel exactly what the other farmers outside are paying who pay heavily and who do not get the remuneration he gets, these are the ones who are bleeding heavily, not him.

Well, the taxpayers want a blood transfusion and this can only come in the form of relaxation, in the form of an organization which you have suggested which would prune down and examine the spending and where we ought to economize.

With these few remarks, Mr. Deputy Speaker, I beg to support.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Deputy Speaker, I think the hon. Member who has just spoken has made the Government case. I do not think that any hon. Member, even the Mover of this Motion or the hon. Member for Nairobi West, would really expect this committee and controller to shape policy, but it is quite apparent from the speech of the hon. Member who has just sat down that there are a number of Members in this House who would expect that committee and the controller to shape policy. Is it not easy as to what ministers there shall be and what ministries they shall have? Is it not the widest political policy on all matters and that, Sir, is just the point. That is the danger that the Government sees in accepting a Motion of this sort. In a ministerial system, policy remains with the ministers and with the cabinet

[The Minister for Local Government, Health and Town Planning] and can anybody conceive a minister accepting to continue his responsibilities with a controller sitting over him, breathing down his neck as was said by an hon. Member on my side of the House on matters which are not of fact but are of opinion? As far as management is concerned, it is a matter of opinion not, as with audit, a matter of fact.

MR. ALEXANDER: Question!

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Now, Sir, I do not want to waste a lot of time discussing a number of points raised by Members opposite but there were very many of them and the inconsistencies that came over to us were incredible. You have hon. Members standing up—the same hon. Members standing up at one point saying "This Motion is not calling for drastic cuts but this Motion is merely calling for managerial enquiry" and then in the same speech saying "Expenditure is out of all proportion to what the country can stand and it must be drastically cut, etc., etc.". There again I would suggest to the House that there is complete inconsistency and misunderstanding of the basis and the spirit behind this Motion and, indeed, complete misunderstanding of the arguments and the logical arguments of the Government in opposing it.

May I take up one or two little points to show that these matters are not simple as they may seem? May I divert a little on the suggestion of the hon. Member for Nyanza North that the hon. Minister for Agriculture called him or hon. Members opposite irresponsible. He did not do anything of the sort. All that the hon. Minister for Agriculture was saying was that hon. Members opposite do not have the task and the responsibility of putting into effect the suggestions they make and that is a very different thing indeed, and he pointed out that it is not very often that there are even individuals opposite who are prepared to come over and put into effect suggestions that have been made on the opposite benches. That is all he was getting at and the fact of being responsible to the electorate. I suggest, has nothing much to do with it.

Now, Sir, here I would like to quote an example. I think it was the hon.

Member for Rift Valley who asked with regard to the Supplies and Transport—and as the Minister in charge of that or responsible for that has already said, he is very happy to have the thing enquired into—why should things be bought and stored, why not use the facilities of private enterprise to store articles and, indeed, the capital of private enterprise to store articles. Of course, on the face of it that is a very logical and reasonable argument, but of course the answer to that is that that has been looked into and private enterprise will not do it. When things are required and contracts have been negotiated and Government required certain articles which are supposed to be stored by private enterprise, they just were not there, they were not available. So some essential things have to be stored in order that they are available at the right time for the right purpose.

I am just quoting that as an example of the difficulties and the reasons that it is easy to say things without going into the detail.

Sir, as I say, I do not want to make a long speech on this, but I would also like to mention the matter of the alteration of the end of a letter. The phrase "I have the honour to be your obedient servant" have been dropped by Government officials. Well, of course, if you think it out, it takes an awful lot of time to type those words and awful lot of paper and, in fact, what could be better than a Government servant being yours faithfully?

Now, Sir, one other point I would like to make. It is not really a debating point. I think the hon. Member for Nairobi West was quite sincere and being quite honest when he said he did not think Ministers should take a lot of trouble over detail—he did not see any reason why a Minister should be "running about", as he put it, in committees trying to save certain amounts of money; that concerned, I presume, should only be concerned with policy. Well, Sir, it is more than that. Ministers have to be concerned with a certain amount of detail and indeed hon. Members opposite and this House expect them to because if we really were to follow the advice of the hon. Member for Nairobi West, then I suggest that when we are in committee on the next estimates no detailed questions will be asked of any Ministers and

[The Minister for Local Government, Health and Town Planning]

I do not think any Members opposite would like that. Therefore the Ministers have to have a considerable amount of detail at their finger tips and they therefore have to interest themselves in minor savings and I can assure you they do.

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavenish-Benincck) resumed the Chair]

The other point, Sir, I want to re-emphasize before I sit down, is why cannot hon. Members opposite—indeed hon. Members here—why cannot they make the Estimates Committee work? Surely it is a machine that could be made to work. I think the hon. Member for Nairobi West, himself, rather made me to think, any way, that not any real effort had been put into making it work and I do not see any reason why it should not. I believe—I am not very up on this, I am not a member—but I believe it has an unofficial majority, in which case I would say it is the Unofficials who are to blame for not making it work.

Now, Sir, I think the main reason, and one that must be properly and fully recognized by hon. Members, is that a managerial enquiry or a managerial system—and I am repeating myself because I think it is necessary to do so—with a controller—who is responsible to a committee of this House is bound—is bound—to have to interfere in policy. It is therefore, to my mind, necessary that advice on managerial control should be put to the Ministers and to the Government, and that is where it lies today and I can assure hon. Members that the Organization and Methods Team do a great deal of useful work and, indeed, they have the fullest possible co-operation from the Ministers when they have tendered their advice to them, and that is where it should rest. If it goes any further, if it goes further to a committee of this House, with the big boss controller over the Minister you will not get the co-operation from the Ministries, you will not get the co-operation from the Ministers and you will not get the money that you want to save.

I believe, therefore, the system we have today is the right one and I beg to oppose.

SIR CHARLES MARRHAM: Mr. Speaker, the Minister for Local Government who has just sat down said there is some misunderstanding about this Motion, Sir, he is perfectly correct. There has been a considerable amount of misunderstanding about this Motion, started, I regret to say, by the European Minister without Portfolio who immediately started talking about economies. He was the person, Sir, who started that rabbit, I might say, which has, perhaps, confused the issue behind the purpose of this Motion. Other speakers have taken it up, of course, but it is not the purpose behind this Motion, as I read it, anyway.

Sir, I might just answer one point made by the Minister for Local Government when he accused the Unofficial Members from this side of having failed to get the Estimates Committee to work. I was on that Committee two years ago and I refused to allow my name to go forward last year. The reason was quite simple. It was a very large Committee; the Chairman was the Minister for Finance. The Minister for Finance is a very busy man and we do not see him very often in Kenya, with the result that we spent about nine months investigating a report which had been made two or three years previously. During that Committee time and time again we were told by the then Director of Public Works that all the criticisms made by, I think, Col. Asher, that it was out of date. The whole idea, Sir, of an Estimates Committee—to be any good at all it must have up-to-date information and have a responsible officer reporting to that Committee on the detail. Just to have the idea of the Minister for Local Government, of a lot of unofficials and the Government people as well, discussing a subject of which they must be ignorant on detail, is a complete waste of time and money.

Now, I would have thought, Sir, the European Minister without Portfolio, who has been a prominent member of that committee, would have realized that a lot of the work we did on the P.W.D. was out of date at the time we did it and I do not think, Sir, if you look at the report which the Estimates Committee made after many meetings, it was really worth the effort and the time.

[Sir Charles Markham]

Sir, I agree with the Minister for Local Government when he says—and he must be correct on this—that policy must be made by Government. We accept that, but he did forget one thing, that policy must also be agreed by this Council, but I suppose knowing the numbers on that side, they forget that rather important point. We have every right to criticize the policy and try and change the policy. Once it has been agreed, then, of course, the Government must go ahead and do it.

Now, what was the point of the Motion? Sir, the point of the Motion was not whether that policy was wrong, but the point of the Motion was that were the sums voted by this Council for any particular purpose being properly spent for the best value? I use the words of my hon. friend the Member for Nairobi West—were they getting twenty shillings-worth for one pound. That has nothing to do with deflation. That is all this Motion was asking for, with a detail of how to achieve that purpose.

Now, Sir, I was interested to hear the hon. Nominated tobacco king step in from the second row of the Government Benches and give us a child's guide of what audit means. We are most grateful, Sir. You can also read it in the library. I think he has—if I may say with great respect to someone who is Chairman of a very, very, very large combine—forgotten one thing; what a modern audit generally means. It also has the financial aspect that many of the firms who are in financial difficulties—and I would suggest, Sir, that the Kenya Government qualifies for that at the moment—and also asks at the same time for the firm's auditors to give them some suggestions, even, in fact, practical management control.

Why, Sir, if everything is all right, do we find the European Minister without Portfolio telling the House that he is sitting on four different committees connected, I think, with Government economies and I am sure, Sir, he is working extremely hard and we wish him every success. If, Sir, there was nothing wrong, there would be no necessity for those committees, but I suggest Government themselves must be worried about the present financial

position of the Colony to warrant setting up those committees at ministerial level. So I would say the position was not that of a happy combine making large profits requiring advice for the future, but of a company which is in every serious straits and may require someone to help them out over a long period of time on how to run their business not on policy but on the detail of spending of money.

Sir, in a company that goes into liquidation, the creditors and the shareholders have the right to appoint a committee of inspection. That, Sir, is what we are asking for today, with an expert to advise that committee of inspection on what is going on.

For the moment, I would like to stress very strongly the obvious sincerity of remarks made by my hon. friend, the Member for Nairobi West, when he talked about this drop in the confidence of Government. People may say, Sir, that this is exaggerated, but I can assure the Government Front Bench that there is a considerable feeling all over Kenya by all races that there is extravagance in Government. I am not prepared, Sir, entirely to substantiate that there is extravagance in Government, neither does the Motion even mention it. But there is this lack of confidence, the feeling that this Government machine is top-heavy, that the Government machine can stand no criticism, the feeling that they are saying: "We are all perfect; leave us alone".

When my hon. friend, Mr. Rogers, says: "They have been given the money; let them get on and do the work", then, Sir, I suggest that we abolish this Council entirely and just go back to the old system of your Civil Service heads of department—and (I was going to say a rude word, but I cannot) to "something" with the consequences. That is really what he means. I could put it more crudely than he does, Sir, but that is exactly what is behind his remarks: "We have voted the money; let them get on and spend it". Sir, if that was so, all I can suggest to him and perhaps to the shareholders of his parent company in England, is that they would not like it at all. In fact, you have only got to read the *Financial Times*—

MR. ROGERS: I thank the hon. Member for giving way. I think he has misunderstood me. I made it very clear

[Sir Charles Markham]

indeed that a situation could arise when an investigation is obviously called for and can take place, and indeed I even said that more urgent action and more serious action may be necessary on certain occasions.

SIR CHARLES MARKHAM: I thank the hon. Member for that, Sir; I apologize if I misheard him. But according to my information, a lot of very big firms, very, very large ones—some of whom have an annual expenditure which is five or six times Kenya's income—have internal auditors, efficiency auditors, the whole time working within those organizations. And I suppose the Government can turn round and say: "We have that through the Organization and Methods team". Sir, I will not accept that, because maybe they have internal auditors, but to whom do they report? That is the whole question. As far as we are concerned here, Sir, once the money has been voted—and we spend a great length of time voting money against Ministerial estimates—we do not know, unless the Controller and Auditor-General says there has been some misappropriation or something spent wrongly and then it comes before the Public Accounts Committee, whether the Government are getting value for their money.

There has been perpetual criticism in this House for the last three years, as I have heard personally, of extravagance, of schemes being perhaps badly planned or, alternatively, having had too much money spent on them for the value achieved. Government, Sir, despite their assurances, have not yet managed to achieve the perfection which they claim. The Associated Chambers of Commerce have asked for the same enquiry as we have asked for today. I suppose they are all equally irresponsible.

I would like to ask the Chief Secretary, if he speaks during the course of this debate—and I hope he does, whether he does not think that we, whose money Government is spending, the taxpayers of Kenya, have not a right, in view of our financial position, to ask for this committee to be set up. I can assure him, and the whole of the Government, that the establishment of such a committee would restore public confidence, especially as regards finance. There is considerable disquiet. Everywhere I have been in the last two or three months, I

have heard it said by people: "What are Government doing; why are they spending so much money?" I do not want to start talking now of chopping this and cutting that; this is not the Motion under which to discuss that. All I want to know is, Sir, in view of our limited resources, whether we are getting our money's worth.

Sir, I have very little more to say, except to ask one thing of the Government Benches. There are so many prominent people on the Government Back Benches and the Middle Benches who are the ordinary taxpayers of Kenya and residents of Kenya, in the same way as many of the Front Bench are. Sir, those people are equally concerned that Kenya does get pound for pound in value, and I am certain many of them have heard the criticism which we on this side of Council have heard as well, regarding concern being expressed in the country districts and in the up-country towns, expressed in the words, "Can we go on the way we are going at present?"

The European Minister without Portfolio, Sir, talked about the great demands for extra money from this side of Council. I can see no harm in that at all, Sir. We have suggestions put up for the Government to consider on matters of policy. It is not up to Members on this side of Council to say what each scheme should cost. That would be quite farcical, Sir, and your experts must do that work. But we have a right to know whether that scheme, which is estimated to cost four shillings, does cost four shillings and that we are getting four shillings' worth. I do not think at the moment, Sir, anyone can say that all is well, because if it was there would not be this universal demand from the Chambers of Commerce, the demand this Motion has made today, and there would not have been such an apology about economies from the opening Government speaker, had his case been stronger.

Sir, I beg to support.

INTERRUPTION OF DEBATE

THE SPEAKER (Sir Ferdinando Cavendish-Bentley): I think, in view of the fact that there is a Motion on the Adjournment, to which Lord Portsmouth wishes to speak, this might be a suitable moment to interrupt this debate.

(Sir Charles Markham)

I understand that before we come to the Adjournment, the Minister for Works is very anxious to make a statement. In the normal course of events, it could have been made tomorrow morning, but since this is the end of the session and as the Minister might have to be absent tomorrow morning, as will many other Members, he was anxious to make it tonight, and I have given him permission to do so.

MINISTERIAL STATEMENT

CONTRACTOR—FINANCE ROAD PROJECT

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, with your permission, I should like to make an announcement on an important matter. It concerns the Contractor—Finance Road Project.

Hon. Members will recollect that in March of this year Government made known the terms of an invitation sent to certain leading contractors for the construction of road works to the value of £4,000,000, or more if funds could be found on a deferred payment basis. The Government in its invitation invited proposals that work should be carried out at a rate of approximately £1,000,000 per annum and that payment to the contractor should start approximately four years after the beginning of the contract—that is, payment will be made in September, 1962, for work carried out in 1959; in 1963 for work carried out in 1960; and so on in successive years. The Government offered to pay interest of six per cent on the accumulating value of monthly certificates for work done. The Government also indicated that it would not wish the contractor to raise the capital in quarters, or by arrangements which reduced Government's own independent loan-raising capacity.

The Government was gratified to find that a number of contractors of the highest standing have wished to make offers to carry out the programme, and I am pleased to be able to announce that Government has accepted a proposal to carry out a £4,000,000 programme put forward by two companies which will work in close association. The capital required will be found from an external sterling source and will

therefore be new money from outside the Colony, and raised on terms not involving a direct or indirect acceptance of any exchange risk.

The companies concerned are the Mowlem Construction Company of Nairobi, and Raymond International (Great Britain), a British subsidiary of an American organization which has had considerable experience in road-making, and has worked in association with Mowlem's parent company in other parts of the world. Regarding the content of the programme as was previously announced, it is one of bituminizing main roads. The mileage to be achieved and therefore the choice of the actual roads to be improved must depend on final decisions as to the road standards and specifications to be adopted and the rates to be negotiated with the contractors. In choosing the roads for bituminization, Government is guided by the Road Authority. No final decisions have been taken, but I can inform the Council that roads already selected are the main road to Nyeri; the road from Mau Summit via Kericho to Kisumu; and from Mau Summit to Eldoret, plus others which will be chosen by the Road Authority nearer the time and when the full extent of the programme has been established.

I may add that, in anticipation of a satisfactory outcome to Government's invitation to contractors, my Ministry—and certain consultants—have been actively engaged on surveys and preliminary works for the placing of contracts. It now remains to confer with the contractors as to rates and order of work, and it is hoped that construction will start in the New Year. For a contract of this magnitude, extending over such a period, it is usual to enter a unit rates contract with provision to cover movements in the cost of materials and wages.

As I said earlier, the Government was open to offers for a greater sum than £4,000,000 and had specifically mentioned in its invitation a £7,000,000 programme over seven years. In present financial circumstances, and taking into account the various financial terms offered by contractors, it was thought wiser to accept a £4,000,000 programme rather than the larger one, but the Government has every hope that before

(The Minister for Works)

the projected programme for £4,000,000 comes to an end, it will be able to arrange an extension of this main road bituminization programme by a further £3,000,000 after 1962.

I am sure that hon. Members share the Government's gratification at the successful outcome of these financial discussions, and at this opportunity to accelerate our road development programme. Indeed, we can particularly welcome at the present time the injection of these funds into the Colony's economy, and the opportunities for the employment of local men and local materials which would follow.

It will be necessary for the Government to come back later to the Council for the necessary financial approval, and by that time various questions of detail should have been settled, on which hon. Members may require further information.

Finally, I cannot close without regretting that my hon. friend, Mr. Vasey, is not here today. It is he who initiated the earliest discussions on the project, and its successful termination owes much to his energetic support. I should also like to express the Government's appreciation of the co-operation given by the other contracting firms who made offers of participation in this scheme, and to thank them for their efforts to put forward satisfactory proposals.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I will now call on a Minister in accordance with Standing Order 9 to move the adjournment.

ADJOURNMENT MOTION

ENQUIRY INTO UNEMPLOYMENT

THE CHIEF SECRETARY (Mr. COULT): Mr. Speaker, Sir, I beg to move that this House do now adjourn.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I will call on Lord Portsmouth. You will have, of course, a full half-hour.

THE EARL OF PORTSMOUTH (Nominated Non-Government): I rise to move the following Motion on the adjournment as a matter of urgency:

THAT being concerned with the already receding levels of employment and the probability of increasing un-

employment in the Colony and Protectorate of Kenya, this Council urgently requires Government to set up a small working party consisting of Official and Unofficial Members of the Council to enquire the state of unemployment among all communities, and to make recommendations for its relief by schemes designed, first, to keep unemployment to a minimum, second, to make such schemes of economic benefit in the immediate and near future and third, to co-ordinate the various schemes in such a way as to attract capital and human enterprise as soon as reviving world conditions will permit.

Sir, I understand that the reason why this Motion has not been taken in the ordinary course with other Motions is because my hon. friend, the new Minister for Education, Labour and Lands would not really have had time to get up his brief to answer a more full dress debate. Now, Sir, I am certain there is no one in this House who having known the new Minister of old, who will not wish him every success in his new position, and be delighted that he is here with us.

Under these circumstances, Sir, I think I may be forgiven by this House if within the half-hour allotted to me, I take up rather more than the ordinary time conventional to a Mover of a Motion on the adjournment.

Sir, as to the extent as well as existence of unemployment which is bound to mount in the next few months, there may be varying opinions, but Sir, I feel sure there can be no division of opinion as to the fact that there is a problem. Today, there are three causes of unemployment in Kenya. The first is natural and would have presented little or no problem by itself, namely recession from the boom caused by the running down of the Emergency, but in this connexion, Sir, I would like to point out that repatriation over the years of Kikuyu, both from Tanganyika and elsewhere, to their own land units is bound to have made this particular side of the problem more difficult. I believe it cannot have been less than 20,000 persons. The second cause lies partly in the credit squeeze, and partly because of the recession in agriculture which is only now beginning to make itself felt in the labouring world. I need only quote the severe recession in

(The Earl of Portsmouth) prices for pigs, dairy produce, maize, coffee and the continuing low price of sisal. Each one of these by itself would not have been of too great consequence, but cumulatively, they are bound to affect not only farmers and farm labour, but the urban community which depends upon them. Even these causes might have been cushioned by expansion had it not been for the disastrous and damping effect of the proposals put forward in the new Income Tax Management Bill.

I now come to the third and perhaps smallest, but to me most alarming reason for unemployment and the necessity for dealing with it. We have had quoted to us rightly, Sir, in this House the magnificent agricultural revolution brought about in the Central Provinces through land consolidation. I do not wish in any way to detract from this work or its long-term benefit to the Province and Kenya itself, but you cannot consolidate holdings without at the same time producing even a small new landless class lacking the old security of acres to fall back upon, however meagre or fragmented they may have been. This, coupled with the repatriation of Kikuyu, may well lead to a very serious reversion of opinion in the land units about the value of land consolidation. It may even mean an agitation to have the work undone. Had this happened in a period of expanding prosperity, there would have been little or no serious adverse result. As, however, it has happened at a moment when other causes are also contributing to unemployment, it may very well be a disastrous future boomerang to Government's progress, and indeed, perhaps to law and order.

I submit therefore that there is more than an ordinary urgency in tackling the problem of unemployment by making productive work available, which in its turn will enable us to be ready to take full advantage when world recovery sets in. It is no good hon. gentlemen opposite, saying quite correctly that world recovery is already showing signs of setting in, because in the time of recession, primary production and primary producers are the first to suffer; in the time of world trouble, primary producers are the last to feel the benefit.

Therefore, Sir, this country, being a primary producing country, cannot

afford to let time solve the problem by itself. Now, I know that I shall probably be told that although unemployment exists, it is largely voluntarily, for cases will be quoted where labour has been offered jobs and has refused because it does not want that particular type of job. This is bound to be so, Sir, I think, in the interval immediately following a period of relatively full employment, for if reality is sometimes slow to make its impression on the Government, the same case is very true of individuals. I believe in any case, Sir, that only a small minority of African labour may come into this class and I am certain that the employers concerned, I repeat, employers, know that with the European and Asian unemployed that is not the case.

Now, there are three things for which we have all to take action as soon as possible. The first is, human want and unhappiness. The second is maintaining law and order which can be far more expensive than constructive employment schemes. Hungry people must steal to live; too little and too late is the most expensive form of Government that man can have. Third, the need for restoration of steady expansion in this country. Even given a wide revision of taxation proposals in the near future, which can happen if we do nothing, a breakdown of law and order, looting, rioting, will discourage new enterprise and capital, and to delay recovery. On the other hand, a country which has solved many of its problems and come out of the recession in a better state than it started will be the first to attract new capital and brains. We cannot therefore, I submit, Sir, leave this matter to be sifted by the usual channels and get lost in the quicksands of Government departmental correspondence. We have a magnificent Civil Service; but no service is built for speed or urgent action. For the taxpayer, I am afraid the usual channels might be likened to the intake into the human body: 22 yards of twisting oesophagus and other tracts have to be negotiated in a sinuous manner before even the most arid residue eventually appears. Therefore, Sir, we must look to a combination of business "know-how" and experience linked with the knowledge and authority of Government departments. That, Sir, is why I propose the

(The Earl of Portsmouth) setting up of a working party. Farmers, businessmen and ministers, who really know the country, should help to survey the situation as a whole and make immediate plans to co-ordinate unemployment for the benefit of the country.

Sir, I make the following suggestions, not to anticipate—which would be improper—the work of the committee, which I wish to see set up, but to show there is a case, as well as getting on with the problem of unemployment *per se*, to co-ordinate the work for the benefit of the country as a whole. I have had the bitter and dismal experience of seeing men's human spirit sapped in the thirties in England when there seemed to be neither work nor hope. I was told at the time that it was cheaper to give the dole than to provide unemployment relief work. If you gave unemployment relief work it was cheaper to get men and women to dig holes in the ground and fill them in again than carry out a proper scheme which will benefit all classes of the nation. Sir, I cannot accept that attitude, that negative attitude. The schemes in South Africa, the Tennessee Valley Scheme, and others, are all deals that show how you can build up a country in times of stress and unemployment.

Now, Sir, I think that there are certain priorities: forests, water, communications and housing. I submit that that is the order of priorities to be investigated. For these, for the most part, we have the requisite labour and the requisite resources are almost entirely in our own hands. From my experience on the Forests Advisory Committee I would like to say, without involving any officials in a breach of procedure, that I think I can make a very good guess, that in the Aberdares and Mount Kenya, at a modest guess, roads, fire lines, digging game ditches, forest demarcation, enumeration of forests on Mount Kenya and Mount Elgon, and afforestation schemes, and such like, are all able to give employment to at least 1,000 Africans and 12 Europeans; at a cost of about £60,000 a year. Afforestation schemes are necessary, and if we do not do something of this sort I think that our forests may literally go up in smoke in the next dry spell.

Now, Sir, I see that time is passing, and so I will come to another example which I know well because my own home lies close by. In the dry years Kilale Township is profoundly worried about its water supplies; and there is, I believe, a dam site on the river near there where you could store something like 100,000 surface acres of water. Now, this would assure the Kilale water supply and encourage the beginning of minor industries which are needed so badly. Its effects will be greater. The remainder of the water could be used for irrigation to grow crops for the growing township. Tourists would also be attracted by its sailing facilities, and increase a much-needed fish supply. If it was part of a co-ordinated scheme it could be linked with mountain roads, rest-houses, in some of the very finest scenic country in East Africa, the tourist attraction may be even greater. As yet the roads have been aligned, but owing to the lack of funds they have bad surfaces. Sir, there are many other attractions which I could enumerate, but I will not do so now.

The Nzoia Basin, right down to the Lake itself, could be made into a kind of Tennessee Valley without the vast extravagance of that scheme, and it could be built with our own resources, and then I think we would have unlimited possibilities which would be an example to many other parts of the country.

Now, Sir, I mentioned housing in addition to roads, forests and water supplies, because although we want as far as possible, as a matter of policy, to keep our relief work away from the towns in order not to attract more people to those towns than there is work for them to do, at the same time a good housing policy is the foundation of a contented artisan and middle class. Sir, it is more than that. At this moment it is of great importance, I think, to our Asian and African *findis* who may suffer severely from a recession in the building trade. Again, timber and materials for building, with the exception of the imported exotic luxuries are things which we can produce in this country and which we can hardly sell abroad. Sir, that is why I think that the Committee, such as I have mentioned, should go into this question.

[The Earl of Portsmouth]

Finally, Sir, I come to the means by which the Committee should implement their policy. At present, as I have said, we have labour, brains and skill lying idle. We can only export, at disastrous prices, food, bricks, timber, stone and even clothing. How these could be used without seeking overseas credit should, I submit, not be beyond the courage and wit of any leaders in this country.

I have already suggested to my hon. friend the Minister for Finance in a lengthy memorandum, which he has not answered, that it means that we could raise money from our own resources without increasing taxation and so go a long way towards meeting our external needs for these programmes, just as I have outlined.

This would all need to be examined by a joint committee of officials and unofficials, and I feel, Sir, that most of my European colleagues are in agreement with the general features of my argument. I feel sure that my Asian friends will be happy to do anything they can do to relieve the more hard pressed among their own people as indeed they will be to raise the prosperity of Kenya as a whole.

I turn now to my African friends and ask them to lay aside what differences there may be at this moment and support this Motion as something which will help their own people: it is something which goes far beyond ordinary materialism. The lawlessness and spivery will ultimately help none and harm us all immeasurably. Solid, constructive work will help us to see the beginnings of a happy nation.

Sir, I have tried to confine myself to the possibilities of what we can do for ourselves with our own resources. We cannot. It does not lie in the uttermost parts of the earth and the depths of the sea, but it lies in our own hands and in our own hearts that we can do this thing.

Sir, I beg to move.

MR. TRAVADI seconded.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): This is a Motion for the Adjournment, there can be no other specific Motion formally proposed or

seconded. I take it Mr. Travadi that you merely wish to signify your support to the Noble Lord's sentiments.

Question proposed.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison): Mr. Speaker, it is, I am afraid, bound to be a disappointment to the noble lord that I should begin my remarks this evening by saying that the Government feels itself unable to accept this Motion as it stands. Nevertheless I would like to take the edge off that a little by thanking him for the most eloquent terms in which he expressed his point of view and for the kind remarks he made about me personally at the beginning of his speech. Although he said very kindly that I could hardly be expected in the course of a few days to have mastered all the intricacies of the subject which he wishes us to discuss tonight, I have used that speed and that urgent action which he said was not really a characteristic of the administration to familiarize myself with a few of the basic facts as they affect my own Ministry—the Ministry of Labour.

My hon. friend the Chief Secretary will deal with the broader aspects of Government policy which arise on this Motion, and I shall confine myself simply to the activities of my own Ministry in the field of employment and unemployment.

It is no function of the Ministry of Labour to provide work, except of course for the Minister and his exiguous staff. Our function is to provide machinery in our employment service which will bring employers and work seekers into contact. In that service we have throughout the country 23 employment offices, which is the modern approved term for labour exchanges. These employment offices are to be found in every Province, with the exception of the Northern Frontier District. 17 of them provide facilities for all races and in addition there are six in African areas which concentrate particularly on affording facilities for African work seekers to come in contact, through the employment service, with employers who have employment to offer. The function of these centres is to record the qualifications and desires of the workers for

[The Minister for Education, Labour and Lands]

employment and to keep a list of the vacancies available; and I think this service has a good record over the years it has been in existence in matching the work seekers with employment opportunities.

It is this service which provides for this country the only statistical assessment available of the unemployment situation, and I would urge both those who wish to seek work, wage-earning employment, and those employers who have vacancies to fill to make use of this service. Admittedly, there are some who would like to seek work who are not at present making use of the service, and therefore the statistics we provide are necessarily to that extent imperfect. But the figures which we have show that in August of this year, there were recorded as work-seekers 7,418 Africans, 359 Asians and 171 Europeans, as compared with January of this year when the comparable figures were: 6,671, 223 and 115. Over the entire year, 1957, this service managed to fill the following vacancies: for African males, 53,298; for Asian males, 376; and for European males, 236. So I feel, myself, that this service has a great deal to offer if it is fully used in matching employment opportunities with those who are seeking work. In the few minutes which are available to me, I would not wish to add to or comment on the analysis which the noble lord gave us of the causes of the increase which is noticeable in the degree of unemployment. But a good deal of this unemployment is not so much that of persons who have been in wage-earning employment and are now out of work, as of persons who have probably not had regular employment in the past, but who would like to change their way of life, to have an opportunity of their own earning employment outside their normal environment. The facilities of my Ministry are available to those to help them to gain work. We are by no means complacent about the position: we still strive hard to improve the machinery at our disposal to help in reducing this problem.

THE CHIEF SECRETARY (Mr. Coult): Mr. Speaker, Sir, I would first like to put into perspective the reason why this Motion did not take its normal course

as stated by the hon. Mover: when this matter first came up, I can assure you that the Government would have welcomed a full-scale debate on it, but when we considered the business which was down for the Rump Session—and, indeed, I am not certain that this Motion should in fact be taken in the Rump Session at all—we were told that the hon. Mover would not be here in the country when we moved into the new Session. Therefore, because of the combination of the fact that we did not believe that there would be sufficient time at that stage to have a full debate on this Motion, and because, as he stated, the hon. Minister for Education and Labour had just arrived in the country, it was I believe by agreement decided that we should take this on an adjournment rather than as a full Motion. I, Sir, would like to say how much I regret that we could not have a full debate on this matter.

I would also like to explain immediately, Sir, that the Government is completely in sympathy with what lies behind this Motion, and when we say we reject it, we reject it for what I believe to be two perfectly good reasons. The first is that the Motion seeks to set up a committee which will do specific things; if it does these things, then this committee must have money; it cannot do anything without money; if it has not got the money, then we believe that this committee will merely become frustrated and nothing will happen.

Secondly, we ourselves feel that the Government is already taking many of the steps which are possible within our economic means at the present time to do just what the hon. Mover is asking. We are in the middle of an extremely difficult economic situation, Sir; we are trying to retract on the recurrent side, and we are pulling in the Government horns as much as possible. This obviously must lead inevitably to some unemployment. If we were a normal country which had a stabilized economy (and I would quote to the hon. Members the steps which the President of the United States has recently taken because of the difficult recession in that country) we would use our resources for creating employment, and by so doing, would throw money into the economy of the country, but we do not have that money.

(The Chief Secretary)

Therefore, Sir, we are in the difficult position at the present time of having to cut down our recurrent expenditure and also at the same time to have a further look at our development expenditure.

The hon. Member made certain suggestions as to how we could tackle the problem, and he talked (I think I am right) about forests, houses, water and roads. The hon. Member will have already heard this afternoon the statement made by my hon. friend, the Minister for Works, in which we hope to spend by agreement with contractors something like £1,000,000 a year in the next two or three years on roads. That, Sir, I feel will assist in this particular problem. Also, Sir, I would like to say that quite recently, we have had the offer of putting into Government housing (not the type of housing that he himself was talking about) a figure of something like £250,000 which has been offered to us by an insurance company on a mortgage basis. That also, I think, will help. I happen to know that the Ministry of Housing is also working out a scheme very much on the same lines as the one which I have quoted for houses for other members of the public. Therefore, we are taking steps along the lines which have been suggested by the hon. Member.

Further, hon. Members will remember, possibly with regret, a certain Motion which the Government took through this House not so long ago to spend £500,000 on offices in Nairobi which was also designed to inject some money into the economy of this country. Furthermore, we expect in the not too distant future (although it is not possible for me to state when the exact date will be) that the British authorities who wish to erect accommodation at Kahawa will begin to construct the accommodation which is necessary for the extra British troops which will be here.

Therefore, from these facts, I think the House must appreciate that the Government has had this problem very much before it for a very long time, and has indeed gone out of its way, and I think "gone out of its way" is the right expression if I might mention

the efforts of the Minister for Finance to try to get extra capital in order to alleviate what is a very difficult problem and one which we appreciate. Also, the hon. Member mentioned the possibility of extending our forest areas. He himself knows that we have got an emergency scheme for forests which has already been started and in which we have done our best to take in Kikuyu families, first of all for rehabilitation and also for the economic exploitation of our forests.

I must say, somewhat reluctantly, that we sincerely hope we will keep that scheme going, but it looks at the moment as though if we cannot find extra money elsewhere, we might have to curtail it. That, indeed, would be a matter of great regret to me because I agree with him that that is one of the methods whereby we could assist enormously.

Sir, the time that has been available to me—and I think there is only a minute left—has really been inadequate for me to deal with this Motion as a whole, but I would like to assure the hon. Member that with the Labour Advisory Board, which contains a goodly number of officials, with the Ministry itself, with ourselves, and through the general Government machine, we will accept his advice in this matter, and as I have tried to show, we will do everything in our power to stimulate further Government spending in order to assist with this difficult problem.

Sir, I beg to oppose.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the end of the 30 minutes allotted. I might point out that the Motion before the House is actually that the House be now adjourned, which I trust you are not opposing!

THE CHIEF SECRETARY (Mr. Courts): No, Sir!

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I therefore adjourn Council until 9.30 a.m. tomorrow, Friday, 17th October.

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

Friday, 17th October, 1958

The Council met at thirty minutes past Nine o'clock.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS**PAPER LAID**

The following Paper was laid on the Table:—

Amendment of Standing Orders:
Report of the Sessional Committee.
(By THE CHIEF SECRETARY (Mr. Courts))

REPORT**THIRD READING**

The Equitable Mortgages (Amendment) Bill

MR. WEBB: Mr. Speaker, I beg to report that a Committee of the whole Council considered the Equitable Mortgages (Amendment) Bill yesterday and has reported it with amendments, the terms of which are set out in the Order Paper.

Sir, I beg to move that the Equitable Mortgages (Amendment) Bill be now read a Third Time.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy) seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read a Third Time and passed.

PUBLIC ACCOUNTS COMMITTEE

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Before we proceed with the Motion, I believe that Mr. Havelock wishes to make a statement.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Yes, with your permission, Mr. Speaker.

Sir, I have noted that the Motion to note the Report of the Public Accounts Committee has been withdrawn from the Order Paper, so that this House will not be debating that matter probably for some weeks. It will also be a Council which will have been prorogued and been reconstituted and presumably it will be a Committee which will have superseded the present Committee, having

been reconstituted after prorogation. I feel therefore, Sir, especially in view of the publicity that has already been given to certain parts of the Report, that certain aspects of the Report be made absolutely clear to hon. Members and to the public.

Sir, in the Report it is stated that the Committee, having considered the evidence with regard to paragraphs 88 to 91, Ministry of Local Government, Health and Housing, Nairobi African Housing Project, as had been submitted decided that there was a case for an interim report by the Controller and Auditor-General as to the extent to which the Government will be financially committed is not as yet known. The Controller and Auditor-General was asked to submit an interim report, which appears as an appendix to this Report.

I merely wish to point out, Sir, that the Report of the Controller and Auditor-General which appears as an appendix to the Report of the Public Accounts Committee has not been before the Public Accounts Committee; that no officer concerned has had the opportunity to give any evidence or to make any comment on that interim report from the Auditor-General; and that the Public Accounts Committee itself has not had any opportunity yet to consider the interim report and make its comments on it. Therefore, Sir, I think that there might be some confusion in the minds of hon. Members and I want to make it quite clear that that interim report is not really part of the Report of the Public Accounts Committee—it is merely an interim report of the Controller and Auditor-General which has still to be considered.

Thank you, Sir.

MR. COOKE: Mr. Speaker, is the Minister for Local Government in order in making this *ex parte* statement.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): The hon. Member is perfectly in order. He has made a statement, which I consider to be perfectly in order.

MOTION**MANAGERIAL CONTROL**

Resumption of debate interrupted on 16th October, 1958.

MR. ALEXANDER: Mr. Speaker, on a point of explanation, may I be allowed

[Mr. Alexander] to speak, just to get the record quite correct? That interim report of the Controller and Auditor-General has been before the Public Accounts Committee. I have not got my minutes in front of me, I am afraid, but my recollection is that the committee decided that as the Auditor had reported that his investigations were still continuing we considered that it was best to publish the interim report and come back to it when the Auditor has come to his final conclusions.

MR. PANDYA: Mr. Speaker, Sir, I rise to support this Motion moved by my hon. friend the Member for Kiambu, and if I may say so, with great ability, clarity and force of argument.

I would like to emphasize at the outset, Sir, that we on this side are not demanding any interference in the shaping of policy, but once the policy is laid down we are certainly demanding that we want to be taken into confidence to see that this policy is carried out with the spirit and the letter of the decisions which are taken.

If I may say so, Sir, the Government itself, from the other side, has complicated matters by bringing in matters which are not strictly relevant, to this Motion. The Motion, Sir, is quite simple and I think that greater confusion has been created by some of the non-Civil Service Ministers who have served with great distinction when sitting on this side of the House.

Sir, there have been consistent and constant demands from the public who, after all, are the custodians of public opinion to effect possible economies, certain possible economies, in the expenditure of this Government. In his speech, Sir, the hon. Member did mention some of the organizations that have passed resolutions to this effect. I want to say that many representative organizations, including the Federation of Chambers of Commerce, which has been equally concerned in this problem of effecting Government economies, has moved a similar resolution at its annual session in Mombasa last month. It is quite obvious, Sir, that all of us, from all races and communities, are equally concerned in this problem. I am afraid that the recent Government announcement about the

appointment of an *ad hoc* committee does not really go far enough from our point of view.

What we really want is an independent examination to deal with this bug-bear of inefficiency and waste which has been facing us from time to time. We do not desire a committee of our own from this side of the House. What we want is a very representative committee, a select committee of the whole House, to go into this question jointly to that we can get reliable information, and of course we anticipate that we would get reliable information from the officers of this Government. Having been informed, Sir, of the circumstances of the situation, we would like then to make our recommendations; and I believe, Sir, that that really would be the usefulness of this committee.

Time and again, Mr. Speaker, in the Public Accounts Committee, we have often heard of these inefficiencies, and it seems very ridiculous that we do not seem to tackle this problem except by finding out later, much to our dismay, that some of these inefficient officers are not only tolerated, but promoted. In fact, the favourite term which is used is that he has been "kicked upstairs"—and what a pleasant kick that would be! How often, Sir, have we heard senior officers complaining about the inefficiencies of their juniors who do not very often seem to do things right. What we want, Mr. Speaker, after the report from this committee has been laid before the House, is to see that very strong action is taken by the Ministers concerned, instead of leaving it to them to deal with the matter internally and only on a departmental level.

What we are asking for, Sir, as I interpret it, is to support the Government in the action that they take and that they ought to take. Surely the hon. Members on the other side should accept the offer that we are making to help them to get out of difficult situations and to solve some of the problems.

We know, Sir, and we have heard of these people before, that there is an Organization and Methods Team, but what we do not know about is their activities, apart from what little we are told from time to time. We do not really know what actions are taken to deal with the many difficult situations

[Mr. Pandya]

that the Ministers have to face. You can have all the control of the accounts, Mr. Speaker—and the Public Accounts Committee knows how difficult that is—but without any qualitative control on human work the whole system will not be a success. Therefore, Sir, I very strongly feel that the Government should accept the terms of the Motion as supported by Members from this side of the House and agree to set up a system of control akin to the one which is existing in the form of the Public Accounts Committee.

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

MR. MAXWELL: Mr. Speaker, Sir, I congratulate the last hon. Member on the concise manner in which he supported the particular points which were made so ably by the hon. Member for Kiambu.

Sir, listening to this debate, it would occur to me that Government is unnecessarily suspicious of this particular Motion and is, indeed, on the defensive, for what reason, I do not know. The object, surely, behind this Motion is to assist Government and to share the responsibility of the Ministers in the spending of this money. We do not suggest for one moment that there is undue extravagance; we do not suggest that there is undue waste. But I can assure you, Sir, that the hon. Member for Ukamba made his point yesterday, that there is disquiet, there is a feeling amongst the public that there is waste, and all we ask is that this waste, if it does exist, should be completely eliminated.

Again—I recapitulate—I can see no reason whatsoever why the Government cannot accept this Motion. It will be of assistance to them and it will relieve the anxiety in the minds of the peoples of this country.

Sir, I beg to support the Motion.

MR. HASSAN (East Electoral Area): Sir, I had no intention to intervene in this debate, but the attitude of the Government has forced me at least to convey to them that there is not a single Member on this side of the House who is not in favour of the Motion moved by the Member for Kiambu.

Sir, this is one of the matters which all the representative bodies in the whole of Kenya have watched in the present. The Government tendency that I feel from the speeches from the other side is to the effect that the Members on this side of the House should not have the inside view of the expenditure of the money at a time when they can prevent waste; and they want the Members only to be concerned with the unpleasant task of burying the dead bodies.

Sir, there have been instances brought to our notice that on several occasions, considerable sums of Government money have been wasted to the great loss of the taxpayer, and that loss could have been saved if timely action had been taken to prevent it. This is the thing that was felt even by the members of the Public Accounts Committee. Although I may not be in favour of having somebody to breathe at the back of the Ministers, I would still like to have somebody to be facing the Minister to shake hands over the matter and at the same time be available to the Members of this Council so that they would be able to satisfy the taxpayers that we are doing everything possible to draw the attention of the Government to having some action taking to prevent waste to the taxpayer in the future.

I am really surprised that the Government yesterday indicated that they evidently make up their minds before coming to this Council to reject the Motion before even it is moved by the Mover. All the Members of the Back Bench appear to be looking for direction from the other side which they have about with a lion in a zoo cage when he speaks, and then voting in a body against the Motion.

Well, this sort of attitude is very strongly resented by the Members on this side of the House, and I would like to draw the attention of the Government and the Members on the other side to the fact that our demands and our requests and our appeals have only been because we want to associate ourselves with the responsible Ministers of this Government to take timely action to prevent the waste and it is rather surprising that they do not like us to co-operate and help and assist them in their duties.

(Mr. Hassan)

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

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, Sir, I feel that this debate has so far become extremely confused. I think a good deal of the confusion has come from the other side.

We have heard all sorts of statements; we have heard that people are not talking about economies and yet in the next breath talk about the extravagance of Government. We have heard people saying that they want enquiries; whether they are *ad hoc* enquiries or immediate enquiries, I just do not know. I have heard people say that they must have something set up which will deal with once again economies, extravagance, waste. What I would like to do, Sir, is to try to analyse first of all the issues that we have before us in this particular Motion. Talking about confusion, I might say that the *East African Standard* this morning in the headline seems to have made us confused even further by saying "Spending Check Opposed!". That is just not true; we are not opposing any spending checks at all, and I might say, perhaps, at this point that we have considerable sympathy with a good deal of the feelings and the aims that lie behind this Motion. But this is the point, Sir: there is an essential difference, between financial audit, that is, the audit which deals with the spending of Government money, and management control.

Management control is a function of the executive, and it is not a function of the legislature. Responsibility for the management of Government departments rests with Ministers, and the legislature's remedy against mismanagement lies in the criticism of the Minister.

Furthermore, Sir, there are well-established and indisputable criteria of financial propriety whereas there are no such criteria of managerial correctness. The primary purpose of a financial audit is to enquire whether moneys voted by the legislature have been spent for the purposes for which they have been voted. The secondary purpose is to ascertain whether financial control is to such that adequate steps have been taken to ensure that moneys voted for a certain purpose have been expended for that

purpose. All of that, Sir, you have already in your Public Accounts Committee, in your Controlling and Auditor-General, whose duty it is to report on such matters; and on that side, the machinery already exists for Members of this Council (as my hon. friend, the Member for Nairobi West so well knows, being the Chairman) to probe into Government expenditure.

On the other hand, the question of managerial control is, as my hon. friend, the Member for Health says, virtually a matter of opinion. There are no criteria, as I have said, of managerial correctness. The Organization and Methods team, for instance, do not criticize the organization of a department with reference to any pre-established principles; the only criticism they make is by reference to an alternative scheme. They say: "We think that this can be done this way, and it is probably a better way than the one in which you are doing it." It is their opinion against the person who is responsible for that particular department.

Now, Sir, I hope that in respect of Government spending on one side and managerial control on the other, that I have tried to clarify these particular issues. We have no objection whatsoever to hon. Members of this House, through the Public Accounts Committee and in any other way they can, preventing the Government from mis-spending money, from waste, if there is such a thing and looking after the spending of the Government's money which comes from the taxpayer. But, Sir, we have considerable objection to people in this House stating that either they know better than the Government; or they can, in fact, manage the Government better than the Members of the Government themselves, who, after all, have the final responsibility.

Let us, with that background, deal with some of the points which have been made by hon. Members. The Member for Ukamba asked me, has the taxpayer the right to have this committee set up? My answer to that is he has the right to set up a committee which already exists to enquire into public spending, but he has no right, in my view, to set up a committee in order to tell the Government how they are going to manage their affairs. The Member for the Rift Valley

[The Chief Secretary]

said that Government are now dictators and they consider themselves beyond reproach. Sir, I refute that: We do not consider ourselves dictators, but there are times, particularly, if I may repeat it, when we have got responsibility for certain matters, when we believe that we may know how to run these affairs as well as other people.

Now, let me turn to the Member for Nairobi West. I think I must this morning take a turn at him. I must say that his enormous enthusiasm and his goodwill and also his great desire to do the best for the country give me a tweak of conscience when I feel that I must take a turn at him, but there are certain things which he said which I feel I must comment upon. He talked about the expert eye. Well, he did not define what the expert eye was; he did not tell us who the expert eye was going to be; if it is going to be Alexander, MacLennan and Trundell, all I can say is that I do not think that is the sort of expert we want! Then he went on to say that shareholders have a right to decide what is going on in the company, that the shareholders can set up a committee to enquire into it, which is perfectly true. Shareholders, I think, can enquire into the financial affairs of a company, but I would like to know which managing director would stand for any shareholder coming in and telling him what he is to do with his staff, if he had got any reasonable *amour-propre*, he would kick the shareholder down the stairs. If the hon. Member for Nairobi West had me in his office the day after tomorrow telling what he had got to do with his office boys, I sincerely hope that he would kick me down the stairs, because he would have every right to do so. That is our view in this matter. We have in the Government a very competent person in the shape of the staff adviser, who has got years of experience in his bones, possibly 300 years of experience, and who is perfectly capable in my view of advising the Government very competently on where it goes wrong with its management control.

Furthermore, we have the Organization and Methods team which also operates in a similar manner. My hon. friend, the Member for Nairobi West, will tell me: "Ah, but then, who looks after them? to whom do they report?"

Are they, in fact, being told to get on with their job? The answer to that, Sir, is: "Yes, they do, and they are on the job all the time". Therefore, the Government feels that it already has the machinery necessary to deal with a problem of this nature.

The hon. Member for Nairobi West went on to say that there was an attitude of fear on the part of the Government, Sir, there is no fear; there is certainly no fear on my part that there should be a probe or an enquiry into anything that Government is doing. I feel, Sir, that the legislature, if it wishes to make Government do its job properly, should then criticize, as in fact Government is now being criticized in the Legislative Council. And I will say this for the hon. Member for Nairobi West: that he has done his duty by having this Motion brought—with due apologies, of course, to the Mover, because I feel myself that a great deal of this has sprung from the fertile mind of the Member for Nairobi West.

In the middle of this debate, Sir, he made a surprising statement. He said he knew nothing about Supplies and Transport. Now, Sir, that is absolutely amazing to me, because I know he has criticized this Department in this House before now. I happen to be a registered voter in Nairobi South, but if I was a registered voter in Nairobi West I would like to ask the hon. Member why he does not know anything about the Supplies and Transport.

MR. ALEXANDER: I said "very little".

THE CHIEF SECRETARY (Mr. Coutts): He says "very little". Why does he not know a lot more? On behalf of my hon. friend, the Minister for Tourism and Common Services, I am certain that if tomorrow he asked to be taken round Supplies and Transport and be shown exactly what it is doing, my hon. friend would be only too pleased to do that.

I might mention to the hon. Member that when I took over my present post it was one of the first things I did myself; although I knew at that time nothing about Supplies and Transport, I know now a good deal more than I did then. I suggest to the hon. Member that he should do something about it himself.

[The Chief Secretary]

There has been quite a number of remarks made about the civil servants and also the Civil Service, I may say, in connexion with inefficiency. Once again, Sir, I would like to remind the House how essential it is for them to be careful about throwing out wild suggestions that there is widespread inefficiency, because, after all, this country has to depend to a very large extent on its Civil Service for carrying out what is to be done in the country. Widespread lowering of morale by indiscriminate criticism of that kind, when it is not backed up by positive facts, can only do harm. I do ask hon. Members, when they are speaking in a debate of this kind, to have that constantly in their minds.

I would also like to remind the hon. Members who appear to consider that only people on the other side of the House are taxpayers that we are also taxpayers, and that we also have a feeling towards how the money of the Government is spent in the country.

I am about to close, Sir, but before I do so I would like to turn to the other half which I left behind a moment ago, that is, the subject of Government spending. I can give this House an absolute assurance that if they are worried about Government spending the Government is taking the matter extremely seriously. I am not in a position at this stage to state exactly what we are doing, but I can tell the House that when we are ready a very full statement on the measures which the Government is taking to make economies in the Government service will be given to the House.

Now, Sir, I have explained, I think, why the Government cannot accept the Motion as it stands. I know that there is a feeling amongst Members that the Government, out of hand, rejects these Motions. In fact, it was said, I think, by the last speaker, that the Government had already made up its mind before it came into the House that it was not going to accept this Motion. Sir, might I make a suggestion to hon. Members? The Government does not want to throw up Motions time and time again. We feel it uncomfortable about it as does the other side. Would it not be a good thing

if the Mover of a Motion were to discuss the terms of his Motion with the Minister concerned before he puts it down in Legislative Council? By so doing, would it perhaps not be possible for Government to agree on the wording of a Motion which they could accept. If the person is turned away and told that the Motion cannot be accepted, then, after that, he has a perfect right to say that the Government is doing nothing else but throwing out Motions.

Leading on from that, I suggest that there is machinery existing which can be used to achieve the aims and objects of the Mover and of the Seconder of this Motion. I suggest to them that they do what they may do at any time, that is, come and discuss with the Government how we can make this machinery work a bit more effectively.

Sir, I beg to oppose.

SIR ALFRED VINCENT (Nominated Non-Government): Mr. Speaker, Sir, I am very glad the speakers this morning have brought us back to the terms of the Motion, very glad, because yesterday, sitting here listening to the debate in the spirit of solving a problem rather than taking the mickey out of the fellow on the other side of the House, I came to the conclusion, as obviously has the Leader of the House, that the whole issue was getting very confused.

Now, it is very interesting to come back into this House after a lapse, say, of eight years and see the different procedures which have been instituted and which, in my opinion, are the cause of this Motion and the dissatisfaction which has been expressed by various Members. For instance, if I may put it very briefly, we are constituted as a top-sided democracy, having superimposed on us the full procedure of the House of Commons which, in many respects, is quite wrong just go back to the root, as I see it, of the trouble. Sir, ten years ago the Budget came before us, we discussed it and it went to a Standing Finance Committee. That Standing Finance Committee, throughout the year, dealt with all the supplementary estimates and the special warrants which had to be issued. I was hoping yesterday that my hon. friend, the Minister for Agriculture, would proceed with what he commenced on the

[Sir Alfred Vincent]

question of the Standing Finance Committee. It is the abolition of that Committee, it is the alteration in the taking away of most of the control in Government finance and efficiency from this side of the House, which is causing this uneasiness. Of that, Sir, I have no doubt whatsoever. Do not please think that I am unaware of the fact that all these alterations have been made with the consent of the whole House. But sometimes when alterations are made, you cannot envisage the ultimate result and problems.

Now today we have no control over the expenditure and the finance and also, if I may say so, over efficiency as such in Government departments. With great deference to the last speaker—for whom I have the greatest admiration—he rather dwell on the Public Accounts Committee. Now it was very clear to me from the last report which was debated in this House that the Chairman of that Committee was exceedingly dissatisfied with the lack of action taken on the findings or the recommendations of the Public Accounts Committee, and I think, if I remember rightly, that he drew attention time and time again, by the hardy annuals which occurred and the remedy for which had been entirely ignored by Government.

My great sorrow in speaking this morning is that the Minister for Finance is not present, Sir, because I think these points should be made to him.

The lack of a Standing Finance Committee does not give the Unofficials an opportunity of drawing attention, in committee, to queries on Government efficiency. I do not think as has become increasingly apparent, that the Committee of Supply procedure in this House is anywhere near as efficient as the old Standing Finance Committee. As a matter of fact, in 1957, 17 Votes went through this House without any discussion whatsoever, because of the lapse of time; last year 30 went through without any debate whatsoever because of the lapse of time. And it is a fact that we have, on the one hand, a Government not taking the Public Accounts Committee's recommendations seriously enough or being unable, through pressure of business (we will put it in the kindest way) to take the necessary action, and on the other hand the fact that the

Standing Finance Committee has disappeared, which has given rise to the present situation. I think that there is general dissatisfaction, whilst we are being forthright we might as well be completely forthright, regarding the procedure of the enquiry of the Estimates Committee in to this Supplies and Transport matter. It seems as if there is great reluctance—and I hope I shall be corrected by the Minister—on the part of Government to accept, or even encourage, evidence from outside, which is so important. That is my information.

The only person of course the Government really takes notice of is the Auditor-General. I think a great deal of notice is taken of him and in my experience, when he puts something in a report, everyone gets busy. But I am afraid—and I say this advisedly—that because the Public Accounts Committee is constituted as it is, the great thing is to disregard it and not give effect to its recommendations. These gentlemen on this Committee spend an enormous amount of time in going into the various matters which are brought to their notice, and I am afraid that anyway in this legislature or this Government, very little notice is taken of their report. I would say that there are a number of such incidents which give rise to this form of Motion, and will continue to do so until matters are remedied.

The previous speaker (twitted the Member for Nairobi West about the expert eye. Well, he has asked me just to explain, as well as I can from his note, that management control is an executive function and there is a difference between that and management audit, which is a check on efficiency by those trained in the technique of time and motion study, mechanical perfection and personnel management. That is what is termed the expert eye.

Now, Sir, in closing, I am not being facetious but I wonder what would happen if the Government did as a great many large firms do, that is ask for suggestions to be made by members of the staff, as to how the department or the business could be improved. If that were done—of course, it cannot be done in Governments because the Civil Service is a thing unto itself; it has certain standards and one standard, of

[The Temporary Minister for Finance and Development] spends. It has to justify its expenditure publicly and I think that from the point of view of the country as a whole and from the point of view of this House, that is a most important factor. I do not think there is anything so important as publicity for ensuring that the Government does watch its p's and q's, and I say this most sincerely.

SIR ALFRED VINCENT: Would my hon. friend give way on a point of order? I think if I may just take up that point, Sir, very briefly; that everything that came from the Standing Finance Committee had the same publicity as the doings and the debates of the Committee of Supply. As a matter of fact, the examination was much more thorough.

THE TEMPORARY MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Mackenzie): I thank the hon. gentleman for his explanation, but I think he may agree with me that what did not happen was that the proceedings inside the Standing Finance Committee were not subject to publicity and therefore the public did not hear the arguments that were made both for and against expenditure on any particular matter as they must hear them whether it be in connexion with the Colony's main Estimates or with any recombination for supplementary expenditure. That, Sir, I think is what really is important, that the down-to-earth argument that takes place must now take place in public and I do not think it could possibly be in the best interests of the public,—although I must say it might be very much easier in many ways for the Government—if they did take place behind closed doors. Then, Sir, another point my hon. friend made that Government have shown a certain reluctance to allow outside evidence to be heard in the Estimates Committee when dealing with the question of supply and transport, I am quite unaware of any such reluctance, and certainly so far as the Committee is concerned, and I am sure as far as any of the Members of the Government are concerned, we have not the slightest objection to hearing outside evidence on this particular matter. In fact, as I think the House is aware, the Government has been constantly in touch with members of our commercial com-

munity who have expert knowledge and advice to offer in respect of the operation of this department. We have had a very great deal of useful advice from them, but if so far it has not proved possible for one reason or another for the Estimates Committee to hear outside evidence, there is no question of there being any reluctance on the part of the Government to such evidence being given.

Finally, Sir, dealing with what my hon. friend had to say, he did say that at times of stringency, the Treasury takes over. I must ask him to believe me, Sir, when I say that that is very far from the truth. The Government, whether in times of financial stringency or in times of plenty, acts as a corporate unit and there certainly is no question of the Treasury being more likely to take over at the present time than there would be at any other time.

Now, Sir, I would like to go and deal with this question of economical house-keeping. As I said, Sir, we entirely agree with the spirit of the Motion that the Government should look after its domestic economy as efficiently as possible. It has been said, Sir, that there is some public disquiet about the way in which the money is being spent. If this is so, Sir, it must be due to a lack of knowledge of what is being done at the present time to ensure that money is spent economically. I was very glad to hear my hon. friend the Member for Nairobi West say that he took every opportunity he could to assure people who spoke to him that in fact the Government were not entirely a set of people bent on wasting money. I think that is more or less what he said at one stage, and I should like to thank him for his assistance in that matter. I would like, Sir, to go a little further into the points raised by my hon. friend the Chief Secretary. In showing what the Government is doing at the present time to make sure that money is not wasted. There are, Sir, very many instruments of financial control available. To begin at the spending end in the Ministries and departments: we have organized a system of financial and establishment control under the permanent secretary to each Ministry. The permanent secretary is personally responsible for every penny that is spent, and he knows that he is liable to be

[The Temporary Minister for Finance and Development] hauled up in front of the Public Accounts Committee—presided over by my hon. friend, the Member for Nairobi West—and given a thorough wiggling if he does not see that the money allocated to him is well spent. Now, ensuring that that is so, a permanent secretary has first of all to look at the organization of his Ministry and of the departments in the Ministry and to see that they are organized in such a way that money will not be ill-spent, that the chain of command is such that if people have a job to do, they will do it in the most expeditious and economical way possible, that you do not have two men doing one man's job, and that you do not have overlapping. That is one of the most important points in the management of a department and it is one of the things that all permanent secretaries have very much in mind.

To assist them in this, they have their financial and establishment officers who are also very experienced and who are there precisely to undertake this task of seeing that the organization is right and that the chain of command is right.

Now, Sir, that is the position within ministries. In addition, there is the Treasury with its overall control—the Treasury, I should say, including for these purposes the Establishment Division. They have an overall control of budgetary policy and of staff numbers throughout the service. They have these matters constantly under review. There is, Sir, no question of just looking at the estimates when they come along each year or at requests for supplementary provision as they come along.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair]

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

I can assure the House that the Treasury and the Establishment Division are constantly reviewing the expenditure of departments and ministries and the staffing of departments and ministries, and that there again, the fullest pressure is brought to bear to make sure that the expenditure is not too great and that the numbers are also not too great. There is,

Sir, not merely correspondence, not merely looking at the estimates and the figures and the statistics; there is personal contact with the senior officers of the ministries and departments, and in that way, one can easily form opinions as to whether those officers are fully aware of the importance of economy and good management. One can also very readily form an opinion as to the quality of management by seeing the quality of work that comes before one. That is continually being done. There is an interest, Sir, shown in departmental methods of managing their affairs, staffing their departments, of spending their money, of controlling their staff. That, Sir, is being continually done, and in addition to all that, there is the work of the Organization and Methods Division of the Treasury which, I might say, has far more demands on its time from ministries than it can at the moment serve. Here again, one gets one of those problems that one very often feels we should have more staff, and one comes up against the awful problem of to what extent one can afford to do so. Equally, one comes up against the problems of to what extent one cannot afford to do it. All I can say at this stage is that there are constant requests from departments for the services of the Organization and Methods people just as the Director of Establishments has constant requests for the use of his staff adviser, and that, if anything, is another illustration of the way in which Ministers and their senior officers are only too anxious to make quite sure that, as my hon. friend the Member for Ukamba said, we get Sh. 40 worth value out of every £2 spent. Then, Sir, in addition to this, there are the checks on waste and inefficiency given by the financial procedures and requirements in this House. Any additional expenditure, any new policy before it is undertaken, has to bear the brunt of criticism and examination in this House, and there are two stages for that. First of all, there is the discussion of policy which generally takes place, and the House has full opportunity to say whether it believes that the policies are sound. After that, if any expenditure is involved, the Government has to come along with detailed estimates and has to be prepared to justify those. Even there, I can once more

[The Temporary Minister for Finance and Development] assure the House that far more proposals for expenditure are put to Ministers and to the Government generally than ever come to the floor of this House, because many of them are discarded before they ever get to that stage as being something that cannot be afforded. It is only those measures that are barely essential that ever come here in a supplementary estimate. That, Sir, is very far from any idea that there may be here that the Government only accepts certain proposals in order to squander money which it does not know what to do with.

Then, Sir, there is the question of the Public Accounts Committee, and the work of the Controller and Auditor-General. It has been said that the difficulty with the activities of the Controller and Auditor-General is that he only undertakes a financial audit and that he only deals with certain aspects of the work when accidentally they happen to come to his notice. I think people might infer from that that the Controller and Auditor-General is only dealing with books of account and with the minutiae of expenditure. But, Sir, that again is far from the fact.

Today, I understand the Controller and Auditor-General in fact conducts far more enquiries through the files of ministries and departments than he ever does through the figures. He not only looks to find out whether someone has calculated his arithmetic wrong; that, in fact, is the smallest part of his work today. He wants to know first of all, is the money spent on the purposes for which it was voted, and that again, is one of the easier parts of his task at the present time. In addition to that, he is most anxious to find out—and he spends a lot of time doing it—whether the money is spent economically and does the public get its money's worth. There is no question of anything that comes to his notice in an investigation of that type, being held up until several months after the event when it is presented in an audit report. As soon as the Auditor comes across anything which he considers savours of waste or inefficiency, he brings that to the notice first of all of the department concerned, and then of the Treasury and it is gone into as a

matter of priority, because I can assure the House that the last thing that any accounting officer wishes is to have himself hauled up in front of the Public Accounts Committee and criticized for being in any way wasteful or inefficient. The fact is, Sir, that the audit undertaken by the Controller and Auditor-General is today more and more an efficiency audit of the type that my hon. friends opposite have in mind than a purely financial audit. He is far more interested in pointing out examples of waste than in dealing with arithmetical errors, most of which are in any case under the system in force at the present day picked up by the internal audit in the department before, even the Controller and Auditor-General gets to the department.

In this connexion, Sir, I would like to quote something that I said when we had an earlier discussion on this matter about the job of the Auditor. I said then—and I quote it again now:—

“The Controller and Auditor-General's job is to draw attention to waste as reflected in the Colony's Accounts. But the task of seeking out examples of waste and seeing that they are brought to light does, in fact, bring him into touch with what is happening on the manpower side, and as I have said before, his staff, who as their careers progress, get a great deal of experience of different types of Government departments, are quite capable of spotting waste of the type my hon. friend had in mind while going about their own business. There are many errors which are brought to notice in the accounts which could only have arisen from bad management or from having the wrong kind of man in the wrong kind of place, and where an error of that kind is noticed, the auditors do not have the slightest hesitation in bringing it to the notice of the accounting officer concerned and the Treasury and everything possible is done to put things right.”

And I can say, Sir, that that is very much so. The moment we get a report from the Auditor that something is wrong, we get down to the task at once of trying our best to find out what is wrong and to put it right. One point

[The Temporary Minister for Finance and Development] that was made was that the Auditor, although he did bring certain cases of inefficiency to light, did not bring them all to light. The fact is, Sir, that we do not have 100 per cent audit and we never will. It is something that no Government, no country, no taxpayer could afford. But, Sir, the audit is sufficiently intensive to show where weaknesses in managerial control exist and to give the members of the Public Accounts Committee the information that they need, the information as to where to look and where things need to be put right. And once that has been done, the Government can be expected to deal with the matter and if the Government does not, it will be reported to the Public Accounts Committee and the Public Accounts Committee will criticize and will be fully justified in doing so.

Now, Sir, the question was raised that the Public Accounts Committee should go further than that, and that it should have—that either it or some other committee—should have further experts attached whose job would be mainly that performed by the Organization and Methods people on behalf of the Government, that they should have people versed in time and motion studies and various things of that kind. Now, Sir, it is here that we part company with the hon. Members who have spoken on the other side. Certainly one thing to which I could not agree and I think the House will agree with me if it thinks of this, is that the Organization and Methods people should be put under the control of the Controller and Auditor-General who would then be responsible not merely for pointing to errors, but for making the recommendations to put them right. Here again, Sir, I would like to quote what I said on 26th November, 1957:—

“I think, Sir, that it would be entirely wrong to inhibit the Controller and Auditor-General in his critical function by saddling him with the responsibility for saying what should be done to put the management right. The moment that is done, he has got to accept executive responsibility and if that happens, there can be no question that he will not have nearly

the same freedom to criticize that he has at the present time.”

The fact is that if the House is to get the full value from the work of the Controller and Auditor-General, he must feel himself completely free to criticize, to his heart's content, and to say: “This is wrong”, and not to be asked: “Well, what are you going to do to put it right?” because the moment he is asked that and answers it, he then is completely inhibited from dealing with that particular aspect of the administration.

Therefore, I think we should not accept that particular recommendation. The fact is that once the errors have been brought to light, it becomes a function of the management to put them right and that is why we have the system of Organization and Methods people and the staff adviser, the whole of the activities of the Director of Establishment; the whole of the activities of the Treasury and of many other of the Ministers and officers of the Government which are directed towards seeing that any imperfections that do exist are put right.

Now, Sir, we do not claim that we are perfect. We do not say that we ever shall be perfect, and anybody who thinks about the matter must realize that we never can be perfect however hard we try. What we do, however, is to try as hard as we can to put things right, and it is rather important that in our task of doing that, we should be able to have full investigations made of the facts and to have frank and free proposals put forward by the various organs of the Government, many of which must of their nature, particularly in a small parish such as ours, refer to the actions and to the capabilities of individuals. I think myself that in any case the Organization and Methods people would be somewhat inhibited in their reports if they thought that they were going to a political body, and whatever anyone says, one cannot escape from the fact that a select committee of this House is a political body. What is more, its evidence is published and as I say, I think that in any case, such publication would make things more difficult—for the Organization and Methods people; it would make them even more difficult if they thought that the public were going to be able to read references to as I say

[The Temporary Minister for Finance and Development] the capabilities of individual officers, which in our small parish cannot be avoided.

There have been the suggestions, Sir, that the reports might be referred to outside experts, or that we might take their advice. Here, Sir, is something that can be given further consideration. The chief difficulty is, however, of finding the right type of people to consult with in our small country. We have not, in fact, got any large body of any really expert operators in the Organization and Methods or business consultant line.

We have not got any large numbers of them at work in this country. There are very few. I am quite sure that the few that there are quite often get together with our own Director of Organization and Methods; and as this particular technique develops in the Colony I can assure the House that we in the Treasury will be only too anxious to discuss common problems with those people who feel have got useful advice or useful experience which they can offer in the managerial field.

However, Sir, although the Government seeks advice when it is needed, and the Government can get advice not only from both sides of this House but also from outside it and is constantly doing so, although that is so, Ministers still remain responsible. As my hon. friend has said, final responsibility for what is done cannot be shared by them with any select committee. I think that hon. Members may well agree with me that it would not be entirely in their interests if such responsibility were to be shared. They themselves would not then have the same freedom to criticize that they have at the moment if they were particularly closely associated with the work of the Ministers. But the fact is that even if they were, there is something that just would not be practicable. A Minister's responsibility is individual to himself and corporate to the Government as a whole, but his administrative responsibility cannot be put into commission and it certainly cannot be shared with people who are not members of the Government. What he can do is to seek advice where it is necessary, and if it is good advice he will take it.

Sir, I have already dealt with the Public Accounts Committee and I have said that I think that it already has at its disposal most of the expert techniques which are needed to inform the Members of the House where managerial weaknesses occur. Mention has, however, been made of the Select Committee on Estimates, and in particular of their failure to report on their activities of the current year. Sir, there is one point that I would like to mention on this matter, and that is that when the Estimates Committee first met at the beginning of this parliamentary year, it decided to have a look at such matters as the activities of the Civil Service Commission and Government recruitment of staff generally. And it spent some time in interviewing officers of the Government regarding these matters. But then, Sir, there was a stir about matters concerning Supply and Transport and so instead of going on and completing the work that had been started, the Committee showed a great desire to deal with Supply and Transport instead of what it had been doing before. Therefore the question that had been raised was left aside and they went on to deal with this other matter of Supply and Transport. They have not so far reported. Why, I do not know.

The question of whether a committee is going to submit a report or not lies largely within its own control. And I would suggest that if next year's Committee really wishes to submit reports, it can do so and all it needs to do is review the operation of its own working and adopt more expeditious methods of working. If it does that, I am quite sure that reports can be submitted, not merely one report but more. I did mention this particular report from the House of Commons Select Committee on Estimates for the session 1957/58, and I notice that this was the sixth report. If the Committee on Estimates of the House of Commons can produce several reports in a year, so, I would have thought, could our Select Committee on Estimates.

I have indeed been giving this matter a certain amount of thought and I would suggest that our methods could be improved by having more sub-committees, for example, smaller sub-committees which would probably work far more rapidly and effectively. The subjects dealt with might be rather less broad

[The Temporary Minister for Finance and Development] than those that have been dealt with recently. Instead of taking into account of the whole of the operation of one department, they might deal with a section of the work of the department or alternatively with one particular matter running throughout the whole of Government but on a relatively narrow front. I think if that sort of thing is done, a great improvement can be made.

Now, Sir, on several occasions yesterday my hon. friend the Member for Nairobi West, quoted from the *Control of Public Expenditure* by Chubb in support of his proposal that a committee of this kind should be set up and should have expert assistance to guide it, that is, expert assistance in addition to that which is already available to the Committee of Public Accounts from the Controller and Auditor-General. He quoted, amongst other things, Sir, from page 250 that "the second essential of a successful committee is access to adequate information". Well, Sir, that is something I would entirely agree with. He might, in fact, have gone on and said, as Chubb does, "Committees with the power to send for persons, papers and records, and to make visits are in a position to acquire all the information they need if, first, it is available, and, second, they can extract it and appreciate it".

Then, Sir, he might also have quoted a point made a little further down the same page. He has suggested that the committee might have the assistance of experts in time and motion studies. Well, there one has to bear in mind that there are very large spheres of Government activity where time and motion study would not be of the slightest value. I had a wonderful vision the other day, when this was mentioned, of someone sitting with a stop-watch in the office of my hon. friend the Chief Secretary, and seeing how long it took him to pick up his pen and put it down and that kind of thing. In so far as a very great number of the officers of the Government are concerned, such an activity would be just about as fruitless as it would be if someone was to do it with the Chief Secretary.

The same would apply to the officers of the provincial administration. And

equally it would apply to, shall we say, an agricultural instructor at work. In fact, the scope for such things as time and motion study is limited to the semi-mechanical activities of Government; and there I might say that we are able to bring in our Organization and Methods people and our establishments people to do their best to ensure that those mechanical functions are being carried out efficiently and economically.

Then, Sir, the hon. gentleman quoted Sir Frank Tribe, as quoted in *Chubb* on page 251, where he said: "I do not believe that any examination based on figures alone and ignoring such matters as personnel management, installation of machinery and general office or factory organization can lead to a proper judgment on the efficiency of a concern". Well, Sir, that showed that the late Controller and Auditor-General of the United Kingdom was fully aware of the importance of these points, and I can assure the House that the Controller and Auditor-General in Kenya is equally aware of their importance and that he too does not believe that efficiency can be measured by figures alone.

While on this point of efficiency audit, what my hon. friend did not do was to go on and quote Chubb rather lower down the same page, where he says that "no form of efficiency audit strictly comparable with an accounting audit is, of course, possible in this or any other sphere of administration, efficiency audit is a convenient label to cover a whole range of separate processes of measurement and to test the standards of performance of an organization, and, as we have noticed, some aspects are not susceptible to measurement at all".

Then I wish my hon. friend had gone on a little further because he might then have informed the House that Chubb goes on to say, and I again quote Chubb on page 252, "Whatever the nature of efficiency checks, it is generally agreed that they ought to be organized internally by the administration itself. There are good reasons for this. First, it is only internally that all the relevant facts can be known and appraised. An external scrut. not of the family, must remain an outsider, while the task of assessing efficiency, as Sidney Webb pointed out, involves a minute acquaintance with the

[The Temporary Minister for Finance and Development] routine and technique of Government officers, with their organization and their mechanical appliances and their records. In addition, the ultimate aim of acquiring such information is to improve performance. This can only be done from within for it is part of the function of management.

I think it is a pity, Sir, that my hon. friend did not see fit to quote that he did see fit to quote what Chubb said on the following page, 253, where he said: "The question of expert assistance, in the form of professional officer of the House with a staff, is closely connected with that of information. The disabilities the committee faces without professional assistance were made obvious by the experience of the Estimates Committee between the wars. But since the examination of the estimates ought not to be the function of a select committee, an 'Examiner of Estimates' is not necessary. An official of this sort would have rather to be an efficiency expert."

Now, Sir, I would like the House to note particularly the next sentence: "The arguments against such an officer are, however, overwhelming." It is a pity that this was not quoted. To begin with, there is this difficulty—I am not quoting directly now—there is this difficulty of measurement and an officer of the type involved could not be an auditor in the sense that the Auditor-General is an auditor. "Complete records could not be checked against minute instructions and absolute standards in order to detect failure, nor could there be an external application of tests." The functions of such an examiner would be somewhat vague, and being external he could not be so well informed as internal officers.

There are those, and there are other objections, and the conclusion reached by Chubb is that the weight of these objections is overwhelming and they lead to the conclusion that no expert officer or staff is desirable. All that is possible is to have a small House of Commons staff, such as exists at present, whose job it is to know how to get the information that the committee wants, not to conduct the enquiry for them. In addition, the use of departmental liaison officers

undoubtedly facilitates enquiries on both sides. This conclusion involves accepting the facts," and I am still quoting from page 254 of Chubb "that a select committee enquiry of this kind will remain a comparatively amateur investigation and that departmental statements will not be subject to question by professional experts. That does not mean that departments can pull the wool over the eyes of members. Experience in the Expenditure and Estimates Committee makes that clear enough. On the other hand it ought to mean that there is an obligation . . . on the Treasury and departments, to produce all the relevant facts and useful sorts of information and comparisons and to present them in a manner which will enable the committee to come to a true appreciation of the situation".

That, Sir, is what the Government is fully prepared to do here. In the Estimates Committee, as in the Public Accounts Committee, if hon. Members on the other side of this House want information about what the Government is doing, the Government is prepared to bring all the papers, to bring all the facts, and to put the matter before them and to have its officers examined by the committee.

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) resumed the Chair]

I suggest that experience here in the Public Accounts Committee and elsewhere shows that that can be effective. It can be just as effective as any other method of ensuring that the work is undertaken efficiently. Where we shall not get anywhere, except to make it necessary for me to bring another supplementary estimate to the House, is in duplicating the work of the Controller and Auditor-General and having another set of independent experts available to assist the efficiency committee that has been suggested. Nor does experience elsewhere suggest that that will be of any great use.

To conclude, Sir, the Government are at one with the Mover of the Motion in his ultimate aim of ensuring that the

[The Temporary Minister for Finance and Development]

maximum benefit is derived from Government's capital and recurrent spending and from deployment of its public officers. The Government is at one in being anxious to have the best managerial control available. It does not, however, wish to duplicate what already exists and if the Government is not accepting the Motion it is not because it has not got the same ends in view; it is merely that the Ministers are responsible and so long as they have the support of a majority of the House they must continue with their task. It is primarily their task to manage public affairs, to see that the administration is running smoothly. If they do it badly, the House has every right to criticize; and I am quite sure that not a single Minister on this side has the slightest objection to being criticized, in fact, we are all far too used to it to object. And it is the right of the House to do so if there is bad management or if they think there is bad management. We on our side will do our best to convince them that it is not as bad as all that, and I think in most cases the record shows that we are able to succeed in that.

There can be criticism, as I say, if need be, but I do not think that there should be too much interference with the man at the wheel.

To end on a somewhat personal note in this matter, I would like to make the point that I and my colleagues, both here and outside the House, in the senior ranks of the Administration, are paid primarily to see that the Government's policies are efficiently and economically administered. We want to give as much time as we possibly can to that. We are anxious, if the House wants any information, if a committee of the House wants any information, we are ready and prepared to come along and give that information and do our best to justify what we are doing. But I would, with all humility, ask the House, to allow us just a little time, not a lot but just a little—and I think it is in the interests of the country that we should have that little time for our officers to get on precisely with this important task of seeing that the managerial organization is efficiently organized and helping to improve it.

I would also, Sir, ask the House to credit Ministers and the Administration with as much desire as anyone else to serve the public well and to effect economies. I would ask, as I say, that we should be allowed to get on with the job. Provided that is done, I do not think we shall make a bad job of it, and certainly we shall always be prepared to meet Members opposite to discuss matters with them, to explain how the existing machinery works and to see how it can be made to work better. We shall certainly never be afraid of criticism nor shall we have anything to hide.

Sir, I beg to oppose.

MR. BOSMAS: Mr. Speaker, Sir, I am grateful for the extremely strong support that has been given to my Motion from this side of the House (particularly I am grateful to my hon. friend, the Member for Nairobi West, who seconded the Motion); as I am disappointed in Government's rejection of it and as I am disappointed in the quality of the defence put up by Government in this matter, certainly so, as far as yesterday's debate was concerned.

Now, Sir, despite the seriousness of this matter, I feel that we are nearing the end of this session; the House is, in fact, starting to acquire something of an end-of-term spirit, and perhaps I can be excused if I embark yet again on a cricketer metaphor.

I think it can be said, Sir, that Government started by sending its amateurs in to bat. I do not say that, Sir, in any derogatory way. After all, England's captain is an amateur, and some of England's finest batsmen are amateurs. But, Sir, first we had the hon. Member for Nairobi South, wearing his European Minister without Portfolio cap. At the other end we had the Minister for Agriculture, from the Specially Elected Members Club, and I will deal with their innings in due course.

We then had a very brief knock by the hon. Member for the Mau, for the Tourists who, I feel, had mistaken the ground and he was really playing in a different game entirely. The hon. Nominated Member, wearing the tobacco club cap, then emerged, but he was fairly quickly yoked by the hon. Member for Ukamba and I will not need to comment any further on his innings.

[Mr. Bomas] — judiciary and our auditors, from departmental loyalties, bias and personal friendships.

The hon. Member for Nairobi West more than adequately covered other aspects of the Minister's speech, such as why did not the Estimates Committee work satisfactorily. The answer, if I recollect correctly, was because the Estimates Committee did not have—unlike the Public Accounts Committee—a link with reality in the shape of somebody like the Controller.

The hon. European Minister without Portfolio was good enough to congratulate me on my speech. I am sorry, Sir, as an old friend of many years standing, that I cannot reciprocate. Sir, the Minister for Agriculture spoke with his usual extreme earnestness and lucidity but unhappily he and I were speaking very largely of different things. He reminded me of the allegorical spinster who see'th when no man pursueth. The Minister rushed to the defence of his Departments and of his departmental heads. Sir, I am sure the country will be most gratified to know—and I say this with complete sincerity—that in the opinion of the Minister those Departments are every whit as efficient as the commercial undertakings with which he was associated in his less fettered days. I accept this, Sir, and I know that the Minister will not claim perfection but will agree that there is always room for improvement, both in Government and in commercial service, especially if that improvement, small as it may be, is conducted with a view to meeting public suspicion and public demand.

The Minister was generous enough to offer to discuss in detail, places where his staff was deployed, expenditure and so on. He lay down three conditions to that which he felt must be fulfilled, before he could brook any interference, or entry by outsiders, into his organization. The principles of my Motion would not be repugnant to any of those conditions, and I believe that the Minister for Agriculture could quite readily have accepted this Motion with thankfulness, and with gratitude, and not treated it as he did, as a gift from the Greeks.

He did ask me to disabuse his mind on one point: whether or not the process

suggested by me was one of shifting responsibility from a Minister to a Body—Body with a capital "B". Nothing was further from my mind, Sir, in this Motion. One might as well sack all the executives, if that were so, and run the country with a committee. My purpose, Sir, is to help, not hinder, the Ministers, and in the case of the Minister for Agriculture, had I, if it were within my power, offered him another veterinary surgeon, he would have accepted him with alacrity. But offer him the services of an efficiency expert and he shies like a horse.

My proposal, Sir, would not diminish or change the responsibility of the Member in any respect, save to add one new thing: the responsibility of having to justify to a select committee his reasons for believing himself right, and which was strongly pressed by the latter. But, assuming that both are reasonable men, there seems little reason why they could not compose their differences departmentally or ministerially or whatever the phrase is, without submission to the arbitration, as it were, of the standing select committee. Both the Minister for Agriculture and the Minister for Local Government were very emphatic that no one would accept appointment as a Minister if they were to be interfered with. Surely, Sir, there are degrees of interference and everybody must, at some level or another be prepared to be subjected to a form of discipline. For a moment, I wondered, Sir, whether I had not found myself back in the King's African Rifles debate. You know "the thing we had": "I will join the army so long as I am allowed to do what I like, especially so far as getting married or burying my parents is concerned". Sir, surely, a Minister has his redress, if things got too warm for him, in resignation. Is he entitled to be assured, in advance of appointment, that at no stage will he ever be crossed. I think, Sir, that the points made by the hon. Minister for Local Government who was also, of course, as I mentioned, associated in this avowal that they would never accept appointment as a Minister if they are going to be subject to interference. I think, Sir, were very fully covered by the hon. Member for Ukamba.

[Mr. Bomas]

If I may turn briefly, Sir, to the remarks of the Chief Secretary. The Chief Secretary, Sir, I believe, fell into the same sort of error (but not to the same extent) as hon. Members did yesterday, as the *East African Standard* did, in taking this word or this expression "managerial control" far too literally. It has been implied and taken as implicit in that phrase that "managerial" control means managing. In its context, Sir, in the resolution, in its context in my speech, and in that of my Second, it was made, I believe, abundantly clear that it referred to managerial audit. If the use of the word "control" in the resolution has contributed in any way to the smoke-screen, I must apologize. But I do not really believe that had one used any different phraseology, the result in this House would have been any different. The Chief Secretary did say, Sir, referring to audit, that it was a matter, it was a question, of fact: whereas managerial control or managerial audit was a question of opinion. We have heard about unemployed office boys. Is the possibility that there might be 50 office boys sitting unemployed outside a particular building a question of opinion or is it a question of fact?

Sir, management control within Government, it was suggested by the Chief Secretary, already exists in the machinery that now exists, in the duties of the Auditor and also in his relations to the Public Accounts Committee. But, Sir, the full technique of management audit does not exist, and it is that that we want to see. Sir, there has never been any thought of our wanting to tell Government how to manage its affairs. We want to help Government, where we are allowed to do so, to manage the affairs so far as our duty lies to the people of this country.

The Chief Secretary craved that Members of this House, when speaking of the Civil Service, would not use sweeping statements and level charges of inefficiency. I would like to support the Chief Secretary in that, Sir. There are, as we all know, a large number of devoted public servants in this Colony giving of their best in our interests. There are the black sheep, and it is those black sheep that require to be dealt with. This side of the House, Sir, would

like to participate with Government, to help Government, in dealing with those people. I was very pleased, Sir, to hear (and I am sure that hon. Members will be equally pleased) that the Chief Secretary hopes that he will be able to make a very full statement, in the fairly near future, on the progress made in relation to economy. A similar statement was made by the Minister for Finance, so perhaps we will have two statements. That, Sir, is as far as I got with my requests, or my invitation to Government to give us some interim report of progress. I was disappointed that we did not get a report apart from the famous £730, but we will be satisfied for the time being with the statement that I have referred to from the Chief Secretary.

The Chief Secretary did extend the invitation to Members of the House to come and discuss with him any Motions, or perhaps I should say he suggested that we should discuss with the responsible Minister, any Motion which we contemplated moving in this House in order that we might achieve, or attempt to achieve, a position where some agreement could be reached in the way of prior amendment which would make it possible of acceptance to Government. That, Sir, is an offer for which I think I would be correct to extend my thanks on behalf of hon. Members this side.

So far as the present Resolution is concerned, the present Motion, it will be quite apparent that there would be point in taking that to the responsible Minister in view of the fact that it had already been rejected out of hand by the Minister for Finance, in Kampala; the same idea but in a different place.

Sir, the clock is catching up on me. I will deal no more with the remarks made during the debate. May I say that after a long period of inflation, the psychological anxieties of the Kenya rebellion, the heady champagne of a buoyant economy and record world prices all conspired to engender extravagant ideas and a spirit of easy-come-easy-go, not only with governments but with individuals. Those who live off the land, and those who take in the washing of those who live off the land, have long since come down to earth. Despite assurances, can Government truthfully

[Mr. Bompas]

say that it has yet firmly got its feet on the ground, or is it still, spinnick-like, remaining in orbit until it becomes burned out.

It was suggested on Wednesday, Sir, that there might be a case for rehabilitation of district officers. It is possible, Sir, that there might be a case for rehabilitation of senior executives who have been carried away by the easy-come-easy-go spirit of the past.

I beg to move, Sir.

The question was put and negatived.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): That brings us to the end of the business on the Order Paper. As hon. Members are aware, it is proposed that the new session will be opened on 4th November, probably at 3 o'clock.

However, this is the end of the present session and under Standing Order 4, I must, therefore, adjourn the House *sine die*.

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

WRITTEN ANSWERS TO QUESTIONS

No. 149

MR. NYAGAH (Nyeri and Embu) to ask the Minister for Education, Labour and Lands:—

How many boys and girls (by regions) eligible for secondary education were unable to gain admission to such institutions in the country in the years 1956 and 1957?

REPLY

The question and answer hang on the definition of eligibility for secondary education. The minimum qualification for admission is a pass in the Kenya African Preliminary Examination, but passing that examination does not confer eligibility, which depends also on factors of age and ability to benefit from secondary education, for which good passes in English and mathematics are regarded as a key indication; many pupils who succeed in passing the Kenya African Preliminary Examination do not show sufficient aptitude in these subjects to qualify for consideration when secondary school selections are made. Selection for secondary schools is based on the results of the Kenya African Preliminary Examination, the minimum requirement being a satisfactory pass, taking into account also the age, character and general school performance of the candidate, so that as far as possible those candidates who are the best equipped to benefit from a secondary education are chosen.

The Education Department's policy has been to provide secondary school places for one out of every ten African pupils completing the intermediate school course. It will be seen from the following table that the Department's aim is, generally speaking, being attained:—

Region	1956		Admitted to	
	Passed	K.A.P.E.	Secondary	T.A.T.S.
Western	2,616	373	99	
West Central	376	44	8	
East Central	1,642	400	103	
Nairobi	1,067	205	37	
Coast	289	92	26	
	5,990	1,114	283	

Region	1957		Admitted to	
	Passed	K.A.P.E.	Secondary	T.A.T.S.
Western	3,483	432	84	
West Central	362	52	7	
East Central	2,148	381	189	
Nairobi	859	220	43	
Coast	280	96	35	
	6,164	1,181	338	

If "eligibility" is taken to refer to the standard of attainment which is required of candidates before they are accepted for secondary education, it may be said that a higher standard is required now than in the past. This may be construed as meaning that it is more difficult now than before to gain entry, but this would not be true. The reason for the higher standard of entry is that the standard of output from the intermediate schools is now higher than before and the "chances" of obtaining entry to a secondary school remain the same. It is, of course, impossible to maintain an exact arithmetical ratio from year to year, but with the provision so far made the variation has been almost negligible.

No. 178

MR. S. V. COOK (Coast) to ask the Chief Secretary:—

(a) the names of the Ministers who visited Great Britain during the period 1st July, 1957, to 30th June, 1958;

(b) the reason;

(c) the length of absence from Kenya;

(d) the amount of allowance (if any), car hire or other money drawn by them; and

(e) the total cost of their passages.

REPLY

The information is given in the attached Schedule:—

No. 213

Mr. K. D. TRAVADI (Central Electoral Area) to ask the Minister for Education, Labour and Lands:—

What are the names of the various schools where double or afternoon sessions are carried on, and the reasons therefore?

REPLY

Out of the 124 Government and aided Asian schools (87 aided and 37 Government) in the Colony, double sessions have to be operated in the following 22 schools:—

Government Primary Schools	Aided Schools
Nairobi (11)	
City Primary School.	Arja Girls School.
Park Road Primary School.	Cutchi Gujzrai, Duke Street.
Government Road Primary School.	Dr. Ribeiro Govt School.
Nairobi South Primary School.	St. Teresa's Girls School.
Eastleigh Primary School.	Khaha School.
Racecourse School.	
Machakos Primary School.	
Ililka Primary School.	
Mumoni (6)	
Kisumu Primary School.	Gujzrai Girls School, Khumu.
	Govt School, Khumu.
	Hoblands School, Kericho.
	Indian School, Sotik (Chemagel).
	Indian School, Kakamega.

Rift Valley (1)

Mengali High School.

Lake Primary School.

Nakuru West Primary School.

Coast (Nil)

Central (Nil)

Except at Kakamega, where there is a temporary shortage of staff, double sessions are necessary owing to shortage of accommodation.

No. 223

Mr. COOKE (Coast) to ask the Minister for Local Government, Health and Town Planning:—

Will the Minister state the position with regard to surgeon specialists and consider the up-grading of these posts at Mombasa and Kisumu?

REPLY

There are at present five posts for surgical specialists in the Kenya Medical Department. Officers with approved higher surgical qualifications rank as special grade medical officers. Five of these are stationed for duty at at provincial hospitals.

The Government is considering at the present time the advisability of creating a further post of Surgical Specialist which, if created, may well be allocated to Mombasa. This will, of course, be dependent upon the availability of funds. Promotion to such a post would be in the hands of the Secretary of State. It is not contemplated creating such a post at Kisumu at the present time.

No. 224

Mr. COOKE (Coast) to ask the Minister for Education, Labour and Lands:—

Will the Minister consider the conversion of Crown leases at the Coast to 999 years?

REPLY

The concession of converting 99 years' titles for agricultural land held under the Crown Lands Ordinance, 1902, has been in existence since the 1915 Crown Lands Ordinance was enacted. Attention was focused on this concession in 1949 when Government stressed that in the near future notice would be given that after a certain date no further applications for conversion would be accepted. The notice in question was issued in December, 1952, and gave 31st December, 1953, as the closing date for applications. In practice the Commissioner of Lands has been authorized to continue to accept surrenders of affected 99 years' leases and applications for conversion are still being received and approved. In these cases the Commissioner of Lands is advised by the Land Board who consider also the question of imposing appropriate development conditions in the new leases.

In the case of leases of township plots, Government decided in 1942, following consideration of the Kenya Land Tenure Committee's Report, that there should be no provision for the conversion of such 99-year leases; Government does not intend to vary that decision.

The general position as stated above in respect of both agricultural land and township plots applies to Crown leases at the Coast.

Index to the Legislative Council Debates

OFFICIAL REPORT

11th Council—Second Session (Continued)

VOLUME LXXVII

14th October, 1958, to 17th October, 1958

Explanation of Abbreviations

Notice of Motion=NoM; Question=Qn; Bills: Read First, Second or Third Time=1R, 2R, 3R; In Committee=IC; Report=R; Consideration of Report=Cons.R; Referred to Select Committee=SC; Select Committee Report=SCR; Recommended to Council=Re.C; Withdrawn=Wdn.

Adjournment—

Day, 7, 131, 224
Sine die, 276

Alexander, Mr. R. S.—

(Member for Nairobi West)

Emergency Regulations—Public Meetings (Qn) 18
Income Tax loss on Incomes £200 to £1,000 (Qn) 6
Income Tax from owner occupiers (Qn) 5, 6
Managerial Control, of Government Funds, 168, 173-184, 193, 226-227, 234
Public Accounts Committee Report, 3

Bills—

Equitable Mortgages (Amendment), 1R 19, 2R 116-118, IC 158, R 159, 3R 225
Foreign Judgments (Reciprocal Enforcement) (Amendment), 3R 19, 2R 121-122, IC 158, R and 3R 160
Guarantee (High Commission Railways and Harbours Loan), 1R 19, 2R 123-130, IC 159, R and 3R 161
King's African Rifles, 1R 19, 2R 72-116, IC 156-157, R and 3R 159
Immunities and Privileges (Commonwealth Countries and Republic of Ireland), 1R 19, 2R 118-121, IC 158, R and 3R 160
Interpretation and General Provisions (Amendment), 1R 19, 2R 123-123, IC 159, R and 3R 160-161

Bompas, Mr. F. W. G., ED.—

(Member for Kiambu)

Managerial Control of Government Funds, 4, 133-140, 162-166, 266-275

Butler, Mr. J. H., MBE.—

(Nominated Member)

Qn—Administration of, 142

Caldwell, Mr. R. B.—

(Aging Member for Mount Kenya)

Managerial Control of Government Funds, 170-172

Qn—Administration of, 1

Chairman of Committees, The—

(Mr. D. W. Conroy, O.B.E., T.D., Q.C.)
Committee of the "116½" Council, 156
Equitable Mortgages (Amendment) Bill, 158
Foreign Judgments (Reciprocal Enforcement) (Amendment) Bill, 160
Guarantee (High Commission Railways and Harbours Loan) Bill, 161
Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Bill, 160
Interpretation and General Provisions (Amendment) Bill, 160
King's African Rifles Bill, 157, 159

Chairman of the Public Accounts Committee, The—

(Mr. R. S. Alexander)
Paper Laid, 4

Chief Secretary, The—

(Mr. W. F. Coutts, C.M.G., M.D.E.)
Adjournment Motion—Enquiry into unemployment, 213, 221-224
Consideration of Bills, 159
Emergency Regulations on Public Meetings (Qn), 17-18, 19
Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Bill, 118-123, 120-121, 160
King's African Rifles Bill, 98
Managerial Control of Government Funds, 231-236
Ministerial Statement—The Governor's Speech, 155-156
Papers Laid, 1, 142, 225
Recruitment of African Graduates for Administration (Qn), 83
Suspension of Standing Order, 155
Swahili Examinations for Government Officials (Qn), 9, 10-11
Termination of Emergency, 62-67
Visits of Ministers to Great Britain, 1957/58 (W.R.), 278-280

- Conroy, Mr. D. W., O.B.E., T.D., Q.C.**—
See Deputy Speaker, The
See Chairman of Committees
- Cooke, Mr. S. V., M.C.**—
(Member for Coast)
Coast Crown Leases—999 years (WR), 284
Fort Jesus, 132-133
King's African Rifles Bill, 98-100
Public Accounts Committee, 226
Surgeon—Specialist—upgrading (WR), 283
Suyogwetan Plan and Fall in Prices (WR) 282
Visits of Ministers to Great Britain, 1957/58 (WR), 278
- Day, Major F. W. J.**—
(Member for Aberdara)
King's African Rifles Bill, 87-88
Managerial Control of Government Funds, 172-173
Termination of Emergency, 42-43
- Deputy Speaker, The—**
(Mr. D. W. Conroy, O.B.E., T.D., Q.C.)
Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Bill, 120
- European Minister without Portfolio, The—**
(Mr. N. F. Harris)
Committee of the "Hole" Council, 154, 156
Guarantee (High Commission Railways and Harbours Loan) Bill, 127-129
Managerial Control of Government Funds, 166-170, 175, 176
Termination of Emergency, 67-68
- Hamley, Capt. C. W. A. G., O.B.E., R.N.**—
(Nominated Member)
King's African Rifles Bill, 88-89
- Harris, Mr. N. F.**—
See European Minister without Portfolio, The
- Hassan, Mr. S. G., M.B.E.**—
(Member for East Electoral Area)
Managerial Control of Government Funds, 229-231
- Howard-Williams, Air Cmdr., E.L., M.C.**—
(Member for Nairobi North)
Oath—Administration of, 1
- Khamid, Mr. F. J.**—
(Member for Mombasa Area)
Biuministration of Jeeumai-Kisili Road, (Qn), 12
Fort Jesus, 132
King's African Rifles Bill, 102-104
- Klano, Dr. J. G., Ph.D.**—
(Member for Central Province South)
Emergency Regulations on Public Meetings (Qn), 18

Swahili Examinations for Government Officials (Qn), 153
Termination of Emergency—25-33

Legal Notices Laid—

- L.N. 287/58, The Forest (General) Amendment (No. 6) Rules, 1958, 3
L.N. 336/58, The Price Control (Sugar) (Amendment) (No. 3) Order, 1958, 2
L.N. 337/58, The Hide and Skin Trade (Imposition of Cess) Rules, 1958, 2
L.N. 339/58, The Crop Production and Livestock (Livestock and Controlled Areas) (Amendment) Rules, 1958, 2
L.N. 342/58, The Marketing of African Produce (Fees for Licences) (Amendment) Rules, 1958, 2
L.N. 349/58, The Education (Certificates for Teaching the Blind in Schools for Africans) Rules, 1958, 3
L.N. 355/58, The Price Control (Maize and Maize Meal) (No. 2) (Amendment) Order, 1958, 2
L.N. 362/58, The Canning Crops' (Pinapples) Rules, 1958, 2
L.N. 367/58, The Probation of Offenders (Institutions) Rules, 1958, 4
L.N. 371/58, The Employment Ordinance (Cap. 109)—Applications of Ordinance, J. L.N. 373/58, Mwachaka Township (Vehicle Parking and Traffic) (Amendment) Rules, 1958, 3
L.N. 382/58, The Protected Areas (No. 4) (Amendment) Order, 1958, 1
L.N. 383/58, The Examinations (Local Entry Fees) Regulations, 1958, 3
L.N. 394/58, The Price Control (Maize and Maize Meal) (No. 2) (Amendment) (No. 2) Order, 1958, 2
L.N. 395/58, The Price Control (Sugar) (Amendment) (No. 4) Order, 1958, 2
L.N. 413/58, The Kenya Regions (Territorial Force) (Amendment) Regulations, 1958, 3
L.N. 382/58, The British Nationality (Deprivation of Citizenship) Rules, 1958, 1
L.N. 416/58, The Education (Health and Safety) Regulations, 1958, 3
L.N. 418/58, The Water (General) (Amendment) (No. 2) Rules, 1958, 2
L.N. 419/58, The Water (General) (Amendment) (No. 3) Rules, 1958, 3
L.N. 434/58, The Crop Production and Livestock (Livestock and Controlled Areas) Rules, 1958, 3
L.N. 435/58, The Crop Production and Livestock (Livestock and Controlled Areas) (Amendment) (No. 2) Rules, 1958, 3
L.N. 442/58, The Education (Exclusion from School on Account of Infectious Diseases) Rules, 1958, 3

Mackay, Sheikh Mahfooz, S.—
(Arab Elected Member)
Admission to schools—ages (Qn), 150

Mackenzie, Mr. K. W. S., C.M.G.—
(Secretary to the Treasury)
Guarantee (High Commission Railways and Harbours Loan) Bill, 123-124, 129-130

Markham, Sir Charles, B.L.—

- (Member for Ukamba)
Guarantee (High Commission Railways and Harbours Loan) Bill, 125-127
Jomo Kenyatta and People's Convention Party (Qn), 153-154, 155
King's African Rifles Bill, 108
Managerial Control of Government Funds, 166, 206-211
Termination of Emergency, 33-35
Why two Military Forces in Kenya (Qn), 15

Mait, Mr. D.—

- (Member for Central Province North)
Central Province Statistics (WR), 281
Emergency Regulations on Public Meetings (Qn), 18
Extra Duty Allowance for Headmasters/ Mistresses (Qn), 148
Kenya-born district officers and district assistants (Qn), 7
King's African Rifles Bill, 106-108
Swahili Examinations for Government Officials (Qn), 10
Teacher Training Centre for Kalenjin (Qn), 144
Termination of Emergency, 43-49
Tharaka and Mberu Grazing Schemes (Qn), 142-143

Mathison, Mr. W. A. C., C.M.G., M.B.E.—

See Minister for Education, Labour and Lands, The.

Maxwell, Mr. J. R., C.M.G.—

- (Member for Trans Nziya)
King's African Rifles Bill, 98, 157
Managerial Control of Government Funds, 229

Mboya, Mr. T. J.—

- (Member for Nairobi Area)
Bridge at Kanyadoto (Qn), 11
Emergency Regulations on Public Meetings (Qn), 18
Income Tax loss on Incomes £200 to £1,000 (Qn), 6
Jomo Kenyatta and People's Convention Party (Qn), 155
Kenya-born district officers and district assistants (Qn), 7
King's African Rifles Bill, 95-98
Leases in Nairobi African Housing Estate (Qn), 13
Number of Probation Officers in Kenya—accommodation, etc. (Qn), 152, 153
Services of unskilled Special Branch Police (Qn), 16, 17
Termination of Emergency, 49-58
Why two Military Forces in Kenya (Qn), 15-16

McKenzie, Lt.-Col. B. R., D.S.O., D.F.C.—

- (Specialty Elected Member)
King's African Rifles Bill, 89-90

Miller, Mr. D. S., C.B.E.—

- (Director of Education)
Oath—Administration of, 1
Minister for African Affairs, The—
(Mr. C. M. Johnston, C.M.G.)
Central Province Statistics (WR), 281-282
Compensation for Land at Gogo Falls (Qn), 14
Kenya-born district officers and district assistants (Qn), 7, 8
Papers Laid, 1
Restriction of Movement to Masai Reserve (Qn), 8
Termination of Emergency, 35-40
What terms Macalder Nyanza Mines held under before 1950 (Qn), 13

Minister for Agriculture, Animal Husbandry and Water Resources, The—

- (Mr. M. Blundell, M.B.E.)
Assistant Agricultural Officer (Qn), 145, 146
Famine in South Nyanza (Qn), 147
Managerial Control of Government Funds, 184-192, 203
Papers Laid, 2-3
Suyogwetan Plan and Fall in Prices (WR), 282
Tharaka and Mberu Grazing Schemes (Qn), 142, 143
Tobacco in Nyanza Land Units (Qn), 146
Water for trading centres in dry areas (Qn), 149

Minister for Commerce and Industry, The—

- (Mr. W. F. Coutts, C.M.G., M.B.E.)
Paper Laid, 4

Minister for Community Development, The—

- (Mr. C. M. Johnston, C.M.G.)
Number of Probation Officers in Kenya—accommodations, etc. (Qn), 151, 152, 153
Papers Laid, 4

Minister for Education, Labour and Lands, The—

- (Mr. W. A. C. Mathison, C.M.G., M.B.E.)
Adjournment Motion—Enquiry into unemployment, 220-221
Admission to Schools—Ages (Qn), 149-150, 151
Admission to Secondary Schools (WR), 277-278
Asian Education Visiting Commission Report, 163, 164
Asian Grant-aided Primary Schools (Qn), 144-145
Coast Crown Leases—999 years (WR), 284
Determination of Teacher's Salaries (Qn), 148
Double afternoon sessions—which schools (WR), 283
Extra Duty Allowance for Headmasters/ Mistresses (Qn), 147-148
Number of unemployed Asians (Qn), 153
Oath—Administration of, 1

- Papers Laid,**
Teacher Training Centre for Kalenjin (Qn), 144
- Minister for Finance and Development, The—**
(Mr. E. A. Vasey, C.M.G.)
Income Tax on owner occupiers (Qn), 5, 6
Income Tax loss on Incomes £200 to £1,000, 6, 7
Papers Laid, 1
- Minister for Finance and Development, Temporary, The—**
(Mr. K.-W. S. Mackenzie, C.M.G.)
Managerial Control of Government Funds, 240-266
- Minister for Forest Development, Game and Fisheries, The—**
(Mr. D. L. Dhoni, C.M.G.)
Fort Jesus, 4-5, 130-132, 134-135
Paper Laid, 3
- Minister for Internal Security and Defence, The—**
(Mr. J. W. Cusack, C.M.G., O.B.E.)
King's African Rifles Bill, 72-77, 99, 108, 108-116
Paper Laid, 3
Services of 1st Yorks and Lancaster Regiments (Qn), 15
Services of unskilled Special Branch Police (Qn), 16, 17
Why Two Military Forces in Kenya (Qn), 15
- Minister for Legal Affairs, Temporary, The—**
(Mr. D. W. Conroy, O.B.E., T.D., Q.C.)
Foreign Judgments (Reciprocal Enforcement) (Amendment) Bill, 121, 122, 169
Guarantee (High Commission Railways and Harbours Loan) Bill, 161
Interpretation and General Provisions (Amendment) Bill, 122-123, 160-161
Jomo Kenyatta and People's Convention Party (Qn), 134
King's African Rifles Bill, 103-106
- Minister for Local Government, Health and Town Planning, The—**
(Mr. W. B. Havelock)
Leases in Nairobi African Housing Estate (Qn), 13
Managerial Control of Government Funds, 182, 202-206
Papers Laid, 3
Public Accounts Committee, 225-226
Surgeon—Specialists—upgrading (WR), 284
- Minister for Tourism and Common Services, The—**
(Mr. W. E. Crosskill)
Managerial Control of Government Funds, 193-194
Papers Laid, 4
Transfer of Powers—Minister for Tourism and Common Services, 72, 161-162
- Minister for Works, The—**
(Mr. I. E. Mathoo)
Biuminization of Jesumai-Kisili Road (Qn), 12
Bridge at Kanyadoto (Qn), 11
Ministerial Statement—Construction—Finance Road Project, 211-213
Rusinga and Mfangano Islands communications (Qn), 12
- Ministerial Statements—**
The Governor's Speech, 155
Contractor—Finance Road Project, 211-213
- Mol, Mr. D. T. srnp—**
(Member for North Rift)
Admission to schools—Ages (Qn), 150, 151
Kenya-born district officers and district assistants (Qn), 8
King's African Rifles Bill, 77-78
Numbers of Probation Officers in Kenya—accommodation, etc. (Qn), 152
Services of unskilled Special Branch Police (Qn), 17
Teacher Training Centre for Kalenjin (Qn), 144
- Motions—**
Fort Jesus, NoM 4-5, 130-135
Managerial Control of Government Funds, NoM 4, 135-140, 162-211, 226-275
Public Accounts Committee Report, NoM 5
Secondary Education for Asian Children, NoM 5
Termination of Emergency, 19-71
Transfer of Powers—Minister for Tourism and Common Services, NoM 72, 161-162
Transport of Oil Requirements, NoM 72
- Mulmi, Mr. J. N.—**
(Member for Kitui)
Admission to Schools—Ages (Qn), 160
- Mulliro, Mr. J. M.—**
(Member for Nyanza North)
Managerial Control of Government Funds, 199-202
Services of Unskilled Special Branch Police (Qn), 16-17
Termination of Emergency, 58-62
- Ngala, Mr. R. G.—**
(Member for Coast Rural)
Admission to Schools—Ages (Qn), 150-151
Fort Jesus, 134
King's African Rifles Bill, 104-105
- Ngunu, Mr. N. G.—**
(Specially Elected Member)
King's African Rifles Bill, 92-93
Managerial Control of Government Funds, 240
Number of Probation Officers in Kenya—accommodation, etc. (Qn), 152
- Nyragah, Mr. J. J. M.—**
(Member for Nyandarua)
Admission to Secondary Schools (WR), 237
Extra Duty Allowance for Headmasters/Mistresses (Qn), 148

Termination of Emergency, 19-25, 68-71
Tharaka and Mbezi Grazing Schemes (Qn), 143

Osia, Administration of—

- 1, 142
- Odinga Odinga, Mr. A.—**
(Member for Nyanza Central)
Compensation for Land at Gogo Falls, (Qn), 14
Jomo Kenyatta and People's Convention Party (Qn), 154
Termination of Emergency, 51

Oguda, Mr. L. G.—

- (Member for Nyanza South)
Assistant Agricultural Officer (Qn), 145, 146
Biuminization of Jesumai-Kisili Road (Qn), 11-12
Bridge at Kanyadoto (Qn), 11
Compensation for Land at Gogo Falls (Qn), 13, 14
Determination of Teachers' Salaries (Qn), 148
Emergency Regulations on Public Meetings (Qn), 17, 18
Extra Duty Allowance for Headmasters/Mistresses (Qn), 147, 148
Famine in South Nyanza (Qn), 147
Kenya-born District Officers and District Assistants (Qn), 7
Number of Probation Officers in Kenya—accommodation, etc. (Qn), 151
Recruitment of African Graduates for Administration (Qn), 8, 9
Restriction of Movement to Main Reserve (Qn), 8
Rusinga and Mfangano Islands Communications (Qn), 12
Services of 1st Yorks and Lancaster Regiments (Qn), 14-15
Services of Unskilled Special Branch Police (Qn), 16
Swahili Examinations for Government Officials (Qn), 9, 10, 11
Tobacco in Nyanza Land Units (Qn), 146
Water for Trading Centres in Dry Areas (Qn), 149
What terms Macalder Nyanza Mines Held Under Before 1950 (Qn), 13
Why Two Military Forces in Kenya (Qn), 15

Pandya, Mr. A. J.—

- (Member for Eastern Electoral Area)
Asian Education Visiting Commission Report, 144
Managerial Control of Government Funds, 227-229

Papers Laid—

- E.A. Statistical Department Annual Report, 1957/58, 1
Statistical Abstract, 1958, 1
The E.A. Hides and Leather Bureau Report for the years 1956 and 1957, 1
Record of Research for the period 1st July, 1956, to 31st December, 1957, Annual Report, 1957, 1
The East African Typnomanist Research Organization Report, July, 1956, to December, 1957, 142

Amendment of Standing Orders: Report of the Sessional Committee, 235
(By THE CHIEF SECRETARY)

The Annual Report of the European Hospital Fund Authority for the year 1957, 142

(By THE CHIEF SECRETARY on behalf of the Minister for Local Government, Health and Town Planning)

The Printing and Stationery Annual Report, 1957-58, 142
(By THE CHIEF SECRETARY on behalf of the Minister for Tourism and Common Services)

Report of the Estimates Committee, 2
(By THE MINISTER FOR FINANCE AND DEVELOPMENT)

African Affairs Department Annual Report, 1957, 2
Report of Working Party on African Land Tenure, 1957-1958, 2
(By THE MINISTER FOR AFRICAN AFFAIRS)

Department of Veterinary Services Annual Report, 1957, 2
(By THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES)

Medical Department Annual Report, 1957, 3
(By THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING)

Department of Lands Annual Report, 1957, 3
Education Department—Triennial Survey, 1955-57, 3
Report on Asian and European Education in Kenya, 1958, 3
Survey of Kenya—Administration Report, 1957, 3
(By THE MINISTER FOR EDUCATION, LABOUR AND LANDS)

Game Department Annual Report, 1956/57, 3
(By THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES)

Probation Service and Approved Schools Annual Report, 1957, 4
Annual Report of the Ministry of Community Development, 1957, 4
(By THE MINISTER FOR COMMUNITY DEVELOPMENT)

The Transfer of Powers (Minister for Tourism and Common Services) No. 1 Order, 1958, 4
The Transfer of Powers (Minister for Tourism and Common Services) No. 2 Order, 1958, 4
The Transfer of Powers (Minister for Tourism and Common Services) No. 3 Order, 1958, 4
(By THE MINISTER FOR TOURISM AND COMMON SERVICES)

The Report of the Public Accounts Committee on the Colony's Accounts for the year ended 30th June, 1957, 4

(BY THE CHAIRMAN OF THE PUBLIC ACCOUNTS COMMITTEE (The Hon. R. S. Alexander))

Portsmouth, The Earl of—

(Nominated Member—Non-Government)
Adjournment Motion—Enquiry into Unemployment, 214-220

Questions (Oral Replies)—

- No.*
166—Tharaka and Mbera Grazing Schemes, 142-143
170—Income Tax from Owner-occupiers, 5-6
177—Asian Education Visiting Commission Report, 143-144
180—Income Tax Loss on Incomes, £200 to £1,000, 6-7
181—Teacher Training Centre for Kalenjin, 144
186—Asian Grant-aided Primary Schools, 144-145
192—Kenya-born District Officers and District Assistants, 7-8
193—Restriction of Movement to Masai Reserve, 8
194—Recruitment of African Graduates for Administration, 8-9
195—Swahili Examinations for Government Officials, 9-11
196—Assistant Agricultural Officer, 145-146
197—Tobacco in Nyanza Land Units, 146
198—Famine in South Nyanza, 147
199—Bridge at Kanyadoto, 11
200—Bisumentation of Jesumai-Kisili Road, 11-12
201—Rusinga and Mfangano Islands Communications, 12
203—Extra Duty Allowance for Headmasters/Mistresses, 147-148
204—Determination of Teachers Salaries, 148
205—Water for Trading Centres in Dry Areas, 149
210—Leases in Nairobi African Housing Estate, 13
211—Admission to Schools—Ages, 149-151
214—What Terms Mandate Nyanza Mines Held Under Before 1950, 15-17
215—Compensation for Land at Gogo Falls, 13-14
216—Number of Probation Officers in Kenya—Accommodation, etc., 151-153
217—Services of 1st York and Lancaster Regiments, 14-15
218—Why Two Military Forces in Kenya, 15-16
219—Services of Unskilled Special Branch Police, 16-17
220—Emergency Regulations on Public Meetings, 17-19
227—Number of Unemployed Asians, 153
230—Jomo Kenyatta and People's Convention Party, 153-155

Questions (Written Replies)—

- No.*
149—Admissions to Secondary Schools, 277-278
178—Wife of Ministers to Great Britain, 1937/58, 278-280

- No.*
187—Central Province Statistics, 281-282
190—Seasonal Plan and Fall in Prices, 282
213—Double Afternoon Sessions—Which Schools, 283
223—Surgeon—Specialist—Upgrading, 283-284
224—Coast Crown Leases—999 years, 284

Roberts, Major D. P.—

(Member for Rift Valley)
King's African Rifles Bill, 100
Managerial Control of Government Funds, 194-198

Rogers, Mr. P. J., C.B.E.—

(Nominated Member)
Managerial Control of Government Funds, 198-199, 209

Slade, Mr. H.—

(Specially Elected Member)
Guarantee (High Commission Railways and Harbours Loan) Bill, 129-130
King's African Rifles Bill, 93-95
Recruitment of African Graduates for Administration (On), 9
Transport of Oil Requirements, 72

Speaker, The—

(Sir Ferdinand Cavendish-Bentinck, K.B.E., C.M.G., M.C.)
Adjournment Motion—Enquiry into Unemployment, 213-214, 220, 224
Asian Education Visiting Commission Report, 144

Compensation for Land at Gogo Falls (On), 14

Emergency Regulations on Public Meetings (On), 19

Interruption of Debate, 211

King's African Rifles Bill, 88, 98, 108

Managerial Control of Government Funds, 167, 170, 269

Public Accounts Committee, 225, 226

Rating, 220, 224, 269

Services of Unskilled Special Branch Police (On), 17

Suspension of Standing Orders, 155

Termination of Emergency, 40, 53, 54, 68

Tipis, Mr. J. K. o/c—

(Member for Central Rift)
Emergency Regulations on Public Meetings (On), 18
King's African Rifles Bill, 90-92
Termination of Emergency, 40-42

Towell, Mr. J.—

(Member for Southern Area)
Equitable Mortgages (Amendment) Bill, 118
King's African Rifles Bill, 78-87, 157
Restriction of Movement to Masai Reserve (On), 8

Travadi, Mr. K. D.—

(Member for Central Electoral Area)
Admission to Schools—Ages (On), 149, 149
Asian Education Visiting Commission Report, 143-144

Asian Grant-aided Primary Schools, (On), 144, 145
Double Afternoon Sessions—Which Schools (WR), 283

Foreign Judgments (Reciprocal Enforcement) (Amendment) Bill, 121-122

Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Bill, 120

Interpretation and General Provisions (Amendment) Bill, 123

Number of Unemployed Asians (On), 153

Secondary Education for Asian Children, 5

Tyson, Mr. G. A., C.M.G.—

(Nominated Member)
Income Tax from Owner Occupiers (On), 5-6

Usher, Mr. C. G., M.C.—

(Member for Mombasa)
Fort Jesus, 133-134

Vincent, Sir Alfred—

(Nominated Member—Non-Government)
Managerial Control of Government Funds, 236-240, 251

Webb, Mr. A. M. F.—

(Acting Solicitor-General)
Oath—Administration of, 1
Equitable Mortgages (Amendment) Bill, 116-118, 158, 225
King's African Rifles Bill, 100-102, 157

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